

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

1975

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Wednesday, March 26, 1975

Senate called to order by the President.
Prayer by Rev. Desmond Parker of Gardiner.

Let us pray. Heavenly Father, as this Senate comes to order this morning, give to its members a true awareness of their responsibilities both to you and to the people of this State. May they waste no time over trifling issues, and may they never hurry over those things that are important. Help them to lay aside all self-interest and prejudice so that with open minds and honest hearts they may not only know what is right but may have the grace and strength to do it, in the name of Christ we pray. Amen.

Reading of the Journal of yesterday.

The PRESIDENT: Would the Sergeant-at-Arms escort the Senator from Somerset, Senator Corson, to the rostrum where he may act as President pro tem this morning.

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

**Papers from the House
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
DR. LORE ROGERS
OF
PATTEN**

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. 1210)

Comes from the House, Read and Adopted.

Which was Read and Adopted 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
**LEWISTON HIGH SCHOOL
RUNNER-UP CHAMPIONS
FIRST NEW ENGLAND HOCKEY
TOURNAMENT**

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. 1209)

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
**BRADLEY S. ROGERS
OF WESTBROOK**

**MAINE'S OUTSTANDING NEWSPAPER
CARRIER OF THE YEAR**

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. 1220)

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, except for the following:

Bill, "An Act Concerning the Purchase of Tax Delinquent Land by Municipal Officials". (H. P. 941) (L. D. 1180)

The Committee on Reference of Bills suggested that this Bill be referred to the Committee on Legal Affairs.

Comes from the House referred to the Committee on Local and County Government and Ordered Printed.

Thereupon, on motion by Mr. Speers of Kennebec, referred to the Committee on Legal Affairs and Ordered Printed in non-concurrence.

Sent down for concurrence.

Senate Papers

State government

Mr. Curtis of Penobscot presents Bill, "An Act to Provide for a Deputy Chief Judge of the District Court." (S. P. 410)

The Committee on Reference of Bills suggested that this Bill be referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

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

Sent down for concurrence.

Education

Mr. Katz of Kennebec presents, Bill, "An Act Providing for the Establishment of an Interstate Regional College of Veterinary Medicine." (S. P. 411)

Which was referred to the Committee on Education and Ordered Printed.

Sent down for concurrence.

State Government

Mr. Curtis of Penobscot presents Bill, "An Act to Establish Compensation for District Court Bailiffs for Work at Other Than Regular Hours." (S. P. 409)

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

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

Sent down for concurrence.

Veterans and Retirement

Mr. Jackson of Cumberland presents Bill, "An Act to Amend Certain Eligibility Dates for the Pay Adjustment Granted to Certain State Employees and Officers." (S. P. 412)

The Committee on Reference of Bills suggested that this bill be referred to the Committee on State Government and Ordered Printed.

Thereupon, on motion by Mr. Curtis of Penobscot, referred to the Committee on Veterans and Retirement and Ordered Printed.

Sent down for concurrence.

Mr. O'Leary of Oxford presents, Bill, "An Act to Amend Payment of State Retirement Benefits." (S. P. 393)

Which was referred to the Committee on Veterans and Retirement 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 Providing for Trade-in Credit Exemptions for Trailers under the Sales Tax." (H. P. 157) (L. D. 192)

Bill, "An Act to Exempt from the Sales Tax Sales of Certain Brochures and Booklets to Nonprofit Organizations." (H. P. 515) (L. D. 633)

Ought to Pass

The Committee on Human Resources on, Bill, "An Act to Delete the Requirement that Taverns Serve Men Only." (H. P. 314) (L. D. 390)

Reported that the same Ought to Pass.

The Committee on Business Legislation on, Bill, "An Act to Transfer Authority for Truth-in-Lending Examinations and Enforcement from the Bureau of Banks and Banking to the Bureau of Consumer Protection." (H. P. 323) (L. D. 454)

Reported that the same Ought to Pass.

(On motion by Mr. Speers of Kennebec, tabled and specially Assigned for April 2, 1975, pending Acceptance of the Committee Report.)

The Committee on Business Legislation on, Bill, "An Act to Ensure Equitable Billing Practices by Creditors Engaged in Open-end Credit Pursuant to Lender Credit Cards under the Consumer Credit Code." (H. P. 579) (L. D. 714)

Reported that the same Ought to Pass.

The Committee on Transportation on, Bill, "An Act Relating to Town Maintenance of Highways in Compact Areas." (H. P. 581) (L. D. 720)

Reported that the same Ought to Pass.

