

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

February 19, 1975

Senate called to order by the President.
Prayer by Rev. Canon Roger S. Smith of Augusta:

Almighty God, we humbly thank you for the good land which you have given us for our inheritance. We pray that we may always prove a people mindful of your favor and glad to do your will. Bless this state with honest labor, clear thinking, and mutual regard. Save us from violence, discord and confusion, from pride and arrogance and from every evil way. Fill with wisdom those to whom we entrust the authority of government, that they may seek justice and peace. In times of prosperity fill our hearts with thankfulness and in this time of crisis not allow our trust in you to fail. We offer thanks for those persons who have answered your call to serve you in this legislature. Guide the deliberations of this Senate this day, that they may serve the people in Maine well. Amen.

Reading of the Journal of yesterday.

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

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

In the House February 12, 1975, Passed to be Enacted.

In the Senate February 13, 1975, Indefinitely Postponed in non-concurrence.

Comes from the House, that Body having Insited.

On motion by Mr. Katz of Kennebec, the Senate voted to Adhere.

House Papers

Bills today received from the House requiring Reference to Committees were acted upon in concurrence, with the following exception:

Bill, "An Act Appropriating Funds for Southern Maine Vocational-Technical Institute so that the Present Student Enrollment will not have to be Reduced." (H. P. 535) (L. D. 652)

Comes from the House referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

On motion by Mr. katz of Kennebec, tabled until later in today's session, pending Reference to Committee.

Communications

February 18, 1975

To the Honorable Senate of the 107th Legislature of the State of Maine:

I have the honor to herewith transmit initiative petitions relating to "An Act to Establish a Public Preserve in the Bigelow Mountain Area".

This measure has been filed in this office in accordance with the provisions of Article IV, Part Third, Section 18 of the Constitution of the State of Maine. This measure is proposed by what is purported to be approximately 47,383 signatures. These petitions were filed on February 15, 1975.

Respectfully,
MARKHAM L. GARTLEY
Secretary of State
(S. P. 213)

Which was Read and Ordered Placed on File.

Under Suspension of the Rules, sent down forthwith for concurrence.

Joint Order

Out of Order and Under Suspension of the Rules:

On motion by Mr. Speers of Kennebec, ORDERED, the House concurring, that the communication together with Bill, "An Act to Establish a Public Preserve in the Bigelow Mountain Area", Initiated Bill (I.B. 1) and accompanying petitions, be referred to the Joint Standing Committee on Judiciary for an investigation and report as to the sufficiency of the petitions; with the power on the part of the Committee to subpoena witnesses. (S. P. 215)

Which was Read and Passed.

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

**Senate Papers
Agriculture**

Mr. Hichens of York presented, Bill, "An Act Relating to Maine Veterinary Practice." (S. P. 212)

Which was referred to the Committee on Agriculture and Ordered Printed.
Sent down for concurrence.

Appropriations and Financial Affairs

Mr. Berry of Cumberland presented, Bill, "An Act to Permit Reimbursement of Attorney General's Cost of Investigation when a Permanent Injunction is Issued." (S. P. 206)

Which was referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.
Sent down for concurrence.

Business Legislation

Mr. Speers of Kennebec presented, Bill, "An Act to Regulate the Distribution and Sale of Motor Fuels." (S. P. 204)

Which was referred to the Committee on Business Legislation and Ordered Printed.
Sent down for concurrence.

Judiciary

Mr. Roberts of York presented, Bill, "An Act to Change Limits under Small Claims Actions." (S. P. 207)

Mr. Hichens of York presented, Bill, "An Act Relating to Withdrawal of Good Time for County Jail Inmates." (S. P. 210)

Which were referred to the Committee on Judiciary and Ordered Printed.
Sent down for concurrence.

Labor

Mr. Graham (by request) of Cumberland presented, Bill, "An Act to Amend the Municipal Public Employees Labor Relations Act." (S. P. 208)

Which was referred to the Committee on Labor and Ordered Printed.
Sent down for concurrence.

