

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume II

May 26, 1977 to July 25, 1977

Index

**Senate Confirmation Session
September 16, 1977**

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up in Waterville. I am sure that Representative Carey is not only the father of his own children, but he has acted in the capacity as an image of a father of all the children of the State.

Which was Passed, in concurrence.

Non-concurrent Matter

Bill, "An Act Recognizing County Charters and Establishing County Charter Commissions." (S. P. 437) (L. D. 1648)

In the Senate June 20, 1977 Bill and Papers Indefinitely Postponed.

Comes from the House, Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-250) as amended by House Amendment "A" (H-789) thereto, in non-concurrence.

On Motion of Mr. Mangan of Androscoggin, The Senate voted to Recede and Concur.

Non-concurrent Matter

Bill, "An Act Concerning the Sale of Prescription Drugs." (H. P. 1033) (L. D. 1265)

In the House, June 22, 1977 Bill Passed to be Engrossed.

In the Senate June 22, 1977 Bill and Papers Indefinitely Postponed.

Comes from the House, that Body having Insisted.

On motion of Mrs. Snowe of Androscoggin, The Senate voted to Adhere.

Non-concurrent Matter

Bill, "An Act to Establish Regional Marine Resources Centers." (H. P. 1564) (L. D. 1778)

In the House, June 22, 1977 Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-725).

In the Senate June 22, 1977 Minority 'Ought Not to Pass' Report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Insisted.

On motion of Mr. Speers of Kennebec, Tabled for One Legislative Day, Pending Consideration.

Joint Orders

Expressions of Legislative Sentiment recognizing that: Wanda Ward, Faye Tenney, Natasha Brackett and Kelly Kimball have graduated from Lake Region High School with top academic honors. (H. P. 1762)

Barbara Brown, Judy Campbell, Michael Duddy, Linda Small, George Taylor and Thomas White have been recognized for their outstanding academic record at Calais High School. (H. P. 1763)

Kathryn J. Amber, T. M. Ryan, Jeri-Mae Coulter, Joanne Margaret Riddell, Becky Linn Varnum and Valerie Sue Wallace have been recognized for their outstanding academic record at Woodland High School. (H. P. 1764)

Come from the House, Read and Passed.

Which Orders were Read and Passed, in concurrence.

Committee Reports

House

Ought to Pass — As Amended

The Committee on Business Legislation on, Bill, "An Act to Establish the Fair Credit Reporting Act." (H. P. 1262) (L. D. 1526)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-749).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-797) thereto.

Which Report was Read and Accepted, in concurrence.

The Bill Read Once, Committee Amendment "A" Read, House Amendment "A" Read and Adopted, Committee Amendment "A", as amended, Adopted.

The Bill, as amended, Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

The Committee on Election Laws on, Bill, "An Act to Clarify Election Related Laws." (H. P. 979) (L. D. 1201)

Reported that the same Ought to Pass in New Draft under same title. (H. P. 1734) (L. D. 1887)

Comes from the House, the Bill, in New Draft, Passed to be Engrossed as amended by House Amendment "A" (H-742) and "B" (H-794).

Which Report was Read and Accepted, in concurrence. The Bill, in New Draft, Read once, House Amendment "A" Read.

On Motion of Mr. Speers of Kennebec, Tabled until Later in Today's Session, Pending Adoption of House Amendment "A".

(See Action Later Today)

Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act Concerning Licenses for Camping Areas and Eating Establishments." (H. P. 869) (L. D. 1062)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-722).

Signed:

Senators:

SNOWE of Androscoggin

GREELEY of Waldo

Representatives:

NELSON of Portland

FOWLIE of Rockland

GILL of South Portland

KERRY of Old Orchard Beach

PRESCOTT of Hampden

KANE of Augusta

BRENERMAN of Portland

GOODWIN of South Berwick

TYNDALE of Kennebunkport

TRAFON of Auburn

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass as amended by Committee Amendment "B" (H-723).

Signed:

Senator:

PRAY of Penobscot

Comes from the House, the Majority Report Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-760) thereto.

Which Reports were Read.

On Motion of Mrs. Snowe of Androscoggin, Majority Ought to Pass as amended Report Accepted.

The Bill Read Once, Committee Amendment "A" Read, House Amendment "A" Read and Adopted.

Committee Amendment "A", as amended, adopted, and the Bill, as amended, Tomorrow assigned for Second Reading.

Divided Report

Ten members of the Committee on Judiciary on, Bill, "An Act Concerning Administration of the Judicial Department." (H. P. 635) (L. D. 838)

Reported in Report "A" that the same Ought to Pass as amended by Committee Amendment "A" (H-698).

Signed:

Senators:

COLLINS of Knox

CURTIS of Penobscot

MANGAN of Androscoggin

Representatives:

SPENCER of Standish

BENNETT of Caribou

HOBBS of Saco

HUGHES of Auburn

DEVOE of Orono

GAUTHIER of Sanford

HENDERSON of Bangor

Two members of the same Committee on the

same subject matter Reported in Report "B" that the same Ought to Pass as amended by Committee Amendment "B" (H-699).

