

# 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 26, 1975

Senate called to order by the President.

Prayer by Rev. Thomas Duffy of Hallowell:

Almighty God, who has given us this good land for our heritage, we humbly beseech thee that we may prove ourselves a people mindful of Thy favor and glad to do Thy will. Bless our land with honorable industry, sound learning and good manners. Save us from violence, discord and confusion, from pride and arrogance, from every evil way. Defend our liberties, fashion into one united people the multitudes brought hither out of many kindreds and tongues. Endue with the spirit of wisdom those to whom in Thy name we entrust the authority of government, that there may be justice and peace at home, and that through obedience to Thy law we may show forth Thy praise among the nations of the earth. In times of prosperity fill our hearts with thankfulness. In the day of trouble suffer us not for our trust to fail in Thee. All of which we ask with deep sincerity. Amen.

Reading of the Journal of yesterday.

The PRESIDENT: The Chair would like to thank very heartily the good Senator from Cumberland, Senator Berry, who I understand did a fine job as President pro tem yesterday. I really appreciate his good work. (Applause)

Papers from the House—  
House Papers

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

Bill, "An Act Relating to the Priority of Mechanics' Liens." (H. P. 593) (L. D. 740)

The Committee on Reference of Bills suggests that this Bill be referred to the Committee on Judiciary.

Comes from the House, Referred to the Committee on Business Legislation and Ordered Printed.

Which was referred to the Committee on Judiciary and Ordered Printed in non-concurrence.

Sent down for concurrence.

## Senate Papers

## Appropriations and Financial Affairs

Mr. Huber of Cumberland presented, Bill, "An Act to Allocate Money from the Federal Revenue Sharing Fund for the Expenditures of State Government for the Fiscal Year Ending June 30, 1976 and June 30, 1977." (S. P. 230)

The same Senator presented, Bill, "An Act Making Additional Appropriations from the General Fund for the Expenditures of State Government for the Current Fiscal Year Ending June 30, 1975." (S. P. 231)

The same Senator presented, Bill, "An Act Making Current Service Appropriations from the General Fund for the Expenditures of State Government for the Fiscal Year Ending June 30, 1976 and June 30, 1977." (S. P. 232)

The same Senator Presented, "Bill, "An Act Making Current Service Allocations from the Other Special Revenue Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1976 and June 30, 1977." (S. P. 233)

Mr. Curtis of Penobscot presented, Bill, "An Act to Provide Social Security Benefits to State Employees." (S. P. 238)

Which were referred to the Committee

on Appropriations and Financial Affairs and Ordered Printed.

Sent down for concurrence.

## Labor

Mr. Berry of Androscoggin presented, Bill, "An Act Relating to Disqualification for Benefits under Employment Security Law." (S. P. 239)

The same Senator presented, Bill, "An Act Relating to Discharge for Misconduct as Disqualification for Benefits under Employment Security Law." (S. P. 240)

Mr. Curtis of Penobscot presented, Bill, "An Act Extending Collective Bargaining Rights to University of Maine Employees." (S. P. 243)

Mr. Berry of Androscoggin presented, Bill, "An Act to Amend the Employment Security Law as to Separation Reports." (S. P. 241)

Which were referred to the Committee on Labor and Ordered Printed.

Sent down for concurrence.

## Local and County Government

Mr. Carbonneau of Androscoggin presented, Bill, "An Act Concerning the Power of the Lewiston Parking District to Mortgage Certain Properties and Permitting the Taxation of Real Property of the District Which is Not Used for Parking." (S. P. 234)

Mr. Corson of Somerset presented, Bill, "An Act to Clarify the Laws Relating to Municipalities." (S. P. 236)

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

Sent down for concurrence.

## Natural Resources

Mr. O'Leary of Oxford presented, Bill, "An Act to Provide Opportunity for Reasonable Correction of Applications before the Board of Environmental Protection." (S. P. 242)

Which was referred to the Committee on Natural Resources and Ordered Printed.

Sent down for concurrence.

## Veterans and Retirement

Mr. Collins of Knox presented, Bill, "An Act to Base Adjustments of Teacher and State Employee Retirement Allowances on the Consumer Price Index." (S. P. 235)

Mr. Conley of Cumberland presented, Bill, "An Act Relating to Retirement of Deputy Attorneys General, Assistant Attorneys General and Staff Attorneys." (S. P. 237)

Which were referred to the Committee on Veterans and Retirement and Ordered Printed.

