

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

One Hundred and Seventh Legislature

(First Special Session)

OF THE

STATE OF MAINE

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possible because of any act of God, then I would hope that this agency would have a right to grant the variance. I would hope that we would accept today the majority "ought to pass" report and I would ask for a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Curran, that the Majority "Ought to pass" Report be accepted. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bachrach, Bagley, Berry, G. W.; Berube, Birt, Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Carroll, Carter, Chonko, Churchill, Connors, Cox, Curran, P.; Curran, R.; Curtis, Dam, DeVane, Doak, Dow, Drigotas, Dudley, Durgin, Dyer, Farley, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Henderson, Hennessey, Hewes, Higgins, Hinds, Hughes, Hunter, Immonen, Ingegneri, Jackson, Jacques, Joyce, Kany, Kauffman, Kelley, Kennedy, Laffin, Laverty, Lewin, Lovell, Lunt, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, McKernan, Mills, Miskavage, Mitchell, Morton, Nadeau, Najarian, Norris, Pearson, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Post, Powell, Raymond, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Snow, Snowe, Spencer, Sprowl, Stubbs, Susi, Tarr, Theriault, Torrey, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Wilfong, Winship.

NAY — Ault, Berry, P. P.; Call, Jensen, Kelleher, LaPointe, Lewis.

ABSENT — Bennett, Carey, Carpenter, Clark, Connolly, Cooney, Cote, Davies, Gauthier, Hall, Hobbins, Hutchings, Jalbert, LeBlanc, Leonard, Littlefield, Lizotte, McMahon, Morin, Mulkern, Palmer, Peakes, Peterson, T.; Quinn, Smith, Strout, Talbot, Teague, Tierney, Webber.

Yes, 113; No, 7; Absent, 30.

The SPEAKER: One hundred thirteen having voted in the affirmative and seven in the negative, with thirty being absent, the motion does prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (H-984) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Consent Calendar

First Day

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

Bill "An Act to Require an Annual Governor's Report on Employment and the Economy" — Committee on State Government reporting "Ought to Pass" (S. P. 720) (L. D. 2256)

Bill "An Act Relating to the Formation of Political Parties and to Political Designation" — Committee on Election Laws reporting "Ought to Pass" as Amended by Committee Amendment "A" (H-985) (H. P. 1960) (L. D. 2140)

Bill "An Act to Increase the Efficiency of the Investigation and Prosecution of Fraud against the State" (Emergency) — Committee on Performance Audit reporting "Ought to Pass" (H. P. 2155) (L. D. 2290)

No objections having been noted, the above items were ordered to appear on the Consent Calendar of March 18, under listing of the Second Day.

Consent Calendar

Second Day

In accordance with House Rule 49-A, the following item appeared on the Consent Calendar for the Second Day:

Bill "An Act Relating to Requests for Absentee Ballots" (H. P. 2062) (L. D. 2232)

No objections having been noted at the end of the Second Legislative Day, the above item was passed to be engrossed and sent up for concurrence.

Passed to Be Engrossed

Bill "An Act to Regulate Drinking Water" (S. P. 687) (L. D. 2198) (C. "A" S-431)

Bill "An Act to Prohibit Embalming when an Autopsy has been Authorized" (S. P. 659) (L. D. 2084) (C. "A" S-424)

Bill "An Act Relating to the Maine Transportation Board" (H. P. 1858) (L. D. 2026) (C. "A" H-974)

Were reported by the Committee on Bills in the Second Reading, read the second time, the Senate Papers were passed to be engrossed as amended in concurrence and the House Paper was passed to be engrossed as amended and sent up for concurrence.

Passed to Be Enacted Emergency Measure

An Act Concerning Insurance Coverage for Blind Persons (S. P. 637) (L. D. 2012) (C. "A" S-425)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Concerning the Administration of Medicine to Inmates of County Jails (S. P. 668) (L. D. 2127) (C. "A" S-423, H. "A" H-972)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113 voted in favor of same and 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure Tabled and Assigned

An Act Relating to the Initiative and Referendum Processes (H. P. 2027) (L. D. 2203) (C. "A" H-954, S. "A" S-426)

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

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, I move

this be tabled two legislative days pending passage to be enacted.