The Committee on Business Legislation on, Bill, "An Act to Clarify the Consumer Credit Code." (H. P. 599) (L. D. 742)

Reported that the same Ought to Pass.

The Committee on Business Legislation on, Bill, "An Act to Repeal a Certain Provision in the Consumer Credit Code Concerning Relinquishment of the License

of a Supervised Lender," (H. P. 609) (L. D. 752)

Reported that the same Ought to Pass.

The Committee on State Government on, Bill, "An Act to Clarify the Personnel Law as to Staff Attorneys in the Office of Attorney General." (H. P. 618) (L. D. 764)

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, except for the tabled matter, the Bills Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Judiciary on, Bill, "An Act to Place Certain Safeguards on the Proceedings of Medical Review Committees." (H. P. 490) (L. D. 609)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-103).

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 Fisheries and Wildlife on, Bill, "An Act to Limit the Prohibition against Issuing Trappers' Licenses to Persons Convicted of Certain Offenses." (H. P. 428) (L. D. 522)

Reported that the same Ought to Pass in New Draft under New Title: "AN ACT to Prohibit the Department of Inland Fisheries and Game from Issuing Licenses to Persons Convicted of Certain Offenses." (H. P. 1139) (L. D. 1139)

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.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to Permit Furloughs for Prisoners of County Jails." (H. P. 427) (L. D. 521)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-102).

Signed:

Senators:

COLLINS of Knox
CLIFFORD of Androscoggin
MERRILL of Cumberland

Representatives:

PERKINS of So. Portland
SPENCER of Standish
HEWES of Cape Elizabeth
MISKAVAGE of Augusta
ENDERSON of Bangor
HUGHES of Auburn
BENNETT of Caribou
HOBBINS of Saco

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

Signed:

Representatives:

McMAHON of Kennebunk
GAUTHIER of Sanford

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which reports were Read, the Majority

Ought to Pass as Amended Report of the Committee 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.

Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act to Require Driver's License Renewal Examinations at Age 55 and Older." (H. P. 646) (L. D. 798)

Reported that the same Ought Not to Pass.

Signed:

Senators:

GREELEY of Waldo
McNALLY of hancock
CYR of Aroostook

Representatives:

S'ROUT of Corinth
BERRY of Madison
KAUFFMAN of Kittery
LUNT of Presque Isle
WINSHIP of Milo
JACQUES of Lewiston
BINNETTE of Old Town

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

Signed:

Representatives:

FRASER of Mexico
JENSEN of Portland

Comes from the House, Bill and accompanying papers Indefinitely Postponed.

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

The PRESIDENT pro tem: The Chair would request the Sergeant-at-Arms to escort the President of the Senate to the rostrum.

At this point President Sewell entered the chambers and resumed his position at the rostrum. The Sergeant-at-Arms then escorted Senator Corson to his seat on the floor of the Senate, amid the applause of the Members of the Senate.

The PRESIDENT: The Chair wishes to thank the Senator from Somerset, Senator Corson, for a very competent job.

Second Readers

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

House — As Amended

Bill, "An Act to Exempt Veterans from the Moratorium on Issuance of Lobster and Crab Fishing Licenses." (H. P. 604) (L. D. 747)

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

Senate

Bill, "An Act Exempting Solar or Wind Power Facilities from Sales Tax." (S. P. 402) (L. D. 1171)

Which was Read a Second Time.

Mr. Merrill of Cumberland moved that the Bill be Indefinitely Postponed.

Mr. Pray of Penobscot then moved that the Bill be tabled and Specially Assigned for April 1, 1975, pending the motion by Mr. Merrill of Cumberland that the Bill be Indefinitely Postponed.

On motion by Mr. Speers of Kennebec, a division was had, 16 having voted in the affirmative, and 17 having voted in the negative, the motion to table did not prevail.

The PRESIDENT: The Chair recognizes

the Senator from Penobscot, Senator Cummings.

Mrs. CUMMINGS: Mr. President, as I understood from the debate yesterday, there was going to be an amendment put onto this bill to encourage the exploration and research that is being done in some places to create energy from sources other than oil. I would like to inquire through the Chair if anyone could tell me if that amendment is available.

The PRESIDENT: The Senator from Penobscot, Senator Cummings, has posed a question through the Chair which any Senator may answer if he so desires.

The Chair recognizes the Senator from Androscoggin, Senator Berry.

