

# 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**

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**Senate Confirmation Session  
September 16, 1977**

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KJ PRINTING  
AUGUSTA, MAINE

the gentleman from Augusta, Mr. Bustin. What you are faced with here is simply the fact that if you don't pass it, some very fine apprenticeship programs in this state are going to die.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I supported the mandatory retirement bill that was before the Human Resources Committee. Yesterday, I also voted against tacking this bill, which is now presented to us, on the Errors and Inconsistencies Act. I didn't think it was properly before us. As ruled by the Chair today, this amendment is properly before us in regard to this particular bill which it addresses. I don't believe that the apprenticeship program has anything to do with mandatory retirement. Without this amendment, the apprenticeship programs, in my community, would be adversely affected. I believe that the argument that Mr. Bustin has submitted is certainly convincing in my estimation. I urge you to support the amendment.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I wish to pose a question to anyone who can answer it. Have these companies also threatened to move out of state if we don't pass this amendment? Where do they intend to get skilled workers if they threaten to close down their apprenticeship program?

The SPEAKER: The Chair would advise the gentleman that it is not a proper question.

The Chair recognizes the gentleman from Portland, Mr. Flanagan.

Mr. FLANAGAN: Mr. Speaker, Ladies and Gentlemen of the House: Having served on the apprenticeship committee for the State of Maine here, I would like to say that there is no age limit. It isn't necessary. All they do is attempt to put apprenticeships into industry. There is no force. There is no pressure there. The setup is made and the industry can pick and choose and accept whomever they want for their apprentices.

The gentleman from Orono, Mr. Davies was granted permission to speak a third time.

Mr. DAVIES: Mr. Speaker and Members of the House: I would like very briefly to read to you a section of the mandatory retirement age bill that was passed by this House, enacted into law and sent to the other body earlier today. "It is the intent of the Legislature that discrimination based on age against any person who seeks employment in the public sector or who is already employed by a public employer shall not be tolerated. It is further the intent of the Legislature to ensure that any older person who seeks or wishes to continue employment in the public sector and who is capable of fulfilling the duties and responsibilities of such employment shall be treated like any other person who seeks or wishes to continue such employment. "Any person who would like to enter into an apprenticeship program with the intent of improving their status in life, their ability to earn money, to live a decent life, to provide for their retirement when they choose to do so, and would like to enter into an apprenticeship program in the public sector as the good lady from Bridgton, Mrs. Tarr, has brought up, would find themselves, if this amendment was added on, even though the laws of the State of Maine say very clearly that they shall not be discriminated against, we will have allowed this small piece of legislation to slip in through that door and to counteract on its face what we have done with mandatory retirement age. While the case may not be exactly clear, certainly a person who seeks employment by entering into an apprenticeship program would not be allowed to be discriminated against.

This amendment would be in conflict with the laws of the State of Maine and would certainly

bring forth a number of court cases that would be expensive to all parties involved. It would tie up our courts. The result, I am certain, would be that this amendment would be struck down by the court. Rather than force the employers in the state and individuals in this state to go through that process, let us take care of it right here where it isn't going to cost the people a cent.

The SPEAKER: The Chair recognizes the gentleman from Wells, Mr. Mackel.

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I would think that any company that is establishing an apprenticeship program would use certain criteria in selecting the individuals that would participate in this program. I don't look upon age as discrimination. I would suggest that probably that it is just another criteria that is being used. I would call it a selective process rather than a discriminatory process. I am sure that they would consider the interest of the individual, the capacity of the individual, the motivation of the individual and the age of the individual. Those are all important factors because the industry would be investing a great deal of time, money and effort into these individuals. They have a right to expect a return, a return in years of efficient service to that particular company. This isn't unusual. It isn't strange.

I know that I have spent 29 years with the federal service in the Marine Corps. We always used certain criteria for selecting individuals. We used age among other things. There is absolutely nothing wrong with it. I think we are really going to an extreme when we talk about discrimination in the case of an apprenticeship program.

