

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

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**Senate Confirmation Session
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pled Children, because in the last year they have experienced great problems in the area of fund raising and gave their wholehearted support. The Chamber of Commerce came forward and gave their wholehearted support.

In these times of increasing fiscal economies, many of us who work day to day with charitable organizations are finding that our organizations which attempt to meet the needs of the people of Maine, do not have enough money. Just in the past year, in working with the Red Cross, which has the responsibility for the blood program throughout the state, we almost had to close our doors because of inadequate funding. The reason these charities support this bill is because they realize that when dollars are short, it is very important that the public be informed as to how they are being spent, so that they can make a very wise choice in their giving.

I would urge you to vote against indefinite postponement and move this on to final enactment.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I was very happy to have the privilege to co-sponsor this bill with the gentledady from Auburn, Mrs. Trafton. I will be very brief and I think regardless of what the good gentleman from Lewiston may say, the fact of the matter is that the real heart of this bill is that it is about time that those who are being requested all the time for gifts for charities in this state know what percentage of the dollar they give goes to the charity and what percentage goes to the fundraiser. I think it is something they should know. I think it is very helpful legislation and I hope, sincerely hope, we will not indefinitely postpone this very good piece of legislation.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Biron.

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: It is very interesting to note that the religious organizations have been exempted and other exemptions that they have had in this bill. I guess the religious organization exemption could be called the "Moon Exemption." You have an organization called the Moonies, the Rev. Moon running around and ripping off the public but they are exempt. They are exempt in this bill and that is exactly the kind of legislation that you have before you. The intent of the legislation is good, it should deal with professionals. It doesn't deal with professionals. The sponsor of the bill has admitted that they are going to have a \$10.00 charge to go in, the sponsor of the bill has done that. The sponsor of the bill has not denied that if you do solicit and if it is a young kid soliciting, that he has to mention the percentages and where they are going. Now, I work with a kid's baseball team and I also have a boys club and there is no way I can get those young kids to give those percentages and give them right, and if they don't, they are breaking this law. That is the way the thing was written. Now, if you want to pass it, fine. But you visit them in jail, I am not going to.

The SPEAKER: The Chair recognizes the gentelwoman from Augusta, Mrs. Kane.

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: Very very briefly. I am not associated with this bill but I was a co-sponsor with Mrs. Trafton of a similar measure that was heard by the Business Legislation Committee and had to with some of the provisions that are in this bill. There was only one opponent to that bill at the hearing and there were a few proponents. That opponent, to my disbelieving ears, and I believe the disbelieving ears of the Business Legislation Committee said "we can't have this bill, because if we tell people how much money is going to the charities, then they won't give." And that oppo-

nent was the Representative from Lewiston, Mr. Biron. And I would suggest, if you agree with that philosophy, that perhaps we should continue to pull the wool over the eyes of people who are potential contributors. You probably should agree with him and vote to indefinitely postpone this bill but I don't, I think people have a right to know how much of their money is going to charity and I would suggest that we don't indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, I would like to pose a question through the Chair. I haven't had the opportunity to study this bill but if the Standish Fire Department, as an example, has an auction and raises more than \$2,000 which they use to buy equipment and raincoats and so on, what would they be required to do under this bill?

The SPEAKER: The Chair recognizes the gentelwoman from Auburn, Mrs. Trafton.

Mrs. TRAFTON: Mr. Speaker, Ladies and Gentlemen of the House: I would be happy to respond to that statement. They would fill out this registration statement and send \$10 to the Secretary of State and then anyone who wished to have that information before they gave to the Fire Department, these would all be public records.

While I am on my feet, I would also like to address the remarks concerning the disclosure element in this which is that if you are a charity and charity solicitations costs were over 30 percent, then you would have to reveal that. I would like to remind you that the United Ways of Maine which do the majority of fund raising have only a 16 percent solicitation cost so most of those organizations that you would be concerned with that I listed prior to this, would not have any disclosure statement whatsoever.

