

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

Monday, April 7, 1975

Senate called to order by the President.
Prayer by The Honorable Philip L. Merrill of Portland:

Dear Lord, as we begin our work this week, we begin in grief. We are saddened at the loss of a friend and a colleague from the House. And as we grieve we are mindful of the number of times that death has touched us since we began here in January. We are also reminded that at the same time we have celebrated the miracle of birth, as some of us have welcomed newcomers to our families.

Lord, I pray that we will be humbled by our mortality, and in that realization of our own limitations we will strengthen our resolve to aid those among us who live without hope or joy. We ask for strength, we ask for compassion, as we try to be compassionate. We ask these things in your name. Amen.

Paper from the House

Out of order and under suspension of the rules, the Senate voted to take up the following 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 JOSEPH E. BINNETTE
OF
OLD TOWN

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. 1438)

Comes from the House, Read and Adopted.

Which was Read.

The PRESIDENT: Is it now the pleasure of the Senate that this resolution be adopted? And the Chair would request that out of deference and in honor to Joseph Binnette the Senate stand for a moment of silence to signify its adoption of this resolution.

Thereupon, the membership of the Senate stood for a moment of silent tribute to Mr. Binnette and the Resolution received Passage in concurrence.

Reading of the Journal of Friday, April 4, 1975.

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

Resolve, Providing a Minimum Service Retirement Allowance under the State Retirement Law for Bertha Cargill Rogers. (H. P. 379) (L. D. 472)

In the House April 2, 1975, the Minority report Read and Accepted and the Resolve Passed to be Engrossed.

In the Senate April 3, 1975, the Majority Ought Not to Pass report Read and Accepted, in non-concurrence.

Comes from the House, that Body having

Insisted and Asked for a Committee of Conference.

Mr. Collins of Knox then moved that the Senate Adhere.

On motion by Mr. Katz of Kennebec, a division was had. 19 having voted in the affirmative, and seven having voted in the negative, the motion prevailed.

House Papers

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

Communications
STATE OF MAINE
Office of the Governor
Augusta, Maine
04330

April 4, 1975

Honorable Members of the 107th Legislature:

I am pleased to transmit the first Maine State Government Administrative Report covering the fiscal year 1973-1974. In accordance with legislative intent, it replaces a profusion of costly annual or biennial reports independently published by State executive departments and agencies, and it established a new accountability with respect to many agencies not previously subject to reporting requirements. It is my hope that future editions will be even more comprehensive and will result in future savings as additional reports are eliminated and that the information will result in the ability of the Legislature and the Public to better understand and deal with the departments and programs within State Government.

I wish to specifically acknowledge the role played by Senator Hayes Gahagan, who as a member of the House of Representatives in the 106th Legislature, sponsored the original legislation and the wisdom and foresight of my predecessor Governor, Kenneth M. Curtis, who authorized the implementation of the act by the Department of Finance and Administration, Bureau of the Budget.

I should also like to compliment the Bureau of the Budget and staff member, Carl T. Silsby, who edited this excellent reference volume.

Respectfully,

Signed:

JAMES B. LONGLEY
Governor
(S. P. 445)

Which was Read and with accompanying papers Ordered Placed on File.

Sent down for concurrence.

Senate Papers

Appropriations and Financial Affairs

Mr. Gahagan of Aroostook presented, Bill, "An Act to Establish a State Veterans Home." (S. P. 460)

The same Senator presented, Bill, "An Act to Expand Transportation Services of the Bureau of Maine's Elderly and to Provide Transportation of Blind, Disabled and Handicapped Persons." (S. P. 466)

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

Sent down for concurrence.

Business Legislation

Mr. Graffam of Cumberland presented, Bill, "An Act to Continue the Commission to Prepare a Revision of the Insurance

Laws Relating to Insolvent or Delinquent Insurers." (S. P. 453)

Mr. Curtis of Penobscot (Cosponsor: Mr. Johnston of Aroostook) presented, Bill, "An Act to Provide for the Licensure of Speech Pathologists and Audiologists." (S. P. 454)

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

Sent down for concurrence.

