

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

1975

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Friday, April 4, 1975

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. John W. Mingus of Cherryfield.

The journal of yesterday was read and approved.

Papers from the Senate

Bills from the Senate requiring reference were disposed of in concurrence.

Reports of Committees Ought Not to Pass

Report of the Committee on Local and County Government reporting "Ought Not to Pass" on Bill "An Act Concerning Paid Vacations and Sick Leave of County Employees" (S. P. 250) (L. D. 822)

Was placed in the Legislative Files without further action, pursuant to Joint Rule 17-A in concurrence.

Leave to Withdraw

Committee on Local and County Government reporting Leave to Withdraw on Bill "An Act Concerning Court Holidays and the Closing of Public Offices in County Buildings on Court Holidays" (S. P. 251) (L. D. 823)

Came from the Senate read and accepted.

In the House, the Report was read and accepted in concurrence.

Referred to Fisheries and Wildlife

Committee on Local and County Government on Bill "An Act to Prevent Hunting in Areas Near Dumps in Unorganized Territories and Plantations of the State" (S. P. 205) (L. D. 695) reporting that it be referred to the Committee on Fisheries and Wildlife

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on Fisheries and Wildlife.

In the House, the Report was read and accepted and the Bill referred to the Committee on Fisheries and Wildlife in concurrence.

Ought to Pass in New Draft

Committee on State Government on Bill "An Act to Require Public Hearings on Appointments of Commissioners and Department Heads" (S. P. 45) (L. D. 97) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Require Public Hearings on the Appointments of Departmental Commissioners" (S. P. 429) (L. D. 1377)

Came from the Senate with the Report read and accepted, and the New Draft passed to be engrossed.

In the House, the Report was read and accepted in concurrence, the New Draft read once and assigned for second reading the next legislative day.

Ought to Pass with Committee Amendment

Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-42) on Bill "An Act Providing Funds for Treatment of Cystic Fibrosis" (S. P. 126) (L. D. 412)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended.

In the House, the Report was read and accepted in concurrence, Committee Amendment "A" (S-42) was read by the

Clerk and adopted in concurrence and the Bill assigned for second reading the next legislative day.

Non-Concurrent Matter

Bill "An Act to Amend the General Assistance Laws" (H. P. 1032) (L. D. 1320) which was referred to the Committee on Health and Institutional Services in the House on March 21.

Came from the Senate referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

In the House: The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Redirect the Use of Plumbing Permit Fees" (H. P. 1092) (L. D. 1371) which was referred to the Committee on Legal Affairs in the House on March 24.

Came from the Senate referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

In the House: The House voted to recede and concur.

Non-Concurrent Matter**Tabled and Assigned**

Bill "An Act to Authorize Bond Issue in the Amount of \$6,500,000 for the Construction and Renovations of Higher Education Facilities at the University of Maine" (H. P. 1061) (L. D. 1341) which was referred to the Committee on Appropriations and Financial Affairs in the House on March 24.

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

In the House: On motion of Mr. Smith of Dover-Foxcroft, tabled pending further consideration and specially assigned for Monday, April 7.

Non-Concurrent Matter

Bill "An Act to Protect Families with Children and Recipients of Certain Benefits Against Discrimination in Rental Housing" (H. P. 273) (L. D. 327) which was indefinitely postponed in the House on March 26.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-44) in non-concurrence.

In the House: The House voted to recede and concur.

Non-Concurrent Matter

Resolve, Providing a Minimum Service Retirement Allowance Under the State Retirement Law for Bertha Cargill Rogers. (Emergency) (H. F. 379) (L. D. 472) on which the Minority "Ought to Pass" Report was read and accepted and the Bill passed to be engrossed in the House on April 1.

Came from the Senate with the Majority Ought Not to Pass Report read and accepted in non-concurrence.

In the House: On motion of Mr. Theriault of Rumford, the House voted to insist and ask for a Committee of Conference.

Messages and Documents

The following Communication:
STATE OF MAINE
BUREAU OF PUBLIC IMPROVEMENTS
AUGUSTA

April 1, 1975

Hon. John L. Martin
Speaker of the House
and Members of the
One Hundred and Seventh Legislature
Gentlemen:

In accordance with the provisions of Title 5, M.R.S.A., Section 1742, I present the accompanying Recommended Priorities for Capital Improvement Requests submitted to the One Hundred and Seventh Legislature for the fiscal years 1975-76 and 1976-77.

