

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh  
Legislature*

OF THE

STATE OF MAINE

**Volume II**

May 21, 1975 to July 2, 1975

**Index**

KENNEBEC JOURNAL  
AUGUSTA, MAINE

Supplement No. 10 were taken up out of order by unanimous consent:

Resolution, Proposing an Amendment to the Constitution to Provide for Annual Sessions of the Legislature and to Change the Date of Convening of the Legislature (H. P. 1510) (L. D. 1827) which was enacted in the House on May 30 and passed to be engrossed as amended by Conference Committee Amendment "A" (H-491) on May 27.

Came from the Senate failing of final enactment in non-concurrence.

On motion of Mr. McKernan of Bangor, the House voted to recede from passage to be engrossed.

On further motion of the same gentleman, the House voted to recede from its action whereby the Conference Committee Report was accepted.

On further motion of the same gentleman, the Report was rejected.

The same gentleman offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-851) was read by the Clerk.

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

Mr. McKERNAN: Mr. Speaker, briefly, I would just like to explain this. I hate to just run these things through without anyone knowing what we are doing. What this amendment would do would be to limit the second regular session of each legislature and would limit it to emergency matters, budgetary matters, legislation in the Governor's call and orders that were to be studied between sessions and petitions that are initiated by the people. I hope that we would adopt this amendment.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would like to ask you to read House Amendment "C". It says here "provided, however, that the business of the second regular session of the legislature shall be limited to budgetary matters, legislation in the Governor's call, legislation of an emergency nature admitted by the legislature". Legislation of an emergency measure admitted by the legislature — that means everything that I want to put in and everything you want to put in that in your mind is an emergency. "Legislation referred to committees for study and report by the legislature of first regular session, and legislation presented to the legislature by written petition of the electors under provision of Article 4, Part 3rd, Section 18". Unless I'm mistaken, this amendment here broadens the time and the bills and the measures and the resolves that you could put in even at a regular session of the legislature.

Now we know we have special sessions of the legislature, but I have presented an annual sessions bill four times since I have been here, and I finally learned two things. I was batting my head against the wall with a chestnut, that is the first thing. The second thing, if you want to pass something like this, and I'm not going to mar my record by making a move to indefinitely postpone, but if you want to positively and absolutely be here 'til August or September, pass this one.

The SPEAKER: The pending question is the adoption of House Amendment "C". All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Jalbert of Lewiston 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 Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: You know, certainly it isn't my intention to be an obstructionist, I haven't been and I don't want to be; but gosh, if you really look up and look at the money that we spend, probably amounts of (I use the telephone a little bit more than I should sometimes) but gosh, I am here sometimes Saturdays and Sundays, I work evenings like some of you do and I repeat what I said before, this is the talkingest but it is also the most sincere and hardest working House I've ever served in; but we are also spending money that we have no regard for. This is one of the reasons why the people really look upon us and say "what are you doing over there?" Just imagine the days and days and days that we come here at ten o'clock in the morning and we get out at 10:25. Time and again, two or three months, they get out at five, six, seven, eight sometimes anywhere between five and twelve minutes and that is the end of it, they can go through the calendar. This time here, through the way of moving acceptance of item 1 to item 17 and item one on "leave to withdraw" and 17A, the Speaker and with his staff and through the workings of some of the members have saved a tremendous amount of time. The fast speaking of the Speaker and sometimes the fast gavel, which is necessary, in my opinion there, has worked out pretty well.

The reason I asked for a roll call is because I wanted to bother you with a few more minutes. I wish you knew and I wish I could talk to you about what happens to this on the other side. Apparently, really and truly you people probably don't want to go home and we are just going to keep coming back and forth with situations that are impossible.

