

# 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

Tuesday, February 18, 1975

Senate called to order by the President.  
Prayer by The Honorable Peter W. Johnston of Fort Fairfield:

Let us pray that in public service we find the courage and are blessed with the ability to take the risks we must in setting a course for Maine, and let us be occupied less with the popularity of our actions tomorrow, and more with a deep concern that we will clearly see the wisdom and justice of these actions in all the days after tomorrow. Amen.

Reading of the Journal of yesterday.

**Papers from the House  
Non-concurrent Matter**

Bill, "An Act Establishing Special License Plates for the Handicapped" (H. P. 40) (L. D. 51)

In the Senate February 4, 1975, Passed to be Engrossed, in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-12) as amended by House "B" Thereto (H-19), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

**Non-concurrent Matter**

Bill, "An Act Relating to Compatibility of State Income Tax Law with Federal Law." (S. P. 59) (L. D. 139)

In the Senate February 5, 1975, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-18), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

**Joint Order**

WHEREAS, the office of the Attorney General has rendered a formal opinion on August 13, 1974, to the effect that expenses of Professor Orlando Delogu were lawfully incurred and should be paid by the State; and

WHEREAS, in view of the earlier opinion, that office now cannot effectively defend an action which, among other things, seeks a declaration that the defendant's refusal to make such payments is unlawful; and

WHEREAS, in that opinion, based upon an interpretation of Title 38, section 316, reasonable argument has been made why Professor Delogu's traveling expenses should be paid; now, therefore; be it

ORDERED, the Senate concurring, that the portion of Joint Order H. P. 78, directing the Commissioner of Environmental Protection, the State Controller and the Treasurer of State to withhold payment, be rescinded. (H. P. 544)

Comes from the House, Read and Passed.

Which was Read.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator, Speers.

Mr. SPEERS: Mr. President, perhaps a few words on the passage of this joint order would be in order. Several weeks ago the legislature passed a joint order requesting that an expense account check of a little over \$4,000 be held up and not be paid to Professor Delogu of Portland for trips that he made back and forth from Germany so that he could attend hearings

of the Board of Environmental Protection. Probably the authority of the legislature may have been questioned at that time to pass such a joint order requesting that the executive branch of this state hold up payment of that expense account, and by the rescinding of that part of the joint order requesting the holding of the payment of that expense account, I do not believe that we are suggesting that we feel that there was nothing wrong or that there were no improprieties or that the expense account should definitely be paid.

I think what we are doing here today by rescinding that part of the joint order is simply saying that it is up to the executive as to whether or not it wishes to make payment, and that we are removing some cloud or some doubt that the legislature put on payment of this expense account which perhaps we did not have the authority to put on in the first place.

There was an additional part of that joint order that was passed several weeks ago, and that is that the legislature come up with some legislation which would insure that this kind of abuse, and I term it as such, not happen again. We are not rescinding that part of that joint order. And I wish to assure the members of this body that the Legislative Council and the legislative staff are putting together legislation that will correct any deficiencies that may exist in the present law so that this kind of situation will not rise again.

I think enough has been said regarding this particular matter in press reports, in editorials, enough question raised as to the common sense and the intent of the law, so that nothing further need be said on the floor of the Senate here this morning. I urge the passage of this particular joint order.

The PRESIDENT: Is it now the pleasure of the Senate that this particular joint order be passed in concurrence?

Thereupon, the Joint Order received Passage in concurrence.

**Joint Order**

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Katahdin High School of Sherman Station Eastern Maine Class C

Girls' Basketball Champions  
For The Academic Year 1975

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 528)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

**Joint Order**

WHEREAS, the 106th Legislature has expressed its concern for the conduct of the State's Aid to Families with Dependent Children Program by commencing a study of the program by the Program Review and Evaluation Division of the State

Department of Audit, such study still being in its early stages at this date; and

WHEREAS, there is currently before the 107th Legislature proposed legislation that, if enacted, will substantially increase the cost of the program to the State and Federal Government; and

WHEREAS, the subject of welfare in general and Aid to Families with Dependent Children in particular is extremely complex and interwoven with federal and state laws, regulations, administrative practices and court rulings; and

WHEREAS, it is important to the people of this State that the Aid to Families with Dependent Children Program be conducted with the highest possible degree of economy, efficiency and effectiveness consistent with existing federal laws and regulations and court rulings; and

WHEREAS, it has recently been brought to the attention of the Legislature's Joint Standing Performance Audit Committee that the federal agency of Health, Education and Welfare has available to the states, at no cost and conditioned only upon the joint request of the respective legislatures and governors, a highly skilled, competent and experienced team of experts to review Aid to Families with Dependent Children Programs and make detailed written reports of findings and recommendations; now, therefore, be it