The SPEAKER: The Chair recognizes the gentleman from Lisbon Falls, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I have had a fairly close association with the charitable solicitation legislation since I first came to this body, and indeed, the first piece of legislation which we ever put on our books, which is the 30 percent figure, was my bill in the 106th Legislature, a bill I am significantly proud of. I feel that this bill is a very reasonable and a very cautious approach to a very complex problem. We all know that charities do a great deal of good, and none of us, especially the gentleman from Lisbon Falls, is about to do anything to make the legitimate charities job more difficult. But the public does have a right to know, the people who are going to give have a right to know, the government which, in fact, grants tax exemption status both to donations and to the real estate owned by charities has a right to know.

Ladies and gentlemen, I had a very interesting conversation with the chief executive of this state on a bill very similar to this which I sponsored last year. He told me that he was constantly besieged by a wide variety of charitable organizations asking him, the Governor of the state, if he would be honorary chairman of that particular organization and he had absolutely no mechanism available to look into that organization to find out whether they were really doing the job, and doing it as efficiently as possible. He felt very frustrated in that capacity. And so those of us who have also been asked to serve occasionally as honorary chairman, or honorary co-chairman or as working person on an association, oftentimes could be placed in a position where we don't even know ourselves whether or not the charity is doing a good job. I think this is a beginning, it is a fundamental consumer protection, it is protection for the public, and I hope you agree with the good gentleman from Nobleboro and the gentledady from Auburn.

The SPEAKER: A roll call has been ordered.

The pending question before the House is on the motion of the gentleman from Lewiston, Mr. Biron, that this bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Biron, Blodgett, Boudreau, P.; Brown, K. L.; Carrier, Carter, D.; Carter, F.; Conners, Cote, Dutremble, Fenlason, Gillis, Gray, Hunter, Jacques, Kelleher, LaPlante, Lewis, McHenry, McKean, Moody, Post, Spencer.

NAY — Aloupis, Ault, Austin, Bachrach, Beaulieu, Bennett, Benoit, Berry, Berube, Birt, Boudreau, A.; Brenerman, Brown, K. C.; Bunker, Burns, Bustin, Carey, Carroll, Chonko, Clark, Connolly, Cox, Cunningham, Curran, Davies, Dexter, Diamond, Dow, Drinkwater, Durgin, Elias, Flanagan, Fowlie, Gill, Goodwin, H.; Goodwin, K.; Gould, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hutchings, Immonen, Jackson, Joyce, Kane, Kany, Kerry, Kilcoyne, Laffin, Littlefield, Lizotte, Locke, Lougee, Lunt, Lynch, MacEachern, Mackel, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBreartry, McMahon, McPherson, Mills, Mitchell, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer, Pearson, Peltier, Perkins, Peterson, Plourde, Prescott, Quinn, Raymond, Rideout, Rollins, Sewall, Shute, Smith, Sprowl, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Twitchell, Valentine, Whittemore, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Bagley, Churchill, Devoe, Dudley, Garsoe, Gauthier, Jalbert, Jensen, LeBlanc, Peakes, Silsby, Talbot, Truman, Tyn-dale.

Yes, 23; No, 114; Absent, 14.

The SPEAKER: Twenty-three having voted in the affirmative and one hundred fourteen in the negative, with fourteen being absent, the motion does not prevail.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

“An Act to Improve the Administration of the Maine Tree Growth Tax Law” (H. P. 1509) (L. D. 1734) (C. “A” H-828)

“An Act to Improve the Effectiveness of the State's Development Financing Mechanisms” (H. P. 1727) (L. D. 1886) (S. “A” S-344)

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.

Later Today Assigned

“An Act to Clarify Election Related Laws” (H. P. 1734) (L. D. 1887) (H. “A” H-742; H. “B” H-794)

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

On motion of Mrs. Boudreau of Portland, under suspension of the rules, the House reconsidered its action whereby it passed L. D. 1887 to be engrossed.

On motion of the same gentelwoman, under suspension of the rules, the House reconsidered its action whereby House Amendment “B” was adopted.

The SPEAKER: The Chair recognizes the gentelwoman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker, I move the indefinite postponement of House Amendment “B”.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker, a parliamentary inquiry to the Chair? If this amendment that is on the bill currently is removed, in effect, will it reinstate Section 15 of the original bill? Which was similar if not identical to a bill that this House finally killed earlier in the session?

