

# 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**

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## SENATE

Thursday, February 24, 1977

Senate called to order by the President.

Prayer by The Honorable Robert M. Farley of Biddeford.

Mr. FARLEY: Dear God, give us the wisdom to find solutions to the problems facing us, and give us the courage to implement these solutions. Amen.

Reading of the Journal of yesterday.

Out of Order and Under Suspension of the Rules:

On motion by Mr. Huber of Cumberland, ORDERED, the House concurring, that when the House adjourns, it adjourns to 9:30 in the morning on March 1, and when the Senate adjourns, it adjourns to 10 o'clock in the morning on March 1. (S. P. 207)

Which was Read and Passed.

Sent down forthwith for concurrence.

## (Off Record Remarks)

Papers from the House  
Non-concurrent Matter

Bill, "An Act to Assess a Surcharge on Fines and Penalties for the Operation of the Maine Criminal Justice Academy." (S. P. 179) (L. D. 493)

In the Senate February 17, 1977 referred to the Committee on State Government and Ordered Printed.

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

On Motion of Mr. Speers of Kennebec, the Senate voted to insist.

## Joint Order

An Expression of Legislative Sentiment recognizing:

Miss Sydney Sawyer of Lincolnville Beach, has attained the highest number of points in the Maine Horse Association Youth Activity Pleasure Horse Class, English, and has won the Governor's Challenge Trophy in 1975 and again in 1976. (H. P. 507)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

## Joint Resolution

A Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of the Hon. George C. Lord of Wells, member of the 81st, 82nd, 83rd Legislatures and 3 terms on the Executive Council; (H. P. 472)

Comes from the House, Read and Adopted.

Which was Read.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Lovell.

Mr. LOVELL: Mr. President, Ladies and Gentlemen of the Senate: I would like to say a few words in regard to George Lord.

George Lord was a friend of mine for 45 years, ever since I entered politics 45 years ago. George Lord was a farmer, but he was a man that dedicated a great part of his life to other things, to the people of Wells and to the people of the State of Maine.

He served in this body here, when at that time I believe the pay was about \$600.00 for two years of service, and you have to be really civic-minded to serve in the other Body, which he served in also; and he served for 6 years on the Governor's Council. In addition to that, George served on the Maine Fish and Game Department and on the Highway Department, and in just about every activity you could think of in the town of Wells.

In fact, I saw him last summer buying lobsters in the fish market at Wells Beach, and talked with him at length. He was crippled up somewhat with rheumatism, but his mind was as clear as could be.

In this eulogy let me say I pray that God will rest his soul.

Adopted in concurrence.

Bills and Resolve received from the House requiring reference to Committee were acted upon in concurrence with the following exception: Bill, "An Act to Prohibit the Sale of Gasoline Below Cost to Destroy Competition." (H. P. 455) (L. D. 560)

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

On Motion of Mr. Pierce of Kennebec, Referred to the Committee on Business Legislation and ordered printed in non-concurrence.

Sent down for concurrence.

## Senate Papers

## Joint Resolution

A Joint Resolution in Memoriam:

Whereas, the Legislature has learned with deep regret of the death of Lester Orcutt of Biddeford Pool, President of the Maine Draggermen's Association and a gentle man; (S. P. 206)

Presented by Senator Farley of York.

Which was Read and Adopted.

Sent down for concurrence.

Mr. Merrill of Cumberland presented, Bill, "An Act Concerning the Blue Sky Law." (S. P. 200)

Which was referred to the Committee on Business legislation and Ordered Printed.

Sent down for concurrence.

Mr. Morrell of Cumberland presented, Bill, "An Act to Extend the Effective Date of Sections of the School Finance Act of 1976 Allowing Local Administration Units to Raise and Expend Additional Funds and to Exclude Such Funds from Computation made pursuant to That Act." (Emergency) (S. P. 204)

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

Sent down for concurrence.

Mr. Conley of Cumberland (Cosponsors: Mr. Collins of Knox and Mrs. Snowe of Androscoggin) presented Bill, "An Act to Implement the Recommendations of the Pomeroy Commission on Medical and Hospital Malpractice Insurance." (S. P. 205)

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

Sent down for concurrence.

Mr. Pierce of Kennebec presented, Bill, "An Act Relating to Mother's Day, Father's Day and Sons' and Daughters' Day."

Which was referred to the Committee on Legal Affairs and Ordered Printed. Sent down for concurrence.

Mr. Pierce of Kennebec (Cosponsors: Mr. Curtis of Penobscot, Mr. Collins of Aroostook and Mr. Pray of Penobscot) presented, Bill, "An Act Equalizing the Retail Price of Alcoholic Beverages Throughout the State." (S. P. 201)

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

Sent down for concurrence.

