

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

Monday, March 24, 1975

Senate called to order by the President.
Prayer by the Honorable Jerrold B. Speers of Winthrop:

Let us Pray. Heavenly Father, we thank Thee for this opportunity to meet and to legislate in the best interests of the people of the State of Maine. Let us always be mindful of our limitations and let us, we pray, have the courage in the face of those limitations to do our best. Amen.

Reading of the Journal of Friday, March 27, 1975.

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

Bill, "An Act to Require the Bureau of Purchases to Publish a Manual on State Purchasing." (S. P. 323) (L. D. 1100)

In the Senate March 19, 1975, referred to the Committee on State Government and Ordered Printed.

Comes from the House, referred to the Committee on Business Legislation and Ordered Printed, in non-concurrence.

On motion by Mr. Marcotte of York, the Senate voted to Recede and Concur.

**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 Washburn District High School Maine High School Chess 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. 1044)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Joint Order

WHEREAS, the present period is one of great economic unrest, characterized partly by an inflation unprecedented in recent times; and

WHEREAS, most of Maine's elderly citizens are dependent upon fixed incomes from pensions and social security payments; and

WHEREAS, the rapid recent increase in inflation has considerably worsened the economic situation of these citizens, a worsening which is of grave concern to the Members of the 107th Legislature; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Health and Institutional Services of the 107th Legislature, to study the effect of inflation on Maine's elderly citizens who live on fixed incomes; and be it further

ORDERED, that particular attention be directed to the effect of inflation on the proper shelter and heating, food, and medical care required by these citizens; and be it further

ORDERED, that the Legislative Council report its findings and recommendations, together with any final drafts of any proposed legislation, to the first special session of the 107th Legislature which is held during the calendar year 1976, or, if none, to the regular session of the 108th Legislature. (H. P. 1060)

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
PHILLIP PINES, M.D.
OF**

LIMESTONE

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. 1058)

Comes from the House, Read and Adopted.

Which was Read and Adopted, in concurrence.

House Papers

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

Bill, "An Act Relating to Compensation for Minors Delivering Newspaper Supplements." (H. P. 910) (L. D. 1109)

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

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

Which was Referred to the Committee on Business Legislation and Ordered Printed in non-concurrence.

Sent down for concurrence

Senate Papers

Appropriations and Financial Affairs

Mr. Curtis of Penobscot presented, Bill, "An Act to Appropriate Additional Funds to Municipalities Operating Public Libraries." (S. P. 382)

The same Senator presented, Bill, "An Act to Appropriate Additional Funds for Direct State Aid to Local Libraries at 10 cents Per Capita." (S. P. 383)

Mr. Berry of Cumberland presented, Bill, "An Act to Provide Funds for the Attorney General to Assist District Attorneys in the Prosecution of Criminal Cases." (S. P. 386)

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

Sent down for concurrence.

Business Legislation

Mr. Conley of Cumberland presented, Bill, "An Act to Increase the Amount of Employee Life Insurance." (S. P. 377)

The same Senator presented, Bill, "An Act to Increase the Amount of Dependent's

Coverage for Group Life Insurance." (S. P. 378)

Which were referred to the Committee on Business Legislation and Ordered Printed.

Sent down for concurrence.

State Government

Mr. Curtis of Penobscot presented, Resolve, Authorizing the Destruction of Student Fingerprint Cards Maintained by State. (S. P. 380)

The Committee on Reference of Bills suggested that this Resolve be referred to the Committee on Education and Ordered Printed.

On motion by Mr. Katz of Kennebec, referred to the Committee on State Government and Ordered Printed.

Sent down for concurrence.

Energy

Mr. Curtis of Penobscot presented, Bill, "An Act Relating to Nuclear Power Plant Construction." (S. P. 381)

The same Senator presented, Bill, "An Act Relating to the Construction of Electric Power Generating Facilities." (S. P. 384)

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

Sent down for concurrence.

