

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eighth  
Legislature***

OF THE

STATE OF MAINE

**1978**

**Second Regular Session**

January 4, 1978 — April 6, 1978

INDEX

**Senate Confirmation Session**

June 14, 1978

INDEX

**First Special Session**

September 6, 1978 — September 15, 1978

INDEX

**Second Special Session**

October 18, 1978

INDEX

**Third Special Session**

December 6, 1978

INDEX

APPENDIX

**HOUSE**

Wednesday, January 4, 1978

Pursuant to Article IV, Part 3, Section 1 of the Constitution and Laws of the State of Maine, the Representatives of the One Hundred and Eighth Legislature assembled in the Hall of the House and were called to order by John L. Martin of Eagle Lake, Speaker of the House.

Prayer by Father Leopold Nicknair, St. Louis Parish, Fort Kent.

**FATHER NICKNAIR:** God, Our Father, we thank you for your wise and compassionate use of authority over all of us, your people. We thank you too for choosing to share this authority so freely with us, reminding us, nevertheless, to not misuse or abuse that power but to ever be mindful of the common good of all the brothers and sisters.

We return to you in prayer at the beginning of 1978 for all our civil servants gathered here this morning. Bless all three branches of our governing body. His Excellency James Longley as he enters his fourth year of service as Governor of our beloved State, our Senators and Representatives serving constituents from Fort Kent to Kittery, from Calais to Jackman, our judicial body in its court of law as it distributes justice to all. Give them, oh God, the wisdom and compassion, the vision and dream, the courage and strength to do whatever is best for their entire body of constituents, the old, the young, the sick, the handicapped, the abused, the powerful, the weak and the strong. Fill them with your joy and peace as they faithfully perform their task of leadership. Amen.

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

For the purpose of ascertaining the presence of a quorum, a certified roll of the Representatives was called by the Clerk of the One Hundred and Second Legislature.

The elected membership of the House being 151, 143 members having answered to their names, a quorum was found to be present.

On motion of Mr. Tierney of Lisbon Falls, it was ORDERED, that a message be conveyed to the Senate that a quorum of the House of Representatives was present for the consideration of such business as may come before the House.

Mr. Tierney of Lisbon Falls was appointed to convey the message and subsequently reported that he had performed the duty assigned him.

**Communications**

The following Communication

STATE OF MAINE

Office of the Secretary of State

December 30, 1977

To the Honorable John L. Martin, Speaker of the House of Representatives of the One Hundred and Eighth Legislature:

In compliance with the Constitution and laws of the State of Maine, I have the honor to herewith report the return of votes cast in Representative District 13 and 113 for Representatives to the One Hundred and Eighth Legislature at a Special Election held on December 5, 1977, according to a review of the returns made by the Governor, to fill the vacancies that existed in those districts, as follows:

<b>District 13</b>	
Allen J. Ouellette, Van Buren	776
Paul Elmer Violette, Van Buren	945
John Soucy, Write-in	1
<b>District 113</b>	
Lawrence F. Libby, Sanford	1039
David S. Paul, Sanford	2065

Signed:

MARKHAM L. GARTLEY  
Secretary of State

The Communication was read and ordered placed on file.

The following Communication:

STATE OF MAINE

Office of the Secretary of State

December 30, 1977

To Edwin H. Pert, Clerk of the House of Representatives of the One Hundred and Eighth Legislature:

In compliance with the Constitution and laws of the State of Maine, I hereby certify that a Special Election was held on December 5, 1977, in Representative Districts 13 and 113 for the purpose of electing Representatives to the One Hundred and Eighth Legislature; that Paul Elmer Violette of Van Buren having received a plurality of all votes cast in District 113 as contained in a report submitted to the Governor on December 14, 1977, appear to have been elected Representatives to the One Hundred and eighth Legislature.

(State Seal)

IN WITNESS WHEREOF, I have caused the Great Seal of the State of Maine to be hereunto affixed this thirtieth day of December in the year of our Lord, One Thousand Nine Hundred and Seventy-seven.

Signed:

MARKHAM L. GARTLEY  
Secretary of State

The Communication was read and ordered placed on file.

The **SPEAKER:** The Chair wishes to announce the presence in the Hall of the House Representative-elect Paul from Sanford and Representative-elect Violette from Van Buren.

The **SPEAKER** appointed the following Committee to escort Mr. Paul of Sanford and Mr. Violette of Van Buren to the Office of the Governor to take and subscribe the oaths necessary to qualify them for the discharge of their official duties:

- Mr. WOOD of Sanford
- Mr. NADEAU of Sanford
- Mr. McHENRY of Madawaska
- Mr. McKEAN of Limestone

Subsequently, Mr. Wood reported that the Committee had attended to the duty to which it was assigned.

Whereupon, Mr. Paul of Sanford was assigned to seat number 141 and appointed to the Joint Standing Committee on Fisheries and Wildlife and the Joint Standing Committee on Public Utilities, removing the gentleman from Old Town, Mr. Pearson; and Mr. Violette of Van Buren was assigned to seat number 57 and appointed to the Joint Standing Committee on Legal Affairs, removing the gentleman from Portland, Mr. Joyce.

The Chair announced that Mrs. Locke of Sebec was assigned to Seat 56 and Mr. Jacques of Lewiston was assigned to Seat 143.

On motion of Ms. Goodwin of Bath, it was ORDERED, that a Committee of seven be appointed to wait upon His Excellency, the Governor, and inform him that a quorum of the House of Representatives is assembled in the Hall of the House for the consideration of such business as may come before the House.

The Chair appointed the following members:

- Ms. CLARK of Freeport
- Mr. MAHANY of Easton
- Mr. TALBOT of Portland
- Mr. DOW of West Gardiner
- Mr. DAVIES of Orono
- Mr. BOUDREAU of Portland
- Mrs. POST of Owls Head

Subsequently, Ms. Clark of Freeport reported that the Committee had discharged the duty with which it was charged.

A message was received from the Senate, borne by Senator Pierce of that body, announcing a quorum present and that the Senate was

ready to transact any business that might properly come before it.

A message came from the Senate, borne by Senator Speers of that body, proposing a Joint Convention to be held in the Hall of the House at 11:30 A. M. for the purpose of listening to an address by His Excellency, James B. Longley, Governor of Maine.

Mr. Quinn of Gorham was charged with and conveyed a message to the Senate announcing that the House concurred in the above proposition for a Joint Convention.

At this time, the Chair announced the appointment of Mr. Joyce of Portland to the Joint Standing Committee on Judiciary to fill the vacancy caused by the resignation of Mr. Gauthier of Sanford which was filled on an interim basis by Mr. Tierney of Lisbon Falls.

The Chair announced the appointment of Mr. Pearson of Old Town to the Joint Standing Committee on Appropriations and Financial Affairs to fill the vacancy caused by the resignation of Mr. LeBlanc of Van Buren.

The Chair announced that he was rescinding the appointment of Mr. Joyce of Portland to the Joint Standing Committee on Legal Affairs.

The Chair rescinded the appointment of Mr. Pearson of Old Town to the Joint Standing Committee on Fisheries and Wildlife as well as the Joint Standing Committee on Public Utilities.

The Chair announced the appointment of Mr. Plourde of Fort Kent to fill a vacancy on the Joint Standing Committee of Veterans and Retirement.

The following Communication:

STATE OF MAINE

Public Utilities Commission

Augusta

July 22, 1977

Honorable Edwin H. Pert  
Clerk of the House  
House of Representatives  
108th Legislature  
Augusta, Maine 04333

Dear Mr. Pert:

Pursuant to the provisions of the Older Citizen's Lifeline Electrical Service Law, P. L. 1975, C. 583, at Section 85 the Commission herewith transmits its findings and recommendations to the Legislature.

Respectfully,

Signed:

RALPH GELDER  
Chairman

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

At this point, the Senate entered the Hall of the House and a Joint Convention was formed.

**In Convention**

The President of the Senate, Joseph Sewall, in the Chair.

On motion of Senator Speers of Kennebec, it was

ORDERED, that a Committee be appointed to wait upon His Excellency, Governor James B. Longley, to inform him that the two branches of the Legislature are in Convention assembled in the Hall of the House of Representatives, and extend to him an invitation to attend the Convention and present such communication as he may be pleased to make.

The Chairman appointed:

- Senators:
- HUBER of Cumberland
  - MERRILL of Cumberland
  - WYMAN of Washington
- Representatives:
- GOODWIN of Bath
  - CARTER of Winslow
  - NAJARIAN of Portland
  - GREENLAW of Stonington

HIGGINS of Scarborough  
PERKINS of Blue Hill  
McBREAIRTY of Perham

Subsequently, Senator Huber, for the Committee, reported that the Committee had attended to the duty assigned to it and the Governor was pleased to say that he would forthwith attend the Convention.

Whereupon, Governor James B. Longley entered the Convention Hall amid prolonged applause, the audience rising.

The Governor then addressed the Convention as follows:

Mr. President, Mr. Speaker and Honorable Members of the 108 Maine Legislature:

This is indeed a historical occasion. I am told that this is the first regular session in the second year of a biennium and the first day of a constitutional change that made that possible.

Three years and two days ago, my family and I stood before many of you and pledged to do everything possible to try to best serve Maine. I repeat that pledge today.

We are assembled together at what I feel is a truly unique time in Maine's history. Never before have a Governor and a Legislature met at a time when they shared any greater opportunities...opportunities unlimited.

I would submit we have:

(1) An opportunity to develop programs reflective of the will of the people as it was clearly expressed in the referendum of December 5, 1977.

