

MAINE STATE LEGISLATURE

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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

amendment is passed by the voters its effective date will be January 4, 1977; and

WHEREAS, passage of this Constitutional amendment by the voters will require changes in the Revised Statutes before January 4, 1977 in order to make the statutes conform to the Constitution; and

WHEREAS, such statutory changes require careful study and consideration; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council through the Joint Standing Committee on State Government, be directed to study the Maine Revised Statutes with the purpose of amending such statutes to conform with the proposed amendment to the Constitution abolishing the Executive Council and in conformity with the following directions:

In regard to appointments by the Governor:

1. The statutes shall declare which positions require legislative confirmation;
2. The statutes shall specify which committee shall conform;
3. The statutes shall specify as many positions as possible requiring legislative approval for a term coterminous with that of the Governor;
4. The statutes shall permit the Governor to withdraw his nomination at any time prior to final confirmation;
5. The statutes shall allow any officeholder to remain in office until his successor is finally confirmed.

In regard to approved transfer of funds, a provision relating to the approval of departmental transfers of funds shall be included in the recommendations of the committee; and be it further

ORDERED, that the Department of the Attorney General and any other state agency from which assistance is requested are respectfully requested to cooperate with the Committee on State Government in this study; and be it further

ORDERED, that the report of the Committee on State Government, along with legislation implementing such report, be submitted to the next session of the 107th Legislature if the proposed Constitutional amendment is approved by the voters in November, 1975; and be it further

ORDERED, upon passage in concurrence that suitable copies of this order be transmitted forthwith to said agencies as notice of this directive. (H. P. 1781)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

**Joint Resolution
STATE OF MAINE**

In the Year of Our Lord One Thousand Nine Hundred and Seventy-five

Joint House Resolution Urging the State of Maine, Maine Municipalities and Certain Contractors to Purchase and Use Maine Cement

WHEREAS, the construction industry is one of the major industries of our State, purchasing raw materials worth millions of dollars each year; and

WHEREAS, one of the most important of these raw materials is cement, used to build bridges, to construct buildings and for countless other purposes; and

WHEREAS, the manufacture of cement is also a major industry in Maine and in

the United States, employing hundreds of workers in Maine and many thousands throughout this country; and

WHEREAS, certain foreign manufacturers, subsidized by their governments, are able to sell their cement in the United States at a price pennies a bag cheaper than cement manufactured by unsubsidized American manufacturers; and

WHEREAS, this subsidized competition threatens numerous jobs in Maine and throughout the country; and

WHEREAS, much of the construction accomplished in this State is construction for state and municipal purposes; now, therefore, be it

RESOLVED: That We, the Members of the 107th Legislature in regular session assembled, respectfully request and urge all agencies of this State, all municipalities of this State and all contractors working for this State and for its municipalities to give preference to the purchase and use of Maine cement over foreign cement whenever economically feasible; and be it further

RESOLVED: That upon passage in concurrence, the Secretary of State shall send suitable copies of this resolution to the Governor, to the Maine Municipal Association and to the Associated General Contractors of Maine. (H.P. 1783)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

**Committee Reports
House**

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act to Extend the Jurisdiction of the Human Rights Commission to Grievances of Ex-Offenders" (H. P. 1114) (L. D. 1416) have had the same under consideration, and ask leave to report: That the House recede and that the bill be granted "Leave to Withdraw"; that the Senate recede and that the bill be granted "Leave to Withdraw" in concurrence.

On the part of the House:

DAVIES of Orono
CONNOLLY of Portland
McMAHON of Kennebunk

On the part of the House:

CLIFFORD of Androscoggin
SPEERS of Kennebec

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

**Papers from the House
Non-concurrent Matter**

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)

In the Senate June 27, 1975, Fails of Final Passage, in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "C" (H-851), in non-concurrence.