Now, in my humble opinion, with due respect to the gentleman from Bangor, Mr. McKernan, this amendment doesn't make any sense at all. This forces us to be here longer than the regular session. Why not have an annual session? This doesn't restrict anything at all. Now don't tell me that any one of you can't sweet talk yourself through the leadership to get a bill or two or three or four in because you can. If you haven't got the know-how yet, and I know you have, I'm sure that by just spending a few hours here and there or a few minutes here and there, that you can get it. This is not going to get anywhere, anyway. We are spending money here like it was going out of existence.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker, a parliamentary inquiry. I realize that no legislature can increase its own pay. Any pay motions made take effect in the next legislative session and the question in my mind, if this amendment is adopted, if the constitutional amendment is adopted by the people this fall, have we a right to say that this legislature creates a second legislative session or should that date not be advanced to affect only the incoming legislature, or the 108th as it would be? I

think you might run into some possibility of pay problems under this amendment if you declare the next session a regular session. If you are here six months, that \$1,000 that is laying back in the kitty is going to get awfully thin by the middle of June or the first of July.

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

Mr. JALBERT: Mr. Speaker, the \$1000 you get, you get for the first year. It was just arranged that way. You automatically get that \$1000 because there has already been an order put in that we get that money on January 2, 1976. We passed an order that we get \$1000 on January 2, 1976. The order was passed last week. If we come in on the regular days like we're going to come in in September or next week again, if we come back in next January or any subsequent special session, I have been here as many as three special sessions in one day, at the time it was \$5 a day incidentally, and expenses once during the session, but as we come into special sessions now, we get \$25 for the day for expenses and \$25 a day for our pay to be here.

In order for us, on this thing here, if this would ever pass, we cannot vote to raise our salaries. I am talking about protecting yourself. You had better protect yourselves right here and now, and I am positive that order was passed that says that we would receive \$1000 the second day of January 1976. We passed that order. That is not our money for a special session, that is our money for the regular session of the legislature.

The SPEAKER: The Chair recognizes the gentlewoman from Auburn, Mrs. Snowe.

Mrs. SNOWE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make one point. I was here in the last special session and as I read over this amendment, it seems to me we considered the very identical matter which is written here. We considered budgetary matters, legislation of the Governor's call, legislation of emergency nature admitted by the legislature, and some of it was questionable whether or not it was emergency anyway, legislation referred to committees for study and report by the legislature in the first regular session and legislation presented to the legislature by written petition. So I don't see what difference it makes.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I was about to make the same point that the gentlewoman from Auburn has made. The bill that we passed originally, which was put on the Appropriations Table, was an open-ended annual session. There were no limitations on it whatsoever, and that was some of the objection in the other body. This amendment would put restrictions on that we had originally opposed in this House and that are essentially the same as those we place on any special session.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Farley.

Mr. FARLEY: Mr. Speaker, I would pose a question to the gentleman from Bangor. With the adoption of this amendment, would it not open up an avenue for him to introduce legislation which is very, very dear to him?

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

Mr. McKERNAN: Mr. Speaker, Ladies

and Gentlemen of the House: The answer to that question is no, but after you have accepted this, I will be offering another amendment that might in fact do that.

The SPEAKER: The pending question is the adoption of House Amendment "C". A roll call has been ordered. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA Ault, Bagley, Bennett, Berube, Birt, Boudreau, Burns, Bustin, Byers, Carpenter, Carroll, Carter, Chonko, Clark, Conners, Connolly, Cote, Cox, Curran, P.; Curtis, Davies, DeVane, Doak, Dow, Drigotas, Durgin, Dyer, Faucher, Fenlason, Finemore, Flanagan, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hinds, Hobbins, Hutchings, Immonen, Ingegneri, Jackson, Jacques, Joyce, Kany, Kelleher, Kennedy, Laffin, LeBlanc, Leonard, Lewin, Lewis, Lovell, MacEachern, Mackel, MacLeod, Martin, A.; Martin, R.; Maxwell, McBreairty, McKernan, McMahan, Miskavage, Morton, Nadeau, Najarian, Norris, Palmer, Peakes, Pearson, Pelosi, Perkins, S.; Perkins, T.; Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Smith, Snow, Snowe, Sprowl, Stubbs, Susi, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Tyndale, Usher, Wagner, Walker, Webber, Wilfong, Winship, The Speaker.