Signed:

Representatives:

TARBELL of Bangor

SEWALL of Newcastle

One member of the same Committee on the same subject matter Reported in Report "C" that the same Ought to Pass as amended by Committee Amendment "C" (H-700).

Signed:

Representative:

NORRIS of Brewer

Comes from the House, the Bill substituted for the Reports and the Bill Passed to be Engrossed.

Which Reports were Read.

On Motion of Mr. Collins of Knox.

Report "A" Accepted, in non-concurrence.

The Bill Read Once, Committee Amendment "A" Read and Adopted. The Bill, as amended, Tomorrow Assigned for Second Reading.

Senate

Ought to Pass — As Amended

Mr. Jackson for the Committee on Taxation on, Bill, "An Act Providing for Changes in the Laws Relating to Property Taxation." (S. P. 479) (L. D. 1742)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-316)

Which Report was Read and Accepted.

The Bill Read Once, Committee Amendment "A" Read.

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

Mr. SPEERS: Mr. President, I would ask a question through the Chair for a brief explanation of this particular matter.

The PRESIDENT: The Senator from Kennebec, Senator Speers, has posed a question through the Chair.

The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President and Members of the Senate: The original Bill, 1742, is the Governor's Bill, and we felt as a whole, the Taxation Committee, that it could be horrendous.

If you will read the Bill, and you take Section 209-A, Withholding Municipal Revenue Sharing Funds, the tax assessor shall have the power in his discretion to direct the Treasurer of State to withhold from a particular municipality all municipality revenue sharing funds allocated to that municipality pursuant to Title 30, Section 5055 when the municipality has failed to comply with the laws and rules and regulations relating to taxation for property for a period of three months. What we should say is if we have a municipality that might have had a problem in their assessments and it was brought to the attention of the Tax Assessor, State Tax Assessor, that he would have the opportunity, an alternative to withhold all the municipality revenue sharing funds.

We have gone through the Bill. There are many other areas that are very, very restrictive on the municipalities, and even with talking with the State Tax Assessor, he felt that probably all we could salvage out of this Bill was the appropriation for the assessment review panel, and that is the panel which hears all of the tax appeals from municipalities within the State.

So that is exactly what we did, just took that out and put it in the Committee Amendment, and that is why it is where it is.

Committee Amendment "A" Adopted. The Bill, as amended, Tomorrow Assigned for Second Reading.

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

Mr. SPEERS: Mr. President, I move that the Senate take from the Table the item tabled un-

til later in Today's Session, Bill, "An Act to Clarify Election Related Laws" (H. P. 1734) (L. D. 1887)

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate remove from the Table L. D. 1887, which was Tabled earlier in Today's Session by the Senator from Kennebec, Senator Speers, pending adoption of House Amendment "A". Is it the pleasure of the Senate? It is a vote.

House Amendment "A" Adopted.

House Amendment "B" Read.

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

Mr. KATZ: Mr. President, I move that House Amendment "B" be indefinitely postponed. It takes out a Section of the Bill which deals with unauthorized activities at the polling places, and the Section that is deleted seeks to prohibit or control within 250 feet of the voting place the solicitation of donations, gifts, contributions, purchase of tickets, or similar things, nor may a person request or obtain signatures on petitions without the expressed approval of the Ward Clerk.

I think that what it does or attempts to do is to avoid chaos at the polls, and I would like that Section left in and the Amendment takes it out, so I ask that you kill the Amendment.

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

Mr. MERRILL: Mr. President and Members of the Senate: This sounds a great deal like a matter we disposed of earlier in this Legislative process. I assume that it is not exactly the same, or it would not be in here, but it does come up with the problems of petitions again. I believe, and I imagine that is why the other Body removed it.

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

Mr. KATZ: Mr. President, I think that the gentleman is correct. The other one prohibited activity, and all this says is that if you are going to go into a polling place that is awash with people and try to set up a table to get petitions, at least you ought to have the advance permission of the Clerk who is legally responsible for everything that is going on. This was the Unanimous Report out of the Committee, but I may be wrong on that.

House Amendment "B" indefinitely postponed, in non-concurrence.

The Bill, as amended, Tomorrow Assigned for Second Reading.

Enacted

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

"An Act Creating a Maine State Board for Registration of Architects and Landscape Architects." (H. P. 1390) (L. D. 1733)

Which 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 laid before the Senate:

House Reports — from the Committee on Labor — Bill, "An Act Revising the Disqualification Periods for Persons who Voluntarily Quit Work or are Discharged for Misconduct." (H. P. 113) (L. D. 143) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (H-644); Minority Report — Ought to Pass

Tabled — Earlier in the Day by Senator Speers of Kennebec

Pending — Motion of Senator McNally of Hancock to Accept Minority Report

Minority Ought to Pass Report Accepted.

The Bill Read Once. House Amendment "A" Read.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator McNally.