Mr. BERRY: Mr. President, I was the one who suggested the amendment. The amendment is being researched for the proper wording for the and hopefully, on Mr. Pray's motion to table, the amendment would have been ready within one day, and we wanted a day's grace just in case.

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

Thereupon, on motion by Mr. Speers of Kennebec, tabled and Tomorrow Assigned, pending the motion by Mr. Merrill of Cumberland that the Bill be Indefinitely Postponed.

Senate — As Amended

Bill, "An Act to Repeal the Requirements that Assessors Conduct Annual Inventories of Births, Beekeepers and Dogs." (S. P. 87) (L. D. 258)

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 to Provide for the Receipt and Custody of Prisoners of the United States. (H. P. 150) (L. D. 169)

An Act Relating to Benefits to Convicts upon Discharge. (H. P. 308) (L. D. 371)

An Act Relating to the Provision of Aftercare Service to Entrusted Juveniles. (H. P. 376) (L. D. 475)

An Act to Authorize the Director of the Bureau of Parks and Recreation to Prohibit the Use of Canoes with Motors on Parts of the Allagash Wilderness Waterway. (H. P. 387) (L. D. 587)

An Act Relating to Required Information on Packages under the Weights and Measures Law. (H. P. 488) (L. D. 607)

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

Emergency

An Act to Allow the Use of Initial Type Plates on Pickup Trucks. (H. P. 62) (L. D. 74)

This being an emergency measure and having received the affirmative votes of 31 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.

Emergency

An Act Authorizing Additional Indebtedness for School Administrative District No. 15. (H. P. 601) (L. D. 744)

This being an emergency measure and having received the affirmative votes of 32 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 Relating to Possession of Intoxicating Liquor by Persons under 18 Years of Age in On-sale Premises. (S. P. 181) (L. D. 582)

Tabled — March 20, 1975 by Senator Speers of Kennebec.

Pending — Enactment.

Thereupon, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

House Report — from the Committee on Transportation — Bill "An Act Relating to the Use of Colored Lights on Certain Fire and Emergency Vehicles." (H. P. 411) (L. D. 499) Ought to Pass.

Tabled — March 20, 1975 by Senator Speers of Kennebec.

Pending — Acceptance of Report.

(In the House — Passed to be Engrossed as amended by House Amendment "A" (H-63).)

Mr. Merrill of Cumberland then moved that the Bill and all accompanying papers be Indefinitely Postponed.

The PRESIDENT: The Senator has the floor.

Mr. MERRILL: Mr. President and Members of the Senate: There is some disagreement. This bill does two things: it affects the color of lights that fire inspectors, specifically state fire inspectors, and it attempts to regulate the use of lights on vehicles of constables. The sponsor of this bill in the House put it in at the request of the Department. There hasn't been able to be worked out any sort of compromise between all the people who are worried about what color lights they are going to have, and that is the reason it has been on the table. The final decision of the sponsor was that she just wants the thing indefinitely postponed.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Cyr.

Mr. CYR: Mr. President and Members of the Senate: This bill was heard before the Committee on Transportation, and I think it was the attempt of the Committee on Transportation to divide the various types of light into the groups where they belong. In other words, for all fire trucks and vehicles related to fire it was the attempt of the Committee on Transportation to divide the various types of light into the groups where they belong. In other words, for all fire trucks and vehicles related to fire it would be red, for police protection it would be blue, and for just a warning signal it would be orange. So this bill received a pretty good report, if not a unanimous report — I forget just what the report was in regards to this.

Now, this bill right here mentions "and also constables" that would be covered under the blue light. And the amendment would add, "constable in uniform", because as it is now, a constable, if we pass it just as it is, without the amendment to it, it would mean that a constable off work without uniform could stop anyone and

direct traffic or do any of those duties.

We usually associate the blue light with the state police, for instance, and anyone that sees a blue light will respect that and stop. Now usually, in fact at all times if it is the state police, the state police will be in uniform, and as such you will respect that bluelight. But if a constable is allowed to put a blue light on his car, he can possibly stop at a scene of an accident and have his blue light on and yet not be in uniform, and a lot of people may approach very cautiously, and if they notice that there is no uniform on this individual they may not stop, and for good reason, because anybody can put a blue light on his car and imitate a police officer and possibly have some other reason for stopping the traffic. So this is why the bill was amended to read, "a constable in uniform", and as such, I think it is a good bill, and I think the motion that is before us to indefinitely postpone should be defeated.

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

Mr. McNALLY: Mr. President, would it be proper for me to ask how this bill came out of committee? I have been trying to find it.

