

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, March 11, 1975

Senate called to order by the President.

Prayer by Rev. Richard E. Wrentzel of East Auburn:

Let us pray, O God, we thank you again for this privilege that is ours to begin this session this morning by recognizing Thee. We realize, O Lord, that our dependence is completely upon you, and without you we can accomplish absolutely nothing. And God, we pray that your blessing will be upon these Senators here this day. We thank you, Lord, for them. And God, we realize the responsibility that is placed upon them, and God, we pray that you will give to them wisdom as they discuss the business this day. That they too may look to you for wisdom and direction. We thank you again for this privilege, and God, we pray that truly we may sense your presence here, for it is in the name of our Lord and Savior, Jesus Christ, that we pray. Amen.

Reading of the Journal of Friday, March 7, 1975.

**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 HIGHSCHOOL
OFF FARMINGTON
GIRLSSKITEAM
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. 824)

Comes from the House, Read and Passed. Which was Read and Passed in concurrence.

House Papers

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

Bill, "An Act Relating to Executive Sessions of Public Bodies or Agencies." (H. P. 722) (L. D. 899)

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

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

Thereupon, on motion by Mr. Reeves of Kennebec, tabled and Tomorrow Assigned, pending Reference to Committee.

Senate Papers

Appropriations and Financial Affairs

Mr. Graham of Cumberland presented, Bill, "An Act Providing Funds for Bancroft School Facility for Seriously Disturbed Children at Owls Head." (S. P. 280)

Mr. Collins of Knox presented, Bill, "An Act Relating to the Retirement Pay of Court Reporters." (S. P. 281)

Which were referred to the Committee on

Appropriations and Financial Affairs and Ordered Printed.

Senate down for concurrence. (See Action Later in Today's Session)

Judiciary

Mr. Merrill of Cumberland presented, Bill, "An Act Relating to Exemption of Law Enforcement Agencies and Courts under the Human Rights Act." (S. P. 283)

Mr. Speers of Kennebec presented, Bill, "An Act Clarifying the Title to Real Estate Included in a Divorce Decree." (S. P. 284)

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

Sent down for concurrence.

Local and County Government

Mr. Collins of Knox presented, Bill, "An Act to Authorize Knox County to Raise \$700,000 for Construction of a County Jail and a District Court Facility." (S. P. 285)

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

Sent down for concurrence.

State Government

Mr. Marcotte of York (Cosponsor: Mr. Gahagan of Aroostook) presented, Bill, "An Act to Amend the Maine Housing Authorities Act by Creating a Loans-to-Lenders Program and Making Changes to Improve the Efficiency of Using Federal Housing Funds." (S. P. 286)

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

Sent down for concurrence.

Veterans and Retirement

Mr. Collins of Knox presented, Bill, "An Act Relating to Membership of the Board of Trustees of the Maine State Retirement System." (S. P. 282)

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

Sent down for concurrence.

Reconsidered Matter

On motion by Mr. Collins of Knox, the Senate voted to reconsider its prior action whereby Bill, "An Act Relating to the Retirement Pay of Court Reporters", (S. P. 281), was referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Thereupon, on further motion by the same Senator, referred to the Committee on Veterans and Retirement and Ordered Printed.

Sent down for concurrence.

Orders

On motion by Mr. Graffam of Cumberland,

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 WESTBROOK BLUE BLAZERS
WESTERN MAINE Class A
BASKETBALL CHAMPIONS
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. 287)

Which was Read and Passed. Sent down for concurrence.

On motion by Mr. Clifford of Androscoggin,
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 BLUE DEVILS
of
LEWISTON HIGHSCHOOL
STATE HOCKEY CHAMPIONS
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. 288)

Which was Read and Passed. Sent down for concurrence.

**Committee Reports
House**

Ought to Pass—As Amended

The Committee on Judiciary on, Bill, "An Act Providing for the Designation of Anatomical Gifts on Motor Vehicle and Motorcycle Operators' Licenses." (H. P. 102) (L. D. 109)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-51).

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.

The Committee on State Government on, **RESOLUTION**, Proposing an Amendment to the Constitution to Provide Single Member Districts for the House of Representatives. (H. P. 19) (L. D. 27)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-6).

Comes from the House the Resolution Passed to be Engrossed as Amended by House Amendment "A" (H-54).

Which report was Read and Accepted in concurrence and the Resolution Read Once. Committee Amendment "A" was Read and, on motion by Mr. Speers of Kennebec, was Indefinitely Postponed in concurrence.

Thereupon, House Amendment "A" was Read and Adopted in concurrence and the Resolution, as Amended, Tomorrow Assigned for Second Reading.

The Committee on Liquor Control on, Bill, "An Act to Allow Municipalities to Permit the Sale of Malt Liquor in All Restaurants, Class A Taverns and Taverns on Sunday." (H. P. 338) (L. D. 421)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-45).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee

Amendment "A", as Amended by House Amendment "A" (H-56) Thereto.

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

Senate Ought to Pass

Mr. Graffam for the Committee on Liquor Control on, Bill, "An Act Relating to the Sale of Vinous Liquors in Original Containers." (S. P. 183) (L. D. 584)

Reported that the same Ought to Pass.

Mr. Curtis for the Committee on State Government on, Bill, "An Act to Create a Law Enforcement Education Section within the Criminal Division of the Department of the Attorney General." (S. P. 141) (L. D. 444)

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. Graffam for the Committee on Liquor Control on, Bill, "An Act Relating to Possession of Intoxicating Liquor by Persons under 18 Years of Age in On-sale Premises." (S. P. 181) (L. D. 582)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-23).