Energy

Mr. Marcotte of York (Cosponsor: Mr. Gahagan of Aroostook) presented, Bill, "An Act Creating the Maine Energy Development Fund." (S. P. 447)

Mr. Gahagan of Aroostook presented, Bill, "An Act Exempting Certain Energy-Conserving Building Construction Materials from Taxation." (S. P. 461)

The same Senator presented, Bill, "An Act Adjusting the Maine State Sales and Use Tax on Passenger Motor Vehicles in Accordance with Engine Efficiency." (S. P. 464)

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

Sent down for concurrence.

Fisheries and Wildlife

Mr. Pray of Penobscot presented, Bill, "An Act Relating to Issuing of Fishing and Hunting Licenses." (S. P. 458)

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

Sent down for concurrence.

Judiciary

Mr. Curtis of Penobscot presented, Bill, "An Act to Strengthen the Maine Criminal Statute on Embezzlement." (S. P. 451)

The same Senator presented, Bill, "An Act to Increase the Maximum Penalty for Shoplifting and Provide for the Detainment of Persons Suspected of Shoplifting." (S. P. 452)

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

Sent down for concurrence.

Local and County Government

Mr. Hichens of York presented, Bill, "An Act Relating to Payments by the Town of York to York Harbor Village Corporation." (S. P. 457)

The same Senator presented, Bill, "An Act Repealing the York Harbor Village Corporation." (S. P. 468)

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

Legal Affairs

Mr. Conley of Cumberland presented, Resolve, Permitting Norman W. Frost, Jr. of Fryeburg to Practice as a Public Accountant. (S. P. 456)

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

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

Sent down for concurrence.

Liquor Control

Mr. Hichens of York presented, Bill, "An Act Relating to Proximity of Stores to Churches and Schools under the Liquor Laws." (S. P. 459)

Which was referred to the Committee on Liquor Control and Ordered Printed.

Sent down for concurrence.

Natural Resources

Mr. Johnson of Aroostook presented, Bill, "An Act to Amend the Air Pollution Standards to Expand the Definition of Treatment and to Affirm that Projects Meeting State Air Quality and Emission Standards will not Significantly Deteriorate Existing Air Quality." (S. P. 443) 443)

The same Senator presented, Bill, "An Act to Permit Discharged of Equal or Higher Quality than Receiving Waters." (S. P. 444)

Mr. Trotzky of Penobscot presented, Bill, "An Act to Clarify the Municipal Regulation of Land Subdivision Law." (S. P. 465)

Which were referred to the Committee on Natural Resources and Ordered Printed.

Sent down for concurrence.

Public Utilities

Mr. Gahagan of Aroostook presented, Bill, "An Act to Amend the Charter of the Aroostook-Prestile Treatment District." (S. P. 467)

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

Sent down for concurrence.

State Government

Mr. Reeves of Kennebec (Cosponsors: Mr. Huber of Cumberland, Mrs. Cummings of Penobscot and Mr. Graham of Cumberland) presented, Bill, "An Act Relating to Employment Registers of the Department of Personnel." (S. P. 446)

Mr. Speers of Kennebec presented, Bill, "An Act Establishing a Commission on Criminal Data System Policy." (S. P. 448)

The same Senator presented, Bill, "An Act Concerning Publication and Public Inspection of Executive Orders." (S. P. 449)

Mr. Curtis of Penobscot (Cosponsor: Mr. Trotzky of Penobscot) presented, Bill, "An Act to Provide for a Constitutional Convention for the Purpose of Revising or Altering the Constitution of the State." (S. P. 455)

Mr. Greeley of Waldo presented, Resolution, Proposing an Amendment to the Constitution to Provide for Selection of the Executive Council by Popular Election in such Areas as Provided by Law. (S. P. 463)

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

Sent down for concurrence.

Taxation

Mr. Greeley of Waldo presented, Bill, "An Act Relating to Assessment of Taxes in Municipalities of Less than 3,500 Population." (S. P. 462)

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

Sent down for concurrence.

Veterans and Retirement

Mr. Speers of Kennebec presented, Resolve, to Adjust the Retirement Allowance under the State Retirement Law for Donald A. Yeaton of Winthrop. (S. P. 450)

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 Increasing Salaries of Clerk and Deputy Clerk of Courts of Cumberland County." (H. P. 79) (L. D. 118)

Bill, "An Act Increasing the Borrowing Capacity of the Town of Medway." (H. P. 227) (L. D. 283)

Leave to Withdraw

The Committee on Local and County Government on, Resolve, Providing for Purchase of Copies of History of Glenburn. (H. P. 214) (L. D. 269)

Reported that the same be granted Leave to Withdraw.

