

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, February 1, 1977

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

Prayer by the Reverend Robert H. Burton of the Methodist Church, Bridgton.

The members stood at attention during the playing of the National Anthem by the Ellsworth High School Band.

The journal of the previous session was read and approved.

Papers from the Senate

The following Joint Order: (S. P. 73)

ORDERED, the House concurring, that the Joint Rules be amended by adding, at the end of Joint Rule 26, 2 new sentences to read:

One or more of the additional members cosponsoring an order, resolution or memorial may be of the opposite house. An order, resolution or memorial having cosponsors shall originate in the house of the presenter.

Came from the Senate read and passed.

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

The following Joint Order: (S. P. 88)

ORDERED, the House concurring, that the Joint Rules, as amended, be further amended by striking out in Joint Rule 13, all of the 6th paragraph as follows:

~~Appropriations and Financial Affairs. The Senate Chairman of the Committee on Appropriations and Financial Affairs shall appoint from said committee such subcommittees as the said committee shall direct, such subcommittees to consist of not less than 3 members. Such subcommittees shall report their findings and recommendations to the full committee.~~

; and be it further

ORDERED, that Joint Rule 13 be further amended by amending the 7th paragraph as follows:

~~Each Joint Standing Committee. The chairmen of each Joint Standing Committee, except the Committee on Appropriations and Financial Affairs, shall jointly appoint a subcommittee of 3 of its members to attend and participate in Appropriations Committee budget hearings and to attend and advise at working sessions dealing with that portion of the budget within their committee's area of interest. This subcommittee may advise the Committee on Appropriations and Financial Affairs of their respective committee's recommendations on these portions of the budget.~~

; and be it further

ORDERED, that Joint Rule 13 be further amended by adding at the end the following new paragraph:

A Joint Standing Committee to which a bill or resolve has been referred shall, within 3 legislative days after receiving notice from the President of the Senate and the Speaker of the House, report that bill out of committee to the floor for consideration.

; and be it further

ORDERED, that the Joint Rules, as amended, be further amended by adding after Joint Rule 36 the following:

Legislative Confirmations

37. Legislative Confirmation of Gubernatorial Appointments. Upon receipt by the President of the Senate and Speaker of the House of notification from the Governor of the name of a nominee and of the office to which that person is nominated, the President of the Senate and Speaker of the House shall, without delay, forward that notice to the Chairmen of the Joint Standing Committee which is charged by law with reviewing nominations to that office and to the 2 partisan staff assistants for nominations. The Joint Standing Committee shall hold a public hearing on the nomination in Augusta at

a time convenient to the public, within 20 days from the date of the Governor's notice of the nomination to the President of the Senate and Speaker of the House. The chairmen of the committee shall cause to be published in the state paper at least 7 days before the hearing a notice of that hearing, which shall contain the time and place of the hearing, the name of the nominee, the office to which that person has been nominated and a general description of the duties of that office. At the hearing, the committee shall take written or oral testimony which shall be limited to relevant comments and questions regarding the qualifications of the nominee. All testimony taken at the hearing shall be transcribed by mechanical means, and shall be preserved, together with any other relevant data provided the committee at the public hearing, by the committee for at least 6 months after the date of the public hearing. The 2 partisan assistants for nominations shall provide the committee with a written report of their investigations before the committee votes to recommend or deny confirmation.

Within 20 days from the date of the Governor's notice of the nomination to the President of the Senate and Speaker of the House, the committee shall recommend confirmation or denial by majority vote of the committee members present and voting. The vote of the committee shall be taken only upon an affirmative motion to recommend confirmation of the nominee, and a tie vote of the committee shall be considered a recommendation of denial. The committee vote shall be by yeas and nays. The chairmen of the committee shall send written notices of the committee's recommendation to the President of the Senate. Within 45 days from the date of the Governor's notification of the nomination to the President of the Senate and the Speaker of the House, the Senate shall review the recommendation of the committee on the nomination, and, after review, shall vote by the yeas and nays on that recommendation.

After vote by the Senate, the committee's recommendation shall become final action of confirmation or denial unless the Senate by a vote of 2/3 of those members present and voting overrides the committee's recommendation.

