

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eighth  
Legislature***

OF THE

STATE OF MAINE

**Volume I**

**January 5, 1977 to May 25, 1977**

KJ PRINTING  
AUGUSTA, MAINE

## HOUSE

Tuesday, January 11, 1977

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

Prayer by the Reverend Victor Musk of Augusta, Retired Methodist Minister.

At this point, Linda Carroll was escorted to the rostrum by the Sergeant-at-Arms.

The members stood at attention during the singing of the National Anthem by Miss Linda Carroll.

**THE SPEAKER:** On behalf of the Maine Dairy Council, Linda is the Maine Dairy Princess and she is going to say just a few words for it.

**LINDA CARROLL:** I would like to thank you very much for inviting me here today, and I especially would like to thank Representative George Carroll, my uncle. Thank you very much. (Applause).

The journal of the previous session was read and approved.

**Papers from the Senate**

From the Senate: The following Joint Order: (S. P. 31)

John Bapst High School has won the Little Ten Football Championship and is the State Class C Football Champion

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

From the Senate: The following Joint Resolution: (S. P. 32)

**IN MEMORIAM**

to

Hon. Robert B. Williamson

A Chief Justice of the Supreme Judicial Court Came from the Senate read and adopted.

In the House, the Resolution was read and adopted in concurrence.

From the Senate:

Bill "An Act Relating to the State Board of Social Workers Registration Law" (S. P. 29) (L. D. 41)

Came from the Senate referred to the Committee on Business Legislation and ordered printed.

In the House, referred to the Committee on Business Legislation in concurrence.

Bill "An Act to Correct Errors and Inconsistencies in Laws of Maine" (S. P. 23) (L. D. 30)

Bill "An Act Relating to Appointment, Duties, Salary and Expenses of Court Reporters" (S. P. 25) (L. D. 38)

Bill "An Act Relating to the Distribution of Statutes and Session Laws" (S. P. 26) (L. D. 39)

Came from the Senate referred to the Committee on Judiciary and ordered printed.

In the House, referred to the Committee on Judiciary in concurrence.

Bill "An Act to Provide for Local Hearings by the Public Employees Labor Relations Board" (S. P. 27) (L. D. 40)

Came from the Senate referred to the Committee on Labor and ordered printed.

In the House, referred to the Committee on Labor in concurrence.

Bill "An Act Exempting Homeowner Occupied Dwellings Built Before January 1, 1974 from Certain Safety Glazing Requirements" (S. P. 30) (L. D. 42)

Came from the Senate referred to the Committee on Legal Affairs and ordered printed.

In the House, referred to the Committee on Legal Affairs in concurrence.

**Messages and Documents**

The following Communication: (S. P. 33)

STATE OF MAINE  
DIRECTOR OF LEGISLATIVE RESERACH  
AUGUSTA

January 4, 1977

To The Honorable May M. Ross  
Secretary of the Senate  
108th Legislature of the  
State of Maine

In accordance with 3 MRSA §164, subsection 10, following is the report of the Director of Legislative Reserach.

To facilitate the work of the Legislature, this office sent during the fall of 1976 a letter to each member-elect and each administrative department which explained prefiling procedures and urged the use of this office to prepare legislation for introduction. In response, both legislators and departments brought in over 300 bills to be prepared before the convening of the Legislature. It is hoped that this cooperation in early preparation of legislation will be continued and expanded in the future.

At present, the need for some sort of limited revision of the statutes is a pressing problem. Up until 1964, the Maine Statutes were completely revised every 10 years in order to avoid the statute books being cluttered with repealed sections or sections which were substantially altered by later enactments. From 1964 to the present, however, it was felt that it would be easier and less expensive to republish individual volumes when they needed revision instead of revising all the volumes of the statutes at once. However, except for 2 replacement volumes published in 1973, all updating has been carried forward in pocket parts and supplementary pamphlets for over 12 years. At present, therefore, there are at least 4 volumes of the statutes which are in urgent need of republication, as the amount of supplementary matter for those volumes is approaching the same bulk as the original volumes themselves.

In view of this situation, I feel the Legislature should consider implementing the following recommendations:

1. That sufficient funds be authorized during the First Regular Session of the 108th Legislature to republish at least 4 outdated volumes of the statutes over the next biennium;

2. That additional funding be included in the Director's budget to integrate all future pocket parts and supplementary pamphlets into individual publications in order to end the annoying necessity of referencing 3 separate publications of updated statutory information;

3. In keeping with the Legislature's decision to cut costs by discontinuance of the Unannotated Statutes (green set) on or after January 3, 1979, to include additional funds in the Director's budget for advance publication and purchase of needed sets of Annotated Statutes (red set) which will be available in the future by sale or loan through the State Law Library.

