

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

Thursday, January 27, 1977

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

Prayer by the Reverend E. Millett Cummings of the Norway and South Paris United Methodist Church.

The journal of yesterday was read and approved.

Papers from the Senate

A Joint Resolution in memory:

of
Merrill C. Welles, Jr.,
Executive Director, Associated
Industries of Maine

Is presented by Mr. Katz of Kennebec (S. P. 76)
Came from the Senate read and adopted.

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

From the Senate:

Bill "An Act Providing for Extension and Modification of the Joint Underwriting Association" (Emergency) (S. P. 70) (L. D. 149)

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 Concerning Liquor Related Offenses Committed by Juveniles" (S. P. 68) (L. D. 147)

Bill "An Act to Define Reasonable Compensation for Attorney Services" (S. P. 69) (L. D. 148)

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 Traveling Expenses for the County Commissioners of Washington County" (S. P. 71) (L. D. 150)

Came from the Senate referred to the Committee on Local and County Government and ordered printed.

In the House, referred to the Committee on Local and County Government in concurrence.

Bill "An Act to Revise the Bath Water District Charter" (S. P. 72) (L. D. 151)

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

In the House, referred to the Committee on Public Utilities in concurrence.

Messages and Documents

The following Communication: (H. P. 153)

State of Maine
Office of the Governor
Augusta, Maine

January 27, 1977

Honorable Joseph Sewall
President of the Senate
and

Honorable John L. Martin
Speaker of the House
Dear Joe and John:

I am today transmitting to the members of the 108th Maine Legislature my program message for its first regular session.

I am most grateful for the opportunity to present our legislative program to this body and I would like to thank the members of the 108th Legislature, in advance, for its consideration.

Thank you.

Very truly yours,
(Signed) JAMES B. LONGLEY
Governor

The Communication was read and ordered placed on file with accompanying Report and sent up for concurrence.

The following communication:

January 25, 1977

The Honorable John L. Martin
Speaker of the House
Maine House of Representatives
State House
Augusta, Maine 04330
Sir:

Acting under authority of House Order passed January 5, I hereby appoint the following to my staff:

Miss Alicia E. Hanley
Mrs. Dorothy M. Swanson
Mrs. Jean A. Parent
Joan S. Kress
Mrs. Joan S. Kress
Mrs. Cynthia M. Ayer
Mrs. Barbara A. Burns

Sincerely,

(Signed) EDWIN H. PERT
Clerk of the House

The Communication was read and ordered placed on file.

The following Communication:

January 25, 1977

The Honorable John L. Martin
Speaker of the House
Maine House of Representatives
Augusta, Maine 04330
Sir:

Pursuant to the House Order of January 5, authorizing the selection of clerk stenographers to provide stenographic and clerical assistance to the members of the House, I shall include in my payroll of House officers the following:

As selected by the Minority Leader:

Mrs. Suzanne H. Taber

As selected by the Speaker of the House:

Miss Elsie I. Bowen
Mrs. Paula M. Umberhind

Sincerely,

(Signed) EDWIN H. PERT
Clerk of the House

The Communication was read and ordered placed on file.

Petitions, Bills and Resolves

Requiring Reference

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

Business Legislation

Bill "An Act Relating to Inspections and Inspection Fees of Elevators" (H. P. 142) (Presented by Mrs. Beaulieu of Portland) (Ordered Printed)
Sent up for concurrence.

Education

Bill "An Act Relating to the Plans and Specifications Governing School Construction" (H. P. 143) (Presented by Mr. Lynch of Livermore Falls)

Bill "An Act Relating To School Construction" (Emergency) (H. P. 144) (Presented by Mr. Birt of East Millinocket)

Bill "An Act to Provide a Supplemental Appropriation for Instructional Television" (Emergency) (H. P. 145) (Presented by Mrs. Beaulieu of Portland)

(Ordered Printed)
Sent up for concurrence.

Election Laws

Bill "An Act Relating to Voter Registration" (H. P. 146) (Presented by Mr. Carey of Waterville)

(Ordered Printed)
Sent up for concurrence.

Health and Institutional Services

Bill "An Act to Require that Savings from

Substitution of Generic Drugs be Passed on to the Purchaser" (H. P. 147) (Presented by Mr. Cox of Brewer)

Bill "An Act Relating to the Term of Membership on the Board of Visitors for Mental Health and Corrections' Institutions and the Baxter School for the Deaf" (H. P. 148) (Presented by Mrs. Kane of Augusta)

(Ordered Printed)
Sent up for concurrence.

Judiciary

Bill "An Act Amending the Aggravated Unlawful Gambling Statute" (H. P. 149) (Presented by Mr. Burns of Anson)

(Ordered Printed)
Sent up for concurrence.

State Government

RESOLVE, Authorizing the Department of Mental Health and Corrections to Convey by Sale the Interest of the State in Certain Lands and Buildings of the Maine Correctional Center at Skowhegan. (H. P. 150) (Presented by Mr. Burns of Anson)

(Ordered Printed)
Sent up for concurrence.

Business Legislation

Bill "An Act Relating to the Real Estate Commission's Rulemaking Authority" (H. P. 151) (Presented by Mrs. Boudreau of Portland) Committee on State Government was suggested.

