

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eighth  
Legislature***

OF THE

STATE OF MAINE

**Volume I**

**January 5, 1977 to May 25, 1977**

KJ PRINTING  
AUGUSTA, MAINE

**HOUSE**

Thursday, January 20, 1977

The House met according to adjournment and was called to order by the Speaker.

Prayer by Father Louis Berube of St. Phillips Church of Auburn.

The journal of yesterday was read and approved.

**Papers from the Senate**

From the Senate:  
Bill "An Act Making Additional Appropriations from the General Fund for the Current Fiscal Year Ending June 30, 1977, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government" (Emergency) (S. P. 56) (L. D. 112)

Came from the Senate referred to the Committee on Appropriations and Financial Affairs and ordered printed.

In the House, referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act to Amend the Duties of the Commissioner of Educational and Cultural Services Relating to Bilingual Education" (S. P. 52) (L. D. 109)

Came from the Senate referred to the Committee on Education and ordered printed.

In the House, referred to the Committee on Education in concurrence.

Bill "An Act Relating to Expiration Date of Dance Licenses" (S. P. 50) (L. D. 107)

Bill "An Act Relating to Licensing of Theaters and Motion Picture Houses" (S. P. 51) (L. D. 108)

Bill "An Act Relating to the Regulation of Games of Chance" (S. P. 53) (L. D. 110)

Came from the Senate referred to the Committee on Legal Affairs and ordered printed.

In the House, referred to the Committee on Legal Affairs in concurrence.

**Messages and Documents**

The following Communication: (S. P. 57)

STATE OF MAINE  
BUREAU OF ALCOHOLIC BEVERAGES  
A DIVISION OF THE  
DEPARTMENT OF FINANCE  
AND ADMINISTRATION

January 12, 1977

Liquor Control Committee  
108th Maine Legislature  
State House  
Augusta, Maine 04333  
Gentlemen:

Chapter 540, P. L. 1975, created the following types of licenses: Indoor Tennis Clubs, Indoor Ice Skating Clubs, and Golf Clubs.

In compliance with an Act of the Special Session of the 107th Legislature, Chapter 741 states in part: the State Liquor Commission shall evaluate the effectiveness of this law and make a written report to the 108th Legislature by January 15, 1977.

We have contacted the licensed premises and have determined that licensees are pleased with the law and have not experienced any problems enforcing the law. The atmosphere of this type of license is one that lends itself to the surroundings and is not considered a public drinking place or the type of place that the general public would frequent. Rather, the persons using these licensed premises are usually golfers or members of the Tennis Clubs.

Since October 1, 1975, the following licenses have been issued:

Golf Courses of Clubs	10	\$1,770.00
Ice Skating Clubs	4	1,525.00
Indoor Tennis Clubs	9	4,000.00

It is the recommendation of this office that this type of license be continued. It not only br-

ings additional revenue to the State but greatly enhances the operations of the many facilities.

Very truly yours,

Signed:

KEITH H. INGRAHAM  
Director

Came from the Senate read and ordered placed on file.

In the House, the Communication was read and ordered placed on file in concurrence.

The following Communication:  
**Report of Committee on Elections  
Election in District 23**

The Committee on Elections to which was referred (a) the returns of votes cast for Representative to the Legislature, (b) the report of the Commission on Governmental Ethics and Election Practices on the appeal of Barbara E. Strout, House District 23, and (c) the petition of Barbara E. Strout, have had the same under consideration, and beg leave to report that:

The Committee met and reviewed the above documents and heard from both parties on January 10, 1977. Based on that review, the Committee finds the following facts:

(1) Mrs. Strout and William Diamond were candidates for election as Representative from District 23 in the November 2 election.

(2) At the conclusion of the November 2 election, the final vote was 2042 for Mr. Diamond and 2025 votes for Mrs. Strout.

(3) Mr. Diamond won a place on the ballot as a write-in candidate.

(4) In his acceptance of candidacy and as he appeared on the ballot, Mr. Diamond's name was listed as William Diamond.

(5) Mr. Diamond's name appears on the Town of Windham voting list as G. William Diamond.

(6) There are no other persons named William Diamond in District 23 with whom Mr. Diamond could be confused.

(7) Mrs. Strout claimed that, because Mr. Diamond appears on the voting list as G. William Diamond, his name as written on the ballot did not meet the requirements of 21 M.R.S.A. § 702-2-I, which requires that a candidate with a first initial and a middle name appear on the ballot with a designation of the first initial and middle name in addition to the last name. Mrs. Strout claimed that because this requirement had not been met in printing the ballots, the ballots should be held void under the provisions of 21 M.R.S.A. § 925-3-A.

The Commission on Governmental Ethics and Election Practices found that the ballots cast for Mr. Diamond were valid ballots. The Committee on Elections believes that the findings of the Commission on Governmental Ethics and Election Practices should be sustained. The Committee does not read Section 925-3-A as requiring that all ballots be voided where the name of one candidate on the ballot may be incorrectly printed, particularly where, as here, no confusion could result. Accordingly, the Committee recommends that Mr. Diamond retain the seat in the House which was provisionally assigned on January 5.

The Committee also noted that in this case the contestants in the election did not receive the report of the Commission on Governmental Ethics and Election Practices until shortly before the hearing of the Committee. The Committee recommends that in the future the Commission on Governmental Ethics and Election Practices take steps to assure that the parties in an election contest receive notification of its decision well in advance of the time when that decision may be considered by the House or a House Committee.

(Signed) HARLAND C. GOODWIN, JR.  
Chairman

The Report was read and accepted and ordered placed on file.

Whereupon, Mr. Diamond was permanently seated in the House of Representatives.