Legal Affairs

Mr. O'Leary of Oxford presented, Resolve, to Refund Clyde Wardwell of Mexico a Portion of Liquor License Fee Due to Loss of Business by Fire. (S. P. 376)

Mr. Merrill of Cumberland presented, Bill, "An Act to Amend the Portland Renewal Authority Law." (S. P. 389)

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

Which were referred to the Committee on Legal Affairs and Ordered Printed.

Sent down for concurrence.

Public Utilities

Mr. Wyman of Washington presented, Bill, "An Act Clarifying the Right to Appeal from Final Decisions of the Public Utilities Commission." (S. P. 379)

Which was referred to the Committee on Public Utilities and Ordered Printed.

Sent down for concurrence.

State Government

Mr. Speers of Kennebec presented, Bill, "An Act to Clarify Provisions Concerning Travel Expenses of Members of Boards and Commissions." (S. P. 385)

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

Sent down for concurrence.

Veterans and Retirement

Mr. Greeley of Waldo presented, Resolve, Providing a Minimum Service Retirement Allowance under the State Retirement Law for Clyde R. Chapman. (S. P. 387)

Mr. Wyman of Washington presented, Bill, "An Act Providing a Minimum Service Retirement Allowance under the State Retirement Law for Leonard Sprague of Machias." (S. P. 388)

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

Sent down for concurrence.

Orders

On motion by Mr. Reeves of Kennebec, WHEREAS, unemployment is currently the major economic problem in this State, with the unemployed and underemployed

now totaling at least 30 percent of Maine's labor force; and

WHEREAS, the Federal Public Services Jobs Program, authorized by the Federal Comprehensive Employment Training Act of 1974 and intended to alleviate this problem, has been subject to criticism and has not gained the full confidence of the citizens of this State; and

WHEREAS, the problem of unemployment is one of grave concern to this Legislature and generally considered in need of emergency action; now, therefore, be it

ORDERED, the House concurring, that a Joint Select Committee on Jobs be established, consisting of 4 Senators to be appointed by the President of the Senate and 8 Representatives to be appointed by the Speaker of the House to examine the effectiveness of the present employment programs of the State, including that conducted under the Comprehensive Employment Training Act of 1974, to establish priorities for the use of public service jobs under the Comprehensive Employment Training Act and to consider new programs and methods in which the State can respond to the present unemployment problem; and be it further

ORDERED, that this Committee shall make its first report to the regular session of the 107th Legislature no later than May 30, 1975. (S. P. 391)

Which was Read and Passed.

Sent down for concurrence.

Committee Reports House

Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act to Deem the Municipality of Jay to be Part of the Northern Androscoggin District of the District Court." (H. P. 60) (L. D. 72)

Reported that the same Ought Not to Pass.

Signed:

Senators:

CORSON of Somerset
DANTON of York
CIANCHETTE of Somerset

Representatives:

DUDLEY of Enfield
HUNTER of Benton
SHUTE of Stockton Springs
JOYCE of Portland
BURNS of North Anson

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

Signed:

Representatives:

COTE of Lewiston
PERKINS of Blue Hill
GOULD of Old Town
FAUCHER of Solon
CAREY of Waterville

Comes from the House, the Minority report Read and Accepted and the Bill Passed to be Engrossed.

Which reports were Read.

Mr. Corson of Somerset moved that the Senate accept the Majority Ought Not to Pass Report of the Committee.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Mr. O'LEARY: Mr. President, I would ask for a division and I would like to speak to the motion, if I may.

The PRESIDENT: The Senator has the floor.

Mr. O'LEARY: Mr. President and Members of the Senate: Jay is in my district and Jay has the same judge, whether he be in the Town of Farmington or the Town of Jay, and there is no reason

why a man has to travel from Jay to Farmington, a round trip of approximately 26 or 27 miles, to go to court when he could just travel two or three miles round trip to Livermore. That is all this bill is.

This bill was around two years ago, and the sole argument that defeated it at that time was the fact that we didn't have district attorneys such as we have at this present time. At the present time, Androscoggin County, Oxford County and Franklin County are all in the same district attorney area. I have spoken with the district attorney that represents these three counties and he can see no problem whatsoever from his point of moving these cases from Farmington to Livermore Falls. That is all these people in Jay are asking; that they not have to travel that far to go to court. There are no problems whatsoever administratively with this.