If the committee recommends to deny confirmation, and the Senate votes, by a vote of 2/3 or greater of those members present and voting, to override the committee's recommendation, the nomination shall be deemed confirmed.

Once the Governor withdraws a nomination at any time prior to the Senate vote, by sending a written notice of withdrawal to the President of the Senate, the Legislature shall take no further action on that nomination.

38. Partisan Staff Assistants for Nominations. The members of the Legislative Council representing the party with the largest number of members in the Legislature shall, within 7 legislative days after the convening of the first regular session, appoint a partisan staff assistant for nominations. The members of the Legislative Council representing the party with the next largest number of members in the Legislature shall also within 7 legislative days after the convening of the first regular session, appoint a partisan staff assistant for nominations. Each of these assistants shall serve at the pleasure of the appointing authority during the biennium for which he is chosen. A vacancy in either of these positions shall be filled for the remainder of the biennium in the same manner as the original appointment. Partisan staff assistants for nominations shall provide all necessary assistance to each Joint Standing Committee required by law to recommend action on a gubernatorial nominee.

; and be it further

ORDERED, that the Joint Rules, as amended, be further amended by renumbering the rules to read consecutively; and that inter-

nal references of the Joint Rules be amended to reflect this renumbering.

Came from the Senate read and passed.

In the House, the Order was read.

Mr. Tierney of Lisbon Falls offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-7) was read by the Clerk and adopted.

The Order received passage as amended in non-concurrence and was sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

From the Senate:

Bill "An Act to Revise the Maine Regional Library System" (S. P. 74) (L. D. 183)

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

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

Bill "An Act to Permit Rabbit Hunting on Sundays During Rabbit Season" (S. P. 77) (L. D. 185)

Bill "An Act to Permit Sunday Hunting in the Southern District During Deer Season" (S. P. 78) (L. D. 186)

Came from the Senate referred to the Committee on Fisheries and Wildlife and ordered printed

In the House, referred to the Committee on Fisheries and Wildlife in concurrence.

Bill "An Act Regulating Cessation of Medical Care for Certain Persons in a Terminal Condition" (S. P. 75) (L. D. 184)

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 Allow Water Utility Rates Under Bond" (S. P. 79) (L. D. 187)

Bill "An Act Concerning a Limitation for Imposing a Penalty for Violations of the Public Utility Regulatory Law" (S. P. 80) (L. D. 188)

Bill "An Act Relating to Public Utilities Commission Declarations of Public Convenience and Necessity Required by Statute" (S. P. 81) (L. D. 189)

Bill "An Act Requiring Public Utilities Commission Regulated Motor Carriers to File a Designated Agent for Services of Process and Court Appearances" (S. P. 82) (L. D. 190)

Bill "An Act Relating to the Regulation of Affiliated Interests of Public Utilities" (S. P. 83) (L. D. 191)

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.

The following Communication:

STATE OF MAINE
DEPARTMENT OF EDUCATIONAL
AND CULTURAL SERVICES
AUGUSTA, MAINE

January 27, 1977

To: Edwin Pert, Clerk of the House
May Ross, Secretary of the Senate
Otto Siebert, State Budget Office
From: H. Sawin Millett Jr., Commissioner
Re: Recommendation for 1977-78 Funding Levels for Education

Pursuant to the provisions of 20 MRSA, Section 3745, I am required to certify annually, prior to February 1, to the Legislature and to the Bureau of the Budget my recommendation for the funding levels for each of the program categories in the School Finance Act for the following fiscal year. My recommendation is also required to carry with it the approval of the State Board of Education.

The figures in the column headed State Allocation on the attached exhibit represent my certification. These recommended funding

levels have also received the approval of the State Board of Education at their meeting of January 27, 1977. This total allocation, as recommended, amounts to an overall total of \$290,599,300. I am recommending that \$500,000 in Federal vocational funds be applied to the vocational education costs category thereby reducing the net total allocation request (state and local dollars) to \$290,099,300.

The Communication was read and with accompanying paper ordered placed on file.