The SPEAKER: The Chair recognizes the gentleman from Danforth, Mr. Fenlason.

Mr. FENLASON: Mr. Speaker, Ladies and Gentlemen of the House: I have two points I would like to make. I have been a strong advocate of an apprenticeship program for many years. I think it is one of the solutions that we ought to use more and more for the training of young people. In some cases, our educational system doesn't seem to reach the needs of certain individuals. A good apprenticeship program where young people can be trained in a skill, a trade, a craft or something of that sort, I feel this to be highly desired. I think that this is a program for young people and I think that companies should be encouraged to create more apprenticeship programs.

Now I want to make my other point. I am old. I am a senior citizen. I am not discriminated against. I live very well. I don't want to be in an apprenticeship program and I doubt very much if many of my old colleagues want to get into one either. We are doing very well. I recommend the adoption of this amendment.

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 before the House is on the motion of the gentleman from Orono, Mr. Davies, that House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Beaulieu, Brenerman, Carter, D.; Connolly, Curran, Davies, Elias, Flanagan, Goodwin, H.; Goodwin, K.; Henderson, Howe, Hughes, Jackson, Jensen, Kane, Kany, LaPlante, Nadeau, Najarian, Nelson, M.; Pearson, Post, Tarr, Trafton, Valentine, Whittemore, Wilfong, Wood, Wymann.

NAY — Aloupis, Ault, Austin, Bachrach,

Bagley, Bennett, Berry, Berube, Biron, Birt, Blodgett, Boudreau, P.; Brown, K. L.; Brown, K. C.; Bunker, Bustin, Carey, Carrier, Carter, F.; Chonko, Churchill, Clark, Connors, Cote, Cox, Cunningham, Devoe, Dexter, Diamond, Dow, Drinkwater, Dutremble, Fenlason, Fowlie, Garksee, Gill, Gillis, Gould, Gray, Green, Greenlaw, Hall, Hickey, Huber, Hunter, Hutchings, Immonen, Jalbert, Joyce, Kelleher, Kerry, Kilcoyne, Laffin, Lewis, Littlefield, Locke, Lougee, Lynch, Mackel, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBairty, McHenry, McKean, McPherson, Mills, Mitchell, Moody, Morton, Nelson, N.; Norris, Palmer, Peakes, Peltier, Perkins, Peterson, Plourde, Prescott, Quinn, Raymond, Rideout, ROLLINS, Sewall, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Strout, Stubbs, Tarbell, Teague, Theriault, Tierney, Torrey, Tozier.

ABSENT — Benoit, Boudreau, A.; Burns, Carroll, Dudley, Durgin, Gauthier, Higgins, Hobbins, Jacques, LeBlanc, Lizotte, Lunt, MacEachern, McMahon, Talbot, Truman, Twitchell, Tyndale.

Yes, 30; No, 101; Absent, 19.

The SPEAKER: Thirty having voted in the affirmative and one hundred and one in the negative, with nineteen being absent, the motion does not prevail.

Thereupon, House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Mr. Gillis of Calais.  
Recessed until 7:30 in the evening.

After Recess  
7:45 P.M.

The House was called to order by the Speaker.

The following item appearing on Supplement No. 8 was taken up out of order by unanimous consent:

On motion of Mr. Jensen of Portland, the following Joint Order: (H. P. 1830)

WHEREAS, several bills, including L. D. 388, "An Act Relating to the Maine Turnpike Authority" have been introduced in the first regular session of the 108th Legislature; and

WHEREAS, these bills have raised serious questions concerning the continuation of toll charges on the Maine Turnpike and the continuation of the Maine Turnpike Authority after the payment of outstanding turnpike bonds; and

WHEREAS, it is in the best interests of the citizens of this State that the possible alternatives for dealing with the future of the Maine Turnpike be thoroughly examined before taking action to ensure that the best possible means of operation of the turnpike be selected; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Transportation shall study the implications of the adoption of legislation such as L. D. 388, the necessity or desirability of retention of the Maine Turnpike Authority, the possibility of implementing alternative toll collection methods and the interrelating federal and state agreements governing the existence of the Maine Turnpike; and be it further

ORDERED, that the committee shall complete this study no later than December 1, 1977 and submit to the Legislative Council within the same time period its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

ORDERED, upon passage in concurrence.

that a suitable copy of this Order shall be forwarded to members of the committee.