Whereupon, Mr. McKernan of Bangor requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentleman from Stonington, Mr. Greenlaw, that this matter be tabled pending passage to be enacted and specially assigned for Friday, March 19. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

56 having voted in the affirmative and 56 having voted in the negative, the motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I apologize that I didn't get to the sponsor of the bill to explain why I wanted this tabled, but I think another member of the body will do so.

I have one question in addition to perhaps having an explanation of what the bill does. The question is, last year the people of the State of Maine voted that the legislature should be on annual sessions. I believe the Constitution also provides that initiative petitions can only be submitted to the legislature during the regular session of the biennium. My question is, with the transition to annual sessions, will initiative petitions be able to be presented to the legislature during both of the regular sessions?

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

The Chair recognizes the gentleman from Bangor, Mr. McKernan.

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill and it doesn't deal with the issue that the gentleman from Stonington raises. We did, if you recall, in the regular session include in the constitutional amendment, which was passed here and ratified by the people, a provision that said that initiative measures could be brought to either regular session, so they will be able to be introduced in either year.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for being asleep at the switch. When Mr. Greenlaw stood up to ask his question, I asked him to make a tabling motion on this, and the reason is that before I was sick last week, in the Judiciary Committee we discussed an amendment to the bill which would have made some changes as to the number of people who originally were included in the document that was filed with the Secretary of State to start the petition process rolling. We also wanted to build in some flexibility into the appeal procedures so that there would not be one voter who had to take the appeal if the petition were denied by the Secretary of State on the theory that that one voter might be in California or he might be in a coma or there might be all sorts of reasons why he wasn't in a position to take the appeal. The solution that we intended was that five voters would be listed in the application for the petitions and then that any one of those five would be able to file an appeal.

The way the bill actually was written last week and reported out, it requires that all five take the appeal, so if four of

them wanted to and one of them didn't, you might not be able to appeal that decision. So the staff of the Judiciary Committee is now working on an amendment that would build some flexibility into the appeal provision so that it wouldn't require that all five join in the appeal, which I think would be an unworkable provision.

I would hope that somebody would move to table this for one legislative day.

Thereupon, on motion of Mr. McKernan of Bangor, tabled pending passage to be enacted and tomorrow assigned.

Emergency Measure

An Act to Clarify the Authority of the National Guard in Providing Emergency Medical Services (H. P. 2051) (L. D. 2226) (C. "A" H-962)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Orders of the Day

The Chair laid before the House the first tabled and today assigned matter:

House Report — "Leave to Withdraw" — Committee on Business Legislation on Bill, "An Act to Require Home Health Care Coverage to be Offered in all Health Care Policies and Contracts" (H. P. 2088) (L. D. 2247)

Tabled — March 15 by Mr. Theriault of Rumford.

Pending — Motion of Mr. DeVane of Ellsworth to Recommend to the Committee on Business Legislation.

Thereupon, Mr. DeVane of Ellsworth withdrew his motion to recommit.

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

Mr. PIERCE: Mr. Speaker, I would now make a motion that this bill be recommitted to the Committee on Business Legislation.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker and Members of the House: Since the Chairman of the Business Legislation Committee is not present again today, I would suggest this be tabled one more day, until she can return.

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

Mr. PIERCE: Mr. Speaker and Members of the House: I can't speak for the Chairwoman of the Business Legislation Committee who isn't here. I would suggest, however, I think the procedure she would rather have at this point to move the bill along is to have it back in committee. I think we can deal with it there very rapidly and get it back here so it would be on the calendar again by Friday.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Waterville, Mr. Pierce, that this Bill be recommitted to the Committee on Business Legislation. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

70 having voted in the affirmative and 42

having voted in the negative, the motion did prevail.

By unanimous consent, ordered sent forthwith to the Senate.

Mr. Dam of Skowhegan was granted unanimous consent to address the House.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: Again today it may sound like the needle is stuck in the groove of the record, it may sound like the same theme is playing over and over but, again, I am quite concerned with what some agencies in this state do and how they report things to their membership on how previous legislators have granted them the right or the privilege of being an instrumentality of this state.