ORDERED, the Senate concurring, that the 107th Legislature join with the Governor of the State in filing a formal request with the U.S. Secretary of Health, Education and Welfare for such complete and thorough study to be made by his representatives of the State of Maine's Aid to Families with Dependent Children Program. It will be further requested that a detailed report of findings and recommendations be made available to both the legislative and executive branches of government; and be it further

ORDERED, that the Joint Standing Performance Audit Committee be directed to act on behalf of the Legislature in aiding the aforementioned study team in their conduct of the review and analyzing the associated findings and recommendations; and be it further

ORDERED, that the Joint Standing Performance Audit Committee be directed to report the results of their analysis of findings and recommendations to the full body of the 107th Legislature at the earliest practical time in the judgment of the committee chairman; and be it further

ORDERED, upon final passage, that suitable copies of this order be forwarded forthwith to the parties named in this order. (H. P. 529)

Comes from the House, Read and Passed.

Which was read.

On motion by Mr. Speers of Kennebec, tabled pending Passage.

**Joint Order**

WHEREAS, the Medicaid Program and the Department of Health and Welfare spends \$50,000,000 each year in payment of medical service bills for recipients of welfare assistance; and

WHEREAS, the Department of Health and Welfare has requested additional appropriations to continue certain programs during the remainder of the fiscal year 1975; and

WHEREAS, these programs have incurred obligations which amount to a projected deficit of over \$1,800,000, a deficit which has not been satisfactorily

explained to the Legislature; and

WHEREAS, the Legislature needs to know if any of those payments are excessively expensive or wasteful and could therefore be eliminated; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Performance Audit of the 107th Legislature is hereby directed to investigate all aspects relating to the expenditure of funds for these programs and to collect information concerning the extent of the projected deficit and the reasons for its occurrence; and be it further

ORDERED, that the committee report the results of its findings and audit of performance together with any proposed recommendations and necessary implementing legislation as expeditiously as possible to the regular or next special session of the 107th Legislature. (H. P. 543)

Comes from the House, Read and Passed.

Which was Read.

On motion by Mr. Speers of Kennebec, tabled pending Passage.

#### House Papers

Bills and Resolve today received from the House requiring Reference to Committees were acted upon in concurrence, except for the following:

Bill, "An Act to Clarify and Make Uniform the Definition of Mobile Home." (H. P. 491) (L. D. 610)

Bill, "An Act Relating to Dealers in Used Personal Property." (H. P. 502) (L. D. 618)  
The Committee on Reference of Bills suggests that these Bills be referred to the Committee on Legal Affairs.

Come from the House referred to the Committee on Business Legislation and Ordered Printed.

On motion by Mr. Corson of Somerset, the above two matters were tabled and Tomorrow Assigned, pending Reference.

Resolution, Proposing an Amendment to the Constitution to Require that the Governor be Elected by Majority Vote. (H. P. 455) (L. D. 619)

The Committee on Reference of Bills suggests that this Resolution be referred to the Committee on State Government.

Comes from the House referred to the Committee on Election Laws and Ordered Printed.

On motion by Mr. Conley of Cumberland, tabled and Tomorrow Assigned, pending Reference.

#### Senate Papers

##### Agriculture

Mr. Johnston of Aroostook presented, Bill, "An Act to Require the Commissioner of Agriculture to Report Yearly to the Legislature on Methods of Stimulating and Encouraging the Growth and Modernization of Agriculture Enterprises." (S. P. 203)

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

Sent down for concurrence.

##### Business Legislation

Mr. Thomas of Kennebec presented, Bill, "An Act Relating to the Purchase of Insurance by the Maine Insurance Advisory Board." (S. P. 196)

The same Senator presented, Bill, "An Act Relating to Deferral Charges under the Maine Consumer Credit Code." (S. P. 198)

The same Senator presented, Bill, "An Act Relating to Credit Insurance Payments under the Maine Consumer Credit Code." (S. P. 199)

The same Senator presented, Bill, "An Act Relating to Uniform Finance Charges under the Maine Consumer Credit Code." (S. P. 200)

The same Senator presented, Bill, "An Act Relating to Single Payment Loans under the Maine Consumer Credit Code." (S. P. 201)

Which were referred to the Committee on Business Legislation and Ordered Printed.

Sent down for concurrence.

#### Education

Mr. Johnston of Aroostook presented, Bill, "An Act to Provide an Agricultural Education Consultant within the Department of Educational and Cultural Services." (S. P. 202)

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

Sent down for concurrence.