The Committee on Local and County Government on, Resolve, Providing for Purchase of Copies of History of Kenduskeag. (H. P. 216) (L. D. 271)

Reported that the same be granted Leave to Withdraw.

The Committee on Local and County Government on, Resolve, Providing for Purchase of Copies of History of Limington, Maine. (H. P. 446) (L. D. 542)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Change of Reference

The Committee on Local and County Government on, Bill, An Act Relating to Snow Removal on Accepted Ways. (H. P. 734) (L. D. 917)

Reported that the same be referred to the Committee on Transportation.

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

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

Ought to Pass

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

Reported that the same Ought to Pass.

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

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

Ought to Pass — As Amended

The Committee on State Government on, Bill, "An Act Establishing the Code of Fair Practices and Affirmative Action as the Equal Opportunity Standard for State Financial Agencies." (H. P. 410) (L. D. 516)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-120).

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.

Senate**Leave to Withdraw**

Mr. Collins for the Committee on Judiciary on, Bill, "An Act Appointing

Three Additional at Large District Judges and Requiring Them to be Residents of the Northern Part of the State." (S. P. 356) (L. D. 1161)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.

Second Readers

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

House — As Amended

Bill, "An Act Relating to State Subsidy for Units with Federally Impacted Students." (H. P. 107) (L. D. 104)

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

Bill, "An Act Appropriating Funds for the State Share of the Spruce Budworm Control Program and Imposing a Tax on Forest Lands for Spruce Budworm Control." (H. P. 560) (L. D. 689)

Which was Read a Second Time.

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

Mr. REEVES: Mr. President and Members of the Senate: In regard to this bill, which would take some one million dollars from general revenues in addition to the income from a special tax to pay for spruce budworm spraying, I have received several requests from constituents to find out how much money has been spent by the paper companies and their lobbyists in promoting this measure. In fact, it is my opinion that this has been one of the heaviest lobbied bills at this session. And although this lobbying activity may have no effect on the outcome of the action we take here in this Senate, I think it is only fair to the general public that we ask how much.

I asked this question at the public hearing on this bill, and again recently in a letter to the paper company's office. I was told a full disclosure of this lobbying activity would be forthcoming. It is my hope that this information would be made public before we take any final action on this proposal.

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

Mr. KATZ: Mr. President and Members of the Senate: As I recall, I was the sponsor of the lobby disclosure bill that was enacted by the last session of the legislature, and the legislature at that time said it was public policy that there is nothing wrong with lobbying. The legislature made no move to do away with lobbying or to make it illegal. It is part of the scene. What we did say was that we want disclosure to know how much money was being spent, and the bill as it exists in the book does require disclosure by the employer, not the lobbyist but the employer, after the session is over.

I have never known of any specific bill to be over-lobbied or expensively lobbied by the people who are up here all the time. The real problem is in the one-shot deal where people come in en masse from out of state to convince the State of Maine that we must take a position on a subject on a one-shot basis.

I have seen no evidence that the spruce budworm has been lobbied very, very heavily at all. As a matter of fact, I have been surprised that my relationship with the lobby on this question has been almost while my motor was running as I have walked down the corridor. I have seen no

evidence of an impropriety, and I think that when the Senate does decide on this bill it will be decided on the merits of the bill as we see it, rather than any nefarious interference from outside.

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

Mr. McNALLY: Mr. President and Members of the Senate: I would like to express another reason for why I would like to have this bill tabled at least for one day.

We have people who own more than 500 acres of land that have Christmas trees on them, especially in Hancock County, and they will need to spray. Now, we have one person in particular who has already bought the herbicide, as he has permission to use it, and the cost to him to date is \$1300. Should he have to spray himself, which he does and is going to, and then pay the tax which this bill assesses, without some sort of an amendment put on it so that he could be allowed at least the cost of the herbicide against his tax, it seems wrong in itself because this isn't taking anything from the money that is used to spray the budworm that the bill is put in for, but this is asking the man to pay for his own herbicide to spray his trees and then turn around and tax himself for spraying acreage somewhere else in the State of Maine.