Petitions, Bills and Resolves

Requiring Reference

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

Appropriations and Financial Affairs

Bill "An Act to Provide Funds for Additional Police Communications Operators within the Department of Public Safety, Bureau of State Police" (Emergency) (H. P. 156) (Presented by Mr. Burns of Anson)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act Relating to the Practice of Real Estate Brokers and Salesmen" (H. P. 157) (Presented by Mrs. Boudreau of Portland)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act to Amend the Duties of the Commissioner of Educational and Cultural Services Relating to the Teaching of Maine Studies" (H. P. 158) (Presented by Mr. Wyman of Pittsfield)

(Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act Concerning Registration on Election Day" (H. P. 159) (Presented by Mr. Silsby of Ellsworth) (Cosponsors: Mr. Raymond of Lewiston, Mrs. Huber of Falmouth, Mr. Kilcoyne of Gardiner)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act Relating to Town Hospitals" (H. P. 160) (Presented by Mr. Goodwin of South Berwick)

Bill "An Act to Establish Fees for Child Care Licenses" (H. P. 161) (Presented by Mr. Goodwin of South Berwick)

(Ordered Printed)

Sent up for concurrence.

Human Services

Bill "An Act to Amend the Maine Human Rights Act" (H. P. 162) (Presented by Mr. Curran of South Portland) (Cosponsors: Ms. Goodwin of Bath, Mr. Bennett of Caribou)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Amend the Laws Relating to Protective Custody Proceedings" (H. P. 163) (Presented by Mrs. Kane of Augusta)

Bill "An Act to Regulate the Issuance of Concealed Weapons Permits" (H. P. 164) (Presented by Mr. McMahon of Kennebunk)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Require a Legislator to Abstain from Voting in Either Branch of the Legislature when his Membership in a Profession, Trade or Organization Causes a Conflict of Interest" (H. P. 165) (Presented by Mr. Mackel of Wells)

Bill "An Act to Define the Term 'Meeting' in

the Right to Know Law" (H. P. 166) (Presented by Mr. McMahon of Kennebunk)

(Ordered Printed)

Sent up for concurrence.

Liquor Control

Bill "An Act to Raise the Age of Persons Who May Purchase Alcoholic Beverages from Retail Establishments for Off-premise Consumption or to Sell as Licensees" (H. P. 167) (Presented by Mr. Diamond of Windham) (Cosponsor: Mr. Spencer of Standish)

(Ordered Printed)

Sent up for concurrence.

Natural Resources

Bill "An Act to Adjust Allocation of Funds from Certain Public Lands" (H. P. 168) (Presented by Mr. LeBlanc of Van Buren)

Bill "An Act to Allow Municipal Approval of Routine Great Pond Permits" (H. P. 169) (Presented by Mr. Rollins of Dixfield)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act Establishing a Consumer Complaint Office within the Public Utilities Commission" (H. P. 170) (Presented by Mr. Hobbins of Saco) (Cosponsors: Mr. Goodwin of South Berwick, Mr. Valentine of York)

(Ordered Printed)

Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act Providing for Additional Staff for the Public Utilities Commission" (H. P. 171) (Presented by Mr. Kelleher of Bangor) (Cosponsor: Mr. Greenlaw of Stonington)

Committee on Public Utilities was suggested.

On motion of Mr. Kelleher of Bangor, was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

Health and Institutional Services

Bill "An Act to Amend the Ambulance Services Act" (H. P. 172) (Presented by Mr. Goodwin of South Berwick)

Committee on State Government was suggested.

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

State Government

Bill "An Act to Provide for Legislative Review and Automatic Termination of State Agency Rules" (H. P. 173) (Presented by Mr. Palmer of Nobleboro) (Cosponsors: Miss Aloupis of Bangor, Mr. Kelleher of Bangor, Mr. Goodwin of South Berwick)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act to Recognize Mopeds as being in a Different Classification than Motorcycles" (H. P. 174) (Presented by Mr. McMahon of Kennebunk) (Cosponsor: Mr. Goodwin of South Berwick)

(Ordered Printed)

Sent up for concurrence.

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

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

(H. P. 5) (L. D. 8) Bill "An Act to Appropriate Funds to the Maine Chapter of the Epilepsy Foundation of America" — Committee on Human Resources reporting "Ought to

Pass" as amended by Committee Amendment "A" (H-3)

No objections being noted, the above item was ordered to appear on the Consent Calendar of February 3 under listing of the Second Day.

