

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

HOUSE

Wednesday, June 25, 1975

The House met according to adjournment and was called to order by the Speaker.

Prayer by Rev. John P. Miller of Bangor.

The journal of yesterday was read and approved.

Committee of Conference Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to the Dredging, Filling or Otherwise Altering Coastal Wetlands" (H. P. 590) (L. D. 730) ask leave to report: that the House recede from passage to be engrossed, indefinitely postponed House Amendment "B" (H-554) to Committee Amendment "A" (H-354), adopt Conference Committee Amendment "A" (H-837) to Committee Amendment "A" and pass the Bill to be engrossed as amended by Committee Amendment "A" as amended by Conference Committee Amendment "A" thereto; that the Senate recede from indefinite postponement, indefinitely postpone Senate Amendment "B" (S-308) to Committee Amendment "A" (H-354), adopt Conference Committee Amendment "A" (H-837) to Committee Amendment "A" (H-354) and pass the bill to be engrossed as amended by Committee Amendment "A" as amended by Conference Committee Amendment "A" thereto in concurrence.

(Signed)
Messrs. WILFONG of Stow
DOAK of Rangeley
MORTON of Farmington
— of the House.
Messrs. TROTZKY of Penobscot
HUBER of Cumberland
— of the Senate.

Report was read and accepted.
The House voted to recede from passage to be engrossed; receded from the adoption of House Amendment "B" to Committee Amendment "A" and the Amendment was indefinitely postponed.
Conference Committee "A" to Committee Amendment "A" (H-837) was read by the Clerk and adopted.
Committee Amendment "A" as amended by Conference Committee Amendment "A" thereto was adopted.
The Bill was passed to be engrossed as amended and sent up for concurrence.

**Papers from the Senate
Non-Concurrent Matter
Later Today Assigned**

Bill "An Act Increasing Motor Vehicle Registration Fees" (H. P. 1692) (L. D. 1930) which was indefinitely postponed in the House on June 23.

Came from the Senate read and passed to be Engrossed in non-concurrence.

In the House: On motion of Mr. Fraser of Mexico, tabled pending further consideration and later today assigned.

Non-Concurrent Matter

Bill "An Act Concerning the Office of Energy Resources" (S. P. 549) (L. D. 1913) (Emergency) which was enacted in the House on June 17 (having been passed to be engrossed as amended by Senate Amendments "A" (S-285) and "B" (S-301) in the House on June 13).

Came from the Senate (Recalled from the Governor pursuant to Joint Order (S. P. 603)) with Enactment Reconsidered.

Engrossment reconsidered, and passed to be Engrossed as amended by Senate Amendments "A" (S-285), "B" (S-301), and "D" (S-363) in non-concurrence.

In the House: The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Increasing the State Gasoline Tax" (Emergency) (H. P. 1055) (L. D. 1332) which was indefinitely postponed in the House on June 18.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-743) in non-concurrence.

In the House:
The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: Here we are back again. There is not much more to be said regarding this bill that hasn't already been said. It was passed in the other body and amended. I think the amendment will please many of those who tried to put amendments on before. The highway access roads are on there for \$50,000, the highway special state aid construction, the highway town improvement fund, the highway traffic services, all that were in the previous bill that were taken out, highway winter maintenance, highway bridge improvement and the one cent increase will about 95 percent take care of this. I hope that we will enact it today.

Mr. Davies of Orono 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.

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I would just take issue this morning, to make the record clear. What the gentleman from Mexico,

Mr. Fraser, was telling you is that the amendment he was talking about is not an amendment to the gas tax. The amendment that he is mentioning this morning is the amendment to the highway allocation fund. That amendment to the highway allocation fund amounts to \$5,800,000. That does, however, take care of the programs that we have all been concerned about and puts this in a position, instead of \$144 million, it means that our highway appropriation will be \$150 million.

I think it is imperative this morning that we pass this gas tax, send it on its way and this will put us in a position that will take care of the necessary funding that we will need for the next biennium.

If we want to go this route, I sincerely believe today that we will be getting revenue from not only State of Maine people, but people who will be coming here as tourists that will help us on the basis of 30 to 40 percent.

The other route that we have before us is going to mean only increases to State of Maine people. At this point in time, I urge the members of this House to support the one cent increase in the gas tax.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Laffin.

Mr. LAFFIN: Mr. Speaker, Ladies and

Gentlemen of the House: I oppose an increase on this gasoline tax. You talk about when the summer people are here, fine and good, but the summer people will long be gone when the days are short in January and February and December and November. They don't come to Maine in those months, and it is the people that are going to have to pay for this. You are putting a tax on something that they need for their livelihood, for work, it is no longer a pleasure to have a car for just enjoyment. We need it for our everyday lives, and I urge the members of this House not to support an increase in the gasoline tax, and I don't care what programs we have to give up for it, for the simple reason that the people are going to pay for it.

