

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

Friday, March 7, 1975

Senate called to order by the President.

Prayer by Rev. Kenneth Brookes of Augusta:

Let us pray. O God, who has promised to renew the strength of those who wait upon Thee, and to be present with those who seek Thee, we pause now trusting in those promises. Fulfill them, we beseech Thee for these Thy servants. Keep our minds alert to the needs of our people, and our hearts responsive to those needs. And keep the cutting edge of our consciences keen so that we may divide the good from the evil. And keep our wills obedient to the call of the very best. And at the close of the day when our work is done, make us as workmen who needeth not to be ashamed, and to Thee be all the glory. Amen.

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, March 11, at 10 o'clock in the morning.

Which was Read and Passed.

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

Papers from the House

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 GIRLS FIELD HOCKEY TEAM KENNEBEC VALLEY CONFERENCE 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. 759)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

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

EAST GRAND HIGH SCHOOL OF DANFORTH CLASS D GIRLS BASKETBALL STATE CHAMPIONS

IN 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. 806)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Joint Resolution
STATE OF MAINE

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

IN MEMORIAM

Having Learned Of The Death Of THE HONORABLE DONALD W. MacLEOD OF BAR HARBOR

The Senate and House of Representatives of the State of Maine do hereby extend their sincere heartfelt condolences and sympathy to the bereaved family and friends of the deceased; and further

While duly assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine. (H. P. 760)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

House Papers

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

Bill, "An Act Relating to Open Containers of Alcoholic Beverages in Motor Vehicles." (H. P. 720) (L. D. 896)

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

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

On motion by Mr. Speers of Kennebec, referred to the Committee on Liquor Control in non-concurrence.

Sent down for concurrence.

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

House Paper

Bill, "An Act to Require Returnable Beverage Containers." (H. P. 745) (L. D. 913)

Comes from the House referred to the Committee on Natural Resources and Ordered Printed.

Mr. Pray of Penobscot moved that the Bill be tabled and Specially Assigned for March 12, 1975, pending Reference to Committee.

On motion by Mr. Speers of Kennebec, a division was had. 12 having voted in the affirmative, and 16 having voted in the negative, the motion did not prevail.

Mr. Speers of Kennebec then moved that the Bill be referred to the Committee on Business Legislation and Ordered Printed.

The PRESIDENT: The Chair recognizes

the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, I would like to ask for a division and speak to this just briefly. I think that the original desire of the Committee on Reference of Bills was a good one in this case. I think that the action is appropriate to send this to the Natural Resources Committee. It is my information that almost every legislature in this country that has considered this legislation has sent it to the committee that deals with natural resources matters.

It is a matter that goes directly not only to the esthetic appreciation of our highways but also to the use of our natural resources and the reuse of those resources. I think that the action that the Reference of Bills Committee has taken and the other body has taken is appropriate, and I would ask the Senate to vote against the motion of the Majority Leader.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Kennebec, Senator Speers, that this bill be referred to the Committee on Business Legislation in non-concurrence. A division has been requested. Would all those Senators in favor of the motion to refer this bill to the Committee on Business Legislation please rise in their places until counted. Those opposed will please rise in their places until counted.

A division was had. 19 having voted in the affirmative, and 10 having voted in the negative, the Bill was referred to the Committee on Business Legislation and Ordered Printed in non-concurrence.

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

Mr. SPEERS: Mr. President, with reference to item 1-1, having voted on the prevailing side, I now move that the Senate reconsider its action whereby this was referred to the Committee on Business Legislation and I urge the Senate to vote against the motion.

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

Thereupon, on motion by Mr. Pray of Penobscot, a division was had. Two having voted in the affirmative, and 27 having voted in the negative, the motion to reconsider did not prevail.

Sent down for concurrence.

Senate Papers

Appropriations and Financial Affairs

Mr. Corson of Somersel presented, Resolve, Providing for Purchase of Copies of History of the University of Maine at Farmington. (S. P. 278)

Which was referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Sent down for concurrence.

Fisheries and Wildlife

Mr. Berry of Androscoggin presented, Bill, "An Act Authorizing Certain Agents of the Department of Inland Fisheries and Game to Sell Hunting Licenses to Non-residents and to Sell Hunting Licenses During Weekends and Holidays." (S. P. 279)

Which was referred to the Committee on Fisheries and Wildlife and Ordered Printed.

Sent down for concurrence.

