

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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KJ PRINTING
AUGUSTA, MAINE

Carter, D.; Connolly, Devoe, Drinkwater, Dutremble, Fowle, Jacques, Laffin, LaPlante, LeBlanc, Martin, A.; Maxwell, McKean, Mills, Peterson, Quinn, Silsby, Smith, Stover, Theriault, Wyman.

Yes, 101; No, 25; Absent, 25.

The SPEAKER: One hundred one having voted in the affirmative and twenty-five in the negative, with twenty-five being absent, the motion does prevail.

Signed by the Speaker and sent to the Senate.

Orders of the Day

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

Bill, "An Act to Establish an Assessment of Student Performance in the Basic Skills" (Emergency) (S. P. 518) (L. D. 1810)

Tabled — June 2, 1977 by Mr. Bustin of Augusta.

Pending — Passage to be Engrossed.

Mrs. Beaulieu of Portland offered House Amendment "B" and moved its adoption. House Amendment "B" (H-509) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: All this amendment basically does is respond to the concerns that were raised last week when we debated this bill by Representative Bustin. If you remember, he was concerned about the selection process of the people that would serve on the ultimate committee and the numbers of people. I believe if you read this, you will understand that that has been taken care of.

I wish to point your attention to show the four members from the public at large will be selected. My concern was that potentially the public members would come either all from urban areas or all from rural areas, so we are directing that there be a split between the rural and urban administrative units and that the selection of the public members will be made by the Speaker of the House and the President of the other body.

Thereupon, House Amendment "B" was adopted.

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

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

Bill, "An Act Relating to Reporting of Data of Abortions Performed by an Attending Physician" (H. P. 1628) (L. D. 1831)

Tabled — June 2, 1977 by Mrs. Berube of Lewiston.

Pending — Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker, Members of the House: I had an amendment prepared to offer to this bill deleting two sections. When I came in this morning, there were three different sheets distributed on our desks, one of which seemed to promote a justification for the two sections that I wanted to repeal from the bill. I would like to have time to check this out as well as some of the other things that were said in these statements and have not had time to. I would appreciate it if someone would table this for two more days please.

Whereupon, on motion of Mr. Palmer of Nobleboro, tabled pending passage to be engrossed and specially assigned for Wednesday, June 8.

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

Bill, "An Act Relating to the Powers of Plantations and their Organization" (H. P. 1396) (L. D. 1635)

Tabled — June 2, 1977 by Mrs. Post of Owl's Head.

Pending — Passage to be Engrossed.

On motion of Mrs. Post of Owl's Head, retabled pending passage to be engrossed and tomorrow assigned.

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

Bill, "An Act to Define Duties and Set Salaries for Special and Part-time Deputy Sheriffs" (H. P. 992) (L. D. 1191)

Tabled — June 2, 1977 by Mr. Henderson of Bangor.

Pending — Adoption of Committee Amendment "A" (H-388)

On motion of Mr. Henderson of Bangor, retabled pending adoption of Committee Amendment "A" and specially assigned for Wednesday, June 8.

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

Senate Report — "Ought to Pass" as Amended by Committee Amendment "A" (S-154) — Committee on Human Resources on Bill "An Act to Clarify Sex Discrimination in the Maine Human Rights Act" (S. P. 260) (L. D. 821) — In Senate, Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Senate Amendment "A" (S-182)

Tabled — June 3, 1977 by Mr. Talbot of Portland.

Pending — Acceptance of the Committee Report.

Thereupon, the Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-154) was read by the Clerk and the Amendment was indefinitely postponed in concurrence.

Senate Amendment "A" (S-182) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

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

House Divided Report — Majority (9) "Ought Not to Pass" — Minority (3) "Ought to Pass" as Amended by Committee Amendment "A" (H-469) — Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate Funds to the Maine Amateur Athletic Union Cultural Exchange Program" (Emergency) (H. P. 1343) (L. D. 1590)

Tabled — June 3, 1977 by Ms. Goodwin of Bath.