**Petitions, Bills and Resolves  
Requiring Reference**

The following Bills and Resolves were received and referred to the following Committees:

**Business Legislation**

Bill "An Act to Revise the Maine Electrician's Law" (H. P. 96) (Presented by Mr. Mills of Eastport)

Bill "An Act to Clarify the Banking Code" (H. P. 97) (Presented by Ms. Clark of Freeport) (Ordered Printed)

Sent up for concurrence.

**Education**

Bill "An Act to Clarify Vocational Education Reimbursement in Vocational Centers and Vocational Regions" (Emergency) (H. P. 98) (Presented by Mr. Lynch of Livermore Falls)

Bill "An Act to Clarify the Role of the Department of Educational and Cultural Services Relating to Local School Systems" (H. P. 99) (Presented by Mr. Lynch of Livermore Falls)

Bill "An Act Relating to School Age under the Education Laws" (H. P. 100) (Presented by Mr. McBreairty of Perham) (Cosponsor: Mr. Peterson of Caribou)

(Ordered Printed)

Sent up for concurrence.

**Judiciary**

Bill "An Act to Amend the Laws Relating to Adoption Proceedings" (H. P. 101) (Presented by Mrs. Boudreau of Portland)

Bill "An Act to Authorize the Commissioner of Public Safety to Empower Local and County Law Enforcement Officials with Statewide Jurisdiction" (Emergency) (H. P. 102) (Presented by Mr. Greenlaw of Stonington)

(Ordered Printed)

Sent up for concurrence.

**Public Utilities**

Bill "An Act Relating to the Telephone Company Directory" (H. P. 103) (Presented by Mr. Torrey of Poland)

(Ordered Printed)

Sent up for concurrence.

**State Government**

Resolve, Authorizing the State Tax Assessor to Convey by Sale the Interest of the State in Certain Lands in the Unorganized Territory (H. P. 104) (Presented by Mr. Birt of East Millinocket)

(Ordered printed)

Sent up for concurrence.

**Transportation**

Bill "An Act to Permit Vehicular Traffic to Turn Right at a Red Light" (H. P. 105) (Presented by Mr. Strout of Corinth)

(Ordered Printed)

Sent up for concurrence.

**Orders**

An Expression of Legislative Sentiment (H. P. 106) recognizing that: Alta N. Rogers, who served as Town Clerk, Tax Collector, Registrar of Voters and Welfare Director for the Town of Hampden, has retired after 27 years on December 30, 1976.

Presented by Mrs. Prescott of Hampden.  
Was read and passed and sent up for concurrence.

A Joint Resolution (H. P. 107) in memory of Hon. Thomas P. Albert of Limestone who Served in the 105th, 106th and 107th Legislatures is presented by Mr. Mahany of Easton. (Cosponsors: Mr. Martin of Eagle Lake, Mr. McKean of Limestone)

The Resolution was read and adopted and sent up for concurrence.

On motion of Mr. Nadeau of Sanford, it was ORDERED, that Dana C. Devoe of Orono be excused for the duration of his illness.

The following paper from the Senate was taken up out of order by unanimous consent:

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, January 25, at 4 o'clock in the afternoon. (S. P. 63)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

#### Consent Calendar

##### First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(H. P. 51) (L. D. 72) Bill "An Act Pertaining to Out of State Marriages" Committee on Legal Affairs reporting "Ought to Pass"

(H. P. 54) (L. D. 75) Bill "An Act Pertaining to Town Clerks Fees for Record of Burial Permits" Committee on Legal Affairs reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of January 25, under listing of the Second Day.

##### Finally Passed

##### Emergency Measure

Resolve, Appropriating Funds to the Biddeford High School Band to Play at the Inauguration of the President of the United States at Washington, D. C. (Emergency) (S. P. 55) (L. D. 111)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to anyone who may answer it. I recall from my experience ten years ago on the Executive Council that this sort of thing was handled through the contingency account. I would just like to know what is behind this idea of appropriating this now. Why couldn't this have come from the contingent account?

The SPEAKER: The gentleman from Farmington, Mr. Morton, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker and Members of the House: It would be my understanding that that would have been handled through the Executive Council which is no longer in existence.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, it is my understanding that the contingent account, however, is still in existence.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker and Members of the House: I was talking to Senator Farley earlier today, and what is coming out of the Governor's Office now apparently is an effort to negotiate a figure between the City of Biddeford and the state.

What has happened in the past, there have been expenditures of up to \$8,000 to reimburse some of these communities for these inaugurations. The City of Biddeford has been able to raise \$14,000 of the \$17,000 needed, and they are only asking for \$2,500, and the Governor's Office apparently felt that even that was excessive. This may be the only route left there is to take.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I would suggest that we pass this, and the good gentleman from Farmington being on the Appropriations Committee simply deduct whatever it is from the Governor's contingency account in the next year.

The SPEAKER: This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this Resolve being finally passed will vote yes; those opposed will vote no.

A vote of the House was taken.

127 having voted in the affirmative and none in the negative, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Mr. Lizotte of Biddeford was granted unanimous consent to address the House.

Mr. LIZOTTE: Mr. Speaker, Ladies and Gentlemen of the House: The House of Representatives and Legislature of Maine is today expressing a vote of confidence in performing a generous act for an organization of which I am particularly proud — the Biddeford High School Band.

This dedicated group of young people, and a few older, are today pleased and proud to put forward the best show and the best presentation for the State of Maine in honor of our new President. The students and their advisors thank each of you for this vote of confidence. The people of Biddeford are grateful to this Legislature and proud of the band, and I would like to add my own personal thanks and congratulations.

##### (Off Record Remarks)

On motion of Mrs. Nelson of Portland, Adjourned until Tuesday, January 25, at four o'clock in the afternoon.