

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

One Hundred and Seventh Legislature

(First Special Session)

OF THE

STATE OF MAINE

1976

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Monday, March 1, 1976

Senate called to order by the President.

Prayer by the Honorable Hayes E. Gahagan of Caribou:

This is James, Chapter, verses 1 through 5.

"My brethren, be not many masters, knowing that we shall receive the greater condemnation.

"For in many things we offend all. If any man offend not in word, the same is a perfect man, and able also to bridle the whole body.

"Behold, we put bits in the horses' mouths, that they may obey us; and we turn about their whole body.

"Behold also the ships, which though they be so great, and are driven of fierce winds, yet are they turned about with a very small helm, whithersoever the governor listeth.

"Even so the tongue is a little member, and boasteth great things. Behold how great a matter a little fire kindleth!" Amen.

Reading of the Journal of Friday, February 27, 1976.

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

Bill, "An Act to Include Grain in Weight Tolerances for Certain Vehicles Operated on State Highways." (H. P. 1887) (L. D. 2065)

In the House February 19, 1976, Passed to be Enacted.

In the Senate February 26, 1976, Bill and accompanying papers, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted and Asked for a Committee of Conference.

Mr. Speers of Kennebec moved that the Senate Adhere.

Mr. Pray of Penobscot then moved that the Senate Recede and Concur, and Mr. Speers of Kennebec subsequently requested a roll call.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call on the motion to recede and concur please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President, could I ask for the committee report on that bill?

The PRESIDENT: The Secretary will read the committee report.

The SECRETARY: The Committee on Transportation, to which was referred the Bill, "An Act to Include Grain in Weight Tolerances for Certain Vehicles Operated on State Highways", (H. P. 1887) (L. D. 2065), have had the same under consideration and ask leave to report that the same ought to pass. Signed by Senators Greeley, McNally and Cyr; Representatives Fraser, Webber, Albert, Winship, Strout, Berry, Kauffman and Jacques.

The Minority report was ought not to pass, and was signed by Representatives Jensen and Lunt.

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

Mr. GRAHAM: Mr. President and Members of the Senate: This bill would again raise truck weights. This talk of

tolerance, of course, is just window dressing for another raise in truck weights.

About a year and a half ago, or nearly two years ago, the people of Maine voted in a referendum against raising truck weights, and yet last year we voted to raise truck weights. Now we are going to give another raise in this truck weights field. The Department of Transportation is opposed to this raise in truck weights.

This is really another nail, a small nail to be sure, but another nail in the coffin of the railroads that we are going to need. More and more the railroads will be needed as energy becomes scarcer and scarcer.

There is really no excuse for this bill, except as a sop to special interests, and nothing more disillusion the public with the legislature than these sops that we throw out to special interests. I urge you to vote against the motion.

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

Mr. PRAY: Mr. President and Members of the Senate: I must admit that I am not an expert in transportation, but when it comes down to these matters and the basic understanding of the committee that we have, when I see that the three Senators on the committee vote for the measure, I am pretty sure that they take into consideration what the Commissioner had to say and what the proponents and opponents had to say.

I think it is not really a weight increase, but an extension to another industry, giving them the same privilege that we have already given the pulp industry, and I see no harm in the measure.

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

Mr. McNALLY: Mr. President, I was one of the ones that signed the ought to pass report on this bill, because I sincerely believe that it is a bill that is really needed to aid probably the second largest industry, at least, in the State of Maine.

Now, I don't think, as the good Senator from Cumberland has stated, that this increases truck weights. I think this is a case that they are probably loading the trucks right now, and they get hauled up every once in a while, but most of these trucks travel over roads that are very bad. And you know that is an industry that comes to our labor hearings and says to us if we have many more restrictions placed upon us either for the people that we hire or the things that we do, we will have to go somewhere where the freight rates are less and the cost of grain is less because we cannot exist the way we are going now.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Penobscot, Senator Pray, that the Senate recede and concur with the House. A "Yes" vote will be in favor of receding and concurring; a "Nay" vote will be opposed.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: I just want to clarify that if the Senate votes to recede and concur with the House on this motion, it will be enacting this particular piece of legislation.

The PRESIDENT: A "Yes" vote will be in favor of receding and concurring; a "Nay" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E. ;

Carbonneau, Clifford, Corson, Cyr, Greeley, Hichens, Johnston, McNally, O'Leary, Pray.

NAYS: Senators Berry, R. ; Cianchette, Collins, Cummings, Curtis, Danton, Gahagan, Graffam, Graham, Huber, Marcotte, Merrill, Reeves, Speers, Thomas, Trotzky, Wyman.

ABSENT: Senators Conley, Jackson, Katz, Roberts.

A roll call was had. 11 Senators having voted in the affirmative, and 17 Senators having voted in the negative, with four Senators being absent, the motion did not prevail.