Local and County Government

Mr. Pray of Penobscot presented, Bill, "An Act to Prevent Hunting in Areas Near Dumps in Unorganized Territories and Plantations of the State." (S. P. 205)

Which was referred to the Committee on Local and County Government and Ordered Printed.
Sent down for concurrence.

Public Utilities

Mr. Conley of Cumberland (Cosponsor: Mrs. Cummings of Penobscot) presented, Bill, "An Act to Create the Bureau of Community Antenna Television within the Public Utilities Commission." (S. P. 211)

Which was referred to the Committee on

Public Utilities and Ordered Printed.
Sent down for concurrence.

State Government

Mr. Curtis of Penobscot presented, Bill, "An Act to Provide for Full-time Administrative Officers in the Senate and House of Representatives." (S. P. 209)

(Approved by a Majority of the Committee on Reference of Bills pursuant to Joint Rule No. 10.)

Which was referred to the Committee on State Government and Ordered Printed.
Sent down for concurrence.

Orders

On motion by Mr. Speers of Kennebec, State of Maine

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

CYNDI MESERVE
Of Livermore Falls

The First Woman to Play in the NCAA We the Members of the Senate and House of Representatives 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. (S. P. 214)

Which was Read.

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

Mr. SPEERS: Mr. President and Members of the Senate: I will be very brief. This order honors a young lady who is the first woman to play in the National Athletic Association, and as such, I merely want to say once again Maine lives up to its motto "Dirigo", I Lead. Thank you.

The PRESIDENT: Is it now the pleasure of the Senate that this order receive passage and be sent down for concurrence?

The motion prevailed.

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 Providing for a Retirement Income Tax Credit." (H. P. 264) (L. D. 311)

Leave to Withdraw

The Committee on Performance Audit on, Bill, "An Act Providing that the Department of Health and Welfare Increase Payments to Flat Rate Nursing Homes." (H. P. 119) (L. D. 155)

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 to Authorize the Board of Cosmetology to Employ a Part-time Executive Secretary." (H. P. 201) (L. D. 246)

Reported that the same Ought to Pass.

The Committee on Labor on, Bill, "An Act to Extend Standard Coverage under the Minimum Wage Statutes to Employees of Nursing Homes and Hospitals." (H. P. 339) (L. D. 422)

Reported that the same Ought to Pass.

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Making An Additional Appropriation from the General Fund to Restore the Appropriations for Operation of the Bureau of Taxation for the Fiscal Year Ending June 30, 1975." (H. P. 43) (L. D. 55)

Reported that the same Ought to Pass.

Come from the House, the Bills Passed to be Engrossed.

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

Ought to Pass - As Amended

The Committee on State Government on, Resolve, Ratifying Grant of Easement on State Land to Central Maine Power Company. (H. P. 54) (L. D. 66)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-17).

The Committee on Liquor Control on, Bill, "An Act to Clarify the Power of County Commissioners to Authorize the Sale of Malt Liquor and Table Wine for Off-premise Consumption on Sundays in Unincorporated Communities." (H. P. 144) (L. D. 175)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-16)

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

Which reports were Read and Accepted in concurrence and the Bill and Resolve Read Once. Committee Amendments "A" were Read and Adopted in concurrence and the Bill and Resolve, as Amended, Tomorrow Assigned for Second Reading.

Senate Ought to Pass

Mr. Danton for the Committee on Legal Affairs on, Bill, "An Act Relating to Hearings for Applications for Liquor Licenses." (S. P. 101) (L. D. 356)

Reported that the same Ought to Pass.

Which report was Read and Accepted, the Bill Read Once and Tomorrow Assigned for Second Reading.

Second Readers

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

Senate

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

Bill, "An Act to Increase Funds Allowed by Court Order to a Minor without a Guardian." (S. P. 76) (L. D. 216)

(On motion by Mr. Roberts of York, tabled and Tomorrow Assigned, pending Passage to be Engrossed.)

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)

Which were Read a Second Time and, except for the tabled matter, Passed to be Engrossed.

Sent down for concurrence.