Mr. Graham for the Committee on State Government on, Bill, "An Act to Provide for Renewal of Notary Public and Justice of the Peace Commissions." (S. P. 116) (L. D. 381)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-22).

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.

Second Readers

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

House

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

Bill, "An Act Creating the New Portland Water District." (H. P. 359) (L. D. 456)

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)

Bill, "An Act Eliminating the Need for a License to Sell Prophylactic Rubber Goods." (H. P. 262) (L. D. 309)

Bill, "An Act Establishing a Symbol to Indicate Buildings and Facilities Accessible to Handicapped and Elderly Persons." (H. P. 749) (L. D. 860)

Bill, "An Act to Remove the Restriction Concerning the Tenure of Hairdressing Members of the Board of Cosmetology." (H. P. 750) (L. D. 861)

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

House — As Amended

Bill, "An Act Requiring Security Deposits for Insurance Companies

Transacting Business in Maine." (H. P. 276) (L. D. 329)

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

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

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

Enactors

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

AN ACT to Provide for the Election of Each County Commissioner of York County by only the Electors of the District Represented. (H. P. 399) (L. D. 488)

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)

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 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

Mr. O'Leary of Oxford was granted unanimous consent to address the Senate.

Mr. O'LEARY: Mr. President and Members of the Senate: I am not very good at expressing my sincere thanks to the various members of the Senate or any other groups, however, I would like to thank all the members of the Senate staff for the cards that they sent me while I was hospitalized. Plus, I would like to thank you for the cards that I received from each and every one of you members of the Senate here. And I would like to briefly say that I have found that in this Senate there is a lot of compassion. We have seen it expressed when we honored Senator Berry of Cumberland, Senator Gahagan of Aroostook, and Senator Merrill of Cumberland. I find, and I think I have expressed this to the leadership, that this is perhaps the best group that I have ever had the opportunity to serve with, and it is a pleasure to be here. Thank you.

The PRESIDENT: The Chair would respond that the Senate, and I know I speak for everyone here, is delighted to have you back with us this morning, Senator O'Leary. (Applause)

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

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

Tabled — March 6, 1975 by Senator Graham of Cumberland.

Pending — Passage to be Engrossed.

Thereupon, on motion by Mr. Reeves of Kennebec, retabled and tomorrow assigned, pending Passage to be Engrossed.

The President laid before the Senate the second 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 7, 1975 by Senator Conley of Cumberland.

Pending — Motion of Senator Graffam of

Cumberland to Indefinitely Postpone.

Mr. Graffam of Cumberland moved that the Bill be retabled and tomorrow assigned, pending the motion by that Senator that the Bill be Indefinitely Postponed.

On motion by Mr. Speers of Kennebec, a division was had. 15 having voted in the affirmative, and 15 having voted in the negative, the motion did not prevail.

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

Mr. PRAY: Mr. President and Members of the Senate: I would like to explain briefly this legislation again. I know Senator Graffam explained it last week, and I have no quarrel as to what he says.

Briefly, I will explain, first of all, that the bill is an act which will allow an individual to hunt with a bow and arrow on a piece of land which he owns, which has to be ten acres or more, without a license. Presently, an individual with a firearm has this right. An individual with a bow and arrow, while the department says he has it, I cannot see it in the law book. I cannot see where it is written. So I think the intent of this legislation was to allow these other individuals the same right.

Now, there has been a little bit of conversation between the department and between members of the committee that this right is already there. I take it that is a department interpretation of what they see in the statute, but I have, if this motion is defeated, an amendment that I think will satisfy both the Senator and myself, and I hope Senator McNally is in agreement. It is just that it will apply only to the regular hunting season. In other words, I am going to put it in black and white in the book that this individual, the archer, who has a special season two weeks prior to the regular deer season, if he wants to forego those two weeks without buying a license, then he will be able to hunt during the regular season the same as a man with a firearm. So, I move the defeat of that motion.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator McNally.

Mr. McNALLY: Mr. President and Members of the Senate: We were told in our last Fisheries and Wildlife Committee meeting that it was already in the law and that the archery people could hunt with anything they wanted to, just the same as the man with a gun. But as I read this bill that was presented, and I am no attorney, but I only read the bill, 12 M.R.S.A., paragraph 2502, and as amended to read Section 2401, subsection 1, shall, and the word "not", shall not apply to archery licenses in the law now. And this amendment that Senator Pray has would simply make sure that the word "not" was removed.

I hope we defeat the motion to indefinitely postpone this bill.

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

Mr. SPEERS: Mr. President, I think there may well be some confusion regarding this particular bill as to whether or not the law now provides that there may be hunting on one's land with a bow and arrow. There has been clarification sought from the Department of Inland Fisheries and Game, and I would hope that this matter may be tabled for one legislative day until we can receive that clarification.

The PRESIDENT: The Chair recognizes

the Senator from Cumberland, Senator Conley.

Thereupon, on motion by Mr. CONLEY OF Cumberland, retabled and Specially Assigned for March 13, 1975, pending the motion by Senator Graffam of Cumberland that the Bill be Indefinitely Postponed.

(Off Record Remarks)

On motion by Mrs. Cummings of Penobscot,

Adjourned until 10 o'clock tomorrow morning.