Sent down for concurrence.

## Orders

On motion by Mr. Johnston of Aroostook,  
STATE OF MAINEIn The Year Of Our Lord One Thousand  
Nine Hundred And Seventy-FiveWHEREAS, The Legislature has  
learned of the Outstanding  
Achievement and ExceptionalAccomplishment of  
THE ASHLAND HORNETS  
EASTERN MAINE CLASS C RUNNERUP  
BASKETBALL TEAM

FOR THE ACADEMIC YEAR 1975

We the Members of the Senate and  
House of Representatives do hereby Order  
that our congratulations and  
acknowledgment 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. 244)

Which was Read and Passed.

Sent down for concurrence.

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

Bill, "An Act to Pay for One Hundred Percent of Health Insurance Plans for State Employees." (H. P. 160) (L. D. 193)

Bill, "An Act Supporting Additional Positions for Department of Health and Welfare." (H. P. 289) (L. D. 341)

## Ought to Pass in New Draft

The Committee on Business Legislation on, Bill, "An Act to Establish a Fee for Issuance of the First Hairdresser License and to Establish a Fee of \$15 for Certain Hairdresser Examinations." (H. P. 329) (L. D. 401)

Reported That the same Ought to Pass in New Draft under New Title: "An Act to Establish a Fee for Issuance of the First Hairdresser License and to Establish a Fee for Certain Hairdresser Examinations" (H. P. 565) (L. D. 663).

Comes from the House, the Bill in New Draft Passed to be Engrossed as Amended by House Amendment "A" (H-36).

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

## Senate

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:

RESOLUTION, Proposing an  
Amendment to the Constitution to Require  
a Roll Call Vote Upon all Bills on Final  
Passage. (S. P. 105) (L. D. 360)

## Ought to Pass

Mr. Clifford for the Committee on  
Judiciary on, Bill, "An Act to Allow  
Juveniles at the Training Centers and  
Inmates at the County Jails to Participate  
in Halfway House Programs." (S. P. 91)  
(L. D. 262)

Reported that the same Ought to Pass.

Mr. Collins for the Committee on  
Judiciary on, Bill, "An Act to Revise  
the Statutes Concerning the Board of Bar  
Examiners." (S. P. 123) (L. D. 409)

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 in New Draft

Mr. Collins for the Committee on  
Judiciary on, Bill, "An Act to Confer  
Jurisdiction upon the District Court over  
Suits to Clear Title to Municipal Real  
Estate." (S. P. 85) (L. D. 256)

Reported that the same Ought to Pass in  
New Draft under New Title: "An Act to  
Clarify and Extend the Equitable  
Jurisdiction of the District Court in  
Certain Civil Actions Involving Title to  
Real Estate" (S. P. 245) (L. D. 762)

Which report was Read and Accepted,

the Bill in New Draft 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 Executive Exemption under the Minimum Wage Law." (H. P. 140) (L. D. 172)

Bill, "An Act to Increase Boarding Allowance for Students of Coastal Islands." (H. P. 232) (L. D. 288)

(On motion by Mr. Carbonneau of Androscoggin, Tabled and Tomorrow Assigned, pending Passage to be Engrossed.)

Bill, "An Act Authorizing the Theater at Monmouth to be Named the Shakespearean Theater of Maine." (H. P. 261) (L. D. 308)

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

#### House - As Amended

Bill, "An Act Concerning Appeals from Redetermination of Unemployment Compensation Claims." (H. P. 432) (L. D. 543)

Bill, "An Act Restricting Use of Weapons at Public Schools." (H. P. 6) (L. D. 11)

Bill, "An Act to Amend the Chest X-ray Certificate Law." (H. P. 595) (L. D. 693)

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

Bill, "An Act Relating to Fines and Penalties under Fire Prevention Laws." (H. P. 326) (L. D. 398)

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

Sent down for concurrence.

#### Senate

Bill, "An Act to Change the Name of the Bureau of Labor and Industry to the Bureau of Labor." (S. P. 140) (L. D. 443)

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

Sent down for concurrence.

