

# 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**

Wednesday, March 5, 1975

Senate called to order by the President.

Prayer by Father Thomas Joyce of Augusta:

As is our pious custom, let us bow our heads in prayer. Almighty God, we humbly ask your blessing on all gathered here this morning. We ask a special blessing for one of our members, Senator Donald O'Leary of Oxford County, who just a few minutes ago, some forty-five minutes ago, was rushed to the hospital with a possible coronary.

We acknowledge that our law comes from you, and this body then is both practicing a pious and a patriotic duty. Their work in legislation for our fellow citizens is an all-important duty and with it goes obligations and responsibilities of no less importance. We ask that you bless them and sustain them in their work, a special blessing on their behalf that they may always have the strength and courage to accomplish their task, which is theirs to fulfill for all of us, and that they may attain the high principles to which they are dedicated. We begin this day with our humble prayer, and may all our works begin with you and in you be happily ended. Amen.

Reading of the Journal of yesterday.

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

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

In the Senate February 18, 1975, Passed to be Engrossed, in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-42), in non-concurrence.

On motion by Mr. Speers of Kennebec, tabled and Tomorrow Assigned, pending Consideration.

**Joint Order  
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

**MT. BLUE HIGH SCHOOL OF  
FARMINGTON, MAINE  
KENNEBEC VALLEY CONFERENCE  
GIRLS BASKETBALL CHAMPIONS  
FOR THE 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.

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

**House Papers**

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

(See action below.)

**Reconsidered Matter**

On motion by Mr. Speers of Kennebec, the Senate voted to reconsider its prior action whereby Bill, "An Act to Establish the Maine Safe Drinking Water Act," (H. P. 654) (L. D. 812), was referred to the Committee on Health and Institutional Services and Ordered Printed.

Thereupon, on further motion by the same Senator, tabled and Tomorrow Assigned, pending Reference to Committee.

**Senate Papers  
Judiciary**

Mr. Conley of Cumberland presented, Bill, "An Act Defining the Warranty of Habitability and Providing Remedies Therefor." (S. P. 272)

The same Senator presented, Bill, "An Act to Clarify the Definition of Approved Alcohol Treatment Facility and to Allow Payments to be Made Directly to the Facility." (S. P. 273)

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

Sent down for concurrence.

**State Government**

Mr. Wyman of Washington presented, RESOLUTION, Proposing an Amendment to the Constitution Relating to the Powers of the Governor and Providing for the Selection of the Members of the Executive Council. (S. P. 268)

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

Sent down for concurrence.

(See action later in today's session.)

**Orders**

On motion by Mr. Pray of Penobscot,  
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

**FOXCROFT ACADEMY PONIES  
STATE CHAMPIONS —  
CLASS B BASKETBALL  
FOR THE ACADEMIC YEAR 1975**

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.

Which was Read and Passed.

Sent down for concurrence.

On motion by Mr. Corson of Somerset,  
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

**JAY GOULD  
OF FARMINGTON, MAINE  
RECIPIENT OF THE EAGLE SCOUT  
AWARD**

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. 267)

Which was Read and Passed.

Sent down for concurrence.

On motion by Mr. Trotzky of Penobscot,  
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

**THE BANGOR HIGH SCHOOL  
SWIM TEAM  
NEW ENGLAND CHAMPIONS  
FOR THE YEAR 1975**

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. 270)

Which was Read and Passed.

Sent down for concurrence.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President, Since item 3-3, Resolution, Proposing an Amendment to the Constitution Relating to the Powers of the Governor and Providing for the Selection of the Members of the Executive Council, S. P. 268, is advertised for a hearing Tuesday, I move that it be sent forthwith to the House in order that it may be printed.

The PRESIDENT: The Senator from Washington, Senator Wyman, moves that item 3-3, under suspension of the rules, be sent forthwith to the House. Is this the pleasure of the Senate?

The motion prevailed.

**Committee Reports  
House**

The 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 Prohibiting Candidates from being Present when an Absentee Ballot is being Marked." (H. P. 94) (L. D. 105)

Bill, "An Act Providing for Additional Local Expenditures under the School Subsidy Law." (H. P. 224) (L. D. 280)

Bill, "An Act to Prohibit the Sale of Illegal Plumbing Fixtures." (H. P. 254) (L. D. 303)

Bill, "An Act Changing the Formula for State Subsidy of Education." (H. P. 347) (L. D. 431)

**Leave to Withdraw**

The Committee on State Government on, RESOLUTION, Proposing an Amendment to the Constitution Changing the Tenure of Office of Sheriff to Four-Year Terms. (H. P. 298) (L. D. 348)

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 Public Utilities on, Bill, "An Act to Repeal the Requirement for Railroads Operating in Maine to File Annual Reports of Capital Expenditures with the Department of Commerce and Industry." (H. P. 10) (L. D. 15)

Reported that the same Ought to Pass.

