

# 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**

Tuesday, March 18, 1975

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

Prayer by the Rev. Jack Stewart of Lincoln.

The members stood at attention during the playing of the National Anthem by the Mattanawcook Academy Band of Lincoln.

The journal of the previous session was read and approved.

**Papers from the Senate**

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

**Reports of Committees****Leave to Withdraw**

Report of the Committee on Legal Affairs reporting "Leave to Withdraw" on Bill "An Act Requiring the Registration of Off-highway Vehicles" (S. P. 77) (L. D. 217)

Came from the Senate read and accepted.

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

**Non-Concurrent Matter**

Bill "An Act to Permit Archery Hunting Without a License in Certain Cases" (H. P. 255) (L. D. 323) on which the House accepted the Minority "Ought to Pass" Report of the Committee on Fisheries and Wildlife and passed the Bill to be engrossed on February 27.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker, I move we insist and ask for a Committee of Conference.

Whereupon, on motion of Mr. Palmer of Nobleboro, the House voted to recede and concur.

**Non-Concurrent Matter**

Bill "An Act Placing the Secretary to the Attorney General in Unclassified Service of State Government" (Emergency) (H. P. 419) (L. D. 505) which was passed to be engrossed in the House March 12.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-26) in non-concurrence.

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

**Non-Concurrent Matter**

Bill "An Act to Establish the Maine Safe Drinking Water Act" (H. P. 654) (L. D. 812) on which the House insisted on March 12 on its former action whereby the Bill was referred to the Committee on Health and Institutional Services.

Came from the Senate with that body having adhered to its former action whereby it was referred to the Committee on Public Utilities in non-concurrence.

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

**Petitions, Bills and Resolves****Requiring Reference**

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

**Appropriations and Financial Affairs**

Resolve, Providing Funds for Young Women's Christian Association Fair

Harbor Emergency Shelter in Portland, Maine, and Emergency Shelter for Girls (H. P. 906) (Presented by Mrs. Boudreau of Portland)

(Ordered Printed)

Sent up for concurrence.

**Business Legislation**

Bill "An Act Placing Nonprofit Hospital or Medical Service Organizations under the Maine Insurance Code" (H. P. 902) (Presented by Mr. Peterscn of Caribou) (Cosponsors: Mr. Powell of Wallagrass Pl., Mr. LeBlanc of Van Buren, Mr. Perkins of Blue Hill)

(Ordered Printed)

Sent up for concurrence.

**Labor**

Bill "An Act Relating to Compensation for Minors Delivering Newspaper Supplements" (H. P. 910) (Presented by Mr. Dam of Skowhegan) (Cosponsor: Mr. Faucher of Solon)

Committee on Reference of Bills suggested the Committee on Business Legislation.

On motion of Mr. Dam of Skowhegan, was referred to the Committee on Labor, ordered printed and sent up for concurrence.

**Election Laws**

Bill "An Act to Provide for Supervision of Elections By Municipal Clerks" (H. P. 907) (Presented by Mr. Dam of Skowhegan)

(Ordered Printed)

Sent up for concurrence.

**Tabled and Assigned**

Bill "An Act Preventing a Lien on Real Estate When Owner has Paid Contractor" (H. P. 896) (Presented by Mr. Dam of Skowhegan) (Cosponsor: Mr. Faucher of Solon)

Committee on Reference of Bills suggested the Committee on Judiciary.

(On motion of Mr. Gauthier of Sanford, tabled pending reference and tomorrow assigned.)

**Transportation**

Bill "An Act to Repeal the Requirement for Wearing Motorcycle Helmets" (H. P. 897) (Presented by Mr. Goodwin of South Berwick) (By request)

The Committee on Reference of Bills suggested the Committee on Legal Affairs.

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. FRASER: Mr. Speaker, I move that items 6, 7, 8 and 9 be referred to the Committee on Transportation.

The SPEAKER: The gentleman from Mexico, Mr. Fraser, moves that items 6 through 9 inclusive be referred to the Committee on Transportation.

The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, could I have this tabled for one day?

Thereupon, Mr. Carey of Waterville withdrew his tabling motion.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. CAREY: Mr. Speaker and Members of the House: These bills have perennially been heard by the Legal Affairs Committee in the past, and maybe the gentleman could explain to us why Transportation should get them suddenly.

Those of us who are veterans on the Legal Affairs Committee have amassed some knowledge about some of these bills, and we are particularly concerned. There

has been, for instance, a diversion of these bills, some going to us and some going to the Transportation Committee.

