

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

"An Act to Adjust Allocation of Funds from Certain Public Lands" (H. P. 168) (L. D. 206) (C. "A" H-72)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

Enactor

Tabled and Assigned

"An Act to Provide for Legislative Review and Automatic Termination of State Agency Rules" (H. P. 173) (L. D. 211) (C. "A" H-56, S. "A" S-37)

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

The SPEAKER: The Chair recognizes the gentleman from Lisbon Falls, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: L. D. 211 is what I consider to be one of the most excellent bills which has been sponsored during this session, sponsored by my good friend, the gentleman from Nobleboro, Mr. Palmer.

What the bill does essentially is, it is a sunset law for state agencies rules. Prior to the abolition of our House Appropriation Table, this would have set here in the House for some time because there is an appropriation on it. However, before we say goodbye to this bill, I would like to call your attention to the fact that there is another piece of legislation dealing with sunset legislation dealing with agencies and boards.

Because these two issues are extremely important and because I would like to make sure that these two bills are coordinated, I would like to ask someone to table this bill for two legislative days.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker, I move that this bill be tabled for two legislative days.

Whereupon, Mr. Palmer of Nobleboro requested a roll call vote.

The SPEAKER: 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 Gorham, Mr. Quinn, that this matter be tabled pending passage to be enacted and specially assigned for Wednesday, March 20. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Blodgett, Brenerman, Brown, K. C.; Burns, Bustin, Carrier, Carroll, Carter, D.; Chonko, Clark, Connolly, Cote, Cox, Curran, Davies, Diamond, Dow, Dudley, Dutremble, Elias, Flanagan, Fowlie, Gauthier, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Hickey, Hobbins, Howe, Hughes, Jacques, Jalbert, Jensen, Joyce, Kany, Kilcoyne, LaPlante, LeBlanc, Locke, MacEachern, Mahany, Martin, A.; Maxwell, McHenry, Mitchell, Nadeau, Najarian, Pearson, Post, Prescott, Quinn, Raymond, Rideout, Spencer, Talbot, Theriault, Tierney, Tozier, Trafton, Truman, Twitchell, Tyndale, Valentine, Wilfong, Wyman, The Speaker.

NAY — Alopis, Ault, Austin, Bagley, Birt, Boudreau, P.; Brown, K. L.; Bunker, Byers, Carter, F.; Churchill, Connors, Cunningham, Devoe, Dexter, Drinkwater, Durgin, Fenlason, Garsoe, Gill, Gillis, Gould, Gray, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Kane, Laffin, Lewis, Lunt, Mackel, Marshall,

Masterman, Masterton, McBreairty, McKean, McPherson, Moody, Morton, Palmer, Peltier, Perkins, Peterson, Rollins, Shute, Silsby, Smith, Sprowl, Stover, Strout, Tarr, Teague, Torrey, Whittemore.

ABSENT — Boudreau, A.; Carey, Kelleher, Kerry, Littlefield, Lizotte, Lougee, Lynch, McMahon, Mills, Nelson, M.; Nelson, N.; Norris, Peakes, Stubbs, Tarbell, Wood.

Yes, 76; No, 57; Absent, 17; Vacant, 1.

The SPEAKER: Seventy-six having voted in the affirmative and fifty-seven in the negative, with seventeen being absent, the motion does prevail.

"An Act Relating to Notification of Results of Election Contests by the Commission on Governmental Ethics and Election Practices" (H. P. 318) (L. D. 409) (C. "A" H-67)

"An Act to Provide for the On-premises Sale of Alcoholic Beverages by Indoor Racquet Sport Clubs" (H. P. 436) (L. D. 543) (C. "A" H-71)

"An Act Concerning Chemical Control of Vertebrate Animals" (H. P. 800) (L. D. 812) (H. "A" H-73, S. "A" S-38)

"An Act to Provide for the Purchase of Certain Town Histories" (H. P. 876) (L. D. 899)

"An Act Relating to Work Probation in Lieu of Fine" (S. P. 303) (L. D. 898)

"An Act to Remove Service Facilities from Tax Exemption Granted to the Maine Turnpike Authority" (H. P. 42) (L. D. 59) (C. "A" H-57)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, 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:

Bill "An Act to Place the Office of Energy Resources in the State Planning Office" (S. P. 314) (L. D. 1034) — In Senate, Referred to Committee on State Government.