Respectfully submitted,

Signed:

RICHARD G. BACHELDER
Director

The Communication was read and ordered placed on file.

Petitions, Bills and Resolves Requiring Reference

The following Bills were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Appropriations and Financial Affairs

Bill "An Act Appropriating Funds to Renovate Indian Dwellings on the Penobscot Indian Reservation" (H. P. 1377) (Presented by Mr. Binnette of Old Town)

Bill "An Act to Provide Funds for Employment Opportunities for Maine's Reservation Indians" (H. P. 1378) (Presented by Mr. Binnette of Old Town)

(Ordered Printed)
Sent up for concurrence.

Election Laws

Bill "An Act Relating to Political Fundraising by State Employees" (H. P. 1382) (Presented by Mrs. Boudreau of Portland)

(Ordered Printed)
Sent up for concurrence.

Human Resources

Bill "An Act Further Defining the Definition of 'North American Indians Residing in Maine'" (H. P. 1375) (Presented by Mr. Binnette of Old Town)

(Ordered Printed)
Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act Exempting Members of Maine's Indian Tribes from the Atlantic Salmon Fishing Stamp Fee" (H. P. 1376) (Presented by Mr. Binnette of Old Town)

Committee on Reference of Bills suggested the Committee on Human Resources.

On motion of Mr. Mills of Eastport, referred to the Committee on Fisheries and Wildlife, ordered printed and sent up for concurrence.

Human Resources cont'd.

Bill "An Act Revising the Laws Pertaining to the Penobscot Indians of Maine" (H. P. 1380) (Presented by Mr. Binnette of Old Town)

(Ordered Printed)
Sent up for concurrence.

Judiciary

Bill "An Act to Authorize any Alleged Rape Victim to Obtain a Physical Examination by her own Physician and at the Expense of the County in which the Alleged Rape Took Place" (H. P. 1372) (Presented by Mr. Quinn of Gorham)

(Cosponsor: Mr. Jensen of Portland)

(Ordered Printed)
Sent up for concurrence.

Bill "An Act to Establish the Death Penalty for any Person who Murders a Police Officer while Committing a Felony" (H. P. 1383) (Presented by Mr. Laffin of Westbrook) (Cosponsors: Mr. Dam of Skowhegan, Mr. Gould of Old

Town, Mr. MacEachern of Lincoln)
Committee on Reference of Bills suggested the Committee on Judiciary.

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

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Laffin just received a note from me, I believe, in which I told him what my intention was. It is something that is very rarely ever done here, and I hope you will forgive me the discourtesy which I am about to show to the process we have, but it is a matter of conscience on my part that I make the motion that we indefinitely postpone this bill at this time.

It seems to me that the issue is a simple limited one and we can send it to committee, and I am sure that is probably what you will do, but in my own case I feel it is a true measure of our civilization as individuals, as people in Maine, as Americans, as people of the human community, what our feelings are on the death penalty. I for one feel it is one of the most demeaning things that we have had in our history and that it is something that we have evolved from and we should not retreat to.

So, I do make the motion to indefinitely postpone. I am sure that you will prevail today, or I would expect you probably would, but an act of conscience on my own part requires that I take this action at this early time.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I rise to oppose that motion. I think regardless of what our feelings may be on this piece of legislation, it is given in good will. There are many here who feel as the sponsor does and many who do not. I think there are citizens out here in the state who would like to speak one way or the other on it, and I think it is rather ridiculous that we pick out one piece of legislation at this point of the game and say we can't even send it to a committee hearing. I hope you will not go along with this motion to indefinitely postpone.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would agree with the gentleman from Nobleboro, Mr. Palmer. I may very well share some of the feelings of the gentleman from Sabattus, but I do believe this bill should have a hearing.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Laffin.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: This kind of caught me off guard, and I want to be a gentleman about this because I want to remember where I am. I don't know how to approach this or to answer the question because all our homework is involved in going to committee. I am going to ask for a division.

I have been here for three months and I have never heard of one bill not having a hearing. When people's consciences are involved, I believe we should have a separation of church and state. I have many other things I would like to say, but I won't at this time.

I am sure that nobody endorses cop killers in this legislature. I am hoping they don't. I ask for a division on this, Mr. Speaker.