I would remind you that in the other body this passed the House by a vote of 106 to 32. This came out of committee eight to five Ought Not to Pass, but I would hope you would defeat the motion to accept the majority Ought Not to Pass Report. We can take care of this bill later so that we can meet all of the objections from anyone that has any. I know that there are some problems with it, but we can amend this bill so that it would be a good bill. Thank you.

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

Mr. CORSON: Mr. President and Members of the Senate: I would like to take a moment and trace the history of the journeys of the Town of Jay throughout the various judicial districts. Chapter 501 of the public laws of 1969 placed Jay in the Northern Androscoggin District, exactly what this bill now proposes to do. Chapter 559 of the public laws of 1970 left Jay in the Northern Androscoggin District for criminal matters only. Civil matters were returned to the Franklin District. Chapter 35 of the public laws of 1973 returned Jay entirely to the Franklin District. Now, L. D. 72 would put Jay back in the Northern Androscoggin District for all matters, civil and criminal.

The majority of the committee on Legal Affairs oppose this bill for these following reasons: One, consider the divorce laws. Now, title 19, Maine Revised Statutes, section 691, states that people can only get a divorce in the county of residence. If L. D. 72 passes and Jay is placed under the Northern Androscoggin District Court, Jay residents could only get divorces in the Franklin County Superior Court, as the Franklin District Court would no longer exercise jurisdiction over Jay residents. Franklin County Superior Court meets twice a year for two months and considers primarily criminal matters then, therefore, it would be extremely difficult for Jay residents. Under criminal laws, if Jay criminal cases were heard in Northern Androscoggin District Court, the appeals would go to Androscoggin Superior Court, but bound-overs would go to Franklin County Superior Court, and this would certainly create confusion.

Let's consider the precedent we are setting. Almost every county in the state has communities which are closer to another county seat or district court seat than they are to their own, and frankly, we feel that we can anticipate a flood of similar bills should this bill pass. I think if we are going to discuss whether we should have regionalism versus counties, we should discuss that issue and not just chip

away and keep reorganizing county lines.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Oxford, Senator O'Leary.

Mr. O'LEARY: Mr. President and Members of the Senate: I believe the good Senator from Somerset, Senator Corson, has pointed out the problem areas of this bill, and I think that we can amend this so that we can take care of these problems.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Somerset, Senator Corson, that the Senate accept the Majority Ought Not to Pass Report of the Committee. A division has been requested. Will all those in favor of accepting the Majority Ought Not to Pass Report of the Committee please stand in their places until counted. Will all those opposed please rise in their places until counted.

A division was had, 14 having voted in the affirmative, and 15 having voted in the negative, the motion did not prevail.

Mr. Speers of Kennebec then moved that the Bill be tabled and Tomorrow Assigned, pending Acceptance of the Minority Ought to Pass Report of the Committee.

On motion by Mr. Clifford of Androscoggin, a division was had, 21 having voted in the affirmative, and three having voted in the negative, the Bill was tabled and Tomorrow Assigned, pending Acceptance of the Minority Ought to Pass Report of the Committee.

Divided Report

The Majority of the Committee on Legal Affairs on, Resolve, to Reimburse Kenneth I. Coombs for Legal Fees Caused by Unwarranted Action of the State Board of Education. (H. P. 186) (L. D. 227)

Reported that the same Ought Not to Pass.

Signed:

Senators:

CORSON of Somerset
CIANCHETTE of Somerset
DANTON of York

Representatives:

COTE of Lewiston
DUDLEY of Enfield
FAUCHER of Solon
BURNS of North Anson
SHUTE of Stockton Springs
HUNTER of Benton
CAREY of Waterville

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

Signed:

Representatives:

JOYCE of Portland
PERKINS of Blue Hill
GOULD of Old Town

Comes from the House, the Majority Ought not to Pass report Read and Accepted.

Which reports were Read and the Majority Ought Not to Pass Report of the Committee Accepted in concurrence.