Mr. Speers of Kennebec moved that the Senate Recede and Concur.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, for a number of reasons, not the least of which is to shorten the session, I would hope that we

would oppose the motion to recede and concur.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President, I urge forgiveness if I am being repetitive today, but here is another bill before us now to vote on, and I am concerned that if we go too far with amending the constitution to give the legislature or give the people more government, I think this bill could say to the people that the legislators have taken over the duties of the Governor's Council, now they are going to perpetuate themselves by providing for annual sessions, and we are leading down the road to a full-time legislature. I don't think we need this bill now, I don't think it will be well received, and I hope the Senate would vote not to recede and concur.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate: I think we need the bill and I think the people know that we have annual sessions in fact anyway, and to continue to pretend that there is something special about the annual or semiannual "special session" that we hold, I think is a charade that the people would probably be happy to see us stop playing. I would hope that the Senate would vote to recede and concur to put us in a posture of concurrence and, hopefully, thereby shorten the session.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Carbonneau.

Mr. CARBONNEAU: I have somewhat of a problem with this bill, Mr. President, and that is that if we are talking about annual sessions, we are also talking about annual pay. As I understand it, at the beginning of the annual session we get so much a year. Now, if we go into annual sessions rather than biannual, then we have the same pay for every two years. This is not explained properly to my satisfaction.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Cummings.

Mrs. CUMMINGS: Mr. President, I ask permission to pair my vote with Senator Clifford, who, if he were here, would vote against the bill, and I would vote for it.

The PRESIDENT: The Senator from Penobscot, Senator Cummings, requests leave of the Senate to pair her vote with the Senator from Androscoggin, Senator Clifford, who, if he were here, would be voting against the motion to recede and concur and the Senator from Penobscot, Senator Cummings, would be voting to recede and concur. Is it the pleasure of the Senate to grant this leave?

It is a vote.

The pending question before the Senate is the motion by the Senator from Kennebec, Senator Speers, that the Senate recede and concur with the House. Will all those Senators in favor of receding and concurring please rise in their places until counted. The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President, I know that-

The PRESIDENT: For what purpose does the Senator rise.

Mr. CIANCHETTE: I was going to ask somebody to perhaps table this until later in today's session.

The PRESIDENT: The Chair would advise the Senator that his motion is out of order at this time as the vote has been taken. The only motion that would be in order would be to request a roll call.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, I so request.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered.

The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. Cianchette then moved that the Resolution be tabled until later in today's session, pending the motion by Mr. Speers of Kennebec to Recede and Concur.

On motion by Mr. Conley of Cumberland, a division as had, 12 having voted in the affirmative, and 14 having voted in the negative, the motion did not prevail.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Kennebec, Senator Speers, to recede and concur. A "Yes" vote will be in favor of receding and concurring; a "No" vote will be opposed.

The Secretary will call the roll.

ROLLCALL

YEAS: Senators Berry, E.; Collins, Conley, Corson, Curtis, Cyr, Graham, Hichens, Huber, Johnston, Merrill, Pray, Reeves, Speers, Thomas, Trotzky.

NAYS: Senators Berry, R.; Carbonneau, Cianchette, Graffam, Greeley, McNally, O'Leary, Roberts, Wyman.

ABSENT: Senators Danton, Gahagan, Jackson, Katz, Marcotte.

A roll call was had, 16 Senators having voted in the affirmative, and nine Senators having voted in the negative, with two Senators pairing their votes and five being absent, the motion prevailed.

Order

On motion by Mr. Berry of Androscoggin (Cosponsor: Mr. Pray of Penobscot)

WHEREAS, the Honorable Jane Callan Kilroy of Portland served as a Member of the Legislature for many years, and during that time was an inspiration to its members; and

WHEREAS, she was noted for her sunny wit, her helpful smile, and her kind advice; and

WHEREAS, during the last days of previous legislative sessions, she often led the Legislature in song, its members gathered in the rotunda of the statehouse, their voices lifted in fond remembrance of the contests and glories of the session almost past; and

WHEREAS, it is most appropriate for the Legislature to show its respect and admiration for her in a manner which she would have appreciated and enjoyed; now, therefore, be it

ORDERED, the House concurring, that, in honor of Representative Jane Callan Kilroy who inspired us so often to fond melodies and soaring song, a piano be moved into the rotunda of the statehouse during the 107th legislative day of the legislature, to enable Legislators and passers-by to commemorate in music the glorious session almost past; and be it further

ORDERED, that upon passage in concurrence, a delegation composed of 2 Senators appointed by the President of the Senate and 2 Representatives appointed by the Speaker of the House be sent forthwith to bring a suitable piano into the rotunda to carry out the purposes of this Order. (S. P. 612)

Which was Read and Passed.
Sent down for concurrence.

