

# 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

Mrs. CUMMINGS of Penobscot  
Messrs. BERRY of Cumberland  
REEVES of Kennebec  
-of the Senate.

Mrs. POST of Owls Head  
Messrs. BLODGETT of Waldoboro  
MILLS of Eastport  
JENSEN of Portland  
GREENLAW of Stonington  
WEBBER of Belfast  
JACKSON of Yarmouth  
MACKEL of Wells  
CURTIS of Rockland  
-of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on the same Bill.

Report was signed by the following member:  
Mr. CONNERS of Franklin  
-of the House.

Reports were read.

On motion of Mr. Greenlaw of Stonington, the Majority "Ought to pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

#### Divided Report

Majority Report of the Committee on Natural Resources on Bill "An Act to Redefine 'Subdivision' in the Site Location and Development Act" (H. P. 1979) (L. D. 2169) reporting "Ought to Pass" as Amended by Committee Amendment "A" (H-1000)

Report was signed by the following members:  
Messrs. WYMAN of Washington  
O'LEARY of Oxford  
-of the Senate.

Messrs. CURRAN of Bangor  
HALL of Sangerville  
CHURCHILL of Orland  
WILFONG of Stow  
Mrs. HUTCHINGS of Lincolnville  
-of the House

Minority Report of the same Committee reporting "Ought Not to Pass" on the same Bill.

Report was signed by the following members:  
Messrs. PETERSON of Windham  
DOAK of Rangeley  
-of the House.

Mr. TROTZKY of Penobscot  
-of the Senate  
Abstaining.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Waldoboro, Mr. Blodgett.

Mr. BLODGETT: Mr. Speaker, I move the acceptance of the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Waldoboro, Mr. Blodgett, moves the House accept the Majority "Ought to pass" Report.

The Chair recognizes the gentleman from Rangeley, Mr. Doak.

Mr. DOAK: Mr. Speaker and Members of the House: As a signer of the minority report, I am not going to discuss or debate this at any length today, but I am going to ask that the ladies and gentlemen of this House take a very long look at this bill we are trying to put through at this time. I would hope that you would do the same thing that I did, look at the subdivision laws of this state, and I do say laws. There are three definitions of subdivision on the books at this present moment and this particular bill proposes to put another one on it. All I am doing at this point is bringing it to your attention, suggesting that you take a look, determine what you want to do with it, and we will talk about it later.

Thereupon, the Majority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-1000) was read

by the Clerk and adopted and the Bill assigned for second reading tomorrow.

#### Divided Report Tabled and Assigned

Majority Report of the Committee on Natural Resources on Bill "An Act to Permit Local Plumbing Inspectors to Approve Repairs to Existing Septic Systems" (H. P. 2206) (L. D. 2306) reporting "Ought Not to Pass"

Report was signed by the following members:

Mr. TROTZKY of Penobscot  
-of the Senate.

Mrs. HUTCHINGS of Lincolnville  
Messrs. DOAK of Rangeley  
CURRAN of Bangor  
McBREAIRTY of Perham  
AULT of Wayne  
PETERSON of Windham  
-of the House.

Minority Report of the same Committee reporting "Ought to Pass" on the same Bill.

Report was signed by the following members:

Mr. O'LEARY of Oxford  
Mr. WYMAN of Washington  
-of the Senate

Messrs. HALL of Sangerville  
CHURCHILL of Orland  
BLODGETT of Waldoboro  
WILFONG of Stow  
-of the House

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Waldoboro, Mr. Blodgett.

Mr. BLODGETT: Mr. Speaker, I move the acceptance of the Minority "Ought to pass" Report.

The SPEAKER: The gentleman from Waldoboro, Mr. Blodgett, moves that the House accept the Minority "Ought to pass" Report.

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

Mr. HENDERSON: Mr. Speaker and Members of the House: I hope we oppose this motion unless someone can give us a reason to accept an "ought to pass" report on this bill. I would request a vote on the motion.

Whereupon, on motion of Mr. Farley of Biddeford, tabled pending the motion of Mr. Blodgett of Waldoboro to accept the Minority Report and tomorrow assigned.

#### Divided Report Tabled and Assigned

Majority Report of the Committee on State Government on Bill "An Act to Establish a Division of Travel Information" (H. P. 2022) (L. D. 2201) reporting "Ought to Pass" as Amended by Committee Amendment "A" (H-1012)

Report was signed by the following members:

Messrs. WYMAN of Washington  
CURTIS of Penobscot  
GRAHAM of Cumberland  
-of the Senate.

Mrs. KANY of Waterville  
SNOWE of Auburn  
Messrs. COONEY of Sabattus  
CARPENTER of Houlton  
LEWIN of Augusta  
PELOSI of Portland  
STUBBS of Hallowell  
WAGNER of Orono  
QUINN of Gorham  
-of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-1013)

Report was signed by the following member:  
Mr. FARNHAM of Hampden  
-of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker, I move acceptance of the Majority "Ought to pass" Report and further move that this lie on the table for one legislative day.