The SPEAKER: The pending question is

on the motion of the gentleman from Sabattus, Mr. Cooney, that this Bill be indefinitely postponed. All in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken.

8 having voted in the affirmative and 103 having voted in the negative, the motion did not prevail.

Thereupon, the Bill was referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

Bill "An Act to Require that an Arrested Person be Allowed to Make a Telephone Call at No Cost to the County or Municipality" (H. P. 1384) (Presented by Mr. Carey of Waterville)

(Ordered Printed)

Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act Concerning Off-duty Court Appearances by State Police Officers" (H. P. 1387) (Presented by Mr. Tierney of Durham)

Committee on Reference of Bills suggested the Committee on Judiciary.

On motion of Mr. Tierney of Durham, referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

Labor

Bill "An Act to Define the Responsibilities of the Bureau of Labor and the Public Employees Labor Relations Board" (H. P. 1371) (Presented by Mr. Kelleher of Bangor)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act Concerning Preliminary Injunction and Temporary Restraining Order under the Labor and Industry Statutes" (H. P. 1385) (Presented by Mr. Tierney of Durham)

Committee on Reference of Bills suggested the Committee on Labor.

On motion of Mr. Tierney of Durham, referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

Legal Affairs

Bill "An Act to Legalize Gambling" (H. P. 1388) (Presented by Mr. Carey of Waterville) (Cosponsor: Mr. Faucher of Solon)

(Ordered Printed)

Sent up for concurrence.

Local and County Government

Bill "An Act Creating Knox County Commissioner Districts" (H. P. 1373) (Presented by Mrs. Post of Owls Head)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Clarify the Location of Certain Islands as being within the Territorial Limits of the Town of Deer Isle" (H. P. 1374) (Presented by Mr. Greenlaw of Stonington)

Committee on Reference of Bills suggested the Committee on Local and County Government.

On motion of Mr. Greenlaw of Stonington, referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

State Government

Bill "An Act to Insure Citizen Participation in the Promulgation, Amendment and Repeal of Agency Rules" (H. P. 1379) (Presented by Mrs. Berry of Madison) (Cosponsors: Mr. Palmer of Nobleboro, Mr. Kelleher of Bangor, Mr. Teague of Fairfield)

Bill "An Act to Determine the Method of Resignation of Appointed Officials" (H. P. 1386) (Presented by Mr. Carey of Waterville)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act Revising the Rate Tables for Tax Imposed on the Income of Individuals" (H. P. 1347) (Presented by Mr. Cooney of Sabattus) (Cosponsors: Mr. Wagner of Orono, Mr. Davies of Orono)

(Ordered Printed)

Sent up for concurrence.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Leonard.

Mr. LEONARD: Mr. Speaker, in reference to non-concurrent matters, L. D. 327, I would like to move that we reconsider our action whereby we voted to recede and concur.

The SPEAKER: The Chair understands the gentleman from Woolwich, Mr. Leonard, moves the House reconsider its action of earlier in the day whereby it voted to recede and concur with the Senate on Bill "An Act to Protect Families with Children and Recipients of Certain Benefits Against Discrimination in Rental Housing," House Paper 273, L. D. 327.

Thereupon, Mr. Henderson of Bangor requested a division.

The SPEAKER: The pending question is on the motion of the gentleman from Woolwich, Mr. Leonard, that the House reconsider its action whereby it voted to recede and concur with the Senate. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

66 having voted in the affirmative and 43 having voted in the negative, the motion did prevail.

The SPEAKER: The pending question now before the House is the motion to recede and concur.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: For those of you who don't remember, L. D. 327 has to do with discrimination in rental housing with respect to two items, one, families with children and the second element in that was families who are receiving public assistance. Because of the debate the other day and the obvious unlikelihood that the House, not to mention the Senate, would pass the problem of discrimination with families with children, there are some reasonable arguments in that respect and yet there were no strong feelings with respect to the notion of discriminating against people solely because they were receiving public assistance.

I talked with Senator Trotsky and he agreed to amend this bill so that it now only applies to discrimination of people who receive public assistance. What the bill says is only the second section of the original bill. As far as obtaining loans and obtaining rental housing, the landlords in fact may not discriminate against people who are seeking rental housing solely because they are in receipt of public