(2) Any opportunity to give the hard-working men and women of the State of Maine some meaningful tax relief that they not only badly need but legitimately deserve.

(3) An opportunity to hopefully start a new budget reform concept for Maine whereby in the future any surplus of revenues will be considered an "overcollection of taxes" and a fair share returned to the people who paid them, and

(4) An opportunity to update and further refine our combined efforts toward economy, efficiency, and effectiveness in government through bold and creative approaches to governmental programs.

I believe future historians will say that prospectively we had a collective opportunity in this session of the 108th Legislature to give the people of Maine hope that here in this state, in a time when government seems to many to be far away and unresponsive, that their elected officials were determined that our governmental processes will truly be of, by, and most important, for the people. I would hope most of all that those same historians will write retrospectively that together we delivered that hope to the people of Maine.

This Legislature deserves tremendous credit for the positive financial picture we see before us as we enter this session.

Parenthetically, this morning, I did try to communicate with and have written to Representative Jalbert, Representative Gauthier and Representative LeBlanc to thank them for their efforts in this regard.

I would be remiss if I didn't welcome again Maine's newest legislators that we swore in this morning.

As Governor, I commend and thank this Legislature for this partnership effort with the Executive Branch and the people of this state should also thank you for the extent of your cooperation towards a fiscally responsible and accountable government. Great credit is also due many dedicated commissioners, department heads and state employees for bringing us to this landmark point in our state's history.

The fruits of our combined efforts are manifest.

(1) We have been successful in keeping the store of government open during some trying and difficult times. Together, we have tightened our belts and absorbed deficits and managed our dollars to better serve the people of

Maine.

(2) I believe we proved that government could serve better without further overburdening the taxpayers of Maine and I think the lessons we learned helped to place us in the position we are in today. As a matter of fact, based on my mail and contacts and thanks to many dedicated people, including the members of this Legislature, I think we have brought an improved dimension of caring and improved services to people with the greatest need, including the elderly and the handicapped.

(3) As we come together today, we have the ability to meet our obligations . . . to pay our bills . . . and to provide some measure of tax relief to the citizens of Maine.

#### EDUCATION FINANCING

The first challenge we face is agreement on and approval of an education financing law which will accurately and truly reflect the expressed will of the voters on December 5th.

We have a mutual obligation to enact a law reflective not only of what you and I would like to see, but much more important, we have an obligation to enact a new law that will reflect our recognition that the people of Maine have not only spoken but have been heard...and that we acknowledge it is our duty to act upon the expressed will of the people as it was loudly stated on December 5th.

We have attempted to do this in the education financing bill which we have shared with each of you. We have not held out our alternative as the ultimate or the perfect solution. We feel, however, that it is a fair solution. We also feel it reflects what the people of Maine want and we further feel that it is an alternative that insures the stability of our education funding system in Maine. You cannot solve a problem of inequity by building in further inequities.

We also must find reasonable and equitable solutions in such areas as capital construction, school bus purchases, debt service, and collective bargaining that we have tied the hands of school boards, superintendents and city and town budgets to the tune of 75 percent of education costs. Finally, we must have faith in the people of this state and their determination to meet their fair share of the costs of educating our children. I, for one, have that faith and confidence.

While I have been told that one or more citizens or legislators who opposed repeal may challenge any alternative submitted, I do not want to believe that anyone would want to be a party to any obstructionist approach which would deny the people of Maine their right to vote and right to free speech. As a matter of fact, based on the best legal advice we have received, I am told the education financing alternative we have submitted will be far better able to withstand any constitutional challenge than the law which the voters of this state chose to repeal. In any event, the new alternative could not possibly have the divisiveness of the old law as it relates to the cities and towns and people of Maine.

#### FINANCIAL PICTURE AND BUDGET APPROACH FOR THE SESSION

As I have previously reported to you, my financial people have carefully analyzed the latest available financial information including balances available and projected, revenues already collected and projected for the balance of this year and the new fiscal year. We have also taken into consideration certain adjustments to revenues made necessary by repeal of the Uniform Property Tax.

The specific details of beginning balances, excess revenues, lapsed balances were all shared with you in my memo dated December 29, 1977.

These amounts of available dollars total approximately \$41.0 million for considerations in the session. Once again, I commend the Legislature and commissioners, department heads and state employees who have made this possible.

After considerable research and study in the area of government budgets, we have reached the conclusion that the traditional methods of budgeting have been largely responsible for continued increases in government costs...and hence, in taxes. Stated simply, government has tended to budget by taking all available revenues and then establishing spending priorities and programs to consume those revenues. This has usually meant that state legislatures and to a worse extent Washington, for that matter, have often spent the cupboard bare and then operated with deficits or increased taxes when existing revenues were insufficient to fund ever-expanding programs that frequently are promoted by liberal spending politicians or the bureaucracy at the expense of the people and the taxpayers. Here again, it is a tribute to the Maine Legislature that you did not spend the cupboard bare last session.

What has happened, in effect, is that government has allowed programs and services frequently based on political and campaign promises to become the first priority and the taxpayers have not been included in the equation, much less considered a priority. Unfortunately, the taxpayers or those who have been the least considered have been the most short-changed and overtaxed. While we have heard much about "zero-based budgeting" in other states, there appears to be more rhetoric and form than substance in that regard. In any event, so-called zero-based budgeting appears to have been an inadequate attempt to halt the trend toward more government spending and higher taxes. As a matter of fact, budgeting approaches have still resulted in spending based on available dollars. Bureaucracies from Washington on down, spurred by politically motivated and very liberal spenders, have short-changed the taxpayers altogether too much and too frequently. As a result, government costs have spiraled, taxes have risen, and the cancer of inflation has eaten away at the available dollars of the taxpayers, with the wage earners on the low end of the scale and those on social security or in retirement being the hardest hit of all.

Is there an answer? We think so. We think Maine can provide the answer with a "Maine Plan" or a "Dirigo Plan." That answer isn't zero-based budgeting. It's zero-based spending...a program designed to place the taxpayer's rights equal to every last demand by government for his tax dollars. Our plan is designed to extend the American and democratic right of equality to the taxpayers equal to the spenders and the special interests.

The program we will present to the 108th Legislature will recognize the importance of the taxpayer on an equal basis with both the advocates and recipients of government spending. It will be an attempt to reverse a long-standing trend that has caused many taxpayers and citizens to lose confidence in their government as well as confidence in you and me and other elected and appointed officers of government.

We will attempt to do this in the following manner:

(1) The budget we will present will consider the estimated balances and surpluses as an "overcollection of taxes" or, in the case of lapsed balances, as money government found it did not need in order to operate. Therefore, in our budgetary priorities, we will extend equal rights for a change to taxpayers and provide priority for tax relief since this Governor at least feels that the State of Maine has been collecting more from the taxpayers than was necessary or overcollecting taxes from the people of Maine who pay the taxes. As a citizen as well as Governor, I would hope this Legislature would agree with me that we no longer have the right to spend those tax dollars we overcharge and overcollect without equal consideration for the taxpayers.

(2) The "Maine Plan" or the "Dirigo Plan"

will further provide that for the future, we will ask the Legislature to embrace a concept whereby the Executive Department shall annually conduct an analysis of the economy of the state to be presented to the Governor and the Bureau of the Budget on or before October 1st of each year for consideration in the formulation of budget proposals for the next legislative session. The analysis shall include historical data and comparisons for the five previous fiscal years, estimates for the current fiscal year and projections for two years ahead in such detail as the Governor may require.

The Governor and the State Budget Officer when preparing budget proposals for the Legislature shall give first priority to consideration of the tax mix among the major broad-based categories of tax and the recommendation of an increase or decrease in the tax burdens as they develop state program recommendations.

The state budget document shall include a report of this economic analysis and such recommendations and other information as the Governor may wish to include.

It would be the intent of this legislation to give priority consideration and require justification to the Legislature and the people of Maine as to the Governor's recommendations in establishing levels of taxation and total spending for the ensuing fiscal period. We feel this concept will place the taxpayers' rights and interests on a long overdue basis of equal rights for those who provide the dollars equal to those who spend or receive the dollars.

#### TAX RELIEF PROGRAM

To carry through with the philosophy that any future overcollection of taxes and excessive revenues should be returned to the taxpayers, we are recommending to this Legislature a **TWO-PHASE TAX RELIEF PROGRAM**:

(1) We believe that to the degree possible, excessive tax dollars should be returned to the people who paid them. After much consideration, we reached the conclusion that the fairest method would be an income tax rebate. Therefore, we will recommend a direct rebate of up to \$50 to everyone who paid a State of Maine income tax in 1977. This rebate will cost approximately \$12 million.

(2) I believe it is essential that we continue to give incentives to the working men and women of Maine and to the businesses which provide them jobs. I feel strongly that we have reached a point in society where we must make the rewards for working greater than the rewards for not working. Therefore, in addition to the direct tax rebate, we will recommend to this Legislature that we reduce state income taxes by five percent permanently, beginning in 1978. We are informed that this will cost approximately \$8.5 million for the first year it is in effect. Combined with the direct rebate, this will give the people of the State of Maine \$20.5 million in tax relief this year or roughly half of our available dollars.

This is the least we should do for the working men and women of this state.

This is not to suggest that these are the only avenues through which we could give the people of Maine tax relief or the only avenues that this Legislature might want to consider. In our own deliberations we gave careful consideration to other approaches. The best advice and counsel provided me suggested that:

(1) To the extent taxation should be based on ability to pay, the rebate portion should refund taxes on that basis.

