

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

1978

Second Regular Session

January 4, 1978 — April 6, 1978

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Senate Confirmation Session

June 14, 1978

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First Special Session

September 6, 1978 — September 15, 1978

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Third Special Session

December 6, 1978

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APPENDIX

HOUSE

Friday, January 6, 1978

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

Prayer by the Reverend Kenneth E. MacDonald of the United Baptist Church, Lisbon Falls.

Reverend MacDonald: Our Heavenly Father, we pause in these brief moments prior to deliberation here to seek your counsel and guidance, for we look unto Thee, Our Father, as the one who establishes nations and the one who destroys them. You sit Kings and Presidents in their offices and we realize, Our Father, by divine direction and protection these men stand here to be representatives of the people of this great State of Maine.

While we come from different backgrounds and our viewpoints flavor and cause different reflections upon the bills that come to this house, we recognize, Lord, nevertheless, that the cooperation of these men together, seeking to know the counsel of your will, deliberate, Our Father, to know what is good for the people of the State of Maine. We pray your protection, we pray your guidance and your counsel together with them this day. We thank you for them, the people who have elected them and ask, Lord, that they may not only represent the people but represent heaven itself in the bills that are enacted here. Give your wisdom to these men, Our Father, this day, we pray in Jesus name. Amen.

The journal of the previous session was read and approved.

The Speaker recognized the presence of Representative Talbot of Portland.

**Papers from the Senate
Non-Concurrent Matter**

Bill "An Act to Prohibit Child Pornography" (H. P. 1937) (L. D. 2017) which was referred to the Committee on Legal Affairs in the House on January 4, 1978.

Came from the Senate referred to the Committee on Judiciary in non-concurrence.

In the House: On motion of Mr. Burns of Anson, the House voted to recede and concur.

Messages and Documents

The following Communication: (H. P. 1953)

STATE OF MAINE
DEPARTMENT OF CONSERVATION
AUGUSTA, MAINE
TEL. 207-289-2212

December 30, 1977

Mr. John Martin
Speaker of the House
State House
Augusta, Maine 04330
Dear John,

As required by law, I hereby submit this Department's recommendation as to the shares of the 1978 spruce budworm control program to be borne by the General Fund and by the landowners through the Budworm Excise Tax.

Based on our previously held views, and on the Legislature's acceptance of our recommendation for two years, I recommend for 1978 a General Fund contribution of 6.3%, or roughly \$300,000.00 for budworm control. The precise figure can be determined when project cost data are available.

As you know, the Department of Conservation in 1976 and 1977 submitted a recommendation based upon the relative benefits of budworm control to the public and private sectors. These recommendations were based on the assumption that public benefits were adequately measured by the public tax revenues saved by spraying. Based on the assumptions used in those years, the Bureau of Forestry has provided a recommendation for a 6.3% General Fund contribution to the nonfederal share of 1978.

This recommendation was discussed at a public hearing held on December 8, 1977, which was attended by about 40 persons. At that hearing, divergent views were presented, ranging from the cessation of all public financial participation to the General Fund assuming total project cost.

Of particular interest was a paper presented by Professor David Field of the School of Forest Resources, University of Maine at Orono. Professor Field argues that the public benefits are the losses in value added in wood processing that are prevented by the program. He then allocated program costs to the public sector in the same proportion as the total payrolls bear to total value added in wood processing in Maine. Adjustments are applied to account for income taxes and stumpage. This approach would result in a General Fund share of 35.2% of the nonfederal cost, or 23% of total cost of the 1978 program.

I would also note that in 1978 the 1.5 mil contribution of Tree Growth Tax revenue takes effect as provided for in the 1976 law. As you will recall, this amount was apparently levied for budworm control in the early 1970's, and is now explicitly earmarked for that purpose by the 1976 law. It is considered a landowner contribution despite the fact that it is, strictly speaking, a dedication of General Fund money derived from Tree Growth Tax.