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

Mr. BERRY: I move reconsideration, Mr. President.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that the Senate reconsider its action whereby the motion to recede and concur did not prevail. All those Senators in favor of reconsideration will please say "Yes"; those opposed will say "No".

A viva voce vote being taken, the motion did not prevail.

Thereupon, the Senate voted to Adhere.

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

Mr. SPEERS: Mr. President, I move reconsideration on the motion to adhere.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate reconsider its action whereby it voted to adhere. Will all those Senators in favor of reconsideration of this motion please say "Yes"; those opposed will say "No".

A viva voce vote being taken, the motion did not prevail.

Joint Orders

ORDERED, the Senate concurring, that the Legislative Finance Officer be authorized and directed to pay each Member of the Legislature prior to March 15th of 1976 a \$200 allowance for constituent services as authorized in Title 3, section 2 of the Maine Revised Statutes. (H. P. 2108)

Comes from the House, Read and Passed.

Which was Read.
On motion by Mr. Speers of Kennebec, tabled pending Passage.

STATE OF MAINE

In the Year of Our Lord One Thousand Nine Hundred and Seventy-six.

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Hodgdon High School Eastern Maine Class D Basketball Champions for 1976

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. 2124)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

STATE OF MAINE

In the Year of Our Lord One Thousand Nine Hundred and Seventy-six.

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Kimo The Klown 1976 Ambassador of Good Will on his Bicentennial Tour Sponsored by the Pittsburgh, Pennsylvania Rotary Club

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. 2125)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

House Papers

Study Report — Election Laws

The Committee on Election Laws to which was referred the study relative to the election laws as provided in Title 21 of the Maine Revised Statutes and Related Titles, pursuant to H. P. 1646 of the 107th Legislature, have had the same under consideration, and ask leave to submit its Minority findings and to report that the accompanying Bill, "An Act Relating to Absentee Voting" (H. P. 2122) (L. D. 2271) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

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

Which report was Read and Accepted and the Bill referred to the Committee on Election Laws, in concurrence.

Study Report — Legal Affairs

The Committee on Legal Affairs to which was referred the study relative to the various kinds of record-keeping practices in use today in both the public and private sectors of the State of Maine, pursuant to H. P. 1597 of the 107th Legislature, have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Permit an Employee to Review His Personnel File" (H. P. 2121) (L. D. 2270) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

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

Which report was Read and Accepted and the Bill referred to the Committee on Legal Affairs, in concurrence.

Study Report — Legal Affairs

The Committee on Legal Affairs to which was referred the study relative to the various kinds of record-keeping practices in use today in both the public and private sectors of the State of Maine, pursuant to H. P. 1597 of the 107th Legislature, have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill, "An Act Relating to Disclosure of Consumer Reports" (H. P. 2123) (L. D. 2272) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

Comes from the House, the report Read

and Accepted and the Bill referred to the Committee on Legal Affairs.

Which report was Read and Accepted and the Bill referred to the Committee on Legal Affairs, in concurrence.

Communications

STATE OF MAINE

One Hundred and Seventh Legislature
Committee on Legal Affairs

February 25, 1976

Senator Jerrold B. Speers
Chairman, Legislative Council
State House

Augusta, Maine 04333

Dear Senator Speers:

This is to advise you that the Committee on Legal Affairs, pursuant to House Paper 1597, has conducted several meetings this summer, and, based upon what has transpired at these meetings, presents the following legislation for consideration to the 107th Special Session:

1. An Act to Permit an Employee to Review His Personnel File.
2. An Act Relating to Disclosure of Consumer Reports.

Additional legislation will be forthcoming as it is in the last stages of drafting.

Very truly yours,

Signed:

NEAL C. CORSON
Senate Chairman

Signed:

RAYMOND N. FAUCHER
House Chairman

(H. P. 2120)
Comes from the House, Read and Ordered Placed on File.

Which was Read, and Ordered Placed on File in concurrence.

Senate Papers

Health and Institutional Services

Mr. Berry of Androscoggin presented, Bill, "An Act to Reorganize the Bureau of Corrections." (S. P. 732)

Which was referred to the Committee on Health and Institutional Services and Ordered Printed.

Sent down for concurrence.

Study Report — Joint Select Committee on Jobs

Mr. Reeves for the Joint Select Committee on Jobs to which was referred the study relative to unemployment pursuant to S. P. 391 and S. P. 555 of the 107th Legislature, have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill, "An Act Relating to Employment of Temporary Foreign Labor in Agriculture and Logging" (S. P. 733) (L. D. 2278) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

Which report was Read.

On motion by Mr. Speers of Kennebec, referred to the Committee on Labor.

Sent down for concurrence.