(2) To the extent our excess revenues are attributable to overcollection and/or inequity in the income tax area, we could also reduce areas of excessive taxation which could best demonstrate our good faith and our desire to retain existing quality jobs as well as attract quality industry and jobs.

Very candidly, many feel the rebate plan and the tax reduction plan are badly needed as well as extremely important in our industrial development efforts.

We have a rare opportunity in the upcoming session to demonstrate to the people of Maine that the taxpayers, for a change, are one of our top priorities of concern. This is an opportunity for this Legislature to once again help Maine be a leader and set an example for the rest of this country in showing people that government can give back dollars and not always take dollars away.

If the Legislature will join us in making the taxpayers of Maine an equal priority, then this relief can become a reality while the state continues to meet its commitments in other areas.

In addition to the tax relief program which we have outlined, we are also very pleased to be able to offer this Legislature an opportunity to consider other areas of tax equity and relief.

Once again, as Governor, I am asking for help and concern for our older and elderly citizens, who have perhaps been the most penalized by overspending and over taxation of late, by government that has caused the cancerous inflation that has jeopardized and discounted the purchasing power of their retirement and annuity checks and other nest eggs and savings for their retirement years.

(1) We will propose legislation that will extend the benefits provided by the Elderly Householders Tax and Rent Relief Act. This proposed bill would expand benefits for income over \$3,000. This change would provide a better level of relief to those claimants with income between the \$3,000 and \$5,000 level.

(2) We are again introducing legislation to provide the Bureau of Taxation with the authority and responsibility for valuation of industrial and utility properties with a value in excess of \$10,000,000. All the expertise states that this procedure would result in significant improvement in state valuation and provide municipalities with more up-to-date and accurate information to use for assessment purposes. State valuation has been supported by many groups and committees, including the Legislature's own Select Committee on State Property Tax Valuation and the Joint Select Committee on State Tax Policy. It would also be a significant step towards insuring that the property tax burden carried by major industrial properties is based on sound and accurate valuations.

(3) As we stated to you in our education financing message of December 28, the funding of the new bill which we are presenting will not be contingent upon any approval of new taxes.

However, while tax alternatives do not have to be considered for the funding of the bill, I feel that in fairness to all citizens of this state we should address the issues relating to nuclear generating facilities and the unorganized territories. I discussed these approaches in the December 28th message and pledge to work with the Legislature in this regard, to make certain that we have tax equity in this state on acquiring tax equity, particularly for the homeowners of Maine, also being fair to the businesses and the large landowners of Maine. It is as unfair to undertax the large landowner or large business owner in Maine as it is to overtax the person struggling to pay for his or her home. Tax equity means the large landowners, businesses, homeowners who pay their fair share of taxes. It is unfair to charge one dime less for one group as it is a dime more to another group.

#### COLLECTIVE BARGAINING

Maine state employees have been granted collective bargaining rights. This administration, through the Office of Employee Relations and the Department of Personnel, has cooperated fully in the establishment of bargaining units and the implementation of the bargaining process.

I would like to report to this Legislature that we are actively negotiating with six of eight bargaining units. Two units have not requested sessions at this point.

We are confident that we are putting forth a

good faith effort to honor the collective bargaining process. However, I feel we are at a crucial point where it is necessary for all parties...state government in general, the Legislature and the employee organizations to honor the process. We commit to keeping the Legislature advised and to continuing our good faith bargaining efforts. Also, as Governor, I commit to the Legislature, state employees and all the people of Maine that Maine State Government will meet its responsibilities in that regard. In any event, as the Governor responsible for the Executive Branch, I commit to fulfilling any agreements reached between employee bargaining units and the Executive Branch of government. It goes without saying that, as Governor, I recognize that actions by the Governor and Executive Branch are subject to confirmation by the Legislative Branch, but I would hope that the Legislature, individually and collectively, would recognize that the responsibility for day-to-day collective bargaining rests with the Executive Branch. Once again, we pledge our good faith in that effort and a fair and equitable approach on behalf of the Legislature, state employees and the people of Maine.

#### LEGISLATIVE PROGRAM

Our legislative program has also been finalized and will be outlined to you in a written program message, within a matter of days. The majority of our bills have already been forwarded to Legislative Research for printing so they can be set for an early hearing, and from all reports it would appear both the Legislative and Executive Branches have set a new standard in the method and manner with respect to the pre-planning and expending of legislation.

This is not only a tribute to the Legislative Leadership, including the President and the Speaker, but to each and every person within the Legislature that has made this new standard possible. I commend the Legislature as well as my own legislative staff in this regard.

I will not go into further detail in this message and will only tell you that we have placed a top priority on improvements in programs for our mentally retarded citizens, particularly at Pineland. It is our hope that, with the cooperation of the 108th Maine Legislature, we can give Maine one of the best, if not the best programs for the retarded in the nation.

We will also ask you for your cooperation in taking a close look at our corrections program to make certain it is meeting the needs of the inmates while at the same time it is serving the functions intended by society and protecting the citizens of this state. We will also present a supplemental highway maintenance program designed to keep our roads and bridges as safe as possible.

As your Governor, I gratefully and proudly feel that we are standing together on the threshold of one of Maine State Government's finest hours. We are in a position to demonstrate to the citizens of this state that we understand, acknowledge, respect, and are prepared to respond to their will.

We are in a position to continue and improve state services without a tax increase.

We are in a position to give the working men and women of Maine direct and meaningful tax relief.

We are in a position to return to the people what is rightfully theirs.

I ask that we do it! Thank you very much.

At the conclusion of the Governor's address, the Governor withdrew amid applause, the audience rising.

The purpose for which the Convention was assembled having been accomplished, the Chairman declared the same dissolved and the Senate retired to its Chambers amid applause of the House, the members rising.

In the House

The House was called to order by the Speaker.

#### Petitions, Bills and Resolves Requiring Reference

The following Bills and Resolves were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

##### Agriculture

Bill "An Act Concerning Brake Requirements on Agricultural Vehicles" (H. P. 1857) (L. D. 1924) (Presented by Mr. McKean of Limestone) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Bill "An Act to Permit Persons Other Than Aborists to Take Down Trees by Topping or Sections" (Emergency) (H. P. 1858) (L. D. 1925) (Presented by Mr. Tozier of Unity) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Bill "An Act to Create a Maine Potato Board" (H. P. 1897) (L. D. 1954) (Presented by Mr. Mahany of Easton) (Governor's Bill)

Bill "An Act to Amend the Maine Potato Branding Law" (H. P. 1896) (L. D. 1953) (Presented by Mr. Mahany of Easton) (Governor's Bill)

Bill "An Act to Provide a Lower Registration Fee under the Transportation of Christmas Tree Statutes" (H. P. 1894) (L. D. 1951) (Presented by Mr. Perkins of Blue Hill) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Sent up for concurrence.

#### Appropriations and Financial Affairs

Bill "An Act to Restore Matching Funds to the Maine Criminal Justice Planning and Assistance Agency" (Emergency) (H. P. 1860) (L. D. 1923) (Presented by Mr. Drinkwater of Belfast) (Cosponsor: Mr. Shute of Stockton Springs) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Bill "An Act to Increase State Reimbursement for the Set Costs of Local General Assistance" (H. P. 1859) (L. D. 1922) (Presented by Mr. Brenerman of Portland) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Bill "An Act to Increase the Reimbursement for 6-bed Boarding Homes" (Emergency) (H. P. 1895) (L. D. 1952) (Presented by Mr. Blodgett of Waldoboro) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Sent up for concurrence.

#### Business Legislation

Bill "An Act to Increase the Amount which Qualifies a Financial Institution for Exemption from Insurance of Deposits on Accounts" (Emergency) (H. P. 1862) (L. D. 1920) (Presented by Ms. Clark of Freeport) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Bill "An Act to Assure Continued Insurance Coverage for all Claims Incurred on Certain Group Health Insurance Policies" (Emergency) (H. P. 1863) (L. D. 1921) (Presented by Mr. Carroll of Limerick) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Bill "An Act to Permit Law Enforcement Officers to Make Limited Solicitations for Advertising in Publications or Periodicals to be Published by Law Enforcement Officers, Agencies or Associations" (H. P. 1861) (L. D. 1919) (Presented by Mr. Howe of South Portland) (Approved for introduction by the Legislative Council pursuant to Joint Rule 25)

Bill "An Act to Facilitate Central Licensing and Concerning Membership on the Maine Athletic Commission" (Emergency) (H. P. 1908) (L. D. 1969) (Presented by Mrs. Boudreau of Portland) (Governor's Bill)

Bill "An Act to Extend Coverage of the Re-

turnable Beverage Statutes to Beverages Sold in a Bottle or Can Containing no more than Eighteen ounces" (H. P. 1903) (L. D. 1964) (Presented by Mr. Hughes of Auburn) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Sent up for concurrence.