Because it is the Legislature's role to define the public benefits on which General Fund support of forest protection programs will be based, I am submitting to you summaries of both the Forest Service and Professor Field's analysis.

If there are any further questions, our staff will attempt to be of assistance.

Signed:

Sincerely,
RICHARD E. BARRINGER
Commissioner

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

**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:

Business Legislation

Bill "An Act Relating to the Place of Filing Under the Uniform Commercial Code" (Emergency) (H. P. 1929) (L. D. 2004) (Presented by Mr. Tierney of Lisbon Falls) (Cosponsors: Mr. Carey of Waterville, Mr. Sprowl of Hope, Mrs. Boudreau of Portland) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Sent up for concurrence.

Education

Bill "An Act Relating to the Funding of Education" (Emergency) (H. P. 1943) (L. D. 2022) (Presented by Mr. Lynch of Livermore Falls) (Governor's Bill)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act Relating to Transfer of Property for Certain Recipients of Medical Care" (H. P. 1944) (L. D. 2023) (Presented by Mr. Stubbs of Hallowell) (Governor's Bill)

Bill "An Act to Empower Administrative Hearing Officers to Sign Fair Hearing Decisions" (H. P. 1945) (L. D. 2024) (Presented Mr. Stubbs of Hallowell) (Governor's Bill)

Sent up for concurrence.

Legal Affairs

RESOLVE, Authorizing Edward E. Benner, Jr., Mable C. Benner of St. George and the Administrators of the Estate of Daniel E. Benner to Bring Civil Action Against the State of Maine (H. P. 1946) (L. D. 2025) (Presented by

Mrs. Post of Owls Head) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Sent up for concurrence.

Local and County Government

RESOLVE, Authorizing Cumberland County to Pay Deficits from Unappropriated Surplus (Emergency) (H. P. 1947) (L. D. 2026) (Presented by Mr. Curran of South Portland) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Sent up for concurrence.

State Government

Bill "An Act to Amend the Maine Administrative Procedure Act" (H. P. 1948) (L. D. 2027) (Presented by Mr. Burns of Anson) (Governor's Bill)

Bill "An Act to Provide Flexibility in the Organizational Structure of the Department of Environmental Protection" (H. P. 1949) (L. D. 2028) (Presented by Mr. Blodgett of Waldoboro) (Governor's Bill)

RESOLVE, Authorizing the Atlantic Sea Run Salmon Commission to Grant Certain Easement on State Land to the Machias First Corporation (H. P. 1950) (L. D. 2029) (Presented by Mr. Nelson of Roque Bluffs) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25)

Sent up for concurrence.

Taxation

Bill "An Act to Include 'Mobile Home' in the Definition of 'Homestead' for the Purposes of the Homestead Exemption from Certain Attachments" (H. P. 1951) (L. D. 2030) (Presented by Mr. Tarbell of Bangor) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Bill "An Act to Establish a Uniform Confidentiality Statute for Tax Information and to Update the Maine Income Tax Law with Respect to the Internal Revenue Code" (H. P. 1952) (L. D. 2031) (Presented by Mr. Carey of Waterville) (Governor's Bill)

Sent up for concurrence.

**Study Report - Pursuant to
Legislative Council**

The Committee on Business Legislation to which was referred the study relative to marriage counselors, social worker registration law and out-patient community mental health services have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act Relating to the State Board of Social Worker Registration" (H. P. 1936) (L. D. 2016) be referred to the Committee on Business Legislation 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.

Orders

On motion of Mr. Nadeau of Sanford, it was ORDERED, that David Bustin of Augusta, be excused for the week of January 9, 1978 for personal reasons.

All matters acted upon were ordered sent forthwith to the Senate.

**House Reports of Committees
Leave to Withdraw**

Mr. Drinkwater from the Committee on Local and County Government on Bill "An Act Relating to the Maintenance of Private Ways in the Town of Windham by Special Assessments" (H. P. 1875) (L. D. 1930) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Lynch of Livermore Falls.
Adjourned until Monday, January 16, until
nine-thirty in the morning.