Senate

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 Creating a State Employees Suggestion Awards Board." (S. P. 153) (L. D. 527)

Bill, "An Act Relating to Uniform Finance Charges under the Maine Consumer Credit Code." (S. P. 200) (L. D. 667)

Bill, "An Act to Increase the Salaries of

Certain County Officials of Oxford County." (S. P. 137) (L. D. 441)

Bill, "An Act Appropriating Funds to Meet Current Needs of Prosecutorial District No. 2." (S. P. 161) (L. D. 535)

Leave to Withdraw

Mr. Corson for the Committee on Election Laws on, Bill, "An Act to Provide Penalties for Officials Who Improperly Subscribe to Absentee Ballots." (S. P. 155) (L. D. 529)

Reported that the same be granted Leave to Withdraw.

Mr. Gahagan for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Appropriating Funds for Spruce Budworm Control Program Research and Assessment Surveys." (S. P. 186) (L. D. 620)

Reported that the same be granted Leave to Withdraw.

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

Ought to Pass in New Draft

Mr. Gahagan for the Committee on Appropriations and Financial Affairs on, 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) (L. D. 775)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 390) (L. D. 1138)

Which reports was Read.

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

Mr. HUBER: Mr. President and Members of the Senate: I would like to briefly explain this bill which is the emergency appropriations act for the remainder of this fiscal year.

This bill essentially takes the governor's recommendations concerning these emergency appropriations and deletes the items covered by LD's that we have already handled in this body. It also deletes 5,434,000 dollars from the recommendation for the Department of Education and Cultural Services. This is the towns' share of the overrun on this bill. The Committee felt that we would like to withhold this amount pending a look at the recommendations of the Committee on Education, and the additional appropriations to this department will be handled by an additional emergency appropriation act that we will hopefully report out as a result of an order requesting that we do so.

In addition, we have deleted the additional 2.9 million dollars from the Department of Health and Welfare request, so this bill shows only the original recommendation of the Governor. We again would like to wait on this 2.9 million dollar appropriation, pending a decision by the Governor on how he would like this to be funded.

It also includes a minor 11,000 dollar appropriation settling a demand on the state, which we were legally bound to do. This is a judgment against the state as the result of a suit which we allowed in the last session of the legislature.

The Department of Health and Welfare has a emergency deadline for their funding of this Wednesday, March 26. The Department of Education also needs some funds, which this bill will provide. As I said, there will be a need for an order to report out an additional emergency appropriations bill to fund the remaining request from the Department of Education

and the Department of Health and Welfare.

I hope we can take this bill through the second reading and send it forthwith to the other body.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Ought to Pass in New Draft Report of the Committee?

The Ought to Pass in New Draft Report of the Committee was Accepted and the Bill in New Draft Read Once.

Thereupon, under suspension of the rules; the Bill in New Draft was given its Second Reading and Passed to be Engrossed.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to Remove Certain Provisions in the Motor Vehicle Statutes Concerning Unnecessary Tire and Brake Noises." (S. P. 100) (L. D. 378)

Reported that the same Ought to Pass.

Signed:

Senators:

CLIFFORD of Androscoggin
MERRILL of Cumberland

Representatives:

HUGHES of Auburn
SPENCER of Standish
McMAHON of Kennebunk
HOBBINS of Saco
HEWES of Cape Elizabeth
HENDERSON of Bangor

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Senator:

COLLINS of Knox

Representatives:

GAUTHIER of Sanford
PERKINS of South Portland
MISKAVAGE of Augusta
BENNETT of Caribou

Which reports were Read and the Majority Ought to Pass Report of the Committee Accepted. The Bill was then 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 Definition of Retail Sale under Sales and Use Tax Law." (H. P. 537) (L. D. 672)

Which was Read a Second Time.

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

Mr. KATZ: Mr. President and Members of the Senate: To my recollection, this is the third appearance of this bill before the Maine Legislature. On its two previous appearances it was defeated, as I recall it, rather handily. It is a special interest bill for a single industry in Orrington which uses electricity in a process of manufacture in a unique way. It seeks to escape the sales tax on the electricity that is used in the process of manufacturing, and it will mean a loss to the state treasury of something about 115,000 dollars a year.

