

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

1975

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Thursday, February 6, 1975

Senate called to order by the President. The President then welcomed to the Senate Chamber the following guests:

John Campbell, Scott Richards, Robert MacFarland, Boyd Kimball, and Tim Dyer, from Boy Scout Troop 443 of Winslow; and

Steven Dailey, Patrick Rollins, Douglass Eakin, and Steven Albison, from Cub Pack 678 of Augusta, accompanied by Cub Master Raymond MacFarland.

John Campbell then led the Senate in prayer:

O Lord, strengthen and increase our admiration for honest dealing and clean thinking. Encourage us in our endeavors to live above the common level of life. Make us choose the harder right instead of the easier wrong. If it be right, do it boldly; if it be wrong, leave it undone.

Endow us with the courage that is born of loyalty to all that is noble and worthy, that scorns to compromise and knows no fear when truth and right are in jeopardy.

Help us in our work and in our play to keep ourselves physically strong, mentally awake and morally straight.

May God grant us the serenity to accept things that we cannot change, the courage to change the things we can, and the wisdom to know the difference. Amen.

Patrick Rollins then led the Senate in the Pledge of Allegiance.

Reading of the Journal of yesterday.

Joint Order

Out of Order and Under Suspension of the Rules:

On motion by Mrs. Cummings of Penobscot,

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to Tuesday, February 11, at 10 o'clock in the morning. (S. P. 165)

Which was Read and Passed.

Under further suspension of the rules, sent down forthwith for concurrence.

Order

Out of Order and Under Suspension of the Rules:

On motion by Mr. Speers of Kennebec,

ORDERED, that a message be sent to the House of Representatives proposing a Convention of both branches in the Hall of the House for the purpose of extending to His Excellency, Governor James B. Longley, an invitation to attend the Convention and make such communication as pleases him.

Which was Read and Passed.

The President appointed the Senator from Kennebec, Mr. Speers, to deliver the message, and Mr. Speers subsequently reported that he had delivered the message with which he was charged.

At this point a message was received from the House, through Representative Neil Rolde concurring in the proposition.

The Senate then retired to the Hall of the House of Representatives where a Joint Convention was formed.

(For proceedings of Joint Convention, see House Report.)

In Senate

Called to order by the President.

Papers From the House

**Joint Resolution
State of Maine**

In The Year of Our Lord One Thousand Nine Hundred and Seventy-five

Joint Resolution Memorializing the Congress of the United States to Oppose the Proposed Limitation on Cost of Living Increases in Federal Income Maintenance Programs

WE, your Memorialists, the House of Representatives and Senate of the State of Maine in the One Hundred and Seventh Legislature, now assembled, most respectfully present and petition your Honorable Body as follows:

WHEREAS, Social Security, SSI, and Federal Retirement Benefits are currently increased automatically as the Consumer Price Index rises; and

WHEREAS, this system has allowed retirees and other persons who live on fixed incomes to cope with the staggering ratio of inflation; and

WHEREAS, President Ford has proposed placing a ceiling of 5% on annual cost-of-living increases in Social Security, Railroad Retirement, Supplemental Security Income and Civil Service and Military Retirement programs; and

WHEREAS, such a limitation is only slightly more than 1/3 of last year's annual rate of inflation; and

WHEREAS, more than 150,000 Maine citizens depend wholly or in part on these programs for their income; and

WHEREAS, it is wrong to allow inflation to ravage the small means of persons who because of age or infirmity are less able to fend for themselves; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge the Congress of the United States to retain full cost-of-living increases to Social Security, Supplemental Security Income, Railroad Retirement and Civil Service and Military Retirement recipients, and to oppose efforts to place a ceiling on cost-of-living increases to these recipients; and be it further

RESOLVED: That a copy of this resolution, duly authenticated by the Secretary of State, be transmitted by the Secretary of State to the Honorable Gerald R. Ford, President of the United States, to the Senate and House of Representatives in Congress and to the Members of the United States Congress from the State of Maine. (H. P. 458)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

House Papers

Bills today received from the House requiring Reference to Committees were acted upon in concurrence.