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. FRASER: Mr. Speaker and Members of the House: These are, in my estimation, clearly transportation bills. As a matter of fact, one of them is repealing one that we approved last session, which I believe was in error, and we have already heard one bill pertaining to motorcycles which almost created some casualties, so I think we should go on with it.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker and Members of the House: I would admit that the Transportation Committee heard item 6, An Act to Repeal the Requirement for Wearing Motorcycle Helmets, and obviously if they have heard testimony on it before, that bill should go to them. The ones pertaining to lights on motorcycles, as Mr. Bustin from Augusta will recall, was heard by the Legal Affairs Committee, and I would object to the sending of all of these bills to Transportation.

The SPEAKER: The Chair recognizes the gentleman from East Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I somehow rather disagree with the gentleman from Waterville, item 8, lighted headlamp on motorcycles, we had before us last time. This bill we heard before our committee when it became law, and I would think certainly that item 6 should go before Transportation, item 7 should, item 8 and item 9 I would have no preference, but I think items 6, 7 and 8 should go before Transportation.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker and Members of the House: I am sorry these are causing so much controversy right away. I am really not concerned about which committee they go to, I think both committees are equally able to handle the bills, but I do think items 6, 7 and 8 should all go to the same committee. They all deal with the same basic problems, and I just feel that they should all go to the same committee. I think perhaps the best way to do this is to table these things and work it out amongst the committees rather than have to fight it on the floor here.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: These three bills, items 6, 7 and 8, I sincerely believe that they do belong to the Transportation Committee, due to the fact that the motorcycles can't run anywhere else but on the highways. That is the only place I know they can go, and I think that perhaps the Legal Affairs have been very capable in their dealings with them in the past, but in this instance, I really believe that we should have that sent over to the Transportation Committee.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I had the opportunity to serve three terms on the Transportation Committee, and I agree with the gentleman from Mexico, Mr.

Fraser, and the other gentleman who spoke on these, but I would include item 9 also, because item 9 says the State Police to regulate the speed limits. The speed limits are regulated through Transportation.

I know Legal Affairs is a very capable committee; I am not disputing that, but reading these four House Papers, I don't think there is any question in my mind but they should all go to Transportation, and I would include item 9, because item 9 is the regulating of speed.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Mexico, Mr. Fraser, that this Bill be referred to the Committee on Transportation and ordered printed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

112 having voted in the affirmative and 11 having voted in the negative, the motion did prevail.

Sent up for concurrence.

Bill "An Act Concerning the Required Height of Motorcycle Handlebars" (H. P. 900) (Presented by Mr. Goodwin of South Berwick)

Committee on Reference of Bills suggested the Committee on Legal Affairs.

The SPEAKER: The pending question is on the motion of the gentleman from Mexico, Mr. Fraser, that this Bill be referred to the Committee on Transportation and ordered printed. The Chair will order a vote. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

115 having voted in the affirmative and 6 having voted in the negative, the motion did prevail.

Sent up for concurrence.

Bill "An Act to Repeal Provision for Lighted Headlamp on Motorcycles Using the Highway" (H. P. 901) (Presented by Mr. McBreaarty of Perham) (Cosponsor: Mr. Goodwin of South Berwick)

Committee on Reference of Bills suggested the Committee on Legal Affairs.

On motion of Mr. Fraser of Mexico, was referred to the Committee on Transportation, ordered printed and sent up for concurrence.

Bill "An Act to Clarify the Power of the Commissioner of Transportation and the Chief of the Maine State Police to Regulate Speed Limits" (H. P. 905) (Presented by Mr. Webber of Belfast)

Committee on Reference of Bills suggested the Committee on Legal Affairs.

On motion of Mr. Fraser of Mexico, was referred to the Committee on Transportation, ordered printed and sent up for concurrence.

#### Performance Audit

Resolve, to Study the State Budget Process, Including a Change in the Fiscal Year, Annual Sessions for Budgets and Emergencies and the Form and Time for Budget Submissions (H. P. 909) (Presented by Mr. Garsoe of Cumberland)

(Ordered Printed)

Sent up for concurrence.

#### State Government

Bill "An Act to Establish Rules for Legislative Investigating Committees" (H. P. 898) (Presented by Mr. Birt of East Millinocket)

Bill "An Act Concerning Disaster Relief under the Civil Emergency Preparedness Statutes" (H. P. 899) (Presented by Mr. Lewin of Augusta)

(Ordered Printed)

Sent up for concurrence.