#### Education

Bill "An Act Relating to Type of Notice under the Exceptional Children Statutes" (H. P. 1868) (L. D. 1918) (Presented by Mr. Higgins of Scarborough) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Bill "An Act to Repeal the Commissioner of Educational and Cultural Services' Authority to Withhold Monthly Subsidy Payments to Administrative Units to Obtain Information" (H. P. 1867) (L. D. 1917) (Presented by Mr. Birt of East Millinocket) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Bill "An Act Relating to Preventive Discipline in the Schools" (H. P. 1866) (L. D. 1916) (Presented by Mr. Garsoe of Cumberland) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Bill "An Act to Authorize Magalloway Plantation to Raise Funds for Secondary School Board for the 1977-1978 School Year in Excess of Statutory Maximums" (Emergency) (H. P. 1865) (L. D. 1915) (Presented by Miss Brown of Bethel) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

RESOLVE, Appropriating Funds to Renovate an Elementary School Building at Windham which was Destroyed by Flood Waters (Emergency) (H. P. 1864) (L. D. 1914) (Presented by Mr. Diamond of Windham) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Bill "An Act to Suspend Public Law 1977, Chapter 499, 'An Act Relating to Habitual Truants and School Dropouts,' until July 1, 1979" (Emergency) (H. P. 1893) (L. D. 1950) (Presented by Mrs. Beaulieu of Portland) (Cosponsor: Mr. Wood of Sanford) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Bill "An Act Relating to Joint Committee Between George Stevens Academy and Nearby Towns" (H. P. 1890) (L. D. 1947) (Presented by Mr. Perkins of Blue Hill) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Bill "An Act Authorizing Municipalities to Provide Textbooks and Other Nonsecular Services to Elementary and Secondary Pupils Attending Private Schools" (H. P. 1899) (L. D. 1946) (Presented by Mr. Jalbert of Lewiston) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Bill "An Act to Provide for Alternative Election Procedures for School Budgets on a Local Basis" (H. P. 1909) (L. D. 1970) (Presented by Mr. Wood of Sanford) (Cosponsors: Mrs. Post of Owls Head, Mr. Lougee of Island Falls, Mr. Carey of Waterville) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Bill "An Act to Provide Funding for Programs to Aid School Administrative Units to Identify and Provide Special Educational Programs for Gifted and Talented Children" (H. P. 1934) (L. D. 2005) (Presented by Mrs. Nelson of Portland) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Sent up for concurrence.

#### Election Laws

Bill "An Act to Clarify Reporting Requirements under the Campaign Finance Law and to Correct Other Oversights in that Law" (H. P. 1910) (L. D. 1971) (Presented by Mrs. Boudreau of Portland) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Sent up for concurrence.

#### Health and Institutional Services

Bill "An Act to Allow Nursing Homes to Provide Physical and Occupational Therapy to Residents in Need of that Care" (Emergency) (H. P. 1913) (L. D. 1974) (Presented by Mr. Kerry of Old Orchard Beach) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Bill "An Act to Allow Intermediate Care Facilities to be Reimbursed under the Medically Needy Program" (Emergency) (H. P. 1915) (L. D. 1976) (Presented by Mr. Brenerman of Portland) (Cosponsor: Mr. Kerry of Old Orchard Beach) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Bill "An Act to Permit Portable Breath Testing Equipment" (H. P. 1920) (L. D. 1981) (Presented by Mr. Diamond of Windham) (Governor's Bill)

Bill "An Act Concerning the Catastrophic Illness and Medically Needy Programs" (H. P. 1911) (L. D. 1972) (Presented by Mr. Goodwin of South Berwick) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Bill "An Act Concerning Substitution of Generic Drugs by Pharmacists" (H. P. 1914) (L. D. 1975) (Presented by Mr. Boudreau of Waterville) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Bill "An Act to Expand the Elderly Low Cost Drug Program" (Emergency) (H. P. 1912) (L. D. 1973) (Presented by Ms. Goodwin of Bath) (Cosponsors: Mr. Brenerman of Portland) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Sent up for concurrence.

#### Human Services

Bill "An Act Providing for Notice to Parents Under the Child Abuse and Neglect Statutes" (H. P. 1905) (L. D. 1966) (Presented by Mr. Goodwin of South Berwick) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Bill "An Act Appropriating Funds to Construct an Access Road to the Phase 2 Housing Project on the Penobscot Tribal Reservation" (H. P. 1916) (L. D. 1977) (Presented by Mr. Pearson of Old Town) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Sent up for concurrence

#### Judiciary

Bill "An Act to Ensure that Agreements Entered into by State Agencies do not Conflict with State Court Orders or Decrees" (H. P. 1873) (L. D. 1929) (Presented by Mr. Silsby of Ellsworth) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Bill "An Act to Revise the Venue Provisions of the Maine Employment Security Commission Appeals Procedure" (H. P. 1871) (L. D. 1928) (Presented by Mr. Garsoe of Cumberland) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Bill "An Act Concerning Limitations of Actions and Notice of Claim before Suit under the Elevator and Tramway Statutes Pertaining to Ski Areas" (H. P. 1870) (L. D. 1927) (Presented by Miss Brown of Bethel) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Bill "An Act to Delay Implementation of the Court Intake Worker Function until July 1, 1978" (Emergency) (H. P. 1869) (L. D. 1926) (Presented by Mrs. Kane of Augusta) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Bill "An Act to Clarify the Statute Relating to Attorneys so that Nonattorneys may Appear in Small Claims Court on-Behalf-of-Corporations" (H. P. 1918) (L. D. 1979) (Presented by Mr. Henderson of Bangor) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)



Bill "An Act to Simplify the Procedure for Submission of Certain Small Claims Against the State" (H. P. 1931) (L. D. 2002) (Presented by Mr. Jensen of Portland) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Bill "An Act to Prohibit Child Pornography" (H. P. 1937) (L. D. 2017) (Presented by Mr. Wyman of Pittsfield) (Cosponsors: Mr. Howe of South Portland, Mrs. Trafton of Auburn, Mr. McMahan of Kennebunk) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24) (Later Reconsidered)  
Sent up for concurrence.

#### Labor

Bill "An Act Concerning Filing of Claims for Occupational Deafness under the Workmen's Compensation Statutes" (H. P. 1872) (L. D. 1913) (Presented by Mr. Birt of East Millinocket) (Cosponsors: Mr. McHenry of Madawaska, Mr. Flanagan of Portland) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Bill "An Act to Amend the University of Maine Labor Relations Act" (H. P. 1919) (L. D. 1980) (Presented by Mr. Boudreau of Waterville) (Governor's Bill)

Bill "An Act Relating to Eligibility of Adult Education Instructors under the Unemployment Compensation Laws" (H. P. 1933) (L. D. 1999) (Presented by Mrs. Beaulieu of Portland) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25)

Bill "An Act to Authorize Local School Committees to Elect the Method of Funding Unemployment Compensation" (Emergency) (H. P. 1932) (L. D. 2000) (Presented by Mr. Garsoe of Cumberland) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)  
Sent up for concurrence.

#### Legal Affairs

RESOLVE, to Appeal the Decision of State Claims Board Regarding Property Damage Claims for Collapse of Building at Northern Maine Vocational-Technical Institute (H. P. 1876) (L. D. 1912) (Presented by Mr. McBreairty of Perham) (Cosponsor: Mr. Peterson of Caribou) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

RESOLVE, to Terminate any Liability of the Town of Oakland to Clear Debris from the Fish Screen at Messalonskee Lake (H. P. 1874) (L. D. 1911) (Presented by Mr. Burns of Anson) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

RESOLVE, to Appeal the Decision of the State Claims Board Regarding Property Damage Suffered by Phillip G. Rotolo of Portland Because of a Resident of the Maine Youth Center (Emergency) (H. P. 1892) (L. D. 1949) (Presented by Mr. Brenerman of Portland) (Cosponsor: Mr. Jensen of Portland) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)  
Sent up for concurrence.

#### Liquor Control

Bill "An Act to Permit Sale of Alcoholic Beverages for On-premise Consumption at 18 Years of Age" (H. P. 1887) (L. D. 1944) (Presented by Mr. Hobbins of Saco) (Cosponsors: Mrs. Beaulieu of Portland, Mr. Marshall of Millinocket, Mr. Davis of Orono) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I request that this bill not be referred to committee. I further request a roll call on my motion.

When I came to this building today, I thought I would hear a siren instead of a bill. When they told me the drinking bill was an emergency, I couldn't stretch my imagination to put that in

such a class.

For nearly two weeks we debated our aspects to the liquor bill, the ages, here in the first session of the 108th. An emergency? I think it is a catastrophe. Twenty thousand dollars a day is the cost for us to be in session. If we debate this four or five days, we are talking upwards of \$100,000. Yes, my Governor was right this morning. Historians were right whether or not we were responsible, and I think this is one of the things we must look to. We are standing on the threshold. The question here today is really one of fundamental fairness. Is it fair to debate this bill at \$20,000 a day after this body debated it so long before? Is it fair to the mothers of this great state who will be packing an extra lunch tonight in preparation of their journey to those scheduled hearings at the Civic Center tomorrow. I have heard from them from the north, from the south and from the east and the west. They will be here, the concerned parents, they will be here tomorrow. Think of the gas that we are going to save these people by handling this bill today. Yes, our people are planning to be here. Let us show them by this election year roll call that we will save them that trip. Let's do it here and now. The schools will be here to report what an improvement at that dance on Friday and Saturday. The thing is working so well, let's not tamper with it.

I urge your support of my motion that this bill not be referred to a committee.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker and Members of the House: It is with sadness that I rise today as an elected official of the Maine Legislature for the past six years to see that a bill that I have sponsored was not given the common courtesy of a public hearing by a gentleman who has challenged it. I thought we lived in a democratic society where bills were aired and legislation was brought before people to be aired in public, but I guess not. I guess the people of Maine don't have the opportunity tomorrow, at a scheduled public hearing, to present their views in the eyes of Mr. Joyce. Whether you agree with the drinking bill or not is not the question. The question is, should the people of Maine have the opportunity to attend a scheduled public hearing tomorrow which will be held at the Civic Center here in Augusta.