The SPEAKER: The bill to which the gentleman from Orono, Mr. Davies, is referring is L. D. 287, which is a bill to Regulate the Circulating and Initiative or Referendum Petitions. The Chair would call your attention to 287, which was introduced by the gentleman from Biddeford, Mr. Lizotte and contains with it House Amendment "A" and Senate Amendment "A" which was defeated earlier in this session. This particular bill did contain a provision under Section 15 in the original bill, which was on Page 5 of the original, which was removed by the amendment which was introduced by the gentleman from Buxton, Mr. Berry and the Chair would advise the gentlewoman from Portland, Mrs. Boudreau and members of the House that if the amendment "B" which is to be removed from the bill, then the Chair would have to rule that the bill, itself, is improperly before this body, because a previous matter has been defeated which deals with the same question of subjugation and circulation of petitions and nomination papers around the election polls and House Amendment "C" that the gentlewoman from Portland, Mrs. Boudreau is offering there is substantially no difference to allow that the matter be decided in municipalities where there ought to be election officers involved.

On motion of Mr. Birt of East Millinocket, tabled pending the motion of the gentlewoman from Portland, Mrs. Boudreau, that House Amendment "B" be indefinitely postponed and later today assigned.

Finally Passed

RESOLVE, Authorizing and Directing the Commissioner of Marine Resources, the Commissioner of Inland Fisheries and Wildlife and the Atlantic Sea Run Salmon Commission to Take the Steps Necessary to Assure the Construction of a Fishway on the Dam Obstructing the Kennebec River at Augusta (H. P. 1267) (L. D. 1494) (H. "A" H-845; S. "A" S-327)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

By unanimous consent, all Enactors with the Exception of the tabled matters, were ordered sent forthwith to the Senate.

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

Bill, "An Act to Control Conversion of Seasonal Dwellings to Year-round Use in Shoreland Areas" (H. P. 1385) (L. D. 1573)

Tabled — June 29, 1977 by Mr. Birt of East Millinocket.

Pending — Motion of Ms. Benoit of South Portland to Indefinitely Postpone House Amendment "B" (H-877) to House Amendment "B" (H-781) (Roll Call Ordered)

The SPEAKER: A roll call has been ordered. The pending question is on the motion of Ms. Benoit of South Portland that House Amendment "B" to House Amendment "B" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bachrach, Beaulieu, Benoit, Berube, Biron, Blodgett, Boudreau, A.; Brennerman, Brown, K. C.; Bustin, Carter, F.; Clark, Connolly, Cox, Cunningham, Curran, Davies, Devoe, Diamond, Elias, Flanagan, Gill, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Howe, Huber, Hughes, Jackson, Joyce, Kane, Kany, Kerry, Kilcoyne, LaPlante, Locke, Lynch, Martin, A.; Masterton, Maxwell, McMahon, Mills, Mitchell, Moody, Morton, Najarian, Nelson, M.; Peakes, Pearson, Peltier, Plourde, Prescott, Quinn, Raymond, Spencer, Stover, Stubbs, Tarbell, Tierney, Trafton, Valentine, Wilfong, Wood, Wyman, The Speaker.

NAY — Aloupis, Austin, Bennett, Berry, Birt, Boudreau, P.; Brown, K. L.; Bunker, Burns, Carey, Carrier, Carroll, Carter, D.; Conners, Cote, Dexter, Dow, Drinkwater, Durgin, Fenlason, Fowlie, Gillis, Gould, Gray, Hunter, Hutchings, Immonen, Jacques, Jensen, Kelleher, Laffin, Littlefield, Lizotte, Lougee, Lunt, MacEachern, Mackel, Mahany, Marshall, Masterman, McBreaity, McHenry, McKean, McPherson, Nadeau, Nelson, N.; Norris, Palmer, Perkins, Peterson, Post, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Sprowl, Strout, Tarr, Teague, Theriault, Torrey, Tozier, Twitchell, Whittemore.

ABSENT — Bagley, Chonko, Churchill, Dudley, Dutremble, Garsoe, Gauthier, Hobbins, Jalbert, LeBlanc, Lewis, Talbot, Truman, Tyndale.

Yes, 71; No, 66; Absent, 14.

The SPEAKER: Seventy-one having voted in the affirmative and sixty-six in the negative, with fourteen being absent, the motion does prevail.