Today, I am referring specifically to the Maine Municipal Association. They have, in this session, distributed on each of our desks at various times what they term a "Legislative Bulletin" and I am specifically referring to the one No. 5, February 13, 1976.

I don't mind any agency or any person or any group of people that opposes any bill or any measure before the legislature, whether it is my bill or a bill of a committee that I have served on or any other way, but I do mind and I am concerned when they report to the people and when they print in their bulletins something that is an absolute falsehood. Maybe using the word falsehood is a more refined way, but back in the area where I come from, we term them absolute lies.

I am referring to a bill that will be heard today before the Committee on Local and County Government. In the legislative bill that was put out by Maine Municipal on February 13, they said that this bill will expand and give additional powers and they go on to list the additional powers. I will not burden this house with listing these or reading it, but I will read one part. It says, that in addition to powers presently exercised by counties, the bill would add that the county may raise or appropriate money for operating expenses. This is something that every county has a right to do. We raise money in the legislature for operating expenses and the counties, under the present form, raise money to operate. There is nothing in this bill that expands. They have lied to the people. Evidently, they upheld a legislative committee meeting or whatever they want to term it but again they have misinformed the people.

Letters have appeared through various newspapers in this state, ridiculous letters, letters that are absolute falsehoods. The most recent one appeared on March 15 in the Portland Press Herald titled "Contradictions." It refers to an interview that was held by the KJ reporter with me over the phone.

Maine Municipal Association has seen fit to go around to their members and to meetings of their members and say this bill was a hurriedly drafted bill that came out of the Local and County Government Committee. This bill was not hurriedly drafted. The Joint Select Committee, which was established by this legislature, traveled over the state, held public hearings and devoted a lot of time to this bill.

The chairman of that committee, the house chairman is Roger Snow. Maine Municipal has seen fit to label this as my bill, they term me as chairman. I think that the Joint Select Committee of which Roger Snow was chairman did an

excellent job. They fully studied the bill and we worked practically all summer on it. It was not hurriedly drafted. I am amazed that any organization which takes money from municipalities in this state as membership dues would resort to this low-handed, dirty method of informing their municipalities what is pending before this legislature, and I would hope that Maine Municipal, in the future, would study these things a little more before just coming off of the top of their heads with a statement which is ill-conceived and not true.

It is true that in the case of the uniform fiscal year, which I spoke on, they did in their next bulletin say that they had made an error, but after you put out this trash for the people to read, it is easy then to say we made an error. It reminds of when you go into a court case and a witness will come out with a statement that could be real damaging to one side or the other, the judge will say, I want the jury to disregard this. But once that statement is made, whether it is made verbally or made in print, it becomes a lasting impression on the people's minds.

I would hope maybe now that we are winding down this session, we won't have this with Maine Municipal, but I would hope that if they continue to function as a municipal advisory organization in the next session, they will not report this stuff out until they have given it an adequate study.

During the regular session I had a bill in to remove the instrumentality from this association, and it may be necessary the next time to put that bill back in unless they change their ways of doing business.

Mr. Laffin was granted unanimous consent to address the House.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday, when I left the House I did a lot of thinking and last night, also, I am probably one of the most crucial deterrent members of this house as far as the newspapers of this state is concerned, namely, the Guy Gannett newspaper. I have been very critical of them publicly and privately. I have been critical of their editorial department because they write things with no signature.

I believe that newspapers have a right to print whatever they choose, just like I have a right to stand here and tell my feelings to the members of this house. I support the freedom of the press entirely. I will admit sometimes I would like to know who says a certain thing, and when it is said, they have a right to say it because that is their belief.

Yesterday, I was critical, not of a certain individual, but members of this house named a person from the Bangor Daily News, Mr. Day. I do not know Mr. Day. I do not know the Bangor Daily News because we are a captive audience in Cumberland County with one newspaper, so we don't have a choice either. But I admire a man who will come into this house, sit down and be attacked by members of this house, justifiable or not is not the case, but to sit here and take his punishment, a man of that caliber must be admired. I wish that there was a member from the Guy Gannett newspaper who could sit in that corner, because I have some things that I would like to say about them, but I don't think they will ever come up here.

This has bothered me. I wrote a speech