There are also two matters which should be noted concerning errors and omissions. First, in order to reduce the present ever-expanding errors bill, this office has devised a computerized title and section program which enables most conflicts in pending legislation to be caught before the conflict becomes enacted into law. The success of this program depends heavily upon each standing committee, as well as the Committee on Bills in the Second Reading in each House, requiring the clearance of all conflicts listed on the title and section program before legislation containing those conflicts receive further legislative action.

Second, in order to enable the Judiciary Committee to consider the Errors Bill early in the session, when there is more free time to consider such matters, the Legislative Council has authorized the Director to submit 2 Errors Bills. The first Errors Bill is to be submitted at the beginning of the session and will concern statutory problems discovered since the last Legislature. The second Errors Bill is to be the

last bill of the session and will concern current problems and other housekeeping matters. This process will not only assist the Judiciary Committee, but will prevent the compounding of errors caused by drafting to laws which are themselves being changed.

As a final note, in order to continue to promote uniformity of procedure, to avoid confusion and to permit an orderly transition from revision to revision, it is important that all bills be checked by the Office of the Director before presentation to the Legislature. Also, it is suggested that all criticisms of the 1964 revision and of the current methods of updating be forwarded to the Director to aid in planning future republications or revisions.

Favorable consideration by the members of the 108th Legislature in respect to these recommendations is earnestly requested.

Respectfully,

Signed:

DAVID S. SILSBY  
Director

Came from the Senate read and ordered placed on file.

In the House, the Communication was read and ordered placed on file in concurrence.

The following Communication: (S. P. 34)

STATE OF MAINE  
DEPARTMENT OF THE ATTORNEY  
GENERAL  
AUGUSTA, MAINE

January 4, 1977

May Ross  
Secretary of the Senate  
State House  
Augusta, Maine 04333

Dear Ms. Ross:

Enclosed please find two bonds for Leighton Cooney as required by Article V, Part 4, Section 2 of the Maine Constitution, in anticipation of his election as Treasurer of the State of Maine. These bonds have been examined by us and are in the requisite amount of \$500,000.

Very truly yours,

Signed:

JOSEPH E. BRENNAN  
Attorney General

Came from the Senate read and with accompanying papers placed on file with State Auditor.

In the House, the Communication was read and ordered placed on file in concurrence.

**Petitions, Bills and Resolves  
Requiring Reference**

The following Bills were received and referred to the following Committees:

**Business Legislation**

Bill "An Act to Increase the Monetary Limitation on Flight Insurance Policies" (H. P. 27) (Presented by Mr. McMahon of Kennebunk)

Bill "An Act Placing Professional Wrestling Matches, Shows and Exhibitions under the Jurisdiction of the Maine Boxing Commission" (H. P. 30) (Presented by Mrs. Boudreau of Portland)

(Ordered Printed)

Sent up for concurrence.

**Election Laws**

Bill "An Act to Repeal Certain Statutory Provisions Concerning Distinguishing Marks on Ballots" (H. P. 31) (Presented by Mr. Diamond of Windham)

Bill "An Act to Require Voters to State their Name and Address when Voting" (H. P. 32) (Presented by Mr. McMahon of Kennebunk)

Bill "An Act to Extend the Time Limit in which to Challenge Primary Petitions from 7 to 30 days after April 1st Prior to the Primary Election" (H. P. 33) (Presented by Mrs. Berube of Lewiston)

(Ordered Printed)

Sent up for concurrence.

**Fisheries and Wildlife**

Bill "An Act Concerning Bear Hunting with Dogs" (H. P. 34) (Presented by Mr. Connors of Franklin)

(Ordered Printed)  
Sent up for concurrence.

**Judiciary**

Bill "An Act to Define the Moment of Death" (H. P. 35) (Presented by Mr. McMahon of Kennebunk)

(Ordered Printed)  
Sent up for concurrence.

**Liquor Control**

Bill "An Act Raising the Age of Persons who may Purchase Alcoholic Beverages or Sell as Licensees to 19 Years of Age" (H. P. 36) (Presented by Mr. Pearson of Old Town) (Cosponsor: Mrs. Prescott of Hampden)

(Ordered Printed)  
Sent up for concurrence.