Many individuals might disagree with my proposal, which is better known as the 18/20 split, but it is my hope today that the Legislature, the individual members, will allow those people who have planned to come tomorrow to present their arguments for or against the bill the opportunity to present them at a public forum.

I urge you to refer this bill to public hearing and show that in Maine we do have a democracy.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to argue whether the people have a right on this bill or not. I think we talked about that last year. I am a little disturbed and upset with the leadership of both this House and the other body. I asked for a bill to come in here and I was turned down because we had it the year before. Are we going to take and set a precedent here this morning? The leadership is changing the rules in the middle of the game. That is the issue here. The issue is not whether we should debate the bill or whether we should go to committee.

We set rules in this House and I, above all, will agree that many times I have been wrong and I have been gavelled down by the Speaker, but I still go by that rule because that is the rule. We live by that rule in this House. Today, you are letting leadership tell you as members of this House that we are going to change that, we are going to do it our way now, but after this is done, we will go back to our regular way.

That is just what they are telling you. Would you allow the death penalty bill to be brought up for debate again this session? I think not. Would you allow the telephone company bill where they have been charging for informational services to go into effect? I don't think you would allow that to come before you.

It is the principle of this that we are talking about today, not the issue. The issue will be long and hard and fought out in years to come, and I don't think that we should change the rules in the middle of the game. I don't think that we should allow them to play until they win, to keep adding quarters on the game until they get the score on their side. That is the issue today and that is all that we are talking about. We are not talking about whether they can drink in bars or whether they can't. The issue before you is, are you going to let five legislators, members who are elected the same as you and I, tell us they are going to allow this? I say no.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Not dealing with the issue in terms of it as it is here before this body, I would urge the House to reject the good gentleman from Portland, Mr. Joyce's motion not allowing this bill in. I happen to be one member of this body who has consistently opposed the idea of allowing 10 individuals, no matter who they may be in leadership, the right to decide what should and shouldn't be presented before a people's body, and this is a people's body. There are 151 of us in this body here who try to present our legislation reflecting upon our own constituents as well as the total population of the State of Maine.

I would urge this body to allow it in for no other reason than for some of you members who may want leadership to reconsider those, 5, 6, 7, 8, and maybe you can even get those 10 noble gentlemen to consider your own legislation, because I believe that there was other legislation presented and didn't duly get in that was as important as this issue, or for that matter, any other issue. We are elected representatives, 151 of us, and we allow 10 individuals, the leadership the leadership in both houses, to handle the interim work when we are not here, and I think they could be a little more broadminded in terms of the total legislation that was considered, notwithstanding the fact this is here today.

There are 50 days in the special legislative session, or the annual sessions we are in now. If you look at the process we are working under, we are actually only using up four days in two weeks, and I think if you want to put your bill in, Mr. Laffin, dealing with capital punishment, you should have a right to do that as an elected member of this body. There are other issues that are coming before us that are being referred today that, in my opinion, were rejected at the last session of the legislature; however, they got in, and how they got in I sometimes wonder.

I support not basically the arguments Mr. Hobbins was presenting but the theory that legislation should be heard because we are a people's body. I urge you to allow it in, and I would hope the leadership in the next couple of weeks, and I am sure you may be asked by some members, including myself, to have you reconsider some proposals that you rejected and I ask that you be just as fair and just as kind and just as considerate to them as well.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I feel compelled to make a statement in view of the fact that as leader of the Republican Party here in the House, in view of the fact of the statement made by the gentleman from Westbrook, Mr. Laffin. I was the individual who, several years ago, was instrumental in seeing that the joint

rules state that no piece of legislation which is defeated in one session or finally rejected shall be considered in the subsequent session of the legislature. I believed it then, I believe it now.

I want to make my position clear on this, that during that meeting when this bill came up, I opposed the reentry of this bill to be considered by this session of the legislature in keeping with my philosophy. In my belief, if it has been considered during one session, it should not be considered during the next session if it had been finally rejected. So in keeping with that, I voted that way, but I lost. The bill was allowed in. That being the case, I want to say that once it has been allowed in, a majority rules; and I fully believe that now the bill should be considered. It has been advertised, people are planning to come here to make their presentation. So on that basis, I shall oppose the motion of the gentleman from Portland, Mr. Joyce.

The SPEAKER: The Chair recognizes the gentleman from Millinocket, Mr. Marshall.

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I agree with Representative Palmer that this bill should be referred to committee. I don't agree, and I don't recall as a member of the Liquor Control Committee ever voting on an 18/20 split or even considering it in the committee hearings.

This bill has not been heard before this body and it is a new idea which has not received the attention I think it merits.

During the first regular session, many of us encouraged young people to participate in the political process here in Maine. This proposed bill which directly affects the 18 and 19 year olds, that age group, has been scheduled for public hearing tomorrow. Many youth wish to take this opportunity to express a direct interest, a means of expressing an interest in this legislative process. If we deny them the opportunity by not referring this bill to committee, we have added again to the cynical outlook that many young people already view this political process.

I don't believe we should encourage participation and set a date for a hearing and then cancel it the day before. I urge you to vote in opposition to the gentleman from Portland, Mr. Joyce.

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 Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker and Members of the House: I have looked carefully at the reason why this bill was proposed and at the same time I have also read Joint Rule 26 which if you haven't read it you should.

I have been here for four terms and during my absence in the last legislature apparently they passed this measure to have annual sessions. Joint Rule 26 says that no measure which has been introduced and finally rejected in any first regular session shall be introduced at any second regular session or any special session of the same legislature, except by vote of two thirds of both houses. I think the rules are very clear. This is my fifth term here and I have tried to play by the rules. It is awfully hard at times. When I see things like this come up here, I really feel that we should do something.

I don't know just what the procedure is, if we have to have a two-thirds vote in order to put it in or if a motion should be made differently than the one that has been made. I only say to you that I don't want to criticize the members of the Legislative Council, although I feel I have reasons to do that too, but I think we should go along and not let this bill in. It has

been defeated before and if you let it in, it is going to open the door for all other legislation. I can assure you that I have legislation that was presented which in essence was better than this and it was rejected. I wasn't very happy about it and I am still not happy.

I think if we are going to start for the first time the second annual session, we should play by the rules, go with Joint Rule 26, and I think we will be on the right track.

Mr. Speaker, do we need a two-thirds vote to send this to committee?

The SPEAKER: The Chair would answer in the negative.

Mr. CARRIER: We are not going by Rule 26?

The SPEAKER: The Chair would answer in the affirmative.

Mr. CARRIER: Well, I don't know what Rule 26 is supposed to be then. I will tell you this, I haven't been too happy with the Legislative Council, not as individuals, because when it was first presented, I voted and talked against putting certain individuals of certain capacities in there, and this was one of the reasons why I was afraid of who should sort these bills out. I would submit to you that when somebody here says that a public hearing was scheduled, who scheduled this public hearing anyway? It was scheduled without the thing even being passed.

I submit to you, ladies and gentlemen, that I live by Rule 26. Although it has been said affirmatively that we don't go by Rule 26, I think that you should give it proper consideration because we are embarking in a situation which will open up the door to many other bills that were rejected in the last session. You should vote to go along with Mr. Joyce.

The SPEAKER: A roll call has been ordered. The pending question is, shall this Bill be referred to the Committee on Liquor Control. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Alopis, Ault, Bachrach, Beaulieu, Bennett, Benoit, Berube, Biron, Blodgett, Boudreau, P., Brenerman, Brown, K. L., Brown, K. C., Burns, Bustin, Carey, Carroll, Carter, D., Carter, F., Clark, Connolly, Cote, Cox, Curran, Davies, Diamond, Dow, Elias, Fowlie, Garsoe, Gillis, Goodwin, H., Goodwin, K., Green, Greenlaw, Hall, Henderson, Hickey, Hobbins, Howe, Huber, Hughes, Hutchings, Kany, Kelleher, Kerry, LaPlante, Locke, Lynch, MacEachern, Marshall, McHenry, McKean, Moody, Morton, Nadeau, Najarian, Nelson, M., Norris, Palmer, Paul, Peakes, Post, Quinn, Raymond, Rideout, Spencer, Tarbell, Tierney, Truman, Valentine, Violette, Wilfong, Wood, The Speaker.

NAY — Austin, Bagley, Berry, Birt, Boudreau, A., Bunker, Carrier, Chonko, Churchill, Conners, Cunningham, Devoe, Dexter, Drinkwater, Dudley, Durgin, Dutremble, Fenlason, Flanagan, Gill, Gray, Higgins, Hunter, Immonen, Jackson, Jensen, Joyce, Kane, Kilcoyne, Laffin, Lewis, Littlefield, Lizotte, Lougee, Lunt, Mackel, Mahany, Martin, A., Masterman, Masterton, Maxwell, McBrearty, McPherson, Mitchell, Nelson, N., Pearson, Peltier, Perkins, Peterson, Prescott, Rollins, Sewall, Shute, Silsby, Smith, Sprowl, Stover, Strout, Stubbs, Tarr, Teague, Theriault, Torrey, Tozier, Trafton, Twitchell, Tyndale, Whittemore, Wyman.

ABSENT — Gould, Jacques, Jalbert, McMahon, Mills, Plourde, Talbot.

Yes, 75; No, 69; Absent, 7.

The SPEAKER: Seventy-five having voted in the affirmative and sixty-nine in the negative, with seven being absent, the motion does prevail.

Sent up for concurrence.