Somebody made a good statement here once. I think it was the gentleman from Lewiston, that once you put a tax on this thing, you never take it off. Well remember, we have to live in this state, and these tourists up here come and go pretty fast, but we still have to live here with our people in the cold winter months and I urge you to defeat this.

The SPEAKER: A roll call has been ordered. The pending question is to recede and concur. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Birt, Blodgett, Bowie, Burns, Byers, Carrall, Cox, Curran, R.; Curtis, Dam, DeVane, Doak, Dow, Drigotas, Farnham, Fenlason, Finemore, Flanagan, Fraser, Gould, Greenlaw, Hall, Hennessey, Hewes, Hunter, Hutchings, Immonen, Kauffman, Kelley, LaPointe, Laverty, LeBlanc, Lewin, Lizotte, Lovell, Lunt, Lynch, MacEachern, MacLeod, Maxwell, McBreairty, McKernan, Mills, Morton, Najarian, Palmer, Pearson, Perkins, T.; Peterson, P.; Powell, Quinn, Rolde, Rollins, Saunders, Silverman, Smith, Snow, Strout, Stubbs, Susi, Theriault, Torrey, Twitchell, Wagner, Walker, Webber, Winship, The Speaker

NAY — Berry, P. P.; Berube, Boudreau, Bustin, Carey, Carpenter, Carter, Chonko, Churchill, Clark, Conners, Cote, Curran, P.; Davies, Durgin, Dyer, Farley, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Gray, Henderson, Higgins, Hinds, Ingegneri, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, Laffin, Lewis, Littlefield, Mackel, Martin, A.; McMahon, Mitchell, Morin, Mulkerin, Nadeau, Norris, Pelosi, Perkins, S.; Peterson, T.; Pierce, Post, Raymond, Rideout, Snowe, Spencer, Sprowl, Talbot, Tarr, Teague, Tierney, Tozier, Tyndale, Usher, Wilfong.

ABSENT — Call, Connolly, Cooney, Dudley, Faucher, Hobbins, Hughes, Jackson, Kennedy, Leonard, Mahany, Martin, R.; Miskavage, Peakes, Shute, Truman.

Yes, 74; No, 61; Absent, 16.
The SPEAKER: Seventy-four having voted in the affirmative and sixty-one in the negative, with sixteen being absent, the motion does prevail.

Non-Concurrent Matter

Committee of Conference Report on Resolution, Proposing an Amendment to the Constitution to Abolish the Executive Council and Reassign its Constitutional Powers to the Governor (H. P. 16) (L. D. 24) on which the House accepted the Committee of Conference Report and passed the Bill to be engrossed as

amended by Committee Amendment "B" (H-584) in the House on June 24.

Came from the Senate with the Committee of Conference Report Rejected and Asked for a Second Committee of Conference.

In the House:

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday morning, this body voted by an overwhelming margin to accept the unanimous report of the Committee of Conference on abolishment of the Executive Council. At the time, there was a sense that this was an historic moment and there were congratulatory statements to the effect that we were now finally ridding ourselves of this doubtful institution in our body politic.

The reason for the optimism was the fact that the Committee of Conference was unanimous, it was signed by three members of the other body as well as of this body. However, we did not take into account the possibility that the action of the three members of the other body, on behalf of a workable compromise, would be turned down by their colleagues, by a very narrow vote. I might add, of 16 to 14. Thereupon, the other body moved to insist and ask for a second Committee of Conference, and I am told that this is really the only realistic action open to us. So with some disappointment and a hope that the second Committee of Conference may come up with another solution to abolishment of the Council, I now move that we go along and join in a second Committee of Conference.

Thereupon, the House voted to further insist and join in a second Committee of Conference.

Non-Concurrent Matter

Bill "An Act Relating to Compensation and Benefits under the State Classified" (H. P. 406) (L. D. 495) which was passed to be enacted in the House on April 29 (having been passed to be engrossed as amended by Committee Amendment "A" (H-153) on April 14).

Came from the Senate with Engrossment reconsidered and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-153) as amended by Senate Amendment "A" (S-366) thereto in non-concurrence.

In the House: The House voted to recede and concur.

Orders

Mrs. Berube of Lewiston presented the following Joint Order and moved its passage: (H. P. 1773)

WHEREAS, the State Legislature believes that there is a need to evaluate the several programs of the Maine Housing Authority in order to assure that maximum effectiveness in program administration is obtained in meeting housing needs for Maine people including the elderly and those of low income; and

WHEREAS, legislation dealing directly with the duties and powers of the Maine Housing Authority, such as L. D. 660, L. D. 723 and L. D. 1002, has been enacted or is presently being considered; and

WHEREAS, there has been question of the effect of such legislation on the present and future housing needs of the people of the State of Maine as well as on the credit rating of the State of Maine; now, therefore, be it

ORDERED, the Senate concurring, that

the Legislative Council through the Joint Standing Committee on Performance Audit conduct the necessary review and consideration of the Maine Housing Authority to determine the need or desirability for altering, adding to or deleting from existing statutory provisions the Maine Housing Authority's powers to meet housing needs in this State; and be it further

ORDERED, that the Legislative Council report the result of its findings together with any suggested recommendations and any necessary implementing legislation to the next special or regular session of the Legislature; and be it further

ORDERED, upon passage in concurrence, that suitable copies of this Order be transmitted forthwith to said agency as notice of this directive.