NAY Bachrach, Berry, G. W.; Berry, P. P.; Blodgett, Bowie, Call, Carey, Cooney, Curran, R.; Dam, Farley, Farnham, Fraser, Gauthier, Hunter, Jalbert, Jensen, Laverty, Littlefield, Morin, Mulkern, Peterson, P.; Spencer, Talbot, Twitchell.

ABSENT — Albert, Churchill, Dudley, Hughes, Kauffman, Kelley, LaPointe, Lizotte, Lunt, Lynch, Mahany, Mills, Mitchell, Strout, Truman.

Yes, 111; No, 25; Absent, 15.

The SPEAKER: One hundred and eleven having voted in the affirmative and twenty-five in the negative, with fifteen being absent, the motion does prevail.

Mr. McKernan of Bangor offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-850) was read by the Clerk.

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

Mr. McKernan: Mr. Speaker, Ladies and Gentlemen of the House: All this amendment says is that if in fact we are going to have annual sessions and we think it's a good idea, why not start it beginning next January? So what it would do is say that the session that we are going to have, which we all know we are going to have in January anyway, shall begin as other annual sessions are going to begin after this is adopted, on the first Wednesday after the first Tuesday of January and it shall be deemed the second regular session. In other words, legislation introduced would be limited by the amendment which we just adopted, which was the ones that we have gone over and in answer to the gentleman's question from Biddeford, if in fact people decided to go out on any issue and get 35,000 or 40,000 signatures, that wouldn't mean that that legislation wouldn't be able to be introduced to this session of the legislature in January as well as the other things that are listed in the constitutional amendment.

I would urge your adoption of this. I

don't know whether it will finally pass or not, but I think we ought to at least — if we feel annual sessions are the way to go, we might as well start it next January.

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

Mr. KELLEHER: Mr. Speaker, I move indefinite postponement of this amendment.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahan.

Mr. McMAHON: Mr. Speaker, I have a question I would pose to Mr. McKernan. If this amendment is indefinitely postponed, Amendment "B" but the bill with Amendment "C" is finally approved by the people, when will it take effect?

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

Mr. McKERNAN: Mr. Speaker, in answer to the gentleman's question, the best opinion that we can get is that it would take effect in the 108th Legislature, and that is why we put this in, to have it take effect, make sure that it would take effect the second half of this legislature.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahan.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I really hadn't intended to speak on this at all. I can truthfully say that, but I would agree with the gentleman, Mr. Kelleher, I favor indefinite postponement of this and I will tell you why.

The question that was raised about the pay earlier has a direct bearing on this particular amendment because if, in fact, the voters approve annual sessions, and I think with the limitation such as is contained in House Amendment "C" that they will do so, then it will be incumbent upon this legislature next January to restructure the existing pay so that the 108th Legislature will come in here and not be faced with the problem that we might be next January. I also favor indefinite postponement of this amendment for another reason. Although I supported it, and for that reason would like very much to see it back, I would hate to think that the good gentleman from Bangor would be offering this amendment solely for the purpose of reintroducing a bill that both he and I support.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Mrs. Goodwin.

Mrs. GOODWIN: Mr. Speaker, may I pose a question to the gentleman from Bangor through the Chair?

The SPEAKER: The gentlewoman from Bath may pose her question.

Mrs. GOODWIN: I would like to ask, if this amendment does pass, would it be true that we will not receive \$25 per diem during that regular session in 1976?

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

Mr. McKERNAN: Mr. Speaker, in answer to the gentlelady's question, we would, in fact, have to alter the statutes governing our pay as we are going to have to do if annual sessions pass anyway, and I am sure that because we all want to get paid, we would have no trouble getting two thirds to do that upon our arrival here.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Mrs. Goodwin.

Mrs. GOODWIN: Mr. Speaker, it is my understanding that the current legislature

cannot change the expenses or the pay of this legislature, only for the 108th. Therefore, if this amendment passes, we will not be paid for the special session and I would urge its indefinite postponement.

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

Mr. McKERNAN: Mr. Speaker, I question whether or not that we cannot raise our pay or whether we cannot change it. I would wonder whether or not if we made it the same as it would be anyway, whether or not that would be within the statutes.