Marine Resources

Mr. Berry of Cumberland presented, Bill, "An Act to Clarify the Laws Relating to Marine Resources." (S. P. 276)

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

Natural Resources

Mr. Wyman of Washington presented, Bill, "An Act to Redefine Critical Areas Under the Act for a State Register of Critical Areas." (S. P. 275)

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

**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 Establishing the Town of Southport in Lincoln County as a Wildlife Management Area." (H. P. 220) (L. D. 276)

Bill "An Act to Increase the Amount of Trout, Salmon, Togue and Black Bass which may be Legally Possessed." (H. P. 296) (L. D. 345)

Bill, "An Act to Provide a Bounty on Coyote under the Inland Fish and Game Laws." (H. P. 391) (L. D. 483)

Bill, "An Act Appropriating Funds for the Payment of Overtime in State Employment at the Rate of One and One-half Times the Employee's Hourly Rate of Pay." (H. P. 445) (L. D. 541)

Change of Reference

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Providing Compensation for Members of Inland Fisheries and Game Advisory Council." (H. P. 542) (L. D. 658)

Reported that the same be referred to the Committee on Fisheries and Wildlife.

Comes from the House, the report Read and Accepted and the Bill referred to the Committee on Fisheries and Wildlife.

Which report was Read and Accepted and the Bill referred to the Committee on Fisheries and Wildlife in concurrence.

Leave to Withdraw

The Committee on Transportation on, Bill, "An Act Relating to Learner's Permits." (H. P. 365) (L. D. 459)

Reported that the same be granted Leave to Withdraw.

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Establish Salaries for Full-time District Attorneys Equal to the Salaries of Superior Court Justices." (H. P. 506) (L. D. 628)

Reported that the same be granted Leave to Withdraw.

Come from the House, the report Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on Liquor Control on, Bill, "An Act to Repeal Provisions Against Obstructions in Windows of Malt Liquor Licensed Restaurants." (H. P. 313) (L. D. 386)

Reported that the same Ought to Pass.

The Committee on Public Utilities on, Bill, "An Act Creating the New Portland

Water District." (H. P. 359) (L. D. 456)

Reported that the same Ought to Pass.

The Committee on Liquor Control on, Bill, "An Act to Allow Class A Restaurants Issued a Special Amusement Permit by the State Liquor Commission to Charge Admission in Designated Areas." (H. P. 390) (L. D. 482)

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 Business Legislation on, Bill, "An Act Requiring Security Deposits for Insurance Companies Transacting Business in Maine." (H. P. 276) (L. D. 329)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-43)

The Committee on Human Resources on, Bill, "An Act to Clarify the Laws of the Passamaquoddy Tribe of Indians." (H. P. 279) (L. D. 331)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-44).

The Committee on Public Utilities on, Bill, "An Act Increasing the Authorized Indebtedness of the Lincoln Water District." (H. P. 466) (L. D. 568)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-48).

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

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

The Committee on Natural Resources on, Bill, "An Act Authorizing the Department of Environmental Protection to License Privately-owned Septic Waste Disposal Sites." (H. P. 154) (L. D. 209)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-47).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A", as Amended by House Amendment "A" (H-53) Thereto.

On motion by Mr. Speers of Kennebec, tabled and Specially Assigned for March 12, 1975, pending Acceptance of the Committee Report.

Ought to Pass in New Draft

The Committee on Business Legislation on, Bill, "An Act to Remove the Restriction Concerning the Tenure of Hairdressing Members of the Board of Cosmetology." (H. P. 251) (L. D. 321)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 750) (L. D. 861)

The Committee on Human Resources on, Bill, "An Act Establishing a Symbol to Indicate Buildings and Facilities Accessible to Handicapped and Elderly Persons." (H. P. 435) (L. D. 580)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 749) (L. D. 860)

Came from the House, the Bills in New Draft Passed to be Engrossed.

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

Divided Report

The Majority of the Committee on Business Legislation on, Bill, "An Act Eliminating the Need for a License to Sell Prophylactic Rubber Goods." (H. P. 262) (L. D. 309)

Reported that the same Ought to Pass.

Signed:

Senators:

THOMAS of Kennebec
REEVES of Kennebec
JOHNSTON of Aroostook

Representatives:

CLARK of Freeport
RIDEOUT of Mapleton
BYERS of Newcastle
HIGGINS of Scarborough
BOWIE of Gardiner
PEAKES of Dexter
TIERNEY of Durham
PIERCE of Waterville

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-46).