Tabled — March 24, 1977 by Mr. Davies of Orono.

Pending — Reference in concurrence.

Thereupon, the Bill was referred to the Committee on State Government in concurrence.

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

Bill "An Act Concerning the Advertising of Proposed Marine Resources Regulations" (H. P. 831) (L. D. 1004) — In House, referred to Committee on Marine Resources March 15. — In Senate, referred to Committee on State Government in non-concurrence.

Tabled — March 24, 1977 by Mr. Jackson of Yarmouth.

Pending — Further Consideration.

On motion of Mrs. Post of Owls Head, the House voted to insist.

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

Bill "An Act to Regulate the Circulating of Initiative or Referendum Petitions" (H. P. 223) (L. D. 287)

Tabled — March 24, 1977 by Mr. Talbot of Portland.

Pending — Passage to be Engrossed.

On motion of Mr. Quinn of Gorham, retabled pending passage to be engrossed and specially assigned for Wednesday, March 30.

Mr. Palmer of Nobleboro was granted unanimous consent to address the House.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief, but I must admit to you that I was a little bit upset a few moments ago when a bill which I sponsored and indeed the Majority Leader said was one of the finer bills we have before the legislature this session was tabled for two days and it may end up being tabled unassigned with

the PUC bills, for all I know, for the rest of this session.

I want to bring a few things out about this bill because I think it was a travesty to allow that to happen. One, this bill went before the State Government Committee. There was not one word of opposition at the time of the hearing. It came out of the State Government Committee with a unanimous "ought to pass" report. It has gone through this House and the other body without one word of opposition, and this morning it comes to the point of enactment and we table it. We table it for nothing more than purely raw, political reasons because there is another bill having to do with agencies which happens to be a Democrat bill.

I have no fight with the fact that there is a Democrat bill here on agencies. I have not expressed opposition to that bill. As a matter of fact, that bill and this bill can pass together and one would not conflict with the other whatsoever. I just see this as something which is purely partisan, which is going to extend this session if we continue to do this sort of thing.

This bill has the editorial support of most of the Maine newspapers, it is a good bill, it is a people's bill, it is a bill the people of Maine want. This morning we are delaying action on that bill only for one reason, which is to see what happens to the other bill, and I presume the reasoning would follow that if the other bill fails, we will kill this one too, regardless of how good it may be. I think it is a poor start in a very, very bad direction for this session.

Mr. Tierney of Lisbon Falls was granted unanimous consent to address the House.

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: Very gently, I would like to repeat again the fact that I do favor this bill, that it is indeed a people's bill. I would like to say that it did go to the State Government Committee and for some unforeseen reason, the other sunset bill went to the Performance Audit Committee and so the question of coordination that the gentleman from Nobleboro was so confident that there is no problem, I am not so sure.

I was very saddened to see that he brought up the fact that one was a Democratic bill, one was a Republican bill. As the good gentleman knows, the other sunset bill was cosponsored by the gentleman from Wayne, Mr. Ault, who is a member of the Republican Party and in that nature, I don't feel that it is necessarily partisan.

Of course, we table bills all the time. We extended the courtesy to the gentleman from New Gloucester on dealing with rat control today for two days. It would seem that we could have done at least the same on a bill of significantly more importance. I urge each and everyone of you to study these issues and hopefully we will be able to deal with them in a coordinated, non-partisan fashion.

Mr. Goodwin of South Berwick was granted unanimous consent to address the House.

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I would just like to bring to your attention the fact that my name is also on Representative Palmer's bill and that I don't consider this a Republican bill at all. I was going to introduce one exactly the same and he allowed me to put my name on it. I went along with the tabling motion as well, but I don't think this should be classified as a Republican or a Democratic bill.

Mr. Palmer of Nobleboro was granted unanimous consent to address the House.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I was not going to respond to the gentleman from Lisbon Falls, Mr. Tierney, because I think it is unnecessary. I will