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

Mr. JALBERT: Mr. Speaker, I said exactly that when I spoke just a few minutes ago. That is exactly what I said. Besides that, the gentleman from Bangor, Mr. McKernan, was talking about the 108th Legislature. While he was speaking about his amendment, he mentioned the words '108th Legislature.' Yet, this amendment says the first Tuesday of January, 1976. Now, how are we going to meet when we haven't voted?

The gentleman from Kennebunk, Mr. McMahan, says that he thinks people will accept this. The question that is put to the people under this amendment here, is, shall the Constitution be amended as proposed by a resolution of the legislature to provide annual sessions of the legislature with limits on the matters which may be considered in the regular session of the biennium and to change the date of the convening of the legislature. It doesn't have all these arguments here on the front page, it just has that question there. It just doesn't make any sense. This amendment makes no more sense to me than this first one and I was thinking of going along with a unicameral House the next time but I have changed my mind.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahan.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: What I said, I think you will remember, is that the people of this state, I believe, will accept this idea of annual sessions with House Amendment "C" attached to it, not with House Amendment "B" attached to it. The good gentleman, Mr. Jalbert, was addressing both in his comments just now and in his earlier comments, I think, to the substance of House Amendment "B", and I agree with him for several reasons.

I definitely support indefinite postponement of House Amendment "B", which would leave the bill in a posture of having House Amendment "C" on it and if the other body accepts that, I also think the people will. That is what I said.

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

Mr. McKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I certainly, in no way, intended to deprive any of us of our just rewards for serving here. If someone can show me the provision in the Constitution which says not only can you not change the pay but also that we can't change it even if we keep it the same, then I would be more than happy to withdraw this amendment.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to comment on the issue, but the

constitutional provision in question is found in Article 4. I had it and I lost it. Maybe, I had better sit down until I find these.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: The fact is that there is a prohibition which we checked at the last session when we were talking about the pay increases that does restrict raising the pay, that is raising your own pay, but I would submit that under the statutes, if you are concerned about getting less money, under the statutes now the pay is structured in the statutes for each regular session and so you would be paid in the next regular session the same as you have been paid in this regular session, which would be the \$3,500 that you just received plus the \$1,000 the next year. That is what the statutes say.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I am somewhat embarrassed, I again refer you to Article 4 of the Constitution, Section 7. It says that Senators and Representatives shall receive such compensation as shall be established by law but no law increasing their compensation shall take effect during the existence of the legislature which enacts it.

The SPEAKER: The pending motion is on the indefinite postponement of House Amendment "B". Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

98 having voted in the affirmative and 18 in the negative, the motion did prevail.

Thereupon, this bill was passed to be engrossed as amended by House Amendment "C" in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith.

RESOLVE, Authorizing the Commission of Mental Health and Corrections to Lease Land in Augusta to the Maine Department of the American Legion (H. P. 1780) (L. D. 1947) which under suspension of the rules and without reference to a committee, the Bill was read twice and passed to be engrossed.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

The following papers appearing on Supplement No. 8 were taken up out of order by unanimous consent:

The following Joint Order: (S. P. 610)

WHEREAS, state valuation has increased since 1968 from \$2,820,000,000 to \$4,649,000,000, an average of 17 percent per biennium; and

WHEREAS, predictions by the Bureau of Property Taxation indicate significant future increases in value; and

WHEREAS, there is heavy reliance in Maine statutes on state valuation for distributing more than \$175,000,000 each year in grant-in-aid programs, including education; and

WHEREAS, in a democratic society, the public must have confidence in the accuracy and validity of the valuation base used for taxation and for distribution of state financial resources; and

WHEREAS, there has been no adequate review in recent years of the procedures used by the Bureau of Taxation in establishing state valuation; now, therefore, be it