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

The following item appearing on Supplement No. 9 was taken up out of order by unanimous consent:

On motion of Mrs. Post of Owls Head, the following Joint Order: (H. P. 1823)

ORDERED, the Senate concurring, that notwithstanding Joint Rule 19, the following bill may be retained by the committee to which it has been referred during the course of the interim between the first and second regular sessions of this Legislature and may be considered by that committee during that time under the supervision of the Legislative Council and shall be reported to the appropriate House on the first day of the second regular session:

Marine Resources (H. P. 715, L. D. 851)

An Act to Clarify and Limit the Authority of Municipalities to Establish Shellfish Conservation Programs and to License and Regulate the Taking of Shellfish.

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

The following papers appearing on Supplement No. 11 were taken up out of order by unanimous consent:

**Non-Concurrent Matter**

Bill "An Act to Revise the Judicial Retirement System" (S. P. 497) (L. D. 1776) which was Passed to be Engrossed as Amended by House Amendment "A" (H-809) in the House on June 23, 1977.

Came from the Senate, Indefinitely Postponed in non-concurrence.

In the House: The House voted to recede and concur and sent up for concurrence.

**Non-Concurrent Matter**

Bill "An Act to Lighten the Burden of Property Taxes on the Elderly Widowed or Disabled" (S. P. 440) (L. D. 1531) which was Passed to be Engrossed as Amended by House Amendment "A" (H-899) in the House on July 8, 1977.

Came from the Senate, with that Body having Adhered to its former action whereby the Bill was Passed to be Engrossed as Amended by Committee Amendment "A" (S-186) in non-concurrence.

In the House: On motion of Mrs. Kany of Waterville, the House voted to recede and concur.

By unanimous consent, ordered sent forthwith to Engrossing.

The following papers appearing on Supplement No. 12 were taken up out of order by unanimous consent:

The following Communication:

THE SENATE OF MAINE  
AUGUSTA

July 8, 1977

The Honorable Edwin H. Pert  
Clerk of the House  
108th Legislature  
Augusta, Maine 04333  
Dear Clerk Pert:

The Senate today voted to Adhere on Bill, "an Act Relating to the Maine Turnpike Authority" (H. P. 343) (L. D. 388).

Signed: Respectfully,

MAY M. ROSS  
May M. Ross

Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:

THE SENATE OF MAINE  
AUGUSTA

July 8, 1977

The Honorable Edwin H. Pert  
Clerk of the House  
108th Legislature  
Augusta, Maine 04333  
Dear Clerk Pert:

The Senate today voted to Adhere on Bill, "An Act Requiring the Public Utilities Commission to Order a Community of Interest Study upon Petition by 10% of the Service Customers in a Telephone Exchange and to Promulgate Rules and Regulations Relating to the Establishment of Extended Area Service" (H. P. 650) (L. D. 794).

Signed: Respectfully,

MAY M. ROSS  
May M. Ross

Secretary of the Senate

The Communication was read and ordered placed on file.

The following items appearing on Supplement No. 13 were taken up out of order by unanimous consent:

The following Communication:

THE SENATE OF MAINE  
AUGUSTA

July 8, 1977

The Honorable Edwin H. Pert  
Clerk of the House  
108th Legislature  
Augusta, Maine 04333  
Dear Clerk Pert:

The Senate today voted to Adhere to its action whereby it accepted the Majority 'Ought Not to Pass' Report on Bill, "An Act to Require State Level Assessment of Industrial Real Property with a Value in Excess of \$1,000,000." (H. P. 1329) (L. D. 1606).