Mr. Collins of Aroostook presented, Bill, "An Act to Reorganize the Department of Conservation." (S. P. 203)

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

Sent down for concurrence.

Out of Order and Under Suspension of the Rules, The Senate voted to consider the following matter:

## Joint Order

One Hundred and Eighth Legislature

WHEREAS, John T. "Jack" Berry performed an Extraordinary Act of Heroism in rescuing a child from a Fatal Fire at Chisholm. We, the members of the Senate and House of Representatives, do hereby join this order to

extend our acknowledgement and congratulations, and be it.

ORDERED, while daily assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, that this official expression of sentiment be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 544)

Comes from the House. Read and Passed.

Which was read.

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

Mr. SPEERS: Mr. President, Ladies and Gentlemen of the Senate: There are very few of these Joint Orders and expressions of sentiment before the Legislature that are more deserving than this particular one that we have before us today honoring Jack Berry. Jack is in the Senate Chamber at the present time to see this Order passed in his honor.

In October of 1976 a fatal fire broke out in Livermore Falls and the firemen from Jay, Livermore and Livermore Falls were called to the area. Jack Berry was one of the first up a ladder and rescued a small child who was passed to him by its mother out through the window and he turned and passed the child back down the ladder to firemen following him. He then proceeded to attempt to rescue the mother as well, but the mother becoming confused, had turned and gone back into the house. Without regard for his own personal risk and the great risk to his own life, Jack pursued the mother into the house in order to rescue her. Unfortunately, she had already been overcome by the intense heat and flames. Other firemen then helped Jack back out.

Jack had been wearing an oxygen tank and a mask and the air in that tank, because of the intense heat, was almost too hot to breathe, and the tank itself was too hot to handle when he got back out of the burning flames. Jack suffered first, second and third degree burns in that fire and heat and smoke inhalation. It was almost a week before he was able to eat any food.

So, I think it is, indeed, a distinct honor to have one here in the Chamber today who has undertaken such a feat of heroism as he did without regard to his own personal life. It gives me a great deal of pride, Mr. President, to move the passage of this Joint Order.

Also, I would like to introduce Jack Berry to the Senate, and ask him to rise and receive the greetings of the Senate.

Which was passed in concurrence.

## Committee Reports

## House

## Leave to Withdraw

The Committee on Liquor Control on, Bill, "An Act Raising the Age of Persons who may Purchase Alcoholic Beverages or Sell as Licensees." (H. P. 200) (L. D. 240)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Liquor Control on, Bill, "An Act Raising the Age of Persons who may Purchase Alcoholic Beverages or Sell as Licensees to 19 Years of Age." (H. P. 36) (L. D. 53)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Liquor Control on, Bill, "An Act to Raise the Age of Persons Who May Purchase Alcoholic Beverages from Retail Establishments for Off-premise Consumption or to Sell as Licensees." (H. P. 167) (L. D. 205)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

Which Reports were Read and Accepted in concurrence.

#### Ought to Pass

The Committee on Education on, Bill, "An Act to Clarify the Education Laws." (H. P. 123) (L. D. 156)

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, and the Bill, Read Once and Tomorrow Assigned for Second Reading.

#### Ought to Pass — As Amended

The Committee on Education on, Bill, "An Act to Increase the Number of Teachers Allowable in Certain Administrative Units under the Education Laws." (H. P. 67) (L. D. 92)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-21).

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 Local and County Government on, Bill, "An Act to Revise the Salaries of County Officers." (H. P. 72) (L. D. 62)

Reported that the same Ought to Pass in New Draft under Same Title. (H. P. 371) (L. D. 435)

Comes from the House, the Bill, and accompanying papers, Recommended to the Committee on Local and County Government.

Which Report was read.

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

Mr. JACKSON: Mr. President and Members of the Senate: This piece of Legislation is the Salary Bill that we spent two years studying and after numerous public hearings and vast amounts of information that we gathered throughout the 16 counties of the State, all the offices, we compiled it, put it into one piece of legislation and through a classification system, for two different groupings and pertaining to one particular office, this is what the result was. We thought we had a sparrow with the wings of a goose, but when it hit the Legislative halls, we found out we had a goose with wings of a sparrow. I, therefore, ask that this Bill and all its accompanying papers be recommitted to the Committee on Local and County Government.

On Motion of Senator Jackson of Cumberland, the Bill and accompanying papers Recommended to Committee on Local and County Government in concurrence.