The PRESIDENT: The Secretary will read the report.

The SECRETARY: The Committee on Transportation, to which was referred the Bill, "An Act Relating to the Use of Colored Lights on Certain Fire and Emergency Vehicles", (H. P. 411) (L. D. 499), have had the same under consideration and ask leave to report that the same Ought to Pass, signed by Representative Berry.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Greeley.

Thereupon, on motion by Mr. Greeley of Waldo, tabled and Tomorrow Assigned, pending the motion by Mr. Merrill of Cumberland that the Bill be Indefinitely Postponed.

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

Bill "An Act to Reduce the Annual District Tax on Maine Forestry District Property Due to Increased Valuation." (H. P. 833) (L. D. 960)

Tabled — March 21, 1975 by Senator Speers of Kennebec.

Pending — Consideration.

(In Senate — Passed to be Engrossed.)

(In the House — Passed to be Engrossed as amended by House Amendment "A" (H-96), in non-concurrence.)

On motion by Mr. Speers of Kennebec, the Senate voted to Recede and Concur.

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

Bill, "An Act Relating to Definition of Retail Sale under Sales and Use Tax Law." (H. P. 537) (L. D. 672)

Tabled — March 24, 1975 by Senator Wyman of Washington.

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed.)

Thereupon, the Bill Passed to be Engrossed in concurrence.

The President laid before the Senate the fifth 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 24, 1975 by Senator Speers of Kennebec.

Pending — Acceptance of Report.

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

On motion by Mr. Roberts of York, retabled and Specially Assigned for April 2, 1975, pending Acceptance of the Committee Report.

The President laid before the Senate the sixth 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 24, 1975 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed.

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

On motion by Mr. Roberts of York, and under suspension of the rules, the Senate voted to reconsider its prior action whereby Committee Amendment "A" was Adopted and subsequently, on further motion by the same Senator, Committee Amendment "A" was Indefinitely Postponed.

The same Senator then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-38, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Papers from the House

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

Enactors

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

Emergency

An Act Concerning the Purchase of School Buses. (S. P. 408) (L. D. 1205)

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

Mr. McNALLY: Mr. President, I am very sorry but I haven't had a chance to read over this bill, and I wonder if it would be in order to ask somebody to explain it.

The PRESIDENT: The Senator from Hancock, Senator McNally, poses a question through the Chair which any Senator may answer if he so desires.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President and Members of the Senate: This bill surfaced yesterday and, if you recall, I asked for your faith and confidence to permit us to get the bill up to this point with a brief explanation. It is now in front of you as L. D. 1205. It is an interim measure which expresses the deep concern of the leadership of both houses and the Executive Department with respect to a gaping hole in the ability of communities to buy buses based completely upon their own determination for which we then become partially responsible for funding.

I say this is an interim measure because if all goes well on next Wednesday we might very well have the major legislation on school financing in front of us which will address itself to the question of busing. Thank heavens, busing in the State of Maine just means money; it doesn't mean

all the other problems that it does around the United States.

What this does, in effect, is to indicate that the Commissioner of Education must give approval for acquisition of new buses or contracts on leases for buses. It is intended as a temporary measure to protect us from a last minute rush to buy buses prior to our new legislation which is getting out.

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

Mr. SPEERS: Mr. President and Members of the Senate: I certainly concur with the remarks made by the good Senator from Kennebec, Senator Katz, in that this legislation before us today does represent a plugging of a loophole that was a matter of very great concern by the executive branch of the state government and as discussed fully with the legislative leadership of both branches of the legislature. We did feel that it would be appropriate to make sure that this loophole is plugged until such time as we can come forward with a comprehensive proposal regarding the school financing situation in the State of Maine. I would very urgently urge that this be passed today.

The PRESIDENT: The pending question before the Senate is the enactment of L. D. 1205, An Act Concerning the Purchase of School Buses. Will all those in favor of the passage of this bill to be enacted please rise and stand in their places until counted. Those opposed will now rise and stand in their places until counted.

Thereupon, this being an emergency measure and having received the affirmative vote of 31 members of the Senate, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

(Off Record Remarks)

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

Joint Order

ORDERED, the Senate concurring, that the Joint Standing Committee on Local and County Government be directed to bring out a Resolve for Laying of the County Taxes for the Years Nineteen Hundred and Seventy-five and Nineteen Hundred and Seventy-six. (H. P. 1227)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

On motion by Mrs. Cummings of Penobscot,

Adjourned until 10 o'clock tomorrow morning.