Communications

February 6, 1975

To The Governor and Members of The 107th Legislature of The State of Maine

A Task Force was established as a result of Chapter 210, Private and Special Laws of 1973 to evaluate the financing of transportation programs in the State of Maine.

Pursuant thereto, I hereby present the report of the Task Force, which includes progressive recommendations in regard to financing future transportation programs under the Maine Department of Transportation.

The conclusions and recommendations included herein represent a consensus of the members of the Task Force.

The Task Force wishes to acknowledge its appreciation of the cooperation and service rendered by the Department of Transportation and the assistance and

suggestions offered by various business and industrial organizations.

Respectfully submitted,
EDWIN H. GREELEY,
Chairman

Transportation Financing Task Force (S. P. 176)

Which was Read and, with accompanying papers, Ordered Placed on File.

Sent down for concurrence.

February 5, 1975

The Honorable Joseph Sewall
President of The Maine Senate
State House
Augusta

Dear President Sewall:

I respectfully request a joint convention of the House and Senate at 10:00 a.m., Thursday, February 13th so I may address that Joint body on my legislative proposals for the 107th session of the Maine Legislature.

With best wishes,
JAMES B. LONGLEY
Governor

Which was Read and Ordered Placed on File.

Senate Papers

Mr. Conley of Cumberland presented (Cosponsors: Mr. Danton of York and Mr. Berry of Cumberland), Bill, "An Act to Authorize Bond Issue in the Amount of \$1,050,000 for Acquisition and Construction of Facilities for the Care and Treatment of the Severely and Profoundly Mentally Retarded." (S. P. 172)

The Committee on Reference of Bills suggested that this Bill be referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

On motion by Mr. Speers of Kennebec, tabled and Tomorrow Assigned, pending Reference to Committee.

Energy

Mr. Speers of Kennebec presented Bill, "An Act to Protect Tidal Resources as a Source of Power Generation." (S. P. 174)

Which was referred to the Committee on Energy and Ordered Printed.

Sent down for concurrence.

Legal Affairs

Mr. Cianchette of Somerset presented Bill, "An Act to Further the Conservation of Vision." (S. P. 169)

The Committee on Reference of Bills suggested that this Bill be referred to the Committee on Health and Institutional Services and Ordered Printed.

On motion by Mr. Speers of Kennebec, referred to the Committee on Legal Affairs and Ordered Printed.

Sent down for concurrence.

Judiciary

Mr. Hichens of York presented Bill, "An Act Amending the Definition of Mental Disease and Mental Defect for the Purpose of Criminal Responsibility." (S. P. 167)

Which was referred to the Committee on Judiciary and Ordered Printed.

Sent down for concurrence.

Performance Audit

Mr. Hichens of York presented Bill, "An Act Making Supplemental Appropriations to the Department of Health and Welfare for the Provision of Technical Planning, Research and Analysis Capability within the Department of Health and Welfare." (S. P. 168)

Which was referred to the Committee on Performance Audit and Ordered Printed.

Sent down for concurrence.

Judiciary

Mr. Hichens of York presented, Bill, "An Act Relating to Venue in the Superior Court." (S. P. 171)

The Committee on Reference of Bills suggested that this Bill be referred to the Committee on Performance Audit and Ordered Printed.

On motion by Mr. Speers of Kennebec, referred to the Committee on Judiciary and Ordered Printed.

Sent down for concurrence.

Public Utilities

Mr. Marcotte of York presented Bill, "An Act to Amend the Charter of the Biddeford and Saco Water Company." (S. P. 170)

Which was referred to the Committee on Public Utilities and Ordered Printed.

Sent down for concurrence.