#### Taxation

Bill "An Act Concerning the Applicability of the Sales and Use Tax to Inventory" (H. P. 904) (Presented by Mr. Quinn of Gorham)

Bill "An Act Repealing the Refunding of Excise Taxes on Malt Liquor" (H. P. 908) (Presented by Mr. Jacques of Lewiston)

(Ordered Printed)

Sent up for concurrence.

#### Veterans and Retirement

Bill "An Act Concerning the Retirement Law Relating to Certain Employees of the Department of Mental Health and Corrections" (H. P. 903) (Presented by Mr. Quinn of Gorham)

(Ordered Printed)

Sent up for concurrence.

#### Orders

Mr. Farnham of Hampden presented the following Joint Resolution and moved its adoption: (H. P. 925)

Joint Resolution to Request State Agencies Not to Use the Abbreviation of the State's Name in Advertising or Other Promotional Activities

WHEREAS, certain state agencies have used the abbreviation of the name "Maine" in advertising and promotional activity; and

WHEREAS, this use of that abbreviation has not been a useful device to lighten the labor of writing the State's name, but has been a use which has tended to bring discredit upon the State and her people; and

WHEREAS, in the judgment of the Legislature, this use should not continue; now, therefore, be it

RESOLVED: That we, the Members of the 107th Legislature in regular session assembled, do respectfully urge and request that no state agency, board, commission, department or institution use the abbreviation of the name "Maine" in any advertising or other promotional activity; and be it further

RESOLVED: That a suitable copy of this resolution be transmitted by the Clerk of the House to the Governor of this State.

The Resolution was read.

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

Mr. NORRIS: Mr. Speaker, a parliamentary inquiry. Under Joint Rule 21, is this Resolution admissible?

The SPEAKER: The Chair would inform the gentleman that Rule 21 does not apply to this particular Resolution, since Rule 21 deals with rejection of bills and does not deal with rejection of resolutions or orders. This particular matter in front of us deals with a Joint Resolution.

Is it the pleasure of the House that the Joint Resolution be adopted?

(Cries of Yes and No)

The SPEAKER: The Chair will order a vote. The pending question is, shall this Joint Resolution be adopted. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Farley of Biddeford requested a roll call vote.

The SPEAKER: A roll call has been requested. 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 pending question is on the adoption of this Joint Resolution. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bowie, Call, Carey, Carpenter, Chonko, Clark, Connors, Connolly, Cox, Curtis, Dam, Doak, Durgin, Dyer, Farley, Farnham, Fenlason, Finemore, Flanagan, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Henderson, Hennessey, Higgins, Hinds, Hutchings, Immonen, Jackson, Joyce, Kauffman, Kelleher, Kelley, Laffin, LaPointe, Laverty, Lewin, Littlefield, Lizotte, Lovell, Lunt, MacLeod, Mahany, Martin, A.; McKernan, McMahon, Mitchell, Morin, Morton, Mulhern, Palmer, Peakes, Perkins, T.; Pierce, Post, Raymond, Rideout, Rolde, Saunders, Shute, Silverman, Sprowl, Stubbs, Susi, Tarr, Teague, Torrey, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Wilfong, Winship, The Speaker.

NAY — Boudreau, Burns, Bustin, Byers, Carroll, Carter, Churchill, Cooney, Cote, Curran, P.; Curran, R.; DeVane, Dow, Drigotas, Dudley, Faucher, Fraser, Gauthier, Hall Hewes, Hobbins, Hughes, Hunter, Ingegneri, Jacques, Jalbert, Jensen, Kany, Kennedy, LeBlanc, Leonard Lewis, Lynch, MacEachern, Mackel, Martin, R.; McBreaarty, Mills, Miskavage, Nadeau, Najarian, Norris, Pelosi, Perkins, S.; Peterson, P.; Peterson, T.; Powell, Quinn, Rollins, Smith, Snow, Snowe, Spencer, Strout, Talbot, Theriault, Tierney.

ABSENT — Blodgett, Davies, Maxwell, Webber.

Yes, 90; No, 57; Absent, 4.

The SPEAKER: Ninety having voted in the affirmative and fifty-seven in the negative, with four being absent, the motion does prevail.

Sent up for concurrence.

Mr. Usher of Westbrook presented the following Joint Order and moved its passage: (H. P. 926)

WHEREAS, The Legislature has learend of the Outstanding Achievement and Exceptional Accomplishment of The Westbrook High Blazes State Class A Basketball Champions for the Academic Year 1975

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

The Order was read and passed and sent up for concurrence.

Mr. Bennett of Caribou presented the following Joint Order and moved its passage: (H. P. 927)

WHEREAS, The Legislaure has learned of the Outstanding Achievement and