Committee Reports

House

Leave to Withdraw

The Committee on Local and County Government on, Bill, "An Act to Clarify the Advisory Status of Comprehensive Municipal Zoning Plans." (H. P. 1868) (L. D. 2039)

Reported that the same be granted Leave to Withdraw.

The Committee on Local and County Government on, Bill, "An Act to Redistrict

Certain Towns in Knox County." (H. P. 1824) (L. D. 1985)

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.

Ought to Pass — As Amended

The Committee on Education on, Bill, "An Act Increasing Borrowing Capacity of Community School District Consisting of the Towns of Crystal, Dyer Brook, Island Falls, Merrill, Oakfield and Smyrna." (H. P. 1928) (L. D. 2115)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-929).

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.

Divided Report

The Majority of the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Provide Adequate Funds for the Operation of a Bureau of Veterans Services Office in Aroostook County." (H. P. 1847) (L. D. 2016)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-930).

Signed:

Senators:

GAHAGAN of Aroostook
MARCOTTE of York

Representatives:

SMITH of Dover-Foxcroft
CARTER of Winslow
JALBERT of Lewiston
GOODWIN of Bath
LeBLANC of Van Buren

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

Signed:

Senator:

HUBER of Cumberland

Representatives:

MacLEOD of Bar Harbor
GARSOE of Cumberland

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.

On motion by Mr. Gahagan of Aroostook, the Majority Ought to Pass as Amended Report of the Committee was 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 Liquor Control on, Bill, "An Act to Permit a Manufacturer of Alcoholic Beverages to be a Stockholder in a Corporation which is a Licensee." (H. P. 1892) (L. D. 2072)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-932).

Signed:

Senators:

GRAFFAM of Cumberland
DANTON of York
CARBONNEAU of Androscoggin

Representatives:

LIZOTTE of Biddeford
DYER of South Portland
JACQUES of Lewiston
MAXWELL of Jay
PERKINS of Blue Hill
TWITCHELL of Norway
IMMONEN of West Paris

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

Signed:

Representatives:

PIERCE of Waterville
RAYMOND of Lewiston

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-932), as Amended by House Amendment "B" Thereto (H-939).

Which reports were Read.

On motion by Mr. Graffam of Cumberland, the Majority Ought to Pass as Amended Report of the Committee was Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read. House Amendment "B" to Committee Amendment "A" was Read and Adopted in concurrence and Committee Amendment "A", as Amended by House Amendment "B" thereto, was Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Senate**Ought to Pass — As Amended**

Mr. Graham for the Committee on State Government on, Resolution, Proposing an Amendment to the Constitution to Assure Revenues for Bond Service and Prohibit State Bonding of Current Expenditures. (S. P. 689) (L. D. 2206)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-416).

Mr. Thomas for the Committee on Business Legislation on, Bill, "An Act to Correct and Clarify the Maine Banking Code." (S. P. 650) (L. D. 2057)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-417).

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

Second Readers

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

House — As Amended

Bill, "An Act Prohibiting the Use of Seine or Gill Nets on a Certain Portion of the Union River." (H. P. 1945) (L. D. 2131)

Bill, "An Act Creating the Winter Harbor Utilities District." (H. P. 1838) (L. D. 2003)

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 Authorizing Educational Associates, Inc., to Confer Associate in Applied Science Degrees. (H. P. 1851) (L. D. 2020)

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

Papers from the House

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

House Paper

Bill, "An Act to Repeal the Prohibition in the Criminal Statutes against Marathon Dances and Walkathons." (H. P. 2132)

Comes from the House, Passed to be Engrossed without reference to Committee.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, I would move that the Senate likewise pass this bill to be engrossed without reference to committee, and I would like to speak to my motion.

Mr. President and Members of the Senate: This bill comes about to relieve a hardship that was caused by the postponement of the criminal codes inception from March 1 until April 1st. These people over in the Lewiston area were planning a dancing marathon for the benefit of epilepsy. Before we announced the postponement of the code, they had hired their publicity, printed material, and spent a considerable amount of money, and if the criminal code had taken effect as planned on March 1st, their program would have been perfectly legal. But because we postponed for one month, it made their program subject to certain rules that they could not meet. This is an innocuous type of program but it involves pledging three dollars an hour for this marathon dance program, and the way it is designed, in a very technical sense, it would violate existing law, but it would not violate the law that we changed in the criminal code.

Because of the special hardship that this abrupt change has caused these people, and because they have gone about all of their arrangements in a very upright and honorable way, I feel that the legislature should give this special permission to hold this marathon program for the benefit of epilepsy.

Thereupon, under suspension of the rules, the Bill was given its First and Second Readings and Passed to be Engrossed in concurrence.

Orders of the Day

(Off Record Remarks)

On motion by Mrs. Cummings of Penobscot,
Adjourned until 10 o'clock tomorrow morning.