#### Taxation

Mr. Thomas of Kennebec presented, Bill, "An Act to Change the Sales Tax Basis on Fuel Oil from Price to Volume." (S. P. 197)

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

Sent down for concurrence.

#### Committee Reports

##### House

##### Leave to Withdraw

The Committee on Marine Resources on, Bill, "An Act Concerning Enforcement of Sea Harvest Statutes." (H. P. 171) (L. D. 221)

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 State Government on, Bill, "An Act Changing the Name of the Maine Criminal Justice Academy to Col. Hennessey Criminal Justice Academy." (H. P. 249) (L. D. 320)

Reported that the same Ought to Pass.

Comes from the House, the Bill and accompanying papers Indefinitely Postponed.

Which was Read.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President and Members of the Senate: I would like to just explain that there was a slight clerical error in the Committee. This bill should have been awarded a leave to withdraw report. Since there was a mistake made, I would like to move now that this bill and all its accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from Penobscot, Senator Curtis, moves that this bill and all its accompanying papers be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed.

##### Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to Require that Minors Between the Age of 16 and 18 Years who Illegally Purchase Alcohol be Tried in

District Court." (H. P. 128) (L. D. 147)

Reported that the same Ought Not to Pass.

Signed:

Senators:

COLLINS of Knox  
CLIFFORD of Androscoggin  
MERRILL of Cumberland

Representatives:

HUGHES of Auburn  
GAUTHIER of Sanford  
PERKINS of So. Portland  
SPENCER of Standish  
MISKAVAGE of Augusta  
HENDERSON of Bangor  
BENNETT of Caribou  
HOBBINS of Saco  
McMAHON of Kennebunk

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-14).

Signed:

Representative:

HEWES of Cape Elizabeth

Comes from the House, the Majority Ought Not to Pass report Read and Accepted.

Which reports were Read and the Majority Ought Not to Pass report of the Committee Accepted in concurrence.

#### Senate

##### Ought to Pass

Mr. Jackson for the Committee on Taxation on, Bill, "An Act to Revise the Assessor's Warrant from a Statutory Form to a Form Prescribed Annually by the State Director of Property Taxation." (S. P. 88) (L. D. 259)

Reported that the same Ought to Pass.

Mr. Collins for the Committee on Judiciary on, Bill, "An Act to Increase Funds Allowed by Court Order to a Minor without a Guardian." (S. P. 76) (L. D. 216)

Reported that the same Ought to Pass.

Which reports were Read and Accepted, the Bills Read Once and Tomorrow Assigned for Second Reading.

##### Ought to Pass - As Amended

Mr. Johnston for the Committee on Business Legislation on, Bill, "An Act to Eliminate the 5-Year Residence Requirement for Persons Seeking a License to Operate an Employment Agency." (S. P. 62) (L. D. 181)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-7).

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

##### Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Concerning Continuation of a Power of Attorney upon Death or Disability." (S. P. 57) (L. D. 137)

Reported that the same Ought to Pass.

Signed:

Senators:

COLLINS of Knox  
MERRILL of Cumberland  
CLIFFORD of Androscoggin

Representatives:

HEWES of Cape Elizabeth  
McMAHON of Kennebunk  
SPENCER of Standish  
GAUTHIER of Sanford  
HOBBINS of Saco  
HUGHES of Auburn  
BENNETT of Caribou

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Representatives:

MISKAVAGE of Augusta

HENDERSON of Bangor

PERKINS of South Portland

Which reports were Read and the Majority Ought to Pass Report of the Committee Accepted.

Thereupon, the Bill was Read Once and Tomorrow Assigned for Second Reading.

#### Second Readers

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

##### House

Bill, "An Act Relating to Reinstatement of Suspended Corporations under the Business Corporation Act." (H. P. 133) (L. D. 180)

Bill, "An Act to Exempt Incorporated Fire Fighters Association from the Sales Tax." (H. P. 156) (L. D. 191)

Bill, "An Act to Clarify the Laws Relating to the Bureau of Property Taxation." (H. P. 193) (L. D. 234)

Bill, "An Act Exempting Trucks Purchased by Nonresidents from Sales Tax." (H. P. 205) (L. D. 250)

Bill, "An Act to Set Off Burying Island in Taunton Bay to the Town of Franklin." (H. P. 209) (L. D. 253)

Bill, "An Act Relating to Bonding of Gasoline Distributors and Use Fuel Dealers." (H. P. 511) (L. D. 573)

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

##### Senate

Bill, "An Act Relating to the Number, Election, Quorum and Term of Office of the Trustees of Hebron Academy." (S. P. 69) (L. D. 185)

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

Sent down for concurrence.

On motion by Mrs. Cummings of Penobscot,

Adjourned until 10 o'clock tomorrow morning.