Enactor

The Committee on Engrossed Bills report as truly and strictly engrossed the following:

Emergency

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

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Graffam.

Mr. GRAFFAM: Mr. President, I would request a roll call.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, as a member of the Taxation Committee, I would just like to say in regards to this item that it is really to clear up a misunderstanding that has existed in regards to whether or not there can be the 10 percent on top of the 30 percent discount that there has been in the past. As you know, we just took action recently to end that in regards to licensees, and this is to make clear that the 10 percent discount of the days past is gone, and what it will provide for is that the licensees will get the regular 10 percent discount in the York County area that everyone else gets by going to the York liquor store. I think it is necessary to clear up some of the problems that we had with the other bill.

I know that it is supported downstairs, and I hope it will receive the support of not only the Senators that supported the other bill but of the Senators that would just like to see us, now that we have passed that and it has been signed into law, just see us make certain that the motives behind passing it will actually be accomplished.

It is an emergency bill, so it can go into effect immediately and prevent the licensees from defeating the purpose of our previous action by stockpiling a great amount of liquor over the summer in a three-month period until this act becomes law.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President, may I ask if this bill has been put on our desks yet?

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, this bill is in our list of enactors under its L. D. number, L. D. 1946.

The PRESIDENT: The Chair thanks the Senator.

The Chair recognizes the Senator from Penobscot, Senator Cummings.

Thereupon, on motion by Mrs. Cummings of Penobscot,

Recessed until the sound of the bell.

After Recess

Called to order by the President.

The PRESIDENT: The pending question before the Senate is the enactment of L. D. 1946, An Act Relating to Purchase of Spirituous, Vinous and Malt Beverages by Licensees for Resale. This being an emergency measure, it requires two-thirds of the entire elected membership of the Senate for its enactment. A roll call has been ordered.

The pending question before the Senate is the enactment of L. D. 1946. A "Yes" vote will be in favor of enactment; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Cianchette, Collins, Conley, Corson, Cummings, Curtis, Cyr, Graham, Greeley, Huber, Johnston, McNally, Merrill, O'Leary, Pray, Reeves, Roberts, Speers, Thomas, Trotzky, Wyman.

NAYS: Senators Berry, R.; Carbonneau, Graffam, Hichens.

ABSENT: Senators Clifford, Danton, Gahagan, Jackson, Katz, Marcotte.

A roll call was had, 22 Senators having voted in the affirmative, and four Senators having voted in the negative, with six Senators being absent, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, having voted with the majority, I move reconsideration and urge the Senate to vote against the motion.

The PRESIDENT: The Senator from Kennebec, Senator Speers, moves that the Senate reconsider its action whereby this bill was passed to be enacted. Will all those Senators in favor of reconsideration, please say "Yes"; those opposed "No".

A viva voce vote being taken, the motion did not prevail.

On motion by Mr. Huber of Cumberland, the Senate voted to take from the table the following Specially Assigned matter:

Bill, "An Act Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1976 and June 30, 1977." (S. P. 609) (L. D. 1945)

Tabled — earlier in today's session by Mr. Huber of Cumberland.

Pending — Acceptance of the Committee Report.

Thereupon, the Ought to Pass Report of the Committee was Accepted and the Bill Read Once. Under suspension of the rules, the Bill was Read a Second Time.

Mr. Huber of Cumberland then presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A". Filing No. S-387, was Read and Adopted.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President and Members of the Senate: Before we send this bill along, I would like to draw your attention to an item on page 3, the appropriation of L. D. 299. I would like to read portions of 299. Stricken from the present law is this sentence: "The services of the laboratory and all investigations made shall be free to the people of the