

# 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

Erskine Academy" — Committee on Legal Affairs reporting "Ought to Pass." (H. P. 592) (L. D. 732)

Bill "An Act to Establish County Commissioner Districts in Penobscot County" — Committee on Local and County Government reporting "Ought to Pass" (H. P. 56) (L. D. 68)

Bill "An Act Relating to Limit of Insurance Risk Exposure under the Maine Insurance Code" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-83) (H. P. 292) (L. D. 344)

Bill "An Act Relating to Education and Training under the Laws of Barbering" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-84) (H. P. 437) (L. D. 545)

Bill "An Act Relating to Pulmonary and Cardiac Diseases Under the Workmen's Compensation Act" — Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-85) (H. P. 230) (L. D. 286)

No objections being noted, the above items were ordered to appear on the Consent Calendar of March 19, under listing of the Second Day.

#### Consent Calendar Second Day

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

Bill "An Act Relating to the Provision of Aftercare Services to Entrusted Juveniles" (H. P. 376) (L. D. 475)

Bill "An Act Relating to Benefits to Convicts upon Discharge" (H. P. 308) (L. D. 371)

No objections having been noted at the end of the Second Legislative Day, were passed to be engrossed and sent to the Senate.

Bill "An Act Relating to Dealers in Used Personal Property" (H. P. 502) (L. D. 618)  
Objection having been noted, was removed from the Consent Calendar.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: It is my intention tomorrow to offer an amendment, which I hope will prompt some discussion on this item. For this reason, I ask that someone table it for one day.

Thereupon, on motion of Mr. McMahon of Kennebunk, the Report was read and accepted, the Bill read once and assigned for second reading tomorrow.

Bill "An Act Relating to Required Information on Packages under the Weights and Measures Law" (H. P. 488) (L. D. 607)

Bill "An Act Authorizing Additional Indebtedness for School Administrative District No. 15" (H. P. 601) (L. D. 744)

Bill "An Act to Authorize the Director of the Bureau of Parks and Recreation to Prohibit the Use of Canoes with Motors on Part of the Allagash Wilderness Waterway" (C. A. "A" H-78) (H. P. 387) (L. D. 587)

No objections having been noted at the end of the Second Legislative Day, were passed to be engrossed and sent to the Senate.

#### Passed to Be Engrossed

Bill "An Act Requiring the Ramping of Curbs at Crosswalks for Physically Handicapped and Elderly Persons" (S. P. 289) (L. D. 987)

Bill "An Act Relating to the Filing of Criminal Cases" (S. P. 303) (L. D. 998)

Bill "An Act Relating to Definition of Retail Sale under Sales and Use Tax Law" (H. P. 537) (L. D. 672)

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

#### Second Reader Tabled and Assigned

Bill "An Act to Allow the Use of Initial Type Plates on Pickup Trucks" (H. P. 62) (L. D. 74)

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

Mr. Rollins of Dixfield offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-92) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended and sent up for concurrence.

#### Amended Bill

Bill "An Act to Provide for the Receipt and Custody of Prisoners of the United States" (H. P. 150) (L. D. 169) (C. A. "A" H-79)

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

#### Enactor

##### Tabled and Assigned

An Act to Prohibit the Unlawful Piracy and Resale of Recorded Musical Performances" (S. P. 269) (L. D. 855)

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

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Mulkern.

Mr. MULKERN: Mr. Speaker, I would like to pose a question through the Chair before this bill is passed to be enacted to anyone on Business Legislation that would care to answer. Specifically, what I am referring to in this bill, I would like to know the reasons for the difference in the fines for offenses committed under this act between a person who knowingly and willfully transfers sounds from a recorded or phonograph record and the person who advertises and sells such products, and I would like to know why the penalty is more harsh for the person who actually does the transferring?

The SPEAKER: The gentleman from Portland, Mr. Mulkern, has posed a question through the Chair to any member who may wish to answer.

The Chair recognizes the gentleman from Ellsworth, Mr. DeVane.

Mr. DeVANE: Mr. Speaker, Ladies and Gentlemen of the House: The intention was to distinguish between the person who illegally manufactures and then the person who perhaps unknowingly sells at retail, so the penalty would be less for the person who perhaps did not know that the manufacturer of these items was, in fact, illegal.

I would think on the second sale they might know, but that was the reason, to distinguish between the seller at retail who

may be informed and the manufacturer of the items.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Mulkern.

Mr. MULKERN: Mr. Speaker, I still don't understand. In part two, advertising and sales, it says, "Every person who advertises, offers for sale or sells any articles described in subsection one, with the knowledge that such sounds had been so transferred," it doesn't say that the person doesn't know.

Thereupon, on motion of Mr. Rolde of York, tabled pending passage to be enacted and tomorrow assigned.

#### Passed to Be Enacted

An Act Providing for the Designation of Anatomical Gifts on Motor Vehicle and Motorcycle Operators' Licenses (H. P. 102) (L. D. 109)

An Act to Allow Municipalities to Permit the Sale of Malt Liquor in All Restaurants, Restaurants Operating under a Part-time Malt Liquor License, Class A Taverns and Taverns on Sunday (H. P. 338) (L. D. 421)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

#### Orders of the Day

Mr. Gauthier of Sanford was granted unanimous consent to address the House:

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: As you know, the Committee on Judiciary has scheduled hearings for different days during this month. To date, we have had a few that appeared before the hearings, but we would like to have as many as possible.

I would like to state that this afternoon, on the fourth floor in Room 438, which is our Judiciary Room, there are quite a few important bills and we would like to invite everyone to attend. Tomorrow, March 19th, our hearing will be held in Room 114, State Office Building; we will have Professor Sanford J. Fox, questions and answers on the code, but also the Commission that went around the state on this code will also be there to answer questions. He will also be there on Thursday. So we would appreciate having anyone that would like to come on those days, we invite you.

Also, if anyone in this House would like to submit amendments to this criminal code, it is time to present them and we would like to have you do so at this time after you have heard these.

We would appreciate having you attend these hearings and when this bill comes up in the House, then you will have an idea what it is all about.

The Chair laid before the House the first tabled and today assigned matter:

House Report — "Ought to Pass" Committee on Taxation on Bill "An Act to Impose a Sales Tax on Rental Fee for Cable T.V." (H. P. 126) (L. D. 159)

Tabled — March 13, by Mr. Drigotas of Auburn.

Pending — Acceptance of Committee Report.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I stand in support of the Taxation Committee's "ought to pass" report on this bill. This bill is a revenue measure which imposes a 5 percent sales tax on Cable TV rental fees.