

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh  
Legislature*

OF THE

STATE OF MAINE

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**Index**

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department in fact had authority over licensing facilities. In fact, we broadened it a little bit this year for the first time to say that the Department of Health and Welfare had responsibility for licensing nursery schools. That is a whole different statute. All this bill has to do with is what kinds of programs are going to be funded under PSSP, which is state money, and we just want to make sure they are good programs for the kids. That is simply all we are dealing with. If you would read the Statement of Fact, it is my understanding that the Judiciary Committee did vote to include this in their original bill, but since it hasn't yet gotten a chapter number, they were simply not able to do that.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I guess that is my question, that it gives, in reading the intent, L.D. 1500 was to include family day care and then it goes on to say that the Judiciary Committee voted and we have heard nothing from them, but I suppose they will speak in a moment to include this amendment in the Committee Amendment but could not because 1500 had not been chaptered, a chaptered law when the Committee Amendment had been prepared and thus could not be amended. My question is, is the law chaptered now?

The SPEAKER: Mr. Norris of Brewer poses a question through the Chair to any member of the House who cares to answer.

The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I would assume, from reading House Amendment "D" to Committee Amendment "A", that Section 32-A which is being amended states that public law 1975 Chapter 523. I would suggest that the chapter number is 523.

The SPEAKER: The pending question is on the motion of the gentleman from Cape Elizabeth, Mr. Hewes, that House Amendment "D" to Committee Amendment "A" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Mrs. Post of Owls Head requested a roll call vote.

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 is on the motion of the gentleman from Cape Elizabeth, Mr. Hewes, that the House indefinitely postpone House Amendment "D", to Committee Amendment "A". All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Bagley, Bennett, Berry, G. W.: Berube, Birt, Bowie, Burns, Call, Carey, Carpenter, Connors, Curtis, DeVane, Doak, Drigotas, Durgin, Farnham, Fenlason, Finmore, Fraser, Garsoe, Gauthier, Gould, Gray, Hall, Henderson, Hennessey, Hewes, Higgins, Hunter, Hutchings, Jackson, Joyce, Kelleher, Laverty, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, Lynch, Mackel, MacLeod, Mahany, Martin, A.; Maxwell, McBreairty, McMahan,

Miskavage, Morin, Norris, Palmer, Peakes, Peterson, P.; Raymond, Rideout, Shute, Snow, Snowe, Sprowl, Strout, Stubbs, Tarr, Teague, Theriault, Torrey, Twitchell, Walker.

NAY — Ault, Bachrach, Berry, P. P.; Blodgett, Boudreau, Bustin, Byers, Carroll, Carter, Clark, Connolly, Cox, Curran, P.; Davies, Dow, Flanagan, Goodwin, H.; Greenlaw, Hobbins, Ingegneri, Jensen, Kany, Kelley, LaPointe, LeBlanc, McKernan, Mitchell, Mulhern, Nadeau, Najarian, Pelosi, Perkins, T.; Peterson, T.; Pierce, Post, Powell, Quinn, Saunders, Spencer, Talbot, Tierney, Wilfong, Winship.

ABSENT — Chonko, Churchill, Cooney, Cote, Curran, R.; Dam, Dudley, Dyer, Farley, Faucher, Goodwin, K.; Hinds, Hughes, Immonen, Jacques, Jalbert, Kauffman, Kennedy, Laffin, Leonard, MacEachern, Martin, R.; Mills, Morton, Pearson, Perkins, S.; Rolde, Rollins, Silverman, Smith, Susi, Tozier, Truman, Tyndale, Usher, Webber.

Yes, 70; No, 44; Absent, 36.

The SPEAKER: Seventy having voted in the affirmative, forty-four in the negative, with thirty-six being absent, the motion does prevail.

Mr. Tierney of Durham offered House Amendment "F" to Committee Amendment "A" and moved its adoption.

House Amendment "F" to Committee Amendment "A" (H-834) was read by the Clerk.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address your attention to Section one of the Committee Amendment which deals with the definition of public records. You may recall that earlier in this session we had a bit of a to-do between the two Houses relative to the degree of confidentiality which would be maintained within Dave Silsby's office and within Bill Garside's office. It was the legislative determination at that time that those files are and should remain confidential. This errors and inconsistencies bill, I hope, inadvertently reverses that position of the legislature. In Section 3, it creates an exception to the general exception and therefore would open up your personal file in Dave Silsby's office to the scrutiny not only of other legislators but to indeed the lobby.

I don't think any of us want this, I don't think the people who drafted this amendment wanted this. For that purpose, I have introduced an amendment to make it very clear that such legislative records and reports shall at least not be considered a public record and a degree of openness shall be set by other means.

Mr. Garsoe of Cumberland requested a vote on the adoption of House Amendment "F" to Committee Amendment "A".

The SPEAKER: The pending question is adoption of House Amendment "F" to Committee Amendment "A". All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

71 having voted in the affirmative, 60 having voted in the negative, the motion did prevail.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. McKernan.

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: Having voted on the prevailing side, I now move we reconsider.

I would like to make a couple of comments but didn't want to go to the expense of asking for a roll call on it.

I am just wondering if we adopted House Amendment "F" to Committee Amendment "A" which deleted subsection 3, whether or not this should not be numbered subsection 3 instead of subsection 4?

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

Mr. CAREY: Mr. Speaker and Members of the House: The problem may be clarified, because when we adopted Senate Amendment "F" to Committee Amendment "A" we did do some changing. Whenever they look at the clarification for this amendment, they better check back with Senate Amendment "F" also.

Mr. McKernan of Bangor withdrew his motion for reconsideration.

Thereupon, Committee Amendment "A" as amended by Senate Amendment "A", Senate Amendment "B", Senate Amendment "E" and Senate Amendment "F" and House Amendment "B", House Amendment "C", House Amendment "E", House Amendment "F" and House Amendment "G" thereto was adopted in non-concurrence.

Senate Amendment "C" (S-356) was read by the Clerk.

Mr. Henderson of Bangor requested a vote.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. LaPointe.

Mr. LAPOINTE: Mr. Speaker and Members of the House: If we are talking about S-356, I have discussed this amendment with the various parties involved and it is okay with them. That is the Maine Petroleum Association and the Maine Pine Tree Gasoline Retailers Association.

Mr. Henderson of Bangor withdrew his request for a vote.

Thereupon, Senate Amendment "C" was adopted.

Senate Amendment "D" (S-360) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: Senate Amendment "D" is an amendment which addresses the drug advertising bill that was passed earlier on in this session. What the amendment does is, it takes out the provision, the protection, that the Committee on Health and Institutional Services put in to restrict drug advertising from TV and the radio media, because we felt it was not conducive to that type of advertising. This amendment takes out a substantial part of that bill, a substantial protection.

This amendment is not an error and inconsistency. This was even discussed on the floor of this House. Representative Lewis, I think, asked a question about this and was answered at the time by Representative Post. This is not, as I said, an error and inconsistency, it is a substantial change that was put in, as I understand it, after there was some question, specifically from television stations as to whether or not this is constitutional. I maintain it is. It is done on the federal level and I think that we are well within our powers of protecting the public health of the people of the State of Maine to regulate certain types of