Signed:

Representatives:

BOUDREAU of Portland
DeVANE of Ellsworth

Comes from the House, the Majority Report Read and Accepted and the Bill Passed to be Engrossed.

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

Thereupon, the Bill was 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 Relating to Lights on Motor Vehicles of State Liquor Inspectors." (S. P. 184) (L. D. 585)

Leave to Withdraw

Mr. Corson for the Committee on Legal Affairs on, Resolve, to Reimburse Robert and Deborah Perkins of Anson for Damage to their Grocery Business Caused by Bridge and Road Construction. (S. P. 115) (L. D. 380)

Reported that the same be granted Leave to Withdraw.

Mr. Berry for the Committee on Performance Audit on, 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) (L. D. 551)

Reported that the same be granted Leave to Withdraw.

Mr. Berry for the Committee on Performance Audit on, Bill, "An Act to Prevent Abuse under the Aid to Dependent Children Program." (S. P. 154) (L. D. 528)

Reported that the same be granted Leave to Withdraw.

Which reports were Read and Accepted.
Sent down for concurrence.

Second Readers

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

House

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

Bill, "An Act to Incorporate the Town of Benedicta School District." (H. P. 200) (L. D. 245)

Bill, "An Act Increasing the Amount of Real and Personal Property which may be held by Knox Agricultural Society." (H. P. 242) (L. D. 319)

Bill, "An Act Relating to Application for Insurance License under the Maine Insurance Code." (H. P. 315) (L. D. 391)

Bill, "An Act Increasing Indebtedness of Calais School District." (H. P. 475) (L. D. 595)

Bill, "An Act to Require Reports of Certain Communicable and Notifiable Diseases to be Made to the Director of Health of the Department of Health and Welfare." (H. P. 684) (L. D. 807)

Bill, "An Act to Transfer Responsibility for Forest Management of Indian Township to the Commissioner of Indian Affairs." (H. P. 711) (L. D. 818)

Bill, "An Act to Create the Maine Correctional Advisory Commission." (H. P. 712) (L. D. 819)

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

Senate

Bill, "An Act to Prohibit the Unlawful Piracy and Resale of Recorded Musical Performances." (S. P. 269) (L. D. 855)

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 Fines, Suspensions and Revocations Levied by the Harness Racing Commission. (H. P. 431) (L. D. 525)

Which 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 to Clarify the Powers of Kittery Water District. (H. P. 164) (L. D. 210)

This being an emergency measure and having received the affirmative votes of 27 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 Permit Archery Hunting Without a License in Certain Cases." (H. P. 255) (L. D. 323)

Tabled — March 5, 1975 by Senator Conley of Cumberland.

Pending — Motion of Senator Berry of Cumberland to reconsider action whereby Bill was Passed to be Engrossed.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Graffam.

Mr. GRAFFAM: Mr. President and Members of the Senate: This L. D. 323, I

believe, is a law that would be unnecessary. With the present law on archery hunting, we are allowed to hunt with archery during the regular hunting season and fishing and trapping. This law is only giving two extra weeks of hunting without a license, and I believe that probably next year we will see that the rifle people would like an additional season, and I believe that trapping will do likewise and fishing. So I believe that this law is definitely unnecessary and I move for indefinite postponement of this bill and all accompanying papers.

The PRESIDENT: The Senator from Cumberland, Senator Graffam, now moves that this bill be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Thereupon, on motion by Mr. Conley of Cumberland, tabled and Specially Assigned for March 11, 1975, pending the motion by Mr. Graffam of Cumberland that the Bill be Indefinitely Postponed.

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

Joint Order — Relative to Special Committee to study bidding process of Bureau of Purchases. (H. P. 696)

Tabled — March 6, 1975 by Senator Speers of Kennebec.

Pending — Passage.

On motion by Mr. Speers of Kennebec, retabled and Specially Assigned for March 12, 1975, pending Passage.

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

Bill, "An Act to Prohibit a Creditor from Telephoning a Debtor at the Debtor's Place of Employment." (H. P. 664) (L. D. 838)

Tabled — March 6, 1975 by Senator Speers of Kennebec.

Pending — Reference.

(The Committee on Reference of Bills suggested this Bill be referred to the Committee on Business Legislation.)

(In House — Referred to Committee on Business Legislation.)

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

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