#### Local and County Government

Bill "An Act Relating to the Maintenance of Private Ways in the Town of Windham by Special Assessments" (H. P. 1875) (L. D. 1930)

(Presented by Mr. Diamond of Windham) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Bill "An Act Covering Beaver Cove Plantation into the Town of Beaver Cove" (H. P. 1902) (L. D. 1963) (Presented by Mr. Masterman of Milo) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Bill "An Act Clarifying the Statutes Relating to Municipalities" (Emergency) (H. P. 1921) (L. D. 1982) (Presented by Mr. Henderson of Bangor) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Bill "An Act to Allow the Town of Otisfield to Meet its Obligations to Cumberland County for Existing Bonded Indebtedness Through a Lump Sum Payment" (Emergency) (H. P. 1930) (L. D. 2003) (Presented by Mrs. Tarr of Bridgton) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Bill "An Act Relating to Assessment for Public Services Tax on Unorganized Townships" (Emergency) (H. P. 1922) (L. D. 1983) (Presented by Mr. Gillis of Calais) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Sent up for concurrence.

#### Marine Resources

Bill "An Act to Remove Restrictions on the Use of Purse Seines for Fishing in Washington County" (H. P. 1877) (L. D. 1931) (Presented by Mr. Mills of Eastport) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Bill "An Act Making Certain Substantive Revisions to the Marine Resources Statutes" (H. P. 1939) (L. D. 2019) (Presented by Mr. Greenlaw of Stonington) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Sent up for concurrence.

#### Natural Resources

Bill "An Act to Authorize the Land Use Regulation Commission to set Construction Standards for Logging Roads in Territory under its Jurisdiction" (H. P. 1923) (L. D. 1984) (Presented by Mr. Blodgett of Waldoboro) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Bill "An Act to Clarify the Law Concerning the Posting of Bonds by Electric Companies with the Department of Environmental Protection for Certain Licenses or Permits" (H. P. 1925) (L. D. 1986) (Presented by Mrs. Huber of Falmouth) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Bill "An Act Relating to Incinerator Particulate Emission Standard for Wood Waste Teepee Burners" (H. P. 1924) (L. D. 1985) (Presented by Mr. Peltier of Houlton) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Bill "An Act to Clarify Certain Definitions under the Subdivision Law and to Set Out the Intent of the Legislature in Enacting that Law" (H. P. 1935) (L. D. 2006) (Presented by Mrs. Masterton of Cape Elizabeth) (Cosponsor: Mr. Spencer of Standish) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Sent up for concurrence

#### Taxation

Bill "An Act Relating to the Taxation of Certain Property Owned and Operated by Telephone or Telegraph Companies" (Emergency) (H. P. 1878) (L. D. 1932) (Presented by Mr. Fenlason of Danforth) (Cosponsor: Mrs. Chonko of Topsham) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Committee on Reference of Bills suggested the Committee on Public Utilities.

On motion of Mr. Kelleher of Bangor, referred to the Committee on Taxation and sent for concurrence.



By unanimous consent, ordered sent forthwith to the Senate.

#### Public Utilities

Bill "An Act to Provide for the Payment of Costs for Relocating Utility Facilities in an Urban Renewal Area" (Emergency) (H. P. 1904) (L. D. 1965) (Presented by Mr. Kelleher of Bangor) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Bill "An Act to Limit Fuel Adjustment Charges to Actual Changes in the Price of Oil" (H. P. 1928) (L. D. 2001) (Presented by Mr. Spencer of Standish) (Cosponsors: Mr. Wilfong of Stow, Mr. Greenlaw of Stonington) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Sent up for concurrence.

#### State Government

Bill "An Act to Establish the Maine-Canadian Legislative Advisory Commission" (H. P. 1879) (L. D. 1933) (Presented by Mr. Martin of Eagle Lake) (Cosponsor: Ms. Goodwin of Bath) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

RESOLVE, to Amend the Apportionment of Multimember Districts of the House of Representatives into Single Member Districts (Emergency) (H. P. 1906) (L. D. 1967) (Presented by Mr. Curran of South Portland) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Bill "An Act to Increase the Bonding Limit of the Maine State Housing Authority" (Emergency) (H. P. 1880) (L. D. 1934) (Presented by Mrs. Najarian of Portland) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Bill "An Act to Exempt the Maine Athletic Commission from the Maine Administrative Procedures Act" (Emergency) (H. P. 1898) (L. D. 1955) (Presented by Mrs. Boudreau of Portland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 25)

RESOLVE, Authorizing the Sale by the Department of Mental Health and Corrections of a Certain Parcel of Land Adjacent to the State Prison in Thomaston to Allan L. Robbins and Verla W. Robbins (H. P. 1926) (L. D. 1987) (Presented by Mr. Gray of Rockland) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Sent up for concurrence.

#### Labor

Bill "An Act Clarifying the Definition of State Employee under the State Employees Labor Relations Act so as to Exclude Certain Attorneys Employed by the Attorney General's Office" (Emergency) (H. P. 1940) (L. D. 2020) (Presented by Mr. Garsoe of Cumberland) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Committee on Reference of Bills suggested the Committee on State Government.

On motion of Mr. Curran of South Portland, referred to the Committee on Labor and sent up for concurrence.

#### Taxation

Bill "An Act to Require Certain Out-of-State Sellers to Register under the Maine Sales and Use Tax Law" (H. P. 1883) (L. D. 1937) (Presented by Mr. Carter of Bangor) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Bill "An Act Concerning the Discount Factor and Capitalization Rate in the Tree Growth Tax Statutes" (Emergency) (H. P. 1882) (L. D. 1936) (Presented by Mr. Martin of Eagle Lake) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Bill "An Act to Provide a Personal Income Tax Credit" (H. P. 1881) (L. D. 1935) (Presented by Mr. Palmer of Nobleboro) (Approved for introduction by the Legislative

Council pursuant to Joint Rule 24)

Bill "An Act to Provide for a 2% Income Tax Credit for Taxable Years Ending in 1978" (H. P. 1891) (L. D. 1948) (Presented by Mr. Jalbert of Lewiston) (Cosponsors: Mr. Kelleher of Bangor, Mr. Carey of Waterville, Mr. Norris of Brewer) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Bill "An Act to Expand Eligibility under the Elderly Homeowners Tax and Rent Refund Act" (H. P. 1927) (L. D. 1988) (Presented by Ms. Goodwin of Bath) (Cosponsors: Mr. Curran of South Portland, Mr. Greenlaw of Stonington, Mr. McBreairey of Perham) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Bill "An Act to Revise the Method by Which Citizens May Appeal their Property Tax Bills" (H. P. 1938) (L. D. 2018) (Presented by Mr. Greenlaw of Stonington) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Sent up for concurrence.

#### Transportation

Bill "An Act to Repeal Mandatory Eye Tests for the Renewal of Driver's Licenses for all Persons over 40" (Emergency) (H. P. 1884) (L. D. 1938) (Presented by Mr. MacEachern of Lincoln) (Cosponsors: Mr. Peakes of Dexter, Mr. Jacques of Lewiston) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Bill "An Act to Exempt Special Mobile Equipment from the Motor Vehicle Title Statutes" (H. P. 1901) (L. D. 1962) (Presented by Mr. McPherson of Eliot) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Sent up for concurrence.

#### Veterans and Retirement

Bill "An Act Pertaining to Ordinary Death Benefits Under the Maine State Retirement System" (H. P. 1885) (L. D. 1939) (Presented by Mrs. Nelson of Portland) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Bill "An Act to Increase Retirement Benefits for Teachers who Taught Prior to July 1, 1942" (H. P. 1888) (L. D. 1945) (Presented by Mr. Sprowl of Hope) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

#### Study Report

##### Pursuant to Legislative Council

The Committee on Business Legislation to which was referred the study to determine whether marriage counselors should be licensed or registered and whether the present social worker registration law should be amended and whether out-patient community mental health services should be covered in group health care policies and contracts have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill "An Act to Establish the Certification of Marriage and Family Counselors" (H. P. 1899) (L. D. 1956) be referred to this Committee for public hearing and printed pursuant to Joint Rule 17.

Report was read and accepted, the Bill referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

#### Study Report

##### Pursuant to Legislative Council

The Committee on Judiciary to which was referred the study relative to amending the Maine Juvenile Code have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill "An Act to Amend the Maine Juvenile Code" (H. P. 1917) (L. D. 1978) be referred to this Committee for public hearing and printed pursuant to Joint Rule 17.

Report was read and accepted, the Bill re-

ferred to the Committee on Judiciary, ordered printed and sent up for concurrence.

#### Study Report

##### Pursuant to Legislative Council

The Committee on Judiciary to which was referred the study relative to procedure for selection of nominees for Judicial office, based on merit, and procedures for independent systematic review and discipline of Judicial officers have had the same under consideration and ask leave to submit its findings and to report that the accompanying RESOLUTION, Proposing an Amendment to the Constitution to Grant to the Supreme Judicial Court the Power to Remove a Judicial Officer from Office (H. P. 1886) (L. D. 1943) be referred to this Committee for public hearing and printed pursuant to Joint Rule 17.

Report was read and accepted, the Resolution to the Committee on Judiciary, ordered printed and sent up for concurrence.

#### Study Report

##### Pursuant to Legislative Council

The Committee on Judiciary to which was referred the study relative to procedure for selection of nominees for Judicial office, based on merit, and procedures for independent systematic review and discipline of Judicial officers have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill "An Act to Authorize the Supreme Judicial Court to Establish by Rule a Committee on Judicial Responsibility and Disability" (H. P. 1900) (L. D. 1957) be referred to this Committee for public hearing and printed pursuant to Joint Rule 17.