Mr. McNALLY: Mr. President, I move the in-

definite postponement of House Amendment "A".

The PRESIDENT: The Senator from Hancock, Senator McNally, now moves that the Senate indefinitely postpone House Amendment "A".

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, would the good Senator from Hancock, please explain what House Amendment "A" does to the Bill?

The PRESIDENT: The Senator from Cumberland, Senator Conley, has posed a question through the Chair to the Senator from Hancock, Senator McNally, who may answer, if he so desires.

The Chair recognizes the Senator from Hancock, Senator McNally.

Mr. McNALLY: Mr. President, I can explain practically what it does. It puts back into the Bill the first part of it, in the Majority Report Ought to Pass. There is another Amendment being prepared, which would call for the indefinite postponement of this one.

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

Mr. CONLEY: Mr. President, I wish to thank the good Senator from Hancock, Senator McNally, and I request a Division on the Motion to indefinitely postpone.

The PRESIDENT: A Division has been requested.

The pending question before the Senate is the Motion by the Senator from Hancock, Senator McNally, that the Senate indefinitely postpone House Amendment "A" to L. D. 143.

Will all those Senators in favor of the motion to indefinitely postpone, please rise in their places to be counted.

Will all those Senators opposed to the motion to indefinitely postpone, please rise in their places to be counted.

17 Senators having voted in the affirmative, and 11 Senators in the negative, the motion to indefinitely postpone House Amendment "A" does prevail.

The Bill, Tomorrow Assigned for Second Reading.

The President laid before the Senate:

House Reports — from the Committee on Natural Resources — Bill, "An Act to Control Conversion of Seasonal Dwellings to Year-round Use in Shoreland Areas." (H. P. 1385) (L. D. 1573) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass as Amended by Committee Amendment "A" (H-628)

Tabled — Earlier in the day by Senator Pray of Penobscot

Pending — Motion of Senator Trotzky of Penobscot to Accept Minority Report

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Mr. O'LEARY: Mr. President, now that I understand that the good Senator from Penobscot, Senator Trotzky, is going to indefinitely postpone the Committee Amendment, and we will go with the House Amendment, and perhaps Table until I can have my Amendment to the House Amendment prepared, I am willing to go with this.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President, I would like to direct a question through the Chair with the previous statement that is being made, perhaps the Chairman of the Natural Resources Committee, if he could tell us the difference between the Committee Amendment and the House Amendment that was adopted.

The PRESIDENT: The Senator from Penobscot, Senator Pray, has posed a question through the Chair.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President and Members

of the Senate: All of those who signed the Committee Amendment have agreed now to go with the House Amendment "B", so instead of burdening you with a Committee Amendment, what I will do is indefinitely postpone Committee Amendment "A" and then debate the House Amendment.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President, I would just like to follow up on that very fine explanation that was given by the Chairman of that Committee, but the explanation was so fine that I move the indefinite postponement of this Bill and all its accompanying papers.

The PRESIDENT: The pending motion before the Senate is the motion by the Senator from Penobscot, Senator Trotzky, to accept the Minority Ought to Pass as amended Report of the Committee, and that motion must be disposed of before your motion would be in order.

The Chair will order a Division.

Will all those Senators in favor of accepting the Minority Ought to Pass as amended Report of the Committee, please rise in their places to be counted.

Will all those Senators opposed to the motion to accept the Minority Ought to Pass as amended Report of the Committee, please rise in their places to be counted.

20 Senators having voted in the affirmative, and 9 Senators in the negative, the motion to accept the Minority Ought to Pass as amended Report does prevail.

The Bill Read Once.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President, would it now be in order to make the previous motion that I had made?

The PRESIDENT: The Chair will answer in the affirmative.

Mr. PRAY: Mr. President and Members of the Senate: I just read over the Committee Amendment and the House Amendment as they are listed, and I glanced over the legislation that is before us, and I become concerned about what is known here as the conversion permit of individuals that decide to improve perhaps a seasonal camp or something to the extent that it is habitable year round, not necessarily living in a place year round, but just the fact that they make an attempt to insulate it and perhaps have a well drilled and have water and what not, that we are going to require these individuals, because they are converting the existing facility they have to a year round facility, that they are going to have to go through the paper work and the extra layer of bureaucracy that we are constantly passing down here onto these people.

I would thus move the indefinite postponement in light of the explanation given by the Chairman of that Committee of the Amendments.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President, I would ask the Senate to oppose the motion at this point now to indefinitely postpone this Bill, because it will be in the form, with Committee Amendment "A" on it, and I would like to debate the House Amendment, which is House Amendment "B", which all the members of the committee who voted for the Minority Report voted for or will support right now, now House Amendment "B".

I will explain to you right now what House Amendment "B" is. What this does is as follows: First, Maine is going to be facing problems, in fact, we are facing them now and will be facing it in the future. As Maine develops, there is intense pressure to convert seasonal dwellings to year round homes. This is taking place, for example, in the Portland area, and also I know in my area of the State near