ORDERED, the House concurring, that

the Legislative Council be authorized to study the subject of this order either through the Joint Standing Committee on Taxation or through the establishment of a Select Committee on State Property Tax Valuation comprised of 8 members to be constituted and appointed as follows: One member of the Senate who serves on the Committee on Taxation to be appointed by the President of the Senate; one member of the House who serves on the Committee on Taxation to be appointed by the Speaker of the House; 3 municipal officials, representing various sized communities and various geographical areas, one of whom shall be a representative of a so-called high valuation town, and 3 members of the general public, all of whom shall be appointed by joint agreement of the President of the Senate and the Speaker of the House; and be it further

ORDERED, that whichever committee is selected to conduct the study shall:

1. Review the procedures by which state valuations are established;

2. Review the validity of the state valuation with respect to a representative sampling of communities;

3. Review the need for a sales certificate to be filed with all real estate transactions;

4. Report its findings to the Governor and the Legislature no later than January 1, 1977 along with recommended administrative action and legislation to implement its findings; and be it further

ORDERED, that whichever committee is selected by the Legislative Council to conduct this study shall be directed to employ outside professional assistance in the implementation of this order and all departments of State Government shall cooperate with the committee in the pursuit of its assigned task; and be it further

ORDERED, that if the Legislative Council establishes the Joint Select Committee on State Property Tax Valuation to conduct this study, that committee shall hold its organizational meeting upon the call of the president and shall choose a chairman from among its membership at that time; and be it further

ORDERED, that if the Legislative Council selects the Joint Select Committee on State Property Tax Valuation to conduct this study, the members of that committee shall serve without compensation, but may be reimbursed for their reasonable expenses in attending meetings, procuring supplies, correspondence and other related and necessary expenditures; and be it further

ORDERED, that if the Legislative Council establishes the Joint Select Committee on State Property Tax Valuation to conduct this study, the Joint Select Committee is authorized to accept funds from any agency of the United States, from any private foundation and from any other private source for the purpose of implementing the purposes of this order; and be it further

ORDERED, that the Legislative Council is authorized, if it deems necessary, to allocate from the Legislative Account the sum of \$25,000 for the purpose of carrying out this order.

Came from the Senate read and passed.

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

Majority Report of the Committee on State Government reporting "Ought Not to Pass" on Resolution, Proposing an Amendment to the Constitution Relating to

the Powers of the Governor and Providing for the Selection of the Members of the Executive Council (S. P. 268) (L. D. 876)

Report was signed by the following members:

Messrs. CURTIS of Penobscot  
GRAHAM of Cumberland  
— of the Senate.

Mrs. KANY of Waterville  
Mrs. SNOWE of Auburn

Messrs. PELOSI of Portland  
COONEY of Sabattus  
QUINN of Gorham  
CARPENTER of Houlton  
STUBBS of Hallowell  
LEWIN of Augusta  
WAGNER of Orono

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-300) on same Bill.

Report was signed by the following members:

Mr. WYMAN of Washington  
— of the Senate.

Mr. FARNHAM of Hampden  
— of the House.

Came from the Senate with the Majority "Ought Not to Pass" Report accepted.

In the House, the Reports were read.

On motion of Mr. Cooney of Sabattus, the Majority Report was accepted in concurrence.

The following paper appearing on Supplement No. 11 was taken up out of order by unanimous consent:

An Act Relating to Purchases of Spirituous, Vinous and Malt Beverages by Licensees for Resale (H. P. 1779) (L. D. 1946)

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

Mr. Pierce of Waterville 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 Chair recognizes the gentleman from Bangor, Mr. McKernan.

Mr. McKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: If you read this carefully, on the bottom of the page of the engrossed copy you will see that Section 2, which repeals the law that we just passed takes effect 91 days after. So that means that law will not take effect anyway, so what we are really doing in Errors and Inconsistencies, we are repealing that law and we are taking care of it in this bill so we won't need that law any more. This bill will take effect as an emergency so that what we will in effect be doing is depriving licensees from the right to buy at the Kittery Liquor Store immediately upon the signature of the Governor. The other bill, we have to do something with it because we passed it, but the other bill will be taken care of in Section 2, which, one day after that one takes effect will be repealed.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Farley.

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: I just want to be very, very clear on this. Is this to take care of the problem that just occurred in the last two or three days, instead of getting a