Report was read and accepted, the Bill referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

#### Study Report

##### Pursuant to Legislative Council

The Committee on State Government to which was referred the study relative to the reorganization of certain boards and commissions and to affiliate certain boards and commissions with departments of Maine State Government have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Reorganize Certain Boards and Commissions and to Affiliate Certain Boards and Commissions with Departments of Maine State Government" (H. P. 1907) (L. D. 1968) be referred to this Committee for public hearing and printed pursuant to Joint Rule 17.

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

#### Orders

On motion of Mr. Nadeau of Sanford, it was ORDERED, that James K. McMahon of Kennebunk be excused January 4th, 5th and 6th for personal reasons.

On motion of Mr. Nadeau of Sanford, it was: ORDERED, that Louis Jalbert of Lewiston be excused for the duration of his illness; AND BE IT FURTHER ORDERED, that Kenneth A. Mills be excused for the duration of his illness.

#### House Reports of Committees

##### Ought Not to Pass

(Held over from First Regular Session)  
Reported from the Committee Pursuant to Joint Order (S.P. 559)

Mr. Goodwin from the Committee on Health and Institutional Services on Bill "An Act to Require the Department of Human Services to License and Make Direct Reimbursements to Free-standing Health Clinics" (H. P. 1471) (L. D. 1721) reporting "Ought Not to Pass"

Was placed in the Legislative Files without further action, pursuant to Joint Rule 20, and sent up for concurrence.

**Leave to Withdraw**  
(Held over from First Regular Session)  
Reported from the Committee Pursuant to  
Joint Order (S.P. 559)

Mr. Goodwin from the Committee on Health and Institutional Services on Bill "An Act Establishing a Maine Certificate of Need Program" (H. P. 724) (L. D. 1202) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

**Recommitted to Committee on Marine Resources**

(Held over from First Regular Session)  
Reported from the Committee Pursuant to  
Joint Order (S.P. 559)

Mrs. Post from the Committee on Marine Resources on Bill "An Act to Revise the Laws Concerning Marine Resources" (H. P. 1321) (L. D. 1640) reporting "Ought to Pass"

Report was read.  
The SPEAKER: The Chair recognizes the gentlewoman from Owl's Head, Mrs. Post.  
Mrs. POST: Mr. Speaker, I move this bill be recommitted to the Committee on Marine Resources.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: At the end of the last session, I objected to some of the processes that were being developed in referring bills from one session to the next. The constitutional provision that established the annual sessions did not provide for bills being carried from one session to the next. I think this is the first case. The other two bills were indefinitely postponed. I think this will be the first case where you will have an actual example of a bill which was referred from one session of the legislature to the second session. I think we are making a mistake going in that direction, because once we have established this precedent it will open the door to other bills being referred from one session to the next and we will find that actually the second session will be a continuation of the first session. The United States Congress uses that type of operation, but my understanding of the constitutional amendment when they established this was not intended to be. The particular areas where bills would be allowed into the second session specifically are spelled out in the Constitution.

I think this and two accompanying bills, some other disposition should be made of them. I am not altogether sure what should be done, but I think I will make the motion to indefinitely postpone and recommend that leadership authorize the Marine Resources Committee to report out a bill but start with a new piece of legislation so that we won't set the precedent that bills can be carried from one session to the next.

The SPEAKER: The Chair would advise the gentleman that the motion to indefinitely postpone is not in order at this time since the motion has been made to recommit to committee.

The Chair would also advise the gentleman from East Millinocket, Mr. Birt, that there is an Attorney General's opinion which allows the legislature to carry over from one session to the other.

Thereupon, the Bill was recommitted to the Committee on Marine Resources and sent up for concurrence.

**Recommitted to Committee on State Government**

Mr. Curran from the Committee on State Government on Bill "An Act to Establish and Apply a Policy on the Classification of Major Policy-influencing Positions Below the Head of State Department and Agencies" (H. P. 671) (L. D. 729) reporting "Ought to Pass"

Report was read.

On motion of Mr. Curran of South Portland,

the bill and accompanying papers were recommended to the Committee on State Government and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

**Divided Report**

(Held over from First Regular Session)  
Reported from the Committee Pursuant to  
Joint Order (H. P. 1823)

Majority Report of the Committee on Marine Resources reporting "Ought to Pass" as Amended by Committee Amendment "B" (H-949) on Bill "An Act to Clarify and Limit the Authority on Municipalities to Establish Shellfish Conservation Programs and to License and Regulate the Taking of Shellfish" (H. P. 715) (L. D. 851)

Report was signed by the following members:

Mr. Chapman of Sagadahoc, Mr. Levine of Kennebec, Mr. Hewes of Cumberland — of the Senate.

Mrs. Post of Owl's Head, Mr. Mills of Eastport, Mr. Blodgett of Waldoboro, Mr. Fowle of Rockland, Mr. Bunker of Gouldsboro — of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Mr. Greenlaw of Stonington, Mr. Nelson of Roque Bluffs, Mr. Connors of Franklin, Mr. Tyndale of Kennebunkport — of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentlewoman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, I move this Bill be recommitted to the Committee on Marine Resources.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, I would request that my name be added to the Minority "Ought Not to Pass" Report.

The SPEAKER: The record will so indicate.

Thereupon, the Bill was recommitted to the Committee on Marine Resources and sent up for concurrence.

On motion of Mr. Burns of Anson, the House reconsidered its action of earlier in the day whereby Bill "An Act to Prohibit Child Pornography," House Paper 1937, L. D. 2017, was referred to the Committee on Judiciary.

On further motion of the same gentleman, referred to the Committee on Legal Affairs and sent up for concurrence.

By unanimous consent, all matters acted upon were ordered sent forthwith to the Senate.

**Off Record Remarks**

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

The following Joint Order: (S. P. 646)

ORDERED, the House concurring, that the Secretary of the Senate and Clerk of the House be directed to furnish each morning to each member of the Senate and the House, a copy of a newspaper published in the State of Maine, chosen by the member during the Second Regular Session of the Legislature.

Came from the Senate, read and passed and ordered sent forthwith. In the House, the Order was read and passed in concurrence.

The following Joint Order: (S. P. 647)

ORDERED, the House concurring, that the Secretary of the Senate and the Clerk of the House, respectively, be authorized to furnish to the Superintendent of Public Printing, postage on all correspondence relative to advertising committee hearings, same to be charged to legislative expense.

Came from the Senate, read and passed and

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

The following Joint Order: (S. P. 648)

ORDERED, the House concurring, that there be paid to the members of the Senate and House as advances on account of compensation established by statute, the amount of Two Hundred and Fifty Dollars (\$250) weekly, payable bi-weekly, according to lists certified to the State Controller by the President of the Senate and Speaker of the House, respectively.

Came from the Senate, read and passed and ordered sent forthwith. In the House, the Order was read and passed in concurrence.

The following Joint Order: (S. P. 649)

ORDERED, the House concurring, that there be prepared, after adjournment of the present session, by the Legislative Information Officer, a Register of all the Bills and Resolves considered by both branches of the Legislature, showing the history and final disposition of each Bill and Resolve and that there be printed 600 copies of the same. The Legislative Information Officer shall mail a copy of the Register to each member and officer of the Legislature and the State Law and Legislative Reference Library shall receive such number of copies as may be required.

Came from the Senate, read and passed and ordered sent forthwith. In the House, the Order was read and passed in concurrence.

The following Joint Order: (S. P. 650)

ORDERED, the House concurring, that three hundred twenty-five (325) copies of the Legislative Record for the session of 1978 be printed, one copy for each of the members of the Senate, House of Representatives, the Secretary of the Senate and Clerk of the House, and the remainder to be deposited with the State Law Librarian for exchange and library use; and be it further.

ORDERED, that suitable index be prepared for such Legislative Record, under the direction of the Director of Legislative Research.

Came from the Senate, read and passed and ordered sent forthwith. In the House, the Order was read and passed in concurrence.

The following Joint Order: (S. P. 651)

ORDERED, the House concurring, that the Clerk of the House and the Secretary of the Senate be authorized to furnish 100 13¢ postage stamps for each member of the House and Senate for the purpose of distributing various reports of the Departments of State and other public documents such as they may desire to mail to the citizens of the State.

Came from the Senate, read and passed and ordered sent forthwith. In the House, the Order was read and passed in concurrence.

**Off Record Remarks**

On motion of Mr. Lunt of Presque Isle, recessed until two-thirty in the afternoon.

**After Recess**

2:00 P. M.

The House was called to order by the Speaker.

The following papers from the Senate appearing on Supplement No. 2 were taken up out of order by unanimous consent:

Bill "An Act to Enable the Purchase and Administering of Barbiturates for the Euthanasia of Pets and Animals" (S. P. 617) (L. D. 1905)

Came from the Senate, referred to the Committee on Agriculture, ordered printed and ordered sent forthwith.