Thereupon, on motion of Mr. Cooney of Sabattus, tabled pending his motion to accept the Majority Report and tomorrow assigned.

#### Divided Report Tabled and Assigned

Seven Members from the Committee on Taxation on Bill "An Act to Improve Solid Waste Management" (H. P. 2090) (L. D. 2249) reporting in Report "A" that the same "Ought Not to Pass"

Report was signed by the following members:

Messrs. WYMAN of Washington  
JACKSON of Cumberland  
-of the Senate.

Messrs. IMMONEN of West Paris  
FINEMORE of Bridgewater  
TWITCHELL of Norway  
MAXWELL of Jay  
DRIGOTAS of Auburn

Five Members from the same Committee reporting in Report "B" that the same "Ought to Pass" in New Draft Under New Title Bill "An Act to Strengthen Litter Laws and Improve Solid Waste Management in this State" (H. P. 2225) (L. D. 2315)

Report was signed by the following members:

Mr. MERRILL of Cumberland  
-of the Senate.

Messrs. COX of Brewer  
MORTON of Farmington  
SUSI of Pittsfield  
MULKERN of Portland  
-of the House.

One Member from the same Committee reporting in Report "C" that the same "Ought to Pass" as amended by Committee Amendment "A" (H-1015)

Report was signed by the following member:  
Mr. DAM of Skowhegan  
-of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Drigotas.

Mr. DRIGOTAS: Mr. Speaker, I move we accept Report A, "Ought not to pass".

The SPEAKER: The gentleman from Auburn, Mr. Drigotas, moves the House accept Report A "Ought not to pass."

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

Mr. McKERNAN: Mr. Speaker, a point of parliamentary inquiry. There has been a lot of debate on whether or not this particular version would be let in, and I wonder if the Speaker would make a ruling on that, and if in fact the bill can be let in, I would hope that somebody would table it for two days. If not, we don't have to worry about it.

The SPEAKER: The Chair thanks the gentleman from Bangor, Mr. McKernan, for the request. The Chair has been researching the matter for two weeks and the Chair would like to read the following ruling: Joint Rule 28 provides that measures that are finally rejected in the regular session, they shall not be reintroduced. This was adopted in 1974. Joint Rule 28 must be read in conjunction with Joint Rule 3, which was amended in 1975 to reflect the new status of the joint standing committees, that said committees now are being authorized by statutes, 3 MRSA, Section 165, to study and to report on matters assigned by the Legislative Council. The 1975 amendment to Joint Rule 3 provides that "if a committee responds to an order directing inquiries upon any matter by presenting a report recommending legislation,

such legislation shall be introduced when the report is transmitted to the legislature."

Having been adopted subsequent to the adoption of Joint Rule 28, it must be presumed to have been adopted in full awareness of the provisions of that rule. In the present case, by order, House Paper 1669, which was properly adopted in both the Houses on June 5, 1975, the Legislature directed the Legislative Council to assign to the Natural Resources Committee the subject of recycling consumer and industrial goods and material and to report its finding with recommendations and legislation to the next regular or special session.

Introduction of bills pursuant to the study orders under Joint Rule 3 was specifically recognized in the cloture order which was adopted in both branches on January 19 and January 20, 1976, which exempts bills and resolves reported by any joint standing committee in the regular course of business. Pursuant therefore to the following, I hereby rule that the matter is germane and is not in violation of Joint Rule 82.

Thereupon, on motion of Mrs. Najarian of Portland, tabled pending the motion of Mr. Drigotas of Auburn to accept Report A and specially assigned for Wednesday, March 24.

**Divided Report  
Tabled and Assigned**

Majority Report of the Committee on Taxation on Bill "An Act to Provide Funding for Action on Solid Waste Litter" (H. P. 2091) (L. D. 2250) reporting "Ought Not to Pass"

Report was signed by the following members:

Mr. MERRILL of Cumberland  
— of the Senate.

Messrs. MORTON of Farmington  
COX of Brewer  
DRIGOTAS of Auburn  
MAXWELL of Jay  
TWITCHELL of Norway  
SUSI of Pittsfield  
FINEMORE of Bridgewater  
MULKERN of Portland  
DAM of Skowhegan

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (H. P. 2224) (L. D. 2314) on the same Bill.

Report was signed by the following members:

Messrs. WYMAN of Washington  
JACKSON of Cumberland

— of the Senate.

Mr. IMMONEN of West Paris  
— of the House.

Reports were read.

On motion of Mrs. Najarian of Portland, tabled pending acceptance of either Report and specially assigned for Wednesday, March 24.

The following paper from the Senate appearing on Supplement No. 1 was taken up out of order by unanimous consent:

The following Joint Order: (S. P. 767)

ORDERED, the House concurring, that the Joint Standing Committee on Education shall report out "An Act Clarifying the Source of Payment of Bonds, Notes and Other Evidence of Indebtedness Issued for School Purposes."