Pending — Acceptance of either Report.

On Motion of Ms. Goodwin of Bath, retabled pending acceptance of either Report and tomorrow assigned.

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

House Divided Report — Majority (10) "Ought Not to Pass" — Minority (3) "Ought to Pass" — Committee on Legal Affairs on Bill "An Act to Limit Access to Security Interest Records Filed in a Municipality" (H. P. 1271) (L. D. 1499)

Tabled — June 3, 1977 by Mr. Garsoe of Cumberland.

Pending — Motion of Mr. Burns of Anson to accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: This is certainly not earth-shaking legislation but it is something I have observed over the years after serving three terms on the board of selectmen and one term as chairman of the board. As you know, when a person has a mortgage on either their car, their house, or any other material that they may buy in their home, that is reported to the town clerk for the records of the town and available at anybody's request. Many times, the town acts as a credit agency for anybody that might want to come into the town office and inquire about a certain person.

I don't think that this is fair. I don't think that anybody should be exposed to that kind of privilege that is extended by the town office to people in the credit business. Furthermore, I have seen instances in the town where I have gone down to the local office establishment and I have spoken about a certain person in regard to being in the office inquiring about his real estate taxes. They have turned to me and said, "I am not going to give that guy anything, he owes everybody." This is not true. I don't think there is a person in this House that at one time in their life has not been in unfortunate financial circumstances, and I count as one of them. I think that this is an invasion of privacy to have this practice continue, and I sincerely trust that you will agree with me.

The SPEAKER: The Chair recognizes the gentleman from Richmond, Mr. Moody.

Mr. MOODY: Mr. Speaker, Ladies and Gentlemen of the House: I certainly hope that you will reject the motion made by the good gentleman from North Anson, Mr. Burns, and that you accept the "Ought Not to Pass" Report for several reasons. Number one is, currently, I, as John Doe citizen, can go to the town clerk in your hometown and see how many mortgages you owe and what you owe. Actually, it is none of my business what you owe. I should not have that right to see your private business. Under current law, any John Doe citizen can see how much you owe by simply going to the town clerk and request the mortgage statements.

All this bill does is simply this: Number one, before I can go in to the town clerk and see how many mortgages you owe, I need a written statement from you giving me that permission to give to the town clerk so that he will know that I do have your permission. The second thing is, when this bill was presented before the committee I am on, the Legal Affairs Committee, I was first in opposition to the bill because I thought that this would result in town clerks losing that recording fee that they now receive for recording mortgages. This is not so. This does not affect that fee whatsoever, they will still receive their fee. Therefore, ladies and gentlemen of the House, I hope you will reject the current motion before the House and accept the "Ought to Pass" Report.

I might ask another thing. When we held the hearing on this before the Legal Affairs Committee, if I recall correctly, there were only three people to oppose this. They were all businessmen. I believe one of them was from the chamber of commerce, a mortgage banking institution, and he says this thing would just make things more complicated and so forth because it is my understanding that banks, for those people who have not as of yet established credit, they check with the town clerk to get a mortgage rating and so forth. This really isn't going to affect that, because all this bill will do is require a signed certificate by the person wanting to take out a loan before he can see how much he owes, that is all.

Mr. Speaker, when the vote is taken, I ask for the yeas and nays please.

The SPEAKER: The Chair recognizes the gentleman from Anson, Mr. Burns.

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: True, there were three people that showed up for the hearing in opposition to this bill. I would remind the gentleman that there was only one person who appeared for the bill, and that was the sponsor. There did not seem to be a very large hoorah over the bill as to what should occur here. There were no civil libertarians there.

I had a little problem with this bill myself, I think it went to the wrong committee. I think it would have been more appropriate if it had gone to the Business Legislation Committee, because that was the committee that originally came out with the act that this is to amend.