

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh  
Legislature*

OF THE

STATE OF MAINE

**Volume II**

May 21, 1975 to July 2, 1975

**Index**

KENNEBEC JOURNAL  
AUGUSTA, MAINE

Wayne, Mr. Ault, that the House accept the Minority "Ought Not to Pass" Report on Bill "An Act to Provide for Two Labor Representatives on the Board of Environmental Protection," House Paper 88, L. D. 116. All in favor of that motion will vote yes; those opposed will vote no.

**ROLL CALL**

YEA — Albert, Ault, Bachrach, Bennett, Berube, Blodgett, Boudreau, Bowie, Burns, Byers, Call, Carey, Carroll, Chonko, Clark, Cooney, Cote, Cox, Curtis, Dam, Doak, Drigotas, Dudley, Durgin, Farnham, Fenlason, Finemore, Fraser, Garsoe, Gauthier, Goodwin, H.: Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Higgins, Hughes, Hunter, Immonen, Jackson, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelley, Kennedy, Laverty, Leonard, Lewin, Lovell, Lunt, Lynch, Mackel, MacLeod, Mahany, Martin, A.; McBreairty, McMahon, Miskavage, Mitchell, Morin, Morton, Najarian, Palmer, Peakes, Pelosi, Perkins, S.; Peterson, P.; Peterson, T.; Pierce, Powell, Quinn, Raymond, Rideout, Rolde, Rollins, Saunders, Silverman, Snow, Snowe, Spencer, Sprowl, Stubbs, Susi, Talbot, Tarr, Teague, Tierney, Torrey, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Wilfong, Winship.

NAY — Berry, G. W.; Berry, P. P.; Birt, Bustin, Carpenter, Carter, Churchill, Connolly, Curran, P.; Davies, Dyer, Farley, Flanagan, Hewes, Hinds, Hobbins, Ingegneri, Jacques, Kelleher, Laffin, Lewis, MacEachern, Maxwell, Mills, Nadeau, Perkins, T.; Post, Shute, Therault.

ABSENT — Bagley, Connors, Curran, R.; DeVane, Dow, Faucher, Hutchings, LaPointe, LeBlanc, Littlefield, Lizotte, Martin, R.; McKernan, Mulkern, Norris, Smith, Strout, Webber.

Yes, 102; No, 29; Absent, 18.

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

Sent up for concurrence.

**Divided Report**

Majority Report of the Committee on Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-576) on Bill "An Act to Provide for One Representative of the Fishing Industry on the Board of Environmental Protection" (H. P. 1307) (L. D. 1591)

Report was signed by the following members:

- Mrs. HUTCHINGS of Lincolnville
- Messrs. PETERSON of Windham
- CURRAN of Bangor
- McBREAIRTY of Perham
- BLODGETT of Waidoboro
- CHURCHILL of Orland
- HALL of Sangerville
- WILFONG of Stow

— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

- Messrs. WYMAN of Washington
- O'LEARY of Oxford
- TROTZKY of Penobscot

— of the Senate.

- Messrs. DOAK of Rangeley
- AULT of Wayne

— of the House.

Reports were read.

On motion of Mr. Ault of Wayne, the

Minority "Ought Not to Pass Report" was accepted and sent up for concurrence.

**Divided Report**

Majority Report of the Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-574) on Bill "An Act to Include the Chairman of the Land Use Regulation Commission on the Board of Pesticides Control" (H. P. 1208) (L. D. 1501)

Report was signed by the following members:

- Messrs. GRAHAM of Cumberland
- CURTIS of Penobscot

— of the Senate.

- Mrs. KANY of Waterville
- SNOWE of Auburn

- Messrs. WAGNER of Orono
- FARNHAM of Hampden
- STUBBS of Hallowell
- LEWIN of Augusta
- COONEY of Sabattus
- PELOSI of Portland
- CARPENTER of Houlton
- QUINN of Gorham

— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

- Mr. WYMAN of Washington

— of the Senate.

Reports were read.

On motion of Mr. Cooney of Sabattus, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-574) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

**Divided Report**

**Tabled and Assigned**

Majority Report of the Committee on Public Utilities reporting "Ought Not to Pass" on Bill "An Act to Allow Nonprofit Corporations to Operate Ferries on Casco Bay" (H. P. 1150) (L. D. 1444)

Report was signed by the following members:

- Mrs. CUMMINGS of Penobscot
- Messrs. GREELEY of Waldo
- CYR of Aroostook

— of the Senate.