The Committee on Transportation on, Bill, "An Act to Amend the Law Relating to the Registration of Automobiles." (H. P. 343) (L. D. 427)

Reported that the same Ought to Pass.

The Committee on Public Utilities on, Bill, "An Act to Amend the Charter of the Freeport Sewer District." (H. P. 441) (L. D. 515)

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.

The Committee on Public Lands on, Resolve, Authorizing the Exchange of Certain Public Reserved Lands. (H. P. 97) (L. D. 177)

Reported that the same Ought to Pass.

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

Which report was Read.

On motion by Mr. Reeves of Kennebec, tabled and Tomorrow Assigned, pending Acceptance of the Committee Report.

#### Ought to Pass — As Amended

The Committee on Business Legislation on, Bill, "An Act to Clarify the Exemption of Hairdressers Holding Booth Licenses from Eligibility for Unemployment Compensation." (H. P. 202) (L. S. 247)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-39).

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

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

#### Ought to Pass in New Draft

The Committee on Health and Institutional Services on, Bill, "An Act to Require the Licensing of Alcoholic Treatment Facilities." (H. P. 141) (L. D. 167)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 683) (L. D. 806).

Comes from the House, the Bill in New Draft Passed to be Engrossed.

Which report was Read and Accepted in concurrence, the Bill in New Draft Read Once and 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:

Bill, "An Act to Amend the Wastewater Treatment Plant Operator Statute." (S. P. 111) (L. D. 376)

#### Leave to Withdraw

Mr. Graffam for the Committee on Fisheries and Wildlife on, Bill, "An Act

Limiting Complimentary Hunting and Fishing Licenses to State, National and International Leaders." (S. P. 75) (L. D. 215)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.

#### Ought to Pass

Mrs. Cummings for the Committee on Public Utilities on, Bill, "An Act to Amend the Charter of the Biddeford and Saco Water Company." (S. P. 170) (L. D. 552)

Reported that the same Ought to Pass.

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

#### Ought to Pass — As Amended

Mr. Katz for the Committee on Human Resources on, Bill, "An Act to Require that Newly Constructed or Reconstructed Public Buildings be made Accessible to the Physically Handicapped." (S. P. 51) (L. D. 132)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-18).

Mr. Greeley for the Committee on Public Utilities on, Bill, "An Act Prohibiting the Use of Motor Boats Powered by Internal Combustion Engines on Nokomis Pond." (S. P. 55) (L. D. 136)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-19).

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

#### Ought to Pass in New Draft

Mr. Thomas for the Committee on Business Legislation on, Bill, "An Act to Prohibit the Unlawful Piracy and Resale of Recorded Musical Performances." (S. P. 96) (L. D. 352)

Reported that the same Ought to Pass in New Draft under Same Title: (S. P. 269) (L. D. 855)

Which report was Read.

On motion by Mr. Merrill of Cumberland, tabled and Tomorrow Assigned, pending Acceptance of the Committee Report.

Mr. Cyr for the Committee on Public Utilities on, Bill, "An Act to Provide for Reciprocity in Permits and Fees Issued on Motor Vehicles for Hire under the Public Utilities Law." (S. P. 193) (L. D. 644)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 271) (L. D. 856)

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

The PRESIDENT: The Chair will ask the Sergeant-at-Arms to escort the Majority Floor Leader, Senator Speers, to the rostrum to act as President pro tem.

Thereupon, the Sergeant-at-Arms escorted Mr. Speers of Kennebec to the rostrum where he assumed the duties of President pro tem, and the President retired from the Senate Chambers.

#### Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act to Permit All-day Hunting of Deer on Sunday by Maine Residents." (S. P. 74) (L. D. 214)

Reported that the same Ought Not to Pass.

Signed:

Senators:

McNALLY of Hancock  
GRAFFAM of Cumberland

Representatives:

TOZIER of Unity  
DOW of West Gardiner  
WALKER of Island Falls  
KAUFFMAN of Kittery  
PETERSON of Caribou  
MILLS of Eastport  
CHURCHILL of Orland

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Senator:

PRAY of Penobscot

Representatives:

MARTIN of St. Agatha  
USHER of Westbrook  
MacEACHERN of Lincoln

Which reports were Read.

Mr. McNally of Hancock then moved that the Senate accept the Majority Ought Not to Pass Report of the Committee.

The PRESIDENT pro tem: The Senator has the floor.

Mr. McNALLY: Mr. President and Members of the Senate: This is a bill that had many people that objected to it. No one thinks that we have so many deer in this state that we can open it up to the hundreds of extra hunters that would pile in there once you have Sunday hunting, because that is the day when they would really flood the woods if you had it.