#### Senate

##### Ought to Pass

Mr. Collins for the Committee on Public Utilities on, Bill, "An Act Concerning a Limitation for Imposing a Penalty on Violations of the Public Utility Regulatory Law." (S. P. 80) (L. D. 188)

Reported that the same Ought to Pass.

Which Report was Read and Accepted and the Bill Read Once and Tomorrow Assigned for Second Reading.

#### Second Readers

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

##### House — As Amended

Bill, "An Act to Clarify the Laws Governing Vehicles Overtaking and Passing." (H. P. 17) (L. D. 26)

Which was read a second time.

On Motion of Mr. Speers of Kennebec, tabled

for one Legislative day, pending passage to be engrossed.

Bill, "An Act Relating to the Definition and Licensing of Applications under the Pesticide Control Law." (H. P. 108) (L. D. 139)

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) (L. D. 126)

Which were Read a Second Time and Passed To Be Engrossed, As Amended, in Concurrence.

#### Senate — As Amended

Bill, "An Act to Exempt Turbojet Fuel used for International Flights from Sales Tax." (S. P. 9) (L. D. 14)

Which was Read a Second Time and Passed to Be Engrossed, As Amended.

Sent down for concurrence.

#### Enactors

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

An Act Placing Professional Wrestling Matches, Shows and Exhibitions under the Jurisdiction of the Maine Boxing Commission. (H. P. 30) (L. D. 47)

The PRESIDENT: The Chair recognizes the Senator from York, Senator Danton.

Mr. DANTON: Mr. President, I'd like to ask a question through the Chair to the Chairman of the Committee that heard this Bill: What wrestling is now going to be doing under the Boxing Commission, under the rules and regulations of the Boxing Commission? I would like an explanation on that Bill.

The PRESIDENT: The Senator from York, Senator Danton, poses a question through the Chair to any Senator who may care to answer. The Chair recognizes the Senator from Kennebec, Senator Pierce.

Mr. PIERCE: Mr. President, under this Bill professional wrestling would come under the auspices of the present Boxing Commission. There were several things brought out at the hearing, at which there was no opposition, including that the Boxing Commission could regulate this with no increase in staff, no increase in cost to the State. Most of these wrestling promoters, if not all of them are out-of-state people who come in here to make a big hit on a town and then bolt with the money. The sponsor of the Bill felt, and the Committee felt, there was no reason why they shouldn't come under the same regulations as boxing does and provide to the State several thousand dollars in revenue. That was the basis of our decision and our unanimous Ought to Pass Report.

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

An Act Concerning Approval of Marriage by the Judge of Probate after the Filing of Objections. (H. P. 114) (L. D. 144)

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

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

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) (L. D. 128)

Resolve, Authorizing the Bureau of Public Lands to Convey by Sale the State's Interest in Certain Real Property in Hebron, Oxford County. (H. P. 69) (L. D. 93)

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

#### Orders of The Day

The President laid before the Senate, Bill,

"An Act to Authorize Use of Emergency Lights and Signals by State Liquor Inspectors." (S. P. 38) (L. D. 64)

Tabled — February 22, 1977 by Senator Speers of Kennebec

Pending — Consideration

On motion of Senator Speers of Kennebec, retabled until Thursday next.

The President laid before the Senate, Bill, "An Act Authorizing Municipalities to Raise or Appropriate Money for a Consumer Action Program." (Emergency) (H. P. 7) (L. D. 17)

Tabled — February 22, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed.

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

Mr. JACKSON: Mr. President and Members of the Senate: I have requested of the Attorney General's Office an Opinion regarding this piece of Legislation, and in talking with one of the Members of that Department this morning, the person that was assigned this Opinion has had a death in the family and has been unable to get the information back to me, and I, therefore, would ask somebody to table this for two Legislative days, if they would please.

On Motion of Senator Hichens of York, Retabled for two Legislative Days.

The President laid before the Senate, Bill, "An Act Relating to Licensing of Theaters and Motion Picture Houses." (S. P. 152) (L. D. 269)

Tabled — February 22, 1977 by Senator Speers of Kennebec

Pending — Motion of Senator Curtis of Penobscot to reconsider action whereby the Bill was Passed to be Engrossed

The Senate voted to reconsider its action.

The PRESIDENT: The Senator from Penobscot, Senator Curtis now offers Senate Amendment "A" to L. D. 269 and moves its adoption.

Senate Amendment "A" (S-17) read.

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

Mr. CURTIS: Mr. President, this is an Amendment to a Bill that regards motion picture operators and the Amendment does two things: First of all, it retains the existing law requirement that outdoor motion picture theaters, or drive-ins, employ a uniformed police officer or constable to direct traffic to any main highway from the theater when the theater gets out in the evening. That is the present existing law.