#### Enactors

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

AN ACT Relating to the Number, Election, Quorum and Term of Office of the Trustees of Hebron Academy. (S. P. 69) (L. D. 185)

AN ACT to Extend Standard Coverage under the Minimum Wage Statutes to Employees of Nursing Homes and Hospitals. (H. P. 339) (L. D. 422)

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

Which was Finally Passed and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

#### Emergencies

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

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)

AN ACT Making an Additional Appropriation from the General Fund to Restore the Appropriation for Operations of the Bureau of Taxation for the Fiscal Year Ending June 30, 1975. (H. P. 43) (L. D. 55)

AN ACT TO Revise Certain Requirements of the Employment Security Law During Periods of Emergency. (H. P. 510) (L. D. 572)

AN ACT to Suspend Certain Requirements of the Employment Security Law During Periods of Emergency. (H. P. 509) (L. D. 571)

These being emergency measures and having received the affirmative votes of 30 members of the Senate, were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for this 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 25, 1975 by Senator Conley of Cumberland. Pending—Consideration.

(In the Senate—Passed to be Engrossed as Amended by Committee Amendment "A" (S-3) as Amended by Senate Amendment "A" (S-6) thereto.)

(In House—Passed to be Engrossed as Amended by Committee Amendment "A" (S-3) as Amended by House Amendment "A" (H-34) thereto in non-concurrence.)

On motion by Mr. Collins of Knox, the Senate voted to Recede and Concur.

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

HOUSE REPORTS—from the Committee on Election Laws—Bill, "An Act Establishing Open Primaries." (H. P. 49) (L. D. 61) MAJORITY REPORT—Ought Not to Pass; MINORITY REPORT Ought to Pass.

Tabled—February 25, 1975 by Senator Clifford of Androscoggin.

Pending—Acceptance of Either Report.

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

Mr. SPEERS, Mr. President, would the Secretary read the reports please?

The SECRETARY: Regarding House Paper 49, Legislative Document 61, the Ought Not to Pass Report was signed by Senator O'Leary, Senator Berry and Senator Corson, Representatives Shute, Boudreau, Call, DeVane, Mackel, Durgin, Albert, Birt, and Bustin.

The Ought to Pass Report on L. D. 61 was signed by Representative Talbot.

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

Mr. CORSON: Mr. President, may I inquire of the Chair is there a motion on the floor at this time?

The PRESIDENT: The pending question is the acceptance of the Majority Ought Not to Pass Report of the Committee. Is it now the pleasure of the Senate to accept the Ought Not to Pass Report of the Committee?

There upon, the Majority Ought Not to Pass Report of the Committee was Accepted in concurrence.

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

Bill, "An Act to Include the Right to Use Submerged Lands as Part of Environmental Licensing." (H. P. 567) (L. D. 703)

Tabled—February 25, 1975 by Senator Cummings of Penobscot. Pending Reference.

(Committee on Reference of Bills suggested this Bill be referred to the Committee on Public Lands.)

(In House—Referred to the Committee on Public Lands.)

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

#### Papers from the House

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

#### House Paper

Bill, "An Act Extending the Time During which School Budgets may be Adopted." (H. P. 660) (L. D. 766)

Comes from the House Passed to be Engrossed without reference to Committee.

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

Mr. KATZ: Mr. President and Members of the Senate: Perhaps a word of explanation, and I would suggest to the Senate that this bill is of great interest to your constituents.

As you know, we are in the midst of considering some significant changes in school funding. The alternatives before us were to apply some hastily conceived band-aids in order to meet the deadlines of the existing law or to delay the implications of the existing law and try to come up with a comprehensive answer to the very perplexing problems facing us.

The passage of this bill will permit us in a somewhat more leisurely manner to come up with some kind of comprehensive package. It means that your local town meetings will not have to be faced with the budgetary problems without knowing what the state is going to do. But in a larger context, I want to call to your attention the fact that this kind of legislation is not unusual. Everytime the legislature meets we seem to have an emergency in the local communities, and the emergency is caused by the fact that we are all on different fiscal years, and because in the laws of the State of Maine we expect the towns to react immediately when the legislature comes into session and the legislature to react immediately to the needs of the community.

So although this bill takes care of the problem immediately ahead of us, it certainly does not face up to the fact that sooner or later we are going to have enough courage to enact a uniform fiscal year in the state to protect future legislatures from the disarray that we have facing us today.

The PRESIDENT: Is it now the pleasure of the Senate that under suspension of the rules this bill be given its first reading at this time?

Thereupon, the Bill was Read Once. Under further suspension of the rules, the Bill was then Read a Second Time and Passed to be Engrossed in concurrence.

(Off Record Remarks)

On motion by Mrs. Cummings of  
Penobscot,  
Adjourned until 10 o'clock tomorrow  
morning.