On motion of Mr. Curran of South Portland, was referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

Veterans and Retirement

Bill "An Act Relating to Adjustment of Retirement Allowance for Retirees of the State Police" (H. P. 152) (Presented by Mr. MacEachern of Lincoln)

(Ordered Printed)
Sent up for concurrence.

Orders

ORDERED, that Floyd Powell of Wallgrass Pl. be excused January 25th, 26th, and 27th due to health reasons.

Consent Calendar

First Day

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

(H. P. 41) (L. D. 58) Bill "An Act to Increase the Total Authorized Indebtedness of the Kennebec Sewer District from \$1,000,000 to \$3,000,000. (Emergency) — Committee on Public Utilities reporting "Ought to Pass"

No objections being noted, the above item was ordered to appear on the Consent Calendar of February 1, under listing of the Second Day.

Passed to Be Engrossed

Bill "An Act Appropriating Funds for the Purchase of Copies of the History of Newfield" (H. P. 137) (L. D. 138)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed and sent up for concurrence.

Amended Bill

Bill "An Act Relating to Removal of County Buildings" (H. P. 9) (L. D. 19)

Was reported by the Committee on Bills in the Second Reading and read the second time. Mr. Burns of Anson offered Housé Amendment "A" and moved its adoption.

House Amendment "A" (H-2) was read by the Clerk and adopted. The Bill was passed to be engrossed as amended and sent up for concurrence.

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 25, 1977 by Mr. Palmer of Nobleboro.

Pending — Passage in concurrence.

On motion of Mr. Garsoe of Cumberland, tabled pending passage in concurrence and specially assigned for Wednesday, February 2.)

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

Bill, "An Act Concerning the Membership of the Standardization Committee" (H. P. 134) (Committee on State Government suggested.)

Tabled — January 26, 1977 by Mr. Curran of South Portland.

Pending — Reference.

Thereupon, the Bill was referred to the Committee on State Government, ordered printed and sent up for concurrence.

The following paper from the Senate was taken up out of order by unanimous consent:

ORDERED; the House concurring, that when the House and Senate adjourn, they adjourn on Tuesday, February 1, 1977 at 4:00 o'clock in the afternoon (S. P. 84)

Came from the Senate, read and passed.

In the House the Order read and passed in concurrence.

The following paper appearing on Supplement No. 3 was taken up out of order by unanimous consent:

An Act to Amend the Potato Lien Law (H. P. 22) (L. D. 31) (C. "A" H-1)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary a total was taken. 133 having voted in the affirmative and 6 having voted in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following paper appearing on Supplement No. 2 was taken up out of order by unanimous consent:

Committee on Judiciary on Bill "An Act to Establish the Maine Tort Claims Act" (Emergency) (S. P. 45) (L. D. 87) reporting "Ought to Pass" in New Draft under same title (S. P. 86) (L. D. 162)

Came from the Senate with the Report read and accepted and Under suspension of the Rules the New Draft Read Twice, passed to be engrossed and ordered sent forthwith.

In the House, the Report was read and accepted in concurrence and the New Draft read once. Under suspension of the rules, the Bill was read the second time, passed to be engrossed and ordered sent forthwith to the Engrossing Department.

The following papers appearing on Supplement No. 1 were taken up out of order by unanimous consent:

The following Communication: (S. P. 85)

State of Maine
Department of State
Augusta, Maine 04333

January 26, 1977

To the Honorable Senate of the
108th Legislature of the
State of Maine:

Examination of the initiative petitions relating to "An Act to Repeal the State Property Tax" filed with this office on January 19, 1977 has been completed.

The minimum number of valid signatures required to initiate this legislation has been deter-

mined to be 36,395. Our examination of these petitions reveals the following:

Number of petitions received 486
Number of valid signatures 46,583

In view of the foregoing determination of the number of valid signatures, it would appear that these petitions have met the constitutional requirements of the minimum of 36,395 valid signatures.

Respectfully,

(Signed) MARKHAM L. GARTLEY
Secretary of State

Came from the Senate read and ordered placed on file and ordered sent forthwith.

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

From the Senate: The following Joint Order: (S. P. 87)

ORDERED, The House concurring, that the communication together with bill, "An Act to Repeal the State Property Tax," Initiated Bill (I.B. 1) and accompanying petitions, be referred to the Joint Standing Committee on Judiciary for an investigation and report as to the sufficiency of the petitions; with the power on the part of the committee to subpoena witnesses.

Came from the Senate read and passed and ordered sent forthwith.

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

An Expression of Legislative Sentiment (H. P. 155) recognizing that:

Lewis H. Burr of Kennebunk is retiring as postmaster after 20 years of dedicated service to both Kennebunk and the United States.

Presented by Mr. McMahon of Kennebunk
Was read and passed and sent up for concurrence.

The following paper appearing on Supplement No. 4 was taken up out of order by unanimous consent:

An Act to Establish the Maine Tort Claims Act (S. P. 86) (L. D. 162)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House necessary, a total was taken. 141 having voted in favor of same and one against, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

At this point, the Speaker appointed Representative Ault of Wayne to the Committee on Performance Audit.

(Off Record Remarks)

On motion of Mr. Jalbert of Lewiston,
Adjourned until Tuesday, February 1, at four o'clock in the afternoon.