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

Bill "An Act to Restore Notice to Policyholders of Right to a Hearing upon Nonrenewal of

their Automobile Insurance Policy" (S. P. 613) (L. D. 1901)

Bill "An Act Relating to the Organization and Operation of Mutual Financial Institution Holding Companies" (S. P. 633) (L. D. 1992)

Bill "An Act Relating to Malpractice Insurance Companies" (S. P. 638) (L. D. 1997)

Bill "An Act to Exempt an Electrician who Fails to Renew his License from Reexamination for a Period of 5 Years" (S. P. 639) (L. D. 1998)

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

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

Bill "An Act Authorizing Municipalities to Provide Textbooks and Other Nonsecular Services to Elementary and Secondary Pupils Attending Private Schools" (S. P. 619) (L. D. 1907)

Bill "An Act Relating to Post-graduate Education in the Field of Medicine, Dentistry, Optometry and Veterinary Medicine" (S. P. 626) (L. D. 1958)

Bill "An Act Providing that Student Scholarships Under the Maine Incentive Scholarship Program Shall Not be Lowered from one School Year to the next and Appropriating Funds to Carry Out that Intent" (Emergency) (S. P. 627) (L. D. 1959)

Bill "An Act Appropriating Funds to the Grant-loan Scholarship Fund for Positions at the New England College of Osteopathic Medicine" (S. P. 634) (L. D. 1993)

Bill "An Act Authorizing Mid-State Business School, Inc., to Confer Associate in Applied Science Degrees" (S. P. 636) (L. D. 1995)

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

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

Bill "An Act to Clarify the Definition of Residence for Purposes of the Inland Fisheries and Wildlife Laws" (Emergency) (S. P. 620) (L. D. 1908)

Came from the Senate, referred to the Committee on Fisheries and Wildlife, ordered printed and ordered sent forthwith.

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

Bill "An Act to Provide for Continued Accreditation of Bangor Mental Health Institute" (Emergency) (S. P. 632) (L. D. 1991)

Came from the Senate, referred to the Committee on Health and Institutional Services, ordered printed and ordered sent forthwith.

In the House referred to Committee on Health and Institutional Services in concurrence.

Bill "An Act to Provide Interpreter Service for the Hearing Impaired" (S. P. 616) (L. D. 1904)

Came from the Senate, referred to the committee on Human Resources, ordered printed and ordered sent forthwith.

In the House referred to Committee on Human Resources in concurrence.

Bill "An Act to Review the Statute on Operating a Motor Vehicle While under the Influence of Intoxicating Liquor or Drugs" (S. P. 614) (L. D. 1902)

Bill "An Act to Increase the Penalty for Possession of Heroin" (S. P. 615) (L. D. 1903)

Bill "An Act to Correct Certain Oversights in the Nonprofit Corporation Act" (S. P. 625) (L. D. 1942)

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

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

Bill "An Act to Amend the Appeal Procedures in the Employment Security Law" (S. P. 628) (L. D. 1960) (Governor's Bill)

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

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

#### Later Today Assigned

Bill "An Act to Ensure the Safety of Minors Taking Canoe Trips while Attending Summer Camp" (S. P. 630) (L. D. 1989)

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

In the House:

The SPEAKER: The Chair recognizes the gentleman from West Gardiner, Mr. Dow.

Mr. DOW: Mr. Speaker, I move that Item 1-18 be referred to the Committee on Fisheries and Wildlife in non-concurrence.

On motion of Mr. Tierney of Lisbon Falls, tabled and later today assigned pending reference.

Bill "An Act Relating to Licensing of Sewage Treatment Plant Operators" (S. P. 623) (L. D. 1940)

Came from the Senate, referred to the Committee on Natural Resources, ordered printed and ordered sent forthwith.

In the House, referred to Committee on Natural Resources in concurrence.

Bill "An Act to Increase the Limits of Authorized Indebtedness of the Brunswick Sewer District" (S. P. 618) (L. D. 1906)

Bill "An Act Relating to the Responsibilities of the Chairman of the Public Utilities Commission" (S. P. 640) (L. D. 2007) (Governor's Bill)

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

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

RESOLVE, to Transfer a Land Parcel from the Bangor Mental Health Institute to the Region 4 Vocational District" (S. P. 631) (L. D. 1990)

Bill "An Act Relating to the Maine State Employees Accident and Sickness or Health Insurance Plan" (S. P. 637) (L. D. 1996) (Governor's Bill)

Came from the Senate, referred to the Committee on State Government, ordered printed and ordered sent forthwith.

In the House referred to Committee on State Government in concurrence.

Bill, "An Act to Establish a Retirement Income Tax Credit that is Equal to 20% of the Federal Credit" (S. P. 622) (L. D. 1910)

Bill "An Act Exempting Electricity from Taxation under the Sales and Use Tax Law" (S. P. 635) (L. D. 1994)

Came from the Senate, referred to the Committee on Taxation, ordered printed and ordered sent forthwith.

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

Bill "An Act to Repeal Certain Laws Relating to the Registration of Commercial Vehicles Engaged in Interstate Commerce" (S. P. 629) (L. D. 1961)

Came from the Senate, referred to the Committee on Transportation, ordered printed and ordered sent forthwith.

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

Bill "An Act to Remove the 6-month Provision in Applying Cost-of-Living Adjustments to Retirement Allowances of Retirees" (S. P.

621) (L. D. 1909)

Came from the Senate, referred to the Committee on Veterans and Retirement, ordered printed and ordered sent forthwith.

In the House, referred to the Committee on Veterans and Retirement in concurrence.

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

Study Report - Pursuant to Chapter 2 of the Public Laws of 1977

The Committee on Judiciary to which was referred the study relative to the Maine Tort Claims, pursuant to Chapter 2 of the Public Laws of 1977 have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Amend the Maine Tort Claims Act" (S. P. 624) (L. D. 1941) be referred to this Committee for public hearing and printed pursuant to Joint Rule 17.

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on Judiciary.

In the House, the Report was read and accepted and the Bill referred to the Committee on Judiciary in concurrence.

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

Study Report—Pursuant to Legislative Council

The Joint Select Committee on Workmen's Compensation to which was referred the study relative to Workmen's Compensation Act and the Industrial Accident Commission have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill "An Act to Change the Name of the Industrial Accident Commission to Workers' Compensation Commission" (S. P. 641) (L. D. 2008) be referred to the Committee on Labor for Public Hearing and printed pursuant to Joint Rule 17.

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on Labor.

In the House, the Report was read and accepted and the Bill referred to the Committee on Labor in concurrence.

The following paper from the Senate appearing on Supplement No. 5 was taken up out of order by unanimous consent:

Study Report—Pursuant to Legislative Council

The Joint Select Committee on Workmen's Compensation to which was referred the study relative to Workmen's Compensation Act and the Industrial Accident Commission have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill "An Act to Require Compensation of State Agencies in Compiling Labor and Industrial Statistics for the Bureau of Labor" (S. P. 642) (L. D. 2009) be referred to the Committee on Labor for public hearing and printed pursuant to Joint Rule 17.

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on Labor.

In the House, the Report was read and accepted and the Bill referred to the Committee on Labor in concurrence.

The following paper from the Senate appearing on Supplement No. 6 was taken up out of order by unanimous consent:

Study Report - Pursuant to Legislative Council

The Joint Select Committee on Workmen's Compensation to which was referred the study relative to Workmen's Compensation Act and the Industrial Accident Commission have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill "An Act to Facilitate the Making of Decrees by the Industrial Accident Commission" (S. P. 643) (L. D. 2010) be re-

ferred to the Committee on Labor for Public Hearing and printed pursuant to Joint Rule 17.

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on Labor.

In the House, the Report was read and accepted and the Bill referred to the Committee on Labor in concurrence.

The following paper from the Senate appearing on Supplement No. 7 was taken up out of order by unanimous consent:

Study Report - Pursuant to Legislative Council The Joint Select Committee on Workmen's Compensation to which was referred to the study relative to Workmen's Compensation Act and the Industrial Accident Commission have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill "An Act to Exempt the Industrial Accident Commission From the Administrative Procedure Act" (S. P. 644) (L. D. 2011) be referred to the Committee on Labor for Public Hearing and printed pursuant to Joint Rule 17.

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on Labor.

In the House, the Report was read and accepted and the Bill referred to the Committee on Labor in concurrence.

The following paper from the Senate appearing on Supplement No. 8 was taken up out of order by unanimous consent:

Study Report - Pursuant to Legislative Council The Joint Select Committee on Workmen's Compensation to which was referred the study relative to Workmen's Compensation Act and the Industrial Accident Commission have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill "An Act to Simplify Notice Procedures Required in Workmen's Compensation Cases" (S. P. 645) (L. D. 2012) be referred to the Committee on Labor for Public Hearing and printed pursuant to Joint Rule 17.

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on Labor.

In the House, the Report was read and accepted and the Bill referred to the Committee on Labor in concurrence.

The following paper from the Senate appearing on Supplement No. 9 was taken up out of order by unanimous consent:

Study Report - Pursuant to Legislative Council The Joint Select Committee on Workmen's Compensation to which was referred the study relative to Workmen's Compensation Act and the Industrial Accident Commission have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill "An Act to Improve the Administration of the Industrial Accident Commission" (S. P. 655) (L. D. 2015) be referred to the Committee on Labor for Public Hearing and printed pursuant to Joint Rule 17.

Came from the Sente with the Report read and accepted and the Bill referred to the Committee on Appropriations and Financial Affairs.

In the House, the Report was read and accepted and the Bill referred to the Committee on Appropriations and Financial Affairs in concurrence.

The Chair laid before the House the following matter which was earlier tabled and later today assigned:

Bill "An Act to Ensure the Safety of Minors Taking Canoe Trips while attending Summer Camp" (S. P. 630) (L. D. 1989)

Pending Reference.

On motion of Mr. Dow of West Gardiner, the Bill was referred to the Committee on Fisheries and Wildlife in non-concurrence and sent

up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Mr. Peltier of Houlton, adjourned until Friday, January 6, at two o'clock in the afternoon.