**Local and County Government**

Bill "An Act to Increase the Salary of the Cumberland County Register of Probate to \$10,500" (H. P. 37) (Presented by Mr. Talbot of Portland)

Bill "An Act Concerning the Appointment of Deputy Registers of Probate" (H. P. 38) (Presented by Mr. Talbot of Portland)

Bill "An Act Converting Mount Chase Plantation into the Town of Mount Chase" (Emergency) (H. P. 39) (Presented by Mr. Birt of East Millinocket)

Bill "An Act Establishing County Commissioner Districts in Cumberland County" (H. P. 40) (Presented by Mr. Jensen of Portland) (Cosponsors: Mr. Higgins of Scarborough, Mrs. Tarr of Bridgton, Ms. Bachrach of Brunswick)

(Ordered Printed)  
Sent up for concurrence.

**Public Utilities**

Bill "An Act to Increase the Total Authorized Indebtedness of the Kennebunk Sewer District from \$1,000,000 to \$3,000,000" (Emergency) (H. P. 41) (Presented by Mr. McMahon of Kennebunk)

(Ordered Printed)  
Sent up for concurrence.

**Taxation**

Bill "An Act to Remove Service Facilities from Tax Exemption Granted to the Maine Turnpike Authority" (H. P. 42) (Presented by Mr. McMahon of Kennebunk)

(Ordered Printed)  
Sent up for concurrence.

**Transportation**

Bill "An Act to Permit Vehicular Traffic to Turn Right at a Red Light" (H. P. 43) (Presented by Mr. McMahon of Kennebunk) (Cosponsors: Mr. Truman of Biddeford, Mr. Lizotte of Biddeford, Mr. Jensen of Portland)

(Ordered Printed)  
Sent up for concurrence.

**Veterans and Retirement**

Bill "An Act to Prevent the Reduction of the Ceiling on Outside Earnable Income Because of Cost-of-Living Adjustments to Disability Retirement Benefits" (H. P. 44) (Presented by Mr. Theriault of Rumford)

(Ordered Printed)  
Sent up for concurrence.

**Orders****Tabled and Assigned**

Mr. Carey of Waterville presented the following Joint Order and moved its passage: (H. P. 45) (Cosponsor: Mr. Kelleher of Bangor)

ORDERED, the Senate concurring, that the Joint Rules be amended by amending Joint Rule 22. to read:

22. Departmental bills. No bill or resolve shall be introduced on behalf of any state department, agency, or commission, except the Governor or Chief Justice, after the sixth legislative day of any first or second regular session. Bills or resolves pre-filed or filed on behalf of such executive officers may bear the designation of the title "President of the Senate" or "Speaker of the House" if not presented by a member-elect or member.

A bill may be filed on behalf of the Governor or Chief Justice under the name of the President of the Senate or the Speaker of the House provided that the bill bears on its jacket the appropriate designation of "President of the Senate on behalf of the Governor," "President of the Senate on behalf of the Chief Justice," "Speaker of the House on behalf of the Governor," or "Speaker of the House on behalf of the Chief Justice."

The Order was read.

(On motion of Mr. Tierney of Lisbon Falls, tabled pending passage and tomorrow assigned).

**Tabled and Assigned**

Mr. Kelleher of Bangor presented the following Order and moved its passage:

ORDERED, that notwithstanding rules of the House, all Bills and Resolves carrying or requiring an appropriation that are in order to be passed to be engrossed or to be passed to be enacted, or finally passed, shall, at the request of a member of the Committee on Appropriations and Financial Affairs, be placed on a special calendar to be called up for consideration only by a member of that committee.

The Order was read.

(On motion of Mr. Tierney of Lisbon Falls, tabled pending passage pursuant to House Rule 54.) and tomorrow assigned.

**Orders of the Day**

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

Joint Order — Relative to Senate and House Services, Supplies and Equipment. (S. P. 21) — In Senate, read and passed.

Tabled — January 5, 1977 by Mr. Palmer of Nobleboro.

Pending — Passage in concurrence.

On motion of Mr. Palmer of Nobleboro, tabled pending passage in concurrence and specially assigned for Thursday, January 13.

**(Off Record Remarks)**

Mr. Talbot of Portland was granted unanimous consent to address the House.

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: Just a few remarks for the record concerning "A People's Guide to the Maine Legislature" which appeared in the Sunday Telegram. I have been in touch with some of my constituents and some legislators, and we have both come to the conclusion that it was an excellent supplement. I am only sorry that the gentleman from Skowhegan, Everett Dam, isn't here to hear this. I have also been in touch with the newspaper, and they are going to make this supplement accessible to the schools at bulk rate, 10 cents a copy.

It might also be an idea that if any of you as legislators want to make this supplement known to your constituents or schools, they should get in touch with the paper, and if the demand is great enough they will have another printing.

**(Off Record Remarks)**

On motion of Mr. Burns of Anson, Adjourned until four o'clock tomorrow afternoon.