(S. P. 35) (L. D. 43) Bill "An Act to Amend the Charter of the Baileyville Utilities District" (Emergency) — Committee on Public Utilities reporting "Ought to Pass"

Objection having been noted, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Under suspension of the rules, the Bill was read a second time, passed to be engrossed and sent to the Senate.

By unanimous consent, ordered sent forthwith.

Passed to Be Enacted

An Act to Revise the Board of Bar Examiners Law (S. P. 5) (L. D. 10) (C. "A" S-1)

An Act Pertaining to Out-of-State Marriages (H. P. 51) (L. D. 72)

An Act Pertaining to Town Clerk's Fees for Record of Burial Permits (H. P. 54) (L. D. 75)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

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

Bill "An Act to Reduce the Uniform Property Tax by 1/4 Mills" (H. P. 205) (Presented by Mr. Carey of Waterville)

Referred to the Committee on Taxation, ordered printed and sent up for concurrence.

On the request of Mr. Carey of Waterville, under suspension of the rules, was ordered sent forthwith to the Senate.

Orders

An Expression of Legislative Sentiment (H. P. 175) recognizing that:

SISTER R. MILDRED BAKER of United Society of Shakers at Sabbathday Lake has attained her eightieth birthday

Presented by Mr. Wood of Sanford (Cosponsor: Mr. Gibbs of Gray)

Was read and passed and sent up for concurrence.

A Joint Resolution (H. P. 176) in memory of our esteemed colleague the Honorable Floyd Powell of Wallagrass Plantation

Is presented by Mr. LeBlanc of Van Buren (Cosponsors: Mr. Martin of Eagle Lake, Mr. McHenry of Madawaska, Mr. Peterson of Caribou).

The Resolution was read.

The SPEAKER: The Chair recognizes the gentleman from Van Buren, Mr. LeBlanc.

Mr. LeBLANC: Mr. Speaker, Ladies and Gentlemen of the House: Floyd was a personal friend and an active member of the Aroostook Delegation. He will surely be missed by us. His wife, Mamie, has designated John Martin of Eagle Lake and Norman Fournier of Soldier Pond to receive contributions in lieu of flowers, for a memorial fund is being established for a scholarship fund in his memory.

Floyd was a scholar and devoted his life to education. Knowing him as we did, we, the Aroostook Delegation, can see no better way to perpetuate his dedication to education than by establishing this scholarship fund. Anyone who may wish to make a donation, please make checks payable to the Floyd Powell scholarship fund and turn them over to me or to Phyllis Stafford, the Speaker's secretary.

The SPEAKER: The Chair would ask the gentleman from Lisbon Falls, Mr. Tierney, to

approach the rostrum to act as Speaker pro tem.

Whereupon, Mr. Tierney assumed the Chair as Speaker pro tem and Speaker Martin returned to his seat on the floor of the House.

The SPEAKER pro tem: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker and Members of the House: I would like to take a few moments to pay tribute to the memory of one of our colleagues and friends, Floyd Powell of Soldier Pond.

It can truly be said of Floyd that he gave a lifetime of service to his state, which began as a teacher in Pittsfield in 1928 and ended as Dean Emeritus of the University of Maine at Fort Kent. In the last few years of his life, Floyd practiced what he had preached to myself and to countless others in his Political Science classes, and that was, get involved in the political process. Floyd ran for and won a seat in the 107th Legislature where he was actively involved, especially in matters relating to retirement and educational funding. Interesting aside, one of the reasons that Floyd didn't run before, even though he had retired a few years before that, was that Wallagrass has been part of my legislative district. He indicated that he would not run against me but somehow wait until I was gone or the seat opened up. Fortunately, reapportionment took place and Floyd was able to serve.

The accomplishments of Floyd Powell, the public man, are really too numerous to mention here. As you may have noticed, they took up two entire columns in yesterday's newspaper. Floyd's accomplishments speak for themselves, and I really don't want to go through those all that much.

Personally, I shall miss most of all the Floyd Powell that I knew as one of my teachers when I began at the University of Maine at Fort Kent and who later labored with me in the vineyard of Aroostook County politics. I shall miss the Floyd whose life was amazingly intertwined with the lives of so many people in the St. John Valley. I shall miss the Floyd Powell who always had a smile and a word of kind advice for his students and for all of us as legislators.