The PRESIDENT pro tem: The Chair recognizes the Senator from Aroostook, Senator Johnston.

Thereupon, on motion by Mr. Johnston of Aroostook, tabled and Tomorrow Assigned pending the motion by Mr. McNally of Hancock to accept the Majority Ought Not to Pass Report of the Committee.

#### Second Readers

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

#### House

Bill, "An Act to Permit Insurers to Limit Liability on Accident Policies in Certain Situations." (H. P. 24) (L. D. 32)

Bill, "An Act to Clarify the Powers of Kittery Water District." (H. P. 164) (L. D. 210)

Bill, "An Act to Permit Archery Hunting Without a License in Certain Cases." (H. P. 255) (L. D. 323)

Bill, "An Act to Abolish the State-wide Central Tumor Registry of the Department of Health and Welfare." (H. P. 283) (L. D. 335)

Bill, "An Act to Provide Continuing Jurisdiction over Juvenile Offenses." (H. P. 321) (L. D. 393)

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

#### House — As Amended

Bill, "An Act to Extend the Life of the Commission Preparing a Revision of the Probate Laws." (H. P. 235) (L. D. 291)

Resolve, Reimbursing Certain Municipalities on Account of Property Tax Exemptions of Veterans. (H. P. 293) (L. D. 346)

Bill, "An Act to Change the Name of Department of Inland Fisheries and Game to Department of Fisheries and Wildlife." (H. P. 413) (L. D. 588)

Which were Read a Second Time and

Passed to be Engrossed, as Amended, in concurrence.

**Senate**

Bill, "An Act Enabling Classification of Residents of State Institutions as Resident Pupils." (S. P. 143) (L. D. 507)

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

Sent down for concurrence.

**Senate — As Amended**

Bill, "An Act Relating to Animal Welfare." (S. P. 48) (L. D. 129)

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 restricting Use of Weapons at Public Schools. (H. P. 6) (L. D. 11)

AN ACT to Provide for 6-person Juries in Civil Cases. (S. P. 16) (L. D. 90)

AN ACT Relating to the Presentation of Budgets by School Units. (S. P. 49) (L. D. 130)

AN ACT to Authorize the State Liquor Commission to Grant Civic Associations Licenses to Sell Alcoholic Beverages for On-Premise Consumption. (S. P. 89) (L. D. 260)

AN ACT Increasing the Number of Official Court Reporters. (S. P. 127) (L. D. 413)

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

AN ACT Relating to Executive Exemption under the Minimum Wage Law. (H. P. 140) (L. D. 172)

AN ACT Authorizing the Theater of Monmouth to be Named the Shakespearean Theater of Maine. (H. P. 261) (L. D. 308)

AN ACT Concerning Appeals from Redetermination of Unemployment Compensation Claims. (H. P. 432) (L. D. 543)

AN ACT to Amend the Chest X-ray Certificate Law. (H. P. 595) (L. D. 693)

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

**Orders of the Day**

The president pro tem laid before the Senate the first tabled and Specially Assigned matter:

Bill, "An Act to Clarify the Maine Consumer Credit Code as it Applies to Consumer Credit Sales Pursuant to which no Finance Charge is Made." (H. P. 303) (L. D. 366)

Tabled — February 28, 1975 by Senator Clifford of Androscoggin.

Pending — Passage to be Engrossed.

Thereupon, the Bill was Passed to be Engrossed in concurrence.

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

SENATE REPORTS — from the Committee on Health and Institutional Services — Bill, "An Act to Repeal the Statutes on Boards of Visitors to State Institutions." (S. P. 5) (L. D. 5)  
 MAJORITY REPORT — Ought Not to Pass; MINORITY REPORT — Ought to Pass.

Tabled — March 4, 1975 by Senator Pray of Penobscot.

Pending — Motion of Senator Hichens of York to accept the Minority Ought to Pass Report.

On motion by Mr. Merrill of Cumberland, a division was had. Eight having voted on the affirmative, and 21 having voted in the negative, the motion did not prevail.

Thereupon, the Majority Ought Not to Pass Report of the Committee was Accepted.

Sent down for concurrence.

**Reconsidered Matter**

The PRESIDENT pro tem: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, with reference to item 7-3, L. D. 323, I move the Senate reconsider its action whereby this bill, "An Act to Permit Archery Hunting Without a License in Certain Cases", was Passed to be Engrossed. I hope someone would table my motion until Friday.

The PRESIDENT pro tem: The Chair recognizes the Senator from Cumberland, Senator Conley.

Thereupon, on motion by Mr. Conley of Cumberland, tabled and Specially Assigned for March 7, 1975, pending the motion by Mr. Berry of Cumberland to reconsider Passage to be Engrossed.

(Off Record Remarks)

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