Signed: Respectfully,

MAY M. ROSS  
May M. Ross

Secretary of the Senate

The Communication was read and ordered placed on file.

On motion of Mr. Tierney of Lisbon Falls, the House voted to take from the table the first tabled and unassigned matter:

Bill, "an Act to Change the Sales Tax Basis on Fuel Oil from Price to Volume" (H. P. 784) (L. D. 936)

— In House, Indefinitely Postponed on April 26.

— In Senate, Majority "Ought to Pass" Report Read and Accepted.

Tabled — May 12, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Further Consideration.

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

Mr. CAREY: Mr. Speaker, I move that the House adhere.

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

Mr. BOUDREAU: Mr. Speaker, I move that the House recede and concur.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: It is only appropriate that industry have only its share of what happens in the legislature this session. It has been able to get away without having its property valued justly. Therefore, it shouldn't be enriched by having any more benefits. I would hope that you would adhere.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: Could the Clerk read the Committee Report?

Thereupon, the Committee Report was read by the Clerk.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I am pleased to have the distinction of having the last bill on the unassigned table for this session.

To give you a little history on this bill, essentially what we are talking about is putting a ceiling on sales tax revenue derived from industrial fuel oil. Three or four years ago, most manufacturers in the state were paying about \$2 per barrel for industrial fuel oil. Therefore, on 5 percent sales tax, the state was getting approximately 12 cents or so in sales tax revenue. Since then, however, the OPEC countries have quadrupled the price of oil, therefore, forcing manufacturers to pay four times the amount on each 42 gallon barrel, which now is approximately about 70 cents. My feeling is that because the price of oil is essentially dictated by OPEC, that we should, in some way, protect Maine business and manufacturers from excessive sales tax on whatever the price might be as dictated by OPEC. What this bill essentially says now and it basically is a bill to protect manufacturers, it says that once the price of oil reaches \$15 for a 42 gallon barrel of oil the sales tax will kick off. In other words, if the price of a barrel of oil is \$16, the state would get a 5 percent sales tax on the first \$15 and not on that one dollar. For those who would argue that potentially there would be a loss of revenue, they aren't incorrect. However, my feeling is that because the price of oil is dictated by OPEC and because I think I believe that OPEC, in the next few years, will raise the price of oil dramatically, I see nothing wrong with trying to protect manufacturers from real excessive jumps in the price of oil.

I think when you talk about business as opposed to labor or anything else, I think that if Maine manufacturers, and they have paid four to five times the amount they were paying two years ago just in sales tax for the oil they burn in the manufacturing process, I really think they have paid their share. I really think if the state is going to get 5 percent sales tax on the first \$15, that we are basically just protecting them.

If OPEC should decide tomorrow the price will be \$20 dollars a barrel, we are giving them a little bit of a break.

I hope we would recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: Since Representative Boudreau is interested in the history of this bill, I thought I would bring one other point to light which is history of the bill in the legislature which he neglected to mention. That is, last time this body dealt with this particular bill, the motion was made to indefinitely postpone. The motion to indefinitely postpone carried by 99 votes to 47. If you are going to consider the history of the legislation, I think you ought to keep that in mind. I hope that we would continue that method by adhering to the motion to indefinitely postpone tonight.

The problems that I had with this bill when it came out of committee were twofold. One is that we are giving a tax break without having to face up to the fact of actually setting it along with all the other priorities. Later on tonight or tomorrow morning, we are going to be faced with a lot of good bills that are going to come back here because there isn't enough money to pay for them. We will either recede and concur or we will go through the sort of useless action of sending them back to the Senate again and they will adhere and those bills will be dead. If this still had a price tag on it and if it was sitting over there on the table and had to go through