It is really impossible to say how many people's lives Floyd touched, but one of the things I am certain, each and every one of them and of us here were left the better for it.

As I stand before you today, I am filled with different emotions. I felt an emptiness at this man's departure, but I feel a great pride in Floyd Powell's life, proud of the accomplishments of this man born in Danforth, a son of this state, and proud to have called him a friend.

I think I can speak for all of us here today when I say so long to Floyd, the world is a much better place because he was a part of it.

At this point, Speaker Martin returned to the rostrum and Mr. Tierney of Lisbon Falls returned to his seat on the floor of the House.

The SPEAKER: The Chair recognizes the gentleman from Danforth, Mr. Fenlason.

Mr. FENLASON: Mr. Speaker, Ladies and Gentlemen of the House: I feel moved to add just a few words about Floyd Powell. As the Speaker mentioned, Floyd was born in Danforth. It is a small town. Floyd came and started in very humble beginnings. I think his life is an outstanding example of the opportunities that there are in this United States. Floyd Powell was a fine example of how a man could start, who could become educated, who could become prominent and who is even remembered by a memorial building at the University of Maine, Fort Kent.

I know we are all very saddened by the death of our friend, Floyd Powell.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Gould.

Mr. GOULD: Mr. Speaker, Ladies and Gentlemen of the House: There is a saying that is very appropriate at this time — "To live in the hearts of those we leave behind is not to die."

Thereupon, the Resolution was adopted and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

A Joint Resolution (H. P. 177) in memory of Capt. Larry B. Coffman, United State Marine Corps of Gray is presented by Mr. Gibbs of Gray.

The Resolution was read and adopted and sent up for concurrence.

House Reports of Committees

Leave to Withdraw

Mr. Peterson from the Committee on Human Resources on Bill "An Act Relating to the Operation of Vending Facilities by Blind Persons" (H. P. 3) (L. D. 3) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

Ought to Pass in New Draft

New Draft Printed

Mr. Cote from the Committee on Legal Affairs on Bill "An Act Concerning Proofs Required for the Issue of a Marriage Intention Form" (H. P. 55) (L. D. 76) reporting "Ought to Pass" in New Draft (H. P. 154) (L. D. 170)

Report was read and accepted, the New Draft read once and assigned for second reading the next legislative day.

Consent Calendar

First Day

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

(H. P. 39) (L. D. 56) Bill "An Act Converting Mount Chase Plantation into the Town of Mount Chase" (Emergency) — Committee on Local and County Government reporting "Ought to Pass"

(H. P. 58) (L. D. 79) Bill "An Act Relating to Reapportionment" (Emergency) — Committee on Local and County Government reporting "Ought to Pass"

(H. P. 24) (L. D. 33) RESOLUTION Proposing an Amendment to the Constitution to Provide for a Four-year Term of Office for Sheriff — Committee on State Government reporting "Ought to Pass"

(S. P. 7) (L. D. 12) Bill "An Act Appropriating Funds for the Purchase of Copies of 'The Penobscot Expedition'" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-3)

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

Consent Calendar

Second Day

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

(H. P. 41) (L. D. 58) Bill "An Act to Increase the Total Authorized Indebtedness of the Kennebunk Sewer District from \$1,000,000 to \$3,000,000" (Emergency)

No objections having been noted at the end of the Second Legislative Day, the House Paper was passed to be engrossed and sent up for concurrence.

(Off Record Remarks)

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I was rather proud to hear my Speaker correct the error in today's calendar. However, there is a glaring error today and my Speaker passed over it rather quickly. I am concerned, and that is why with great pride I rise and point out to you in Joint Order, item 1, page 3, I feel down at the other end of the hall a scoundrel must lie, for on my calendar, and I draw your attention to the middle of page 3, "during the biennium for which he is chosen." I can't understand why they are saying 'he'. They are excluding mothers and others. I feel we have gone by this and that it should be corrected before it goes down the hall.

I don't feel our Speaker is part of the conspiracy that set that up, where he jumped over it quick, and I wanted to get up at that time, but I would like to have a word in there other than 'he' that will reflect no bias whatsoever.

On motion of Mr. Kelleher of Bangor, Adjourned until Thursday, February 3, at two o'clock in the afternoon.