Senate - As Amended

Bill, "An Act to Eliminate the 5-year Residency Requirement for Persons

Seeking a License to Operate an Employment Agency." (S. P. 62) (L. D. 181)

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 Use Fuel Tax Audits. (H. P. 124) (L. D. 160)

AN ACT to Clarify Provisions in the Motor Fuel Tax Law. (H. P. 131) (L. D. 161)

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 Ernest F. Murphy of Old Orchard for a Claim Concerning a Tax Refund for Retail Gasoline-Shrinkage. (H. P. 68) (L. D. 80)

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

(On motion by Mr. Huber of Cumberland the above two matters were placed on the Special Appropriations Table.)

Emergency

AN ACT to Increase the Penalty for Premeditated Animal Fights. (H. P. 162) (L. D. 205)

This being an emergency measure and having received the affirmative votes of 30 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.

Emergency

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)

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

Orders of the Day

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

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

Tabled — February 18, 1975 by Senator Corson of Somerset.

Pending — Reference.

(Committee on Reference of Bills suggested this Bill be referred to the Committee on Legal Affairs.)

(In House — referred to the Committee on Business Legislation.)

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

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

Bill, "An Act Relating to Dealers in Used Personal Property." (H. P. 502) (L. D. 618)

Tabled — February 18, 1975 by Senator Corson of Somerset.

Pending — Reference.

(Committee on Reference of Bills suggested this Bill be referred to the

Committee on Legal Affairs.)

(In House — referred to the Committee on Business Legislation.)

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

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

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

Tabled — February 18, 1975 by Senator Conley of Cumberland.

Pending — Reference.

(Committee on Reference of Bills suggested this Bill be referred to the Committee on State Government.)

(In House — referred to the Committee on Election Laws.)

Mr. Conley of Cumberland then moved that the Bill be referred to the Committee on Election Laws and Ordered Printed in concurrence.

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

Mr. CURTIS: Mr. President and Members of the Senate: I would request a division on that motion and would like to speak briefly. The proposal before us is one of the several proposed amendments to the State Constitution. Traditionally, these amendments have almost always gone to the State Government Committee, which is equipped to review them and handle them as we have several others in the past. It seems to me that the most appropriate thing is to follow through the Reference of Bills Committee recommendation and send this proposal to the State Government Committee, so I hope we vote down the pending motion.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Corson.

Mr. CORSON: Mr. President and Members of the Senate: I would ask the members to recall that a Joint Order has been passed which directed the Committee on Election Laws to review and make such recommendations as it sees fit to revise the entire election laws of the State of Maine.

This bill, this constitutional amendment, I think is contingent upon the passage of several other laws. If we were to go to this election by majority vote, which would require a runoff election, and we have not taken the proper steps to revise our recount procedures, we may well find ourselves involved in recounts after such time as the Governor should have been inaugurated. And we feel that until we can offer for the consideration of the legislature a complete reform in these areas of recounts and ballot reform, and streamline this procedure, it would be ridiculous to consider this bill. We feel that it should be withheld for a while and taken under consideration as part of the total package, and I would ask that the members of the Senate refer this matter to the Committee on Election Laws.

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

Thereupon, on motion by Mr. Speers of Kennebec, tabled and Tomorrow Assigned, pending the motion by Mr. Conley of Cumberland that the Bill be referred to the Committee on Election Laws and Ordered Printed.

The President laid before the Senate the matter tabled earlier in today's session by Mr. Katz of Kennebec:

Bill, "An Act Appropriating Funds for Southern Maine Vocational-Technical Institute so that the Present Student Enrollment will not have to be Reduced." (H. P. 535) (L. D. 652)

Pending — Reference to Committee.

On motion by Mr. Katz of Kennebec, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed in concurrence.

On motion by Mr. Speers of Kennebec, the Senate voted to take from the table the fifth unassigned matter:

Joint Order — Relative to Performance Audit Committee review and analysis of the AFDC Program. (H. P. 529)

Tabled — February 18, 1975 by Senator Speers of Kennebec.

Pending — Passage.

Thereupon, on further motion by the same Senator, the Joint Order received Passage in concurrence.

(Off Record Remarks)

On motion by Mrs. Cummings of Penobscot,

Adjourned until 10:00 o'clock tomorrow morning.