

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume I

January 5, 1977 to May 25, 1977

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AUGUSTA, MAINE

on Legal Affairs reporting "Ought to Pass"
No objection being noted, the above item was ordered to appear on the Consent Calendar of Monday, April 25, under listing of Second Day.

(S. P. 344) (L. D. 1128) Bill "An Act to Require Telephone Companies to List the Name of a Customer's Spouse in the Telephone Directory if the Spouse so Chooses" — Committee on Public Utilities reporting "Ought to Pass"

On the objection of Mr. Greenlaw of Stonington, was removed from the Consent Calendar.

Thereupon, the Report was accepted, the Bill read once and assigned for second reading the next legislative day.

(S. P. 229) (L. D. 707) Bill "An Act Revising the Maine Business Corporation Act" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-77)

(H. P. 766) (L. D. 959) Bill "An Act to Establish Arbor Week" — Committee on Legal Affairs reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of April 25, under listing of the Second Day.

**Consent Calendar
Second Day**

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

(H. P. 399) (L. D. 519) Bill "An Act Providing for the Revocation and Nonrenewal of Motor Vehicle Dealer Licenses for Nonpayment of State Taxes"

(H. P. 644) (L. D. 788) Bill "An Act to Require a Mandatory Transition Period for Certain County Officials" (C. "A" H-174)

(H. P. 464) (L. D. 570) Bill "An Act to Establish Registration for Governmental Vehicles" (C. "A" H-177)

(H. P. 646) (L. D. 790) Bill "An Act to Require County Commissioners to Notify Municipal Legislative Bodies of County Budget Hearings" (C. "A" H-173)

(H. P. 643) (L. D. 787) RESOLVE, Allowing Cumberland County the Authority to Appropriate Funds from the Fiscal Year 1976 Surplus to Pay the Deficit from the 1976 Fiscal Year (Emergency) (C. "A" H-175)

(H. P. 556) (L. D. 673) Bill "An Act Concerning Board of Directors of Transit Districts" (C. "A" H-178)

(H. P. 846) (L. D. 1037) Bill "An Act Amending the Law Relating to Load Binding" (C. "A" H-179)

(H. P. 591) (L. D. 718) Bill "An Act to Increase Certain Fees of Registers of Deeds" (Emergency) (C. "A" H-181)

(S. P. 188) (L. D. 585) Bill "An Act Relating to the Fair Trade Act"

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was passed to be engrossed in concurrence, and the House Papers were passed to be engrossed and sent up for concurrence.

Passed to Be Engrossed

Bill "An Act to Provide Civil Immunity for Persons Participating in Administering Immunizing Agents" (S. P. 460) (L. D. 1583)

Bill "An Act to Correct the County Officers Salary Act" (S. P. 459) (L. D. 1582)

Bill "An Act Repealing the Lucerne-in-Maine Village Corporation" (H. P. 1445) (L. D. 1669)

Were reported by the Committee on Bills in the Second Reading, read the second time, the Senate Papers were passed to be engrossed in concurrence, and the House Paper was passed to be engrossed and sent up for concurrence.

**Amended Bills
Tabled and Assigned**

Bill "An Act to Promote Consistency Between Certain Regulatory and Proprietary Decisions of the State" (H. P. 338) (L. D. 429) (C. "A" H-162)

Was reported by the Committee on Bills in the Second Reading, read the second time.

(On motion of Mr. Palmer of Nobleboro tabled pending passage to be engrossed and specially assigned for Tuesday, April 26.)

Bill "An Act to Permit Vehicular Traffic to Turn Right at a Red Light" (H. P. 43) (L. D. 60) (H. "B" H-167 to C. "A" H-152)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed as amended and sent to the Senate.

Tabled and Assigned

Bill "An Act to Provide for Specially Designed Registration Plates for the Maine National Guard" (H. P. 504) (L. D. 623) (C. "A" H-151)

Was reported by the Committee on Bills in the Second Reading and read the second time.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Bustin.

Mr. BUSTIN: Mr. Speaker, I move this lie on the table two legislative days.

Whereupon, Mrs. Berube of Lewiston requested a division.

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Bustin, that this matter be tabled pending passage to be engrossed and specially assigned for Tuesday, April 26. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.
53 having voted in the affirmative and 41 having voted in the negative, the motion did prevail.

**Constitutional Amendment
Tabled and Assigned**

RESOLUTION, Proposing an Amendment to the Constitution to Eliminate the Office of Justice of the Peace as a Constitutional Office (H. P. 655) (L. D. 798)

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

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I hope this afternoon that you do not pass this constitutional change. We took the notary out of the Constitution last year but we did leave the justice in. I think it may have been done for some particular reason at the time. I think at one time justices of the peace and notaries, particularly justices, did have a position of some respect, and I won't say that they don't today, but there are a great many of them being created. I think it should be left in as a constitutional office. I have the hopes that sometime they might upgrade some of the requirements for justices to make it somewhat consistent with the position it used to have. I just hope this afternoon that you do not vote to adopt this constitutional change.

The SPEAKER: The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker, may I pose a question through the Chair to anyone who may care to answer it? This bill proposes a resolution which would abolish the office of J.P.'s as a constitutional office. My question is, what happens to those people who currently hold these positions and also what provisions are made to replace this in some other way? I can't tell from the bill.

The SPEAKER: The gentlewoman from Vassalboro, Mrs. Mitchell, has posed a question

through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from South Portland, Mr. Curran.

Mr. CURRAN: Mr. Speaker and Members of the House: Those who presently hold a justice of the peace title would not lose that. It was proposed by the Secretary of State's Office that once it were abolished as a constitutional office, then we would set it up in the regular session as a statutory office, if it were to be maintained.

Mr. Churchill of Orland 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 Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: I think my House Chairman, Mr. Curran from South Portland, tried to explain it, but he might have left out one thing. This other office that we are trying to abolish and bring up on a constitutional amendment, it used to have to be confirmed by the Governor's Council. When we eliminated the Governor's Council, I think there was an error that we didn't include that at that time. There is no one to put these back into effect; when you apply for your justice paper, there won't be any, so it has to be done by the Secretary of State. I think we are making an error in not allowing him to do this, because you are not going to have anyone to pass this out because you don't have any Council any more.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Bustin.

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I think maybe a lot of the people here in the House are just a little bit uneasy about this and would like some time to be sure we are doing the right thing, and I would suggest it might be a good idea if somebody tabled this for one day.

Thereupon, on motion of Mr. Curran of South Portland, tabled pending final passage and specially assigned for Monday, April 25.

**Emergency Measure
Tabled and Assigned**

An Act to Make Allocations from the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1978 and June 30, 1979 (H. P. 266) (L. D. 334) (C. "A" H-133)

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

On motion of Mr. MacEachern of Lincoln, tabled pending passage to be enacted and specially assigned for Tuesday, April 26.

Passed to Be Enacted

An Act to Establish the Salary Level for the Superintendent of the Bureau of Consumer Protection (H. P. 238) (L. D. 301)

An Act Permitting Reciprocity with States that Issue Complimentary Hunting and Fishing Licenses to a Person who is suffering from Paraplegia or who is Suffering from Loss of or the Loss of the Use of Both Lower Extremities" (H. P. 260) (L. D. 328) (C. "A" H-132)

An Act Concerning Revocation of Certain Inland Fisheries and Wildlife Licenses (H. P. 262) (L. D. 330) (C. "A" H-130)

An Act to Define "North American Indians Residing in Maine" for Purpose of the North