Came from the Senate, read and passed and ordered sent forthwith.

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

**Consent Calendar  
First Day**

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

(H. P. 1982) (L. D. 2151) Bill "An Act

Relating to Voting Places in Certain Unorganized Townships" — Committee on Elections Laws reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1003)

(H. P. 2147) (L. D. 2289) Bill "An Act to Permit the Town of Camden to Vote on June 8, 1976 on Certain Local Option Questions Concerning the Sunday Sale of Liquor" (Emergency) — Committee on Liquor Control reporting "Ought to Pass"

(H. P. 2092) (L. D. 2251) Bill "An Act to Enable Counties to Hire County Administrators" — Committee on Local and County Government reporting "Ought to Pass"

No objection having been noted, were ordered to appear on the Consent Calendar of March 23 under listing of Second Day.

(H. P. 2094) (L. D. 2253) Bill "An Act to Change County Budgets to an Annual Basis" — Committee on Local and County Government reporting "Ought to Pass"

On the request of Mr. McMahon of Kennebunk, was removed from the Consent Calendar.

Thereupon, the Report was accepted, the Bill read once and assigned for second reading tomorrow.

(H. P. 1929) (L. D. 2116) Bill "An Act to Grant the Power to Confer Graduate Degrees of Doctor of Osteopathy to St. Francis College of Biddeford" — Committee on Education reporting "Ought to Pass" as Amended by Committee Amendment "A" (H-1005)

(H. P. 2174) (L. D. 2297) RESOLVE, Authorizing Merrilyn Young, or her Legal Representative, to Bring Civil Action Against the State of Maine — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1011)

(H. P. 2052) (L. D. 2219) Bill "An Act to Conform Certain Maine Statutes to the 14th Amendment of the Constitution of the United States, to Title VII of the United States Civil Rights Act of 1964, as Amended in 1972, and to the Maine Human Rights Act." — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1008)

(H. P. 1866) (L. D. 2037) Bill "An Act to Clarify Various Statutes Relating to Superior Court Fees and Costs" (Emergency) — Committee on Judiciary reporting "Ought to Pass" as Amended by Committee Amendment "A" (H-1016)

No objections having been noted, the above items were ordered to appear on the Consent Calendar of March 23, under listing of the Second Day.

**Consent Calendar  
Second Day**

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

(H. P. 1927) (L. D. 2114) Bill "An Act Relating to Confering Degrees by Thomas College" (C. "A" H-994)

(H. P. 2190) (L. D. 2302) Bill "An Act Increasing the Indebtedness Limit of the Mexico Sewer District and Creating a Special Debt Limit for Interim Financing" (Emergency)

No objections having been noted, were passed to be engrossed and sent up for concurrence.

(H. P. 1983) (L. D. 2165) Bill "An Act Relating to Charitable Solicitations" (C. "A" H-996)

On the request of Mrs. Boudreau of Portland, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-996) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(H. P. 1904) (L. D. 2091) Bill "An Act Concerning the Analysis of Unexpended Balance and Payment Maximums under the Aid for Dependent Children Program"

(H. P. 2121) (L. D. 2270) Bill "An Act to Permit an Employee to Review His Personnel File" (C. "A" H-999)

No objections having been noted at the end of the Second Legislative Day, the above items were passed to be engrossed or passed to be engrossed as amended and sent up for concurrence.

**Second Reader  
Later Today Assigned**

Bill "An Act to Increase the Efficiency of the Investigation and Prosecution of Fraud Against the State" (Emergency) (H. P. 2155) (L. D. 2290)

Was reported by the Committee on Bills in the Second Reading and read the second time. (On motion of Mr. DeVane of Ellsworth, tabled pending passage to be engrossed and later today assigned.)

**Passed to Be Engrossed  
Amended Bills**

Bill "An Act to Revise the Personnel System" (S. P. 677) (L. D. 2166) (C. "A" S-433 as amended by H. "A" H-1001)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed as amended in non-concurrence and sent up for concurrence.

Bill "An Act Concerning the Workmen's Compensation Statutes" (H. P. 2046) (L. D. 2218) (C. "A" H-988)

Was reported by the Committee on Bills in the Second Reading and read the second time. (On motion of Mr. Tierney of Durham, tabled pending passage to be engrossed as amended and later today assigned.)

**Passed to Be Enacted  
Emergency Measure**

An Act to Reconstitute School Administrative District No. 42 (H. P. 2059) (L. D. 2237)

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. 109 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.

**Emergency Measure**

An Act to Establish a Program to Protect the Clam Fishery from Green Crab Predation (H. P. 2200) (L. D. 2303)

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. 108 voted in favor of same and 3 against and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Enactor**

**Later Today Assigned**

An Act to Require an Annual Governor's Report on Employment and the Economy (S. P. 720) (L. D. 2256)

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

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

Mr. NORRIS: Mr. Speaker, I would ask any member of the Committee that heard this bill just exactly what it does. Is it necessary? We seem to be getting all kinds of reports and