State Government

Mr. Katz of Kennebec presented Bill, "An Act Concerning Veteran's Preference in State Employment." (S. P. 166)

Mr. Speers of Kennebec presented Bill, "An Act Relating to the Maine Law Enforcement Planning and Assistance Agency." (S. P. 173)

The same Senator presented, Bill, "An Act Relating to the Maine Criminal Justice Academy." (S. P. 175)

Which were referred to the Committee on State Government and Ordered Printed.

Sent down for concurrence.

Committee Reports**House**

The following Ought Not to Pass report shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act Relating to Fencing of Strawberry Fields Damaged by Deer." (H. P. 112) (L. D. 144)

Leave to Withdraw

The Committee on Fisheries and Wildlife on, Bill, "An Act to Prohibit the Use of Motorboats on Simpson's Pond." (H. P. 115) (L. D. 143)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought to Pass

The Committee on Taxation on, Resolve, to Reimburse Ernest F. Murphy of Old Orchard For a Claim concerning a Tax Refund for Retail Gasoline Shrinkage. (H. P. 68) (L. D. 80)

Reported that the same Ought to Pass.

The Committee on Taxation on, Bill, "An Act Relating to Use Fuel Tax Audits." (H. P. 124) (L. D. 160)

Reported that the same Ought to Pass.

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Allowing the Department of Military, Civil Emergency Preparedness and Veterans Services to Pay a Lump Sum Final Settlement in Accordance with the Workmen's Compensation Act." (H. P. 127) (L. D. 141)

Reported that the same Ought to Pass.

The Committee on Taxation on, Bill, "An Act to Clarify Provisions in the Motor Fuel Tax Law." (H. P. 131) (L. D. 161)

Reported that the same Ought to Pass.

Comes from the House, the Bills and Resolve Passed to be Engrossed.

Which reports were Read and Accepted

in concurrence, the Bills and Resolve Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass - As Amended

The Committee on Legal Affairs on, Resolve, to Reimburse Paul R. Nyberg of Mechanic Falls for Motor Vehicle Damage Caused by State Ward. (H. P. 45) (L. D. 57)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-9).

Comes from the House, the Resolve Passed to be Engrossed as Amended by Committee Amendment "A".

Which report was Read and Accepted in concurrence and the Resolve Read Once. Committee Amendment "A" was Read and Adopted in concurrence and the Resolve, as Amended, Tomorrow Assigned for Second Reading.

The Committee on Legal Affairs on, Bill, "An Act to Increase the Penalty for Premeditated Animal Fights." (H. P. 162) (L. D. 205)

Reported that the same Ought to Pass as Amended by Committee Amendments "A" (H-11) and "B" (H-10).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendments "A" and "B".

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence. Committee Amendment "B" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Senate**Divided Report**

The Majority of the Committee on State Government on,

RESOLUTION, Proposing an Amendment to the Constitution Changing the Legislature to a Single Chamber, Unicameral System, with Single Member Districts. (S. P. 33) (L. D. 91)

Reported that the same Ought Not to Pass.

Signed:

Senators:
CURTIS of Penobscot
WYMAN of Washington

Representatives:

SNOWE of Auburn
STUBBS of Hallowell
PELOSI of Portland
QUINN of Gorham
LEWIN of Augusta
CARPENTER of Houlton

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-5).

Signed:

Senator:
GRAHAM of Cumberland

Representatives:

KANY of Waterville
WAGNER of Orono
COONEY of Sabattus
FARNHAM of Hampden

Which reports were Read.

On motion by Mr. Johnston of Aroostook, tabled and Specially Assigned for February 12, 1975, pending Acceptance of either Committee Report.

Second Readers

The Committee on Bills in the Second Reading reported the following:

House

Bill, "An Act to Amend the Charter of the Bangor Children's Home." (H. P. 155) (L. D. 206)

Which was Read a Second Time and Passed to be Engrossed in concurrence.