- Mrs. TARR of Bridgton
- Messrs. LITTLEFIELD of Hermon

- NADEAU of Sanford
- GRAY of Rockland
- SPENCER of Standish
- LEONARD of Woolwich

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-586) on same Bill.

Report was signed by the following members:

- Mrs. SAUNDERS of Bethel
- Messrs. LUNT of Presque Isle
- KELLEHER of Bangor

— of the House.

Reports were read.

Mr. Kelleher of Bangor moved that the House accept the Minority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the gentlewoman from Bridgton, Mrs. Tarr.

Mrs. TARR: Mr. Speaker and Members of the House: I would like a division on this. I don't think we should accept the "Ought to Pass" Report.

At the hearing that we had in Portland, there were people there that felt they

weren't getting good service from Casco Bay Lines, that they would like to start their own service, they would like to have boats that perhaps could carry four or five or six people in from the islands. As far as I could see you would have a lot of boats just running back and forth between the islands, you would have Casco Lines that would probably have to go up on their rates, because if they had other boats coming in to pick up passengers, they, too, wouldn't be able to charge an amount that could keep them in business because you would have two or three or four or more trying to have taxi service. I just don't think that they would be qualified.

We have a bill in now for radar on Casco Bay Lines, I don't think these small operators of boats would necessarily be as safe or really give the service that the Casco Bay Lines give now.

I would urge you to vote against the "Ought to Pass" Report.

On motion of Mrs. Najarian of Portland, tabled pending the motion of the gentleman from Bangor, Mr. Kelleher, to accept the Minority Report and tomorrow assigned.

**Divided Report**

**Tabled and Assigned**

Report A of the Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-583) on Resolution, Proposing an Amendment to the Constitution to Abolish the Executive Council and Reassign its Constitutional Powers to the Governor" (H. P. 016) (L. D. 24)

Report was signed by the following members:

- Mrs. SNOWE of Auburn
- KANY of Waterville
- Messrs. COONEY of Sabattus,
- PELOSI of Portland
- QUINN of Gorham
- WAGNER of Orono
- CARPENTER of Houlton

— of the House.

Report B of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-584) on same Resolution.

Report was signed by the following members:

- Messrs. STUBBS of Hallowell
- LEWIN of Augusta

— of the House.

Report C of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "C" (H-585) on same Resolution.

Report was signed by the following members:

- Messrs. CURTIS of Penobscot
- GRAHAM of Cumberland

— of the Senate.

Report D of the same Committee reporting "Ought Not to Pass" on same Resolution.

Report was signed by the following member:

- Messrs. WYMAN of Washington

— of the Senate.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: I move acceptance of the Majority "Ought to Pass" Report.

I would point out to all of you that on your desks this morning is an information sheet explaining what each one of the reports on this bill is about. It explains it, I

think, in concise detail. I would suggest that perhaps we should accept the Majority Report today and allow this bill to be engrossed in the House and see how it fairs in the Senate.

I think if you will look at the makeup of the committee report, I think you can all see how this bill will come back to us and that the debate will most likely occur at a non-concurrent place or at the time of enactment.

So I do ask that you accept the Majority "Ought to pass" Report this morning.

The SPEAKER: The Chair recognizes the gentleman from Hallowell, Mr. Stubbs.

Mr. STUBBS: Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: I urge that you vote against Report A so that we can adopt Report B.

Report A would provide for a committee to confirm all appointments by the Governor, consisting of 10 members from this body and 5 members from the other body. This would be called a Legislative Confirmation Committee.

Report C would consist of a 33-member Legislative Confirmation Committee — in effect, the other body. Report D is "Ought not to pass."

I submit that Report B, which consists of five members from this body, five members from the other body, to constitute a Legislative Confirmation Committee, is the only report that eventually will pass if we are going to adopt this bill.

Political realities being what they are, we will only be able to go in this manner. It takes a two-thirds vote in order to adopt an amendment to the Constitution.

In other words, what I am saying is that a vote for Report A, C or D is nothing more than a vote not to abolish the Executive Council. If we are going to abolish this Executive Council, there is only one way to go, and that is Report B. We can play politics all we want to, but as we all know, the present Executive Council has a very, very negative image statewide.

We can play politics with Report A or Report C, but the vast majority of the people in this state, we all know what they want — they want the Executive Council abolished, and I submit that if you were going to do this, the only way to go is Report B.

