

# 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

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, I would like to pair my vote on this with the gentleman from Saco, Mr. Hobbins. If Mr. Hobbins were here, he would be voting yes and I would be voting no.

The SPEAKER: The gentleman from York, Mr. Rolde, wishes to pair his vote with the gentleman from Saco, Mr. Hobbins. If Mr. Hobbins were present, he would be voting yes, and Mr. Rolde would be voting no.

The Chair recognizes the gentlewoman from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker and Members of the House: I don't know as you can say that we didn't do our work in the other body. There were two floors of this building and the other building that did the work for us in lobbying. So I would ask that you go along with asking for a committee of conference. We are going to be here for a month and it won't take that much more time.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, may I be excused under Rule 19?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, is excused pursuant to House Rule 19.

A roll call has been ordered. The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that the House recede and concur. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Ault, Bachrach, Bagley, Berry, P. P.; Birt, Blodgett, Boudreau, Carey, Carter, Chonko, Churchill, Clark, Connolly, Cooney, Cox, Curran, P.; Davies, DeVane, Dow, Durgin, Dyer, Farnham, Faucher, Flanagan, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Higgins, Hughes, Ingegneri, Jackson, Jensen, Joyce, Kany, Kelleher, Laverty, Littlefield, Lizotte, Lynch, Martin, A.; McBreairty, McMahon, Mitchell, Mulkern, Nadeau, Najarian, Norris, Palmer, Pelosi, Perkins, S.; Peterson, T.; Post, Saunders, Snow, Snowe, Spencer, Talbot, Tierney, Truman, Twitchell, Usher, Wagner, Walker, Wilfong, Winship.

NAY — Albert, Bennett, Berry, G. W.; Berube, Bowie, Burns, Bustin, Byers, Call, Carpenter, Conners, Cote, Curran, R.; Dam, Doak, Drigotas, Dudley, Farley, Fenlason, Finemore, Fraser, Garsoe, Gould, Gray, Hennessey, Hewes, Hunter, Hutchings, Immonen, Jacques, Kauffman, Kelley, Kennedy, Waffin, LeBlanc, Lewin, Lewis, Lovell, Lunt, MacEachern, Mackel, MacLeod, Mahany, Martin, R.; Maxwell, McKernan, Mills, Miskavage, Morin, Pearson, Perkins, T.; Peterson, P.; Pierce, Powell, Quinn, Raymond, Rideout, Rollins, Shute, Silverman, Smith, Sprowl, Strout, Susi, Tarr, Teague, Theriault, Torrey, Tozier, Webber.

ABSENT — Carroll, Curtis, Gauthier, Hinds, LaPointe, Leonard, Morton, Peakes, Stubbs, Tyndale.

PAIRED — Hobbins, Rolde.

EXCUSED — Jalbert.

Yes, 67; No, 70; Absent, 10; Paired, 2; Excused, 1.

The SPEAKER: Sixty-seven having voted in the affirmative and seventy in the negative, with ten being absent, two paired and one excused, the motion does not prevail.

Thereupon, the House voted to insist and ask for a Committee of Conference.

#### Non-Concurrent Matter Tabled and Assigned

Bill "An Act to Prohibit Telephone Charges for Information or Directory Assistance Calls" (H. P. 1911) (L. D. 2098) on which the House accepted the Minority "Ought to Pass" Report of the Committee on Public Utilities and passed the Bill to be engrossed in the House on February 25, 1976.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Public Utilities accepted in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, I move this lie on the table two legislative days pending further consideration.

Whereupon, Mr. Berry of Buxton requested a vote on the motion.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that this matter be tabled pending further consideration and specially assigned for Tuesday, March 2. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. 80 having voted in the affirmative and 45 having voted in the negative, the motion did prevail.

#### Non-Concurrent Matter

Report "A" Bill "An Act to Improve Solid Waste Management in this State" (H. P. 2089) (L. D. 2248) which was referred to the Committee on Natural Resources in the House on February 24, 1976.

Came from the Senate referred to the Committee on Taxation in non-concurrence.

Report "B" Bill "An Act to Improve Solid Waste Management" (H. P. 2090) (L. D. 2249) which was referred to the Committee on Natural Resources in the House on February 24, 1976.

Came from the Senate referred to the Committee on Taxation in non-concurrence.

Report "C" Bill "An Act to Provide Funding for Action on Solid Waste and Litter" (H. P. 2091) (L. D. 2250) which was referred to the Committee on Natural Resources in the House on February 24, 1976.

Came from the Senate referred to the Committee on Taxation in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, may I pose a parliamentary inquiry before I make a motion?

There has been some confusion. The House did refer this to the Committee on Natural Resources. The other body referred it to the Taxation Committee. If we were to insist that it be referred to the Committee on Natural Resources and it were to go to the other body, would it end up dead if they adhered to their position?

The SPEAKER: The Chair would answer in the negative. If the other body chose to remain in its original position, they could adhere and at that point, this body then would have no choice but to recede and concur. At the moment, they are not in any position to defeat the measures.

Mr. PETERSON: Mr. Speaker, I would then move that we insist.

The SPEAKER: The gentleman from Windham, Mr. Peterson, moves that the House insist.

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

Mr. GREENLAW: Mr. Speaker, I have spoken with the good gentleman from Windham, Mr. Peterson, a bit earlier, and I suggested to him that to try and resolve this question about reference to committee we should insist and request a committee of conference so it can be done together. Apparently that point of view doesn't seem to prevail on some members of this legislature.

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

Mr. MCKERNAN: Mr. Speaker, I am not going to speak on the motion in front of us, but I would like to mention that insisting and asking for a committee of conference could in fact create the decision that Mr. Peterson is trying to avoid if there was an inability to agree.

Thereupon, the House voted to insist on its former action whereby the Bills in Reports A, B and C were referred to the Committee on Natural Resources.

#### Messages and Documents

The following Communication: (H. P. 2120)

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 forth coming as it is in the last stages of drafting.

Very truly yours,

Signed:

NEAL C. CORSON  
Senate Chairman

Signed:

RAYMOND N. FAUCHER  
House Chairman

The Communication was read and ordered placed on file and sent for concurrence.

The following Communication:

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE

February 26, 1976

To the Honorable Members of the House of Representatives and Senate of the 107th Maine Legislature

I am returning without my approval House Paper 1910, Legislative Document 2097, "An Act to Establish Assessments Upon Certain Public Utilities and to Authorize Use of the Funds Generated by Those Assessments to Pay Certain Expenses of the Public Utilities Commission."

On June 13, 1975 I vetoed a similar bill and the members of this same Legislature