House - As Amended

Bill, "An Act to Change the Statutory Term 'Workmen's Compensation' to 'Workers' Compensation.'" (H. P. 100) (L. D. 110)

Bill, "An Act to Extend Collective Bargaining Rights to Maine Turnpike Authority Employees." (H. P. 61) (L. D. 73)

Which were Read a Second Time and Passed to be Engrossed, as Amended, in concurrence.

Senate

Bill, "An Act to Change the Name of the Department of Military, Civil Emergency Preparedness and Veterans Services to the Department of Defense and Veterans Services." (S. P. 58) (L. D. 138)

Which was Read a Second Time and Passed to be Engrossed.

Sent down for concurrence.

Senate - As Amended

Bill, "An Act Designating Head of Tide on the Union River under the Atlantic Sea Run Salmon Commission." (S. P. 50) (L. D. 131)

Which was Read a Second Time and Passed to be Engrossed, as Amended.

Sent down for concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

An Act Relating to Deer Doing Damage to Blueberry Lands. (H. P. 39) (L. D. 50)

An Act Authorizing Facsimile Signature of State Tax Assessor. (H. P. 132) (L. D. 149)

Which were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

Resolve, to Reimburse Mrs. Betty Mills of Portland for Damage to Property caused by Escapees from the Boys Training Center. (H. P. 29) (L. D. 37)

Resolve, to Reimburse William Rich of Buckfield for Loss of Beehives by Bear. (H. P. 65) (L. D. 77)

Resolve, to Reimburse the Town of Dennysville for Welfare Expenditures. (H. P. 120) (L. D. 145)

(On motion by Mr. Huber of Cumberland, the above three Resolves were placed on the Special Appropriations Table.)

Emergency

An Act to Clarify the Authorized Indebtedness of the Ellsworth School District. (H. P. 81) (L. D. 103)

This being an emergency measure and having received the affirmative votes of 29 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

The President laid before the Senate the first tabled and Specially Assigned matter:

Bill, "An Act to Provide for 6-person Juries in Civil Cases." (S. P. 16) (L. D. 90)

Tabled — February 4, 1975 by Senator O'Leary of Oxford.

Pending — Passage to be Engrossed.

Committee Amendment "A" (S-3)

On motion by Mr. Speers of Kennebec, retabled and Tomorrow Assigned, pending Passage to be Engrossed.

The President laid before the Senate the second tabled and Specially Assigned matter:

Bill, "An Act Relating to Revenue Sharing and Financial Relief to Counties for Expenses of the Superior and Supreme Judicial Courts." (H. P. 354) (L. D. 455)

Tabled — February 5, 1975 by Senator Speers of Kennebec.

Pending — Reference.

(Committee on Reference of Bills suggested Local and County Government Committee)

(In the House — referred to the Committee on Performance Audit.)

On motion by Mr. Speers of Kennebec, referred to the Committee on Performance Audit and Ordered Printed in concurrence.

The President laid before the Senate the third tabled and Specially Assigned matter:

Bill, "An Act to Provide for State Financing of the Expenses of the Superior and Supreme Judicial Courts." (S. P. 163)

Tabled — February 5, 1975 by Senator Speers of Kennebec.

Pending — Reference.

(Committee on Reference of Bills suggested Appropriations and Financial Affairs Committee)

On motion by Mr. Speers of Kennebec, referred to the Committee on Performance Audit and Ordered Printed.

Sent down for concurrence.

House Paper

Out of order and under suspension of the rules, the Senate voted to take up the following:

Enactors

The Committee on Engrossed Bills reports as truly and strictly engrossed the following.

Emergency

An Act to Authorize the Cumberland County Commissioners to Borrow in Anticipation of Taxes. (H. P. 444) (L. D. 520)

This being an emergency measure and having received the affirmative vote of 31 members of the Senate was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

The Adjournment Order having been returned from the House, Read and Passed in concurrence, on motion by Mrs. Cummings of Penobscot, Adjourned until Tuesday, February 11, 1975, at 10:00 o'clock in the morning.