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

Mr. LaPointe of Portland presented the following Joint Order and moved its passage: (H. P. 1774)

WHEREAS, during debate on L. D. 773, there was widespread agreement that there exists an enormous and immediate need for direct health care services in rural areas; and

WHEREAS, this legislation, which would have provided one means of delivering health care services in rural areas, was defeated, and no alternative was passed; and

WHEREAS, it is the view of many persons that state appropriations are essential in order to develop and organize an effective delivery system of direct health care throughout the State; and

WHEREAS, while there are various existing models and plans of health care delivery systems in the State, it is necessary to coordinate such models and plans; and

WHEREAS, failure to provide adequate health care services to persons residing in rural areas adversely affects the health and welfare of these persons; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Health and Institutional Services of the 107th Legislature, to analyze existing resources for and models and plans of health care delivery, in order to determine if there is a need for generating additional resources, models, or plans to recommend the areas, if any, in which state appropriations are needed, and if appropriations are recommended to specify how they can be used most effectively; and be it further

ORDERED, that in conducting its study the committee work in cooperation with agencies and organizations in the health care field, including, but not limited, to the Bureau of Health and the Comprehensive Health Planning Agency in the Department of Health and Welfare, Medical Care Development, Inc., the Maine Medical Association, the Maine Hospital Association and the Maine Osteopathic Association; and be it further

ORDERED, that the Council report the results of its findings together with any recommendations and necessary implementing legislation to the next special or regular session of the Legislature; and be it further

ORDERED, upon passage in concurrence, that suitable copies of this Order be transmitted forthwith to said

agencies and organizations as notice of this directive.

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

Passed to Be Enacted

An Act to Increase the Fees of Certain Licenses Issued by the Department of Inland Fisheries and Game (H. P. 464) (L. D. 566) (C. "B" H-784)

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

Mr. Laffin of Westbrook 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.

The SPEAKER: The pending question is on passage to be enacted. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bachrach, Bagley, Bennett, Boudreau, Burns, Bustin, Byers, Carroll, Chonko, Churchill, Clark, Cooney, Cox, Curran, P.; Curran, R.; Curtis, Davies, Doak, Dow, Drigotas, Durgin, Farley, Farnham, Fenlason, Finemore, Flanagan, Fraser, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hall, Hennessey, Hewes, Higgins, Hinds, Hutchings, Immonen, Ingegneri, Jackson, Jacques, Jensen, Joyce, Kany, Kauffman, Kelley, Laverly, LeBlanc, Lewin, Lizotte, Lovell, Lunt, Lynch, MacEachern, Mackel MacLeod, Martin, A.; McBreairty, McKernan, Mills, Morin, Morton, Mulkern, Najarian, Norris, Palmer, Pelosi, Perkins, S.; Peterson, P.; Post, Powell, Rolde, Silverman, Smith, Snow, Snowe, Spencer, Susi, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Twitchell, Usher, Walker, Wilfong.

NAY — Berry, G. W.; Berry, P. P.; Berube, Blodgett, Bowie, Carey, Carpenter, Carter, Connors, Cote, Dam, DeVane, Dyer, Garsoe, Gauthier, Gray, Henderson, Hunter, Jalbert, Kelleher, Laffin, LaPointe, Lewis, Littlefield, Maxwell, McMahon, Mitchell, Nadeau, Pearson, Perkins, T.; Peterson, T.; Quinn, Raymond, Rideout, Rollins, Saunders, Sprowl, Strout, Stubbs, Tyndale, Wagner, Webber, Winship.

ABSENT — Albert, Birt, Call, Connolly, Dudley, Faucher, Hobbins, Hughes, Kennedy, Leonard, Mahany, Martin, R.; Miskavage, Peakes, Pierce, Shute, Truman.

Yes, 90; No, 43; Absent, 17.

The SPEAKER: Ninety having voted in the affirmative and forty-three in the negative, with seventeen being absent, the motion does prevail.

Signed by the Speaker and sent to the Senate.

Enactor

Later Today Assigned

An Act Relating to Motor Vehicle Fees (H. P. 730) (L. D. 907) (C. "A" H-702)

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

(On motion of Mr. Rolde of York, tabled pending passage to be enacted and later today assigned.)

An Act to Establish Rules for Legislative