The reason I stand today is because I think the matter is of enough significance to call it to the Senate's attention and perhaps to get it debated at a later stage in its legislative routing. It is emergency legislation, and presumably it is going to have to go on the Appropriations Table anyway. But what it does, in effect, I think, is to further weaken the sales tax structure at a time when the structure really needs no more weakening.

The proponents will say that this

industry is unique in the State of Maine, that to a very real extent the electricity becomes part of the finished product that they manufacture, but I suspect that what it will primarily accomplish will be to open the door further to other industries which are heavy users of electricity in the manufacturing process. And I might suggest to you that although electro-plating is not a very significant user of electricity, this is the next general step. Then you can just imagine yourself that as each industry uses electricity in substantial numbers it will come in to expand the doctrine of exempting sales tax on electricity in the manufacturing process.

I think it is a bill that warrants your deep concern and at some point along its legislative road substantial by more explanation and justification.

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

Thereupon, on motion by Mr. Wyman of Washington, tabled and Specially Assigned for March 26, 1975, pending Passage to be Engrossed.

Bill, "An Act Relating to Payments to the County Law Libraries in the Several Counties of the State." (H. P. 1003) (L. D. 1066)

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

Senate

Bill, "An Act Relating to the Giving Away of Deer." (S. P. 221) (L. D. 734)

Bill, "An Act to Increase Fees for Overlimit Permits." (S. P. 255) (L. D. 831)

Which were 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 to Require that Newly Constructed or Reconstructed Public Buildings be Made Accessible to the Physically Handicapped. (S. P. 51) (L. D. 132)

An Act Requiring the Ramping of Curbs at Crosswalks for Physically Handicapped and Elderly Persons. (S. P. 289) (L. D. 987)

An Act Relating to the Filing of Criminal Cases. (S. P. 303) (L. D. 998)

An Act to Extend the Time Limit for Filing a Claim under a Mechanic's Lien. (H. P. 84) (L. D. 111)

An Act to Limit the Minimum Wage Exemption for Summer Camp Employees. (H. P. 504) (L. D. 626)

An Act Concerning Appeals from a Determination that an Employing Unit is an Employer Subject to the Employment Security Law. (H. P. 853) (L. D. 990)

An Act Relating to Penalties and Employee Remedies for Unpaid Wages. (H. P. 854) (L. D. 991)

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

Emergency

An Act Placing the Secretary to the Attorney General in Unclassified Service of State Government. (H. P. 419) (L. D. 505)

This being an emergency measure and having received the affirmative votes of 28 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:

House Report — from the committee on Labor — Bill, "An Act Relating to Pulmonary and Cardiac Diseases under the Workmen's Compensation Act." (H. P. 230) (L. D. 286) Ought to Pass as amended by Committee Amendment "A" (H-85).

Tabled — March 20, 1975 by Senator Roberts of York.

Pending — Acceptance of Report.

(In the House — Passed to be Engrossed as amended by Committee Amendment "A")

On motion by Mr. Speers of Kennebec, retabled and Specially Assigned for March 26, 1975, pending Acceptance of the Committee Report.

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

Bill, "An Act Relating to Interest on Awards in Workmen's Compensation Cases." (H. P. 487) (L. D. 606)

Tabled — March 20, 1975 by Senator Roberts of York.

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed as amended by Committee Amendment "A" (H-64).)

On motion by Mr. Speers of Kennebec, retabled and Specially Assigned for March 26, 1975, pending Passage to be Engrossed.

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

Bill, "An Act Relating to Irreconcilable Marital Differences as a Ground for Divorce and Mental Illness as an Impediment to Divorce" (H. P. 911) (L. D. 1032)

Tabled — March 21, 1975 by Senator Merrill of Cumberland.

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed as amended by House Amendment "A" (H-94).)

On motion by Mr. Speers of Kennebec, retabled and Tomorrow Assigned, pending Passage to be Engrossed.

(Off Record Remarks)

On motion by Mrs. Cummings of Penobscot,

Adjourned until 10 o'clock tomorrow morning.