I wish it could be tabled for at least one day so that I could offer an amendment that would assist the Christmas tree people that are spraying on their own money.

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

Thereupon, on motion by Mr. Speers of Kennebec, tabled and specially assigned for April 9, 1975, pending Passage to be Engrossed.

Senate

Bill, "An Act to Abolish Certain Filing Requirements for Out-of-State Nurserymen and Dealers Doing Business with this State." (S. P. 262) (L. D. 859)

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 Definition of Retail Sale under Sales and Use Tax Law. (H. P. 537) (L. D. 672)

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

Orders of the Day

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

Bill, "An Act for the Humane Treatment of Animals in Schools, Public and Private." (H. P. 457) (L. D. 561)

Tabled — April 4, 1975 by Senator Hichens of York.

Pending — Consideration.

(In the Senate — Passed to be Engrossed as amended by Committee Amendment "A" (H-73).)

(In the House — Passed to be Engrossed as amended by House Amendment "A" (H-119) in non-concurrence.)

On motion by Mr. Hichens of York, the Senate voted to Recede from its former

action whereby the Bill was Passed to be Engrossed.

On further motion by the same Senator, the Senate voted to Recede from its former action whereby Committee Amendment "A" was Adopted.

The same Senator then moved that Committee Amendment "A" be Indefinitely Postponed.

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

Mr. KATZ: Mr. President, I would find it personally helpful if prior to this vote we might have an explanation of the direction in which we are going.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now poses a question through the Chair to anyone who may care to answer as to the disposition of this action.

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President and Members of the Senate: The original bill was on vivisection in the public schools, and the committee came out with an amendment to clarify some of the provisions of that bill. It went through the Senate and over into the House, and they came back with a House Amendment which further clarified the committee amendment. In fact, they rewrote the whole bill, but they omitted one part which protected the animals relative to activities in school, and that is why I want to present another amendment to the House Amendment, to clarify that position.

The PRESIDENT: The pending motion before the Senate is the motion by the Senator from York, Senator Hichens, that the Senate indefinitely postpone Committee Amendment "A". Is this the pleasure of the Senate?

The motion prevailed.

House Amendment "A" Filing No. H-119, was Read.

Mr. Hichens of York then presented Senate Amendment "A" to House Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-48, to House Amendment "A" was Read and Adopted and House Amendment "A", as Amended by Senate Amendment "A" Thereto, was Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

Bill, "An Act Relating to Pulmonary and Cardiac Diseases under the Workmen's Compensation Act." (H. P. 230) (L. D. 286)

Tabled — April 4 1975 by Senator Speers of Kennebec.

Pending — Motion of Senator Cummings of Penobscot to Indefinitely Postpone Bill and accompanying papers.

(In the House — Passed to be Engrossed as amended by Committee Amendment "A" (H-85).)

On motion by Mr. Conley of Cumberland, retabled and Tomorrow Assigned, pending the motion by Mrs. Cummings of Penobscot that the Bill and Accompanying Papers be Indefinitely Postponed.

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

House Reports — from the Committee on Judiciary — Bill, "An Act Relating to Hearing for Provisional Motor Vehicle

Licensee on Suspension." (H. P. 333) (L. D. 405) Majority Report — Ought to Pass; Minority Report — Ought Not to Pass.

Tabled — April 4, 1975 by Senator Speers of Kennebec.

Pending — Acceptance of Either Report. (In the House — Passed to be Engrossed as amended by House Amendment "B" (H-107).)

On motion by Mr. Johnston of Aroostook, retabled and Tomorrow Assigned, pending Acceptance of Either Committee Report.

Reconsidered Matter

The following Bill was held on April 4, 1975 at the request of Mr. Corson of Somerset, pending Consideration:

"An Act Relating to Stray Cats." (H. P. 1119) (L. D. 1399)

On motion by Mr. Corson of Somerset, the Senate voted to reconsider its prior action whereby the Bill was Referred to the Committee on Legal Affairs.

Thereupon, on further motion by the same Senator, Referred to the Committee on Agriculture in non-concurrence and Ordered Printed.

Sent down for concurrence.

(Off Record Remarks)

On motion by Mrs. Cummings of Penobscot,

Adjourned until 5 o'clock tomorrow afternoon.