The SPEAKER: The Chair recognizes the gentleman from Buxton, Mr. Berry.

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I was kind of hopeful that we might have accepted that amendment. I guess there is just no compromising on this measure and it has always been very difficult for me to move the indefinite postponement of a bill and I don't want to do that but I have had so many calls on this issue. I am not sure if I can win or not but I am going to make a motion to indefinitely postpone this bill and all its accompanying papers and I would like to speak to that motion.

The SPEAKER: The Chair would advise the gentleman that the motion to indefinitely postpone this bill is not in order.

Thereupon, House Amendment "B" was adopted and the House concurred.

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

JOINT ORDER — Relative to Study of CETA Program (H. P. 1782)

Tabled — June 29, 1977 by Mr. Palmer of Nobleboro.

Pending — Motion of Mr. Raymond of Lewiston to Reconsider Failing to Pass.

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

Mr. BUSTIN: Mr. Speaker, I request a roll call.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of more than one fifth of the members present and voting. Those in favor 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 Bangor, Mr. Henderson.

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: If I could have your attention for just a moment and I think first of all, I should apologize for asking for a division last night, that was a pretty stupid thing to do when everybody was tired. But I would like you to think briefly about this.

As I mentioned, I have talked to many of you individually about this study order of the Ceta programs and I am trying to sort out in my own mind what the problems are. One of them, of course, is the general problem about study orders and whether they accomplish anything at all. I think another one is, quite frankly, that people have a dim view of the committee on Local and County Government and it may be because the subject that we deal with is very controversial and it may be that we just don't approach it properly. But I would like to indicate recent history and that is that the com-

mittee did have a study order last year having to do with county government and, as a result of that, two pieces of legislation have passed this House, both Houses I believe, one of which was the L.D. on Deputy Sheriffs, trying to depoliticize and improve the police system in the counties and the other was the county charter bill which was related to reorganization of county structures.

We did offer the House a variety of alternatives that we had worked out, starting with the most severe, let's say, and gave I think a fair continuum of choices and obviously this House and the other body didn't choose those but we did choose another. Another study order we had the last time had to do with the Village Corporation in the middle of Sebago Lake, on Fry Island, and the process of going through that, enabled the people in that situation to finally work out an agreement.

Now, I would like to just talk about the merits of this thing, just again, to remind you that we are talking about what is becoming one of the largest economic and indirectly political forces in our state, and that is the Ceta program which disperses plenty of money and which has had many criticisms or questions raised about it. I don't think that we would be carrying out our own responsibilities if we didn't take a good hard look at that program and how it affects our own activities in terms of our state budgets, our county budgets and the priorities that we try to set for the state.

So, I would seriously hope that you would reconsider our action and finally pass the order before you.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Gray.

Mr. GRAY: Mr. Speaker, Members of the House: Just a follow up on the gentleman from Bangor's comments. There was one other study that we conducted dealing with county salaries, which this House accepted. But nearly every county budget that comes before the local and county government deals in one way or another with Ceta personnel, personnel either being fired or requesting additional funds for personnel whose funds have expired. Complaints about the program filtered back to the committee that the program is being abused, that it is not being used as it was intended to be used, that regular employees are being fired and then rehired under Ceta. Up until now, our only source of information has been those intimately involved with the program. Those of you who were here during the 107th will recall that we overrode the Governor's veto to allow counties to be prime sponsors of the CETA program. The money required to fund this study is pretty small in comparison to the sums being expended through this program.

Comments are being made that you don't have time to read all the studies now but, of course, the purpose of these studies are not necessarily for your reading entertainment. We try to develop legislation that will correct many of the problems and complaints that we are now getting and hopefully, some legislation or at least some way that we can make intelligent decisions in dealing with county budgets will result from this particular study. I would also urge you to reconsider this order and to allow the Local and County Government Committee to scrutinize this controversial program.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of Mr. Raymond of Lewiston that the House reconsider its action whereby the Order failed of passage. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Bachrach, Bennett, Benoit, Berube, Biron, Blodgett, Boudreau, P.; Brennerman, Brown, K. L.; Brown, K. C.; Burns, Bustin, Carey, Carrier, Carter, D.; Clark, Conners, Cox, Curran, Davies, Diamond,