The second thing it does is to reinstate a requirement for licensing or continue the present requirement for licensing of moving picture machine operators. It changes the standard for the issuance of that license, increases the fee to \$25.00, but provides that it be a one-time-only fee. I have discussed the matter with the Fire Marshal's Office and, although they would like the Bill the way it is before you, they do not object strenuously to continuing their licensing provision in some fashion and believe that the \$25.00 fee would be sufficient to offset their cost in administering the examination. There would no longer be any renewal fee for motion picture operators' licenses, but would be a one-time-only license.

I would like to read from two communications that I have received after the Bill had its public hearing. One is from Mr. Robert J. Ouellette, who is the business representative of Local No. 624 of the Moving Picture Machine Operators Union in Lewiston and he writes:

"I have just heard today of the Bill to drop the issuance of motion picture projectionists' licenses. I am shocked at this move. With all the new electronics and automation being installed in theater booths, I can't believe the State Fire Marshal's office would let people operate without a license. The licensing of projectionists should be done by someone who knows what is going on. As business agent of the

Local, I believe as well as all the other men who belong to this Local, want to keep the projectionist's license. If anything, the law should be stronger. With theaters seating hundreds of patrons, a licensed operator is a must.

The other communication I would like to read from briefly is a letter which I received from Mr. Alden Roderick, who is a business agent of Local 198, which is local union of motion pictures operators in my area in Bangor. He writes:

"For one unfamiliar with projection equipment, to work with the equipment, poses a threat both to the audience and to himself. True, we no longer have a highly combustible and/or explosive nitrate film, but we do at present have a much more sophisticated equipment than in the past. The threat of fire, while more remote is still present. Proper operation and maintenance of electric motors and high output rectifiers can keep this threat at a minimum. For example, the light source for the projector in many booths at present is the Exxon bulb. While this bulb is very efficient, it is constructed by forcing under pressure 7 atmospheres of gas into a very thin glass envelope. Needless to say, proper handling of this bulb is necessary. A novice could sustain severe injury or even blindness. Again we stress experience."

So I would offer this Amendment in the hope the Senate would adopt it.

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

Mr. CONLEY: I request a Division.

The PRESIDENT: A division has been requested. The Chair recognizes the Senator from Kennebec, Senator Pierce.

Mr. PIERCE: Mr. President, I rise today to oppose the adoption of this Amendment. I did not oppose the reconsideration, because I did feel that the good Senator from Penobscot should certainly have a chance to present it for your consideration.

Just to give you a brief background on this Bill, it was proposed by the State Fire Marshal's Office, was heard and received the unanimous Ought to Pass Report from the Legal Affairs Committee, and later evidently someone had some second thoughts. But here is a case where the Department is saying to us, we don't need this money, we don't need this license, and now we are going to go back and say, yes, you do. I think that doesn't make any sense at all.

Something else which the Bill did, it increased the fees for cinema theater owners, and the testimony by the Theater Owners Association President was that they were entirely in favor of this, and it eliminated the fees for projectionists' license, and they wouldn't have to pay for them any more, and everyone thought that was a pretty good idea. So for us to now reimpose this needless license, obviously needless, I think, on this group doesn't make any sense at all for us to charge them \$35.00.

I would move that this Amendment be indefinitely postponed.

The PRESIDENT: Is the Senate ready for the question. The pending question before the Senate is a Motion by the Senator from Kennebec, Senator Pierce, that this Amendment be indefinitely postponed.

Will all those Senators in favor of the indefinite postponement of Senate Amendment "A" please rise in their places until counted.

Will all those Senators opposing the indefinite postponement of Senate Amendment "A" please rise in their places until counted.

20 Senators having voted in the affirmative, and 10 Senators in the negative, the Motion to indefinitely postpone Senate Amendment "A" does prevail.

The Bill passed to be engrossed.  
Sent down for concurrence.

Out of Order and Under Suspension of the Rules, the Senate voted to consider additional Papers from the House.

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

#### Non-Concurrent Matter

Bill, "An Act Concerning Professional Conduct of Chiropractors, Optometrists, Podiatrists and Dentists." (S. P. 167) (L. D. 572)

In the Senate February 22, 1977 referred to the Committee on Business Legislation and Ordered Printed.

Comes from the House, referred to the Committee on Health and Institutional Services and Ordered Printed in non-concurrence.

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

Mr. CONLEY: Mr. President, I move the Senate recede and concur.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves the Senate recede and concur with the House. Is this the pleasure of the Senate? It is a vote.

#### (Off Record Remarks)

On motion of Mr. Huber of Cumberland,  
Adjourned to Tuesday, March 1, 1977, at 10:00 in the forenoon.