The SPEAKER: The pending question is on the acceptance of Report A. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Cooney of Sabattus requested a roll call vote.

The SPEAKER: 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.

On motion of Mr. Rolde of York, tabled pending acceptance of Report A and specially assigned for Wednesday, June 4.

#### Consent Calendar First Day

In accordance with House Rule 49-A, the following items appeared on the Consent Calendar for the First Day:

Bill "An Act to Amend the Subdivision Law to Provide for More Housing in the State" — Committee on Natural Resources reporting "Ought to Pass" as

amended by Committee Amendment "A" (H-594) (H. P. 1006) (L. D. 1274)

On the request of Mr. Carey of Waterville, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-594) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Bill "An Act Consolidating the Statutes of the Maine Guarantee Authority" — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-592) (H. P. 1389) (L. D. 1805)

On the request of Mr. Cooney of Sabattus was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-592) was read by the Clerk and adopted.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: This bill does reorganize the statutes of the Maine Guarantee Authority, which is a worthwhile thing to do. However, we have another bill coming out of committee in the next few days which will reorganize much of our financing structure for development and establish a much needed management organization in the state, and there would be conflict between this bill and that bill. We would like to see the progress of that bill when it comes out and we would like to see this bill tabled unassigned until that time, and I would ask someone to please do that.

Thereupon, on motion of Mr. Rolde of York, tabled unassigned pending second reading.

Bill "An Act Concerning Disaster Relief under the Civil Emergency Preparedness Statutes" — Committee on State Government reporting "Ought to Pass" (H. P. 899) (L. D. 1086)

Bill "An Act Relating to Water Districts" — Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-589) (H. P. 815) (L. D. 989)

No objections being noted, the above items were ordered to appear on the Consent Calendar of June 3 under listing of Second Day.

Bill "An Act Creating the Office of Dental Health" — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-588) (H. P. 972) (L. D. 1234)

On the request of Mr. Stubbs of Hallowell, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-588) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Bill "An Act Making Financial Aid Formulae Consistent with the 100 Percent State Valuation" — Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-590) (H. P. 648) (L. D. 800)

Bill "An Act to Clarify the Priority Social Services Program to Assure Effective Utilization of State and Federal Resources for Human Services" — Committee on Appropriations and

Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-587) (H. P. 1187) (L. D. 1768)

Bill "An Act Relating to Expenses for Examination of Insurers" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-595) (H. P. 982) (L. D. 1245)

No objections having been noted, the above items were ordered to appear on the Consent Calendar of June 3 under listing of Second Day.

Bill "An Act to Establish the American and Canadian Exchange Commission" — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-593) (H. P. 728) (L. D. 903)

On the request of Mr. Hewes of Cape Elizabeth, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-593) was read by the Clerk.

(On motion of Mr. Hewes of Cape Elizabeth, tabled pending adoption of Committee Amendment "A" and later today assigned.)

Bill "An Act Authorizing Regulations Relating to Governmental and Commercial Buildings within the Capitol Complex Area" — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-591) (H. P. 1275) (L. D. 1578)

No objections being noted, the above items were ordered to appear on the Consent Calendar of June 3 under listing of the Second Day.

#### Consent Calendar Second Day

In accordance with House Rule 49-A, the following items appeared on the Consent Calendar for the Second Day:

(S. P. 248) (L. D. 821) Bill "An Act Relating to Reports Required by Municipal Ordinance of Developers of Shoreland Areas" (C. "A" S-216)

No objection having been noted, was passed to be engrossed in concurrence.

(S. P. 417) (L. D. 1374) Bill "An Act Relating to the Division of Hundred-weight Fees between the Maine Milk Commission and the Maine Dairy Council Committee" (C. "A" S-215)

On the request of Mr. Kelleher of Bangor, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (S. 215) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(H. P. 138) (L. D. 176) Bill "An Act to Amend the Charter of the Ogunquit Sewer District" (C. "A" H-551)

(H. P. 1370) (L. D. 1808) Bill "An Act Repealing Invalid Rate Provisions and Other Provision of Questionable Validity Pertaining to Public Utilities Commission Jurisdiction over Sanitary, Sewerage, Sewer, Utility and Water District" (Emergency) (C. "A" H-552)

(H. P. 811) (L. D. 973) Bill "An Act Amending the Employment Security Law" (C. "A" H-545)

(H. P. 1017) (L. D. 1297) Bill "An Act Relating to Benefits Under the