

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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APPENDIX

HOUSE

Friday, January 13, 1978

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

Prayer by the Reverend John E. Fickett of the First Baptist Church, Mount Vernon.

REVEREND FICKETT: God, Our Father, we would come before Thee in this moment to ask that Thou look down upon this scene, look down upon these men and women and consider the obligations that they have taken upon themselves and help each one of them to dispose of this in a manner that is pleasing to Thee. Thy Holy Scriptures have told us, "Trust in the Lord with all thine heart and lean not unto thy own understanding. In all thy ways acknowledge Him and He shall direct thy paths."

God, help these men and women to do what is right because you are righteous. Help them to avoid the wrong. Lead them not into temptation, but deliver them from evil. Help them to do what is right; forgive them if they have done what is wrong.

God, we pray that Thou will grant unto them the kind of wisdom and understanding to resolve and enact with the responsibilities that have been given unto them. They thank Thee for the opportunity and privilege of serving more than a million people. Help them in this obligation. We ask these things in the name of the Lord, and we pray that Thou will give each of us Thy traveling mercies as we leave from this place today in view of the weather to come. In the name of God, Amen.

The journal of the previous session was read and approved.

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 Membership on the Food and Farmland Study Commission" (Emergency) (H. P. 1962) (L. D. 2045) (Presented by Mr. Spencer of Standish) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act to Require the State to Assume all Administrative Costs for the Food Stamp Program" (H. P. 1972) (L. D. 2057) (Presented by Mr. Burns of Anson) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25)

Sent up for concurrence.

Business Legislation

Bill "An Act Requiring Net Cost Comparison of Life Insurance Companies" (H. P. 1973) (L. D. 2058) (Presented by Mr. Perkins of Blue Hill) (Governor's Bill)

Sent up for concurrence.

Judiciary

Bill "An Act to Lower the Costs of Medical Malpractice Arbitration" (Emergency) (H. P. 1964) (L. D. 2051) (Presented by Mr. Tierney of Lisbon Falls) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Committee on Reference of Bills suggested the Committee on Business Legislation.

On motion of Mr. Tierney of Lisbon Falls, referred to Committee on Judiciary, ordered printed and sent up for concurrence.

Business Legislation Cont'd.

Bill "An Act to Clarify and Define Certain Existing Provisions of the Maine Fair Credit Reporting Act" (H. P. 1963) (L. D. 2052) (Presented by Mr. Howe of South Portland) (Ap-

proved for introduction by the Legislative Council pursuant to Joint Rule 24)

Sent up for concurrence.

Education

Bill "An Act to Provide Funding to Public Schools for Educating Residents of State Operated Institutions" (H. P. 1966) (L. D. 2047) (Presented by Mrs. Beaulieu of Portland) (Governor's Bill)

RESOLVE, To Provide for a Regional Special Education Compact in Southern Penobscot County (Emergency) (H. P. 1965) (L. D. 2046) (Presented by Mr. Davies of Orono) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25)

Sent up for concurrence.

Judiciary

Bill "An Act to Revise the Maine Juvenile Code and Related Statutes" (Emergency) (H. P. 1974) (L. D. 2060) (Presented by Mr. Curran of South Portland) (Cosponsor: Mrs. Kane of Augusta) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Sent up for concurrence.

Public Utilities

Bill "An Act to Amend the Charter of the Gray Water District" (Emergency) (H. P. 1967) (L. D. 2048) (Presented by Ms. Clark of Freeport) (Cosponsor Mr. Cunningham of New Gloucester) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25)

Sent up for concurrence.

State Government

Bill "An Act to Improve the Short-term Investment Capabilities and Debt Management of the State" (H. P. 1975) (L. D. 2061) (Presented by Mr. Martin of Eagle Lake) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Sent up for concurrence.

Taxation

Bill "An Act to Correct the Inequitable Taxation of Mobile and Modular Homes" (H. P. 1976) (L. D. 2059) (Presented by Mrs. Boudreau of Portland) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25)

Bill "An Act to Provide for Refunding of Municipal Claims under the Maine Tree Growth Tax Law" (H. P. 1969) (L. D. 2049) (Presented by Miss Brown of Bethel) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Bill "An Act to Provide Property Tax Relief" (H. P. 1968) (L. D. 2053) (Presented by Ms. Benoit of South Portland) (Cosponsors: Mr. Teague of Fairfield, Mr. Greenlaw of Stonington, Mr. Carey of Waterville) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Sent up for concurrence.

Veterans and Retirement

RESOLVE, Authorizing a Partial Disability Pension under the Maine State Retirement System to William T. Bachelder of Baldwin (H. P. 1970) (L. D. 2050) (Presented by Mr. Spencer of Standish) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Sent up for concurrence.

Study Report

Pursuant to Legislative Council

The Committee on Judiciary to which was referred the study relative to title examinations have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill "An Act to Amend Foreclosure Proceedings by Civil Action" (H. P. 1977) (L. D. 2062) be referred to this Committee for public hearing and printed pursuant

to Joint Rule 17.

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

Orders

An Expression of Legislative Sentiment (H. P. 1971) recognizing that:

The Mylykowsky Corporation is about to acquire Madison Paper Corporation, an acquisition which will bring increased employment and prosperity to the Madison area

Presented by Mr. Elias of Madison.

The Order was read and passed and sent up for concurrence.

House Reports of Committees

Leave to Withdraw

Mr. Spencer from the Committee on Judiciary on 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) reporting "Leave to Withdraw"

Mrs. Post from the Committee on Taxation on Bill "An Act to Provide a Personal Income Tax Credit" (H. P. 1881) (L. D. 1935) reporting "Leave to Withdraw"

Mr. Bagley from the Committee on Education on 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) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Referred to the Committee on Labor

Mr. Spencer from the Committee on Judiciary on Bill "An Act to Revise the Venue Provisions of the Maine Employment Security Commission Appeals Procedure" (H. P. 1871) (L. D. 1928) reporting that it be referred to the Committee on Labor.

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

Ought to Pass

Mrs. Boudreau from the Committee on Business Legislation on Bill "An Act to Provide Transition Provisions Covering the Recent Amendments to Article 9 of the Uniform Commercial Code" (Emergency) (H. P. 1956) (L. D. 2038) reporting "Ought to Pass"

Report was read.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker and Members of the House: I note the absence of the Chairman of the Business Legislation Committee, but maybe someone else on the committee can answer this question for me.

I understand the urgency behind this thing, being very familiar with clerks, town and city, but I am wondering if someone on the committee can inform me if this bill will in any way hamper the other bill which, hopefully, was going to go along at the same time as sponsored by Mr. Tierney.

The SPEAKER: The Chair recognizes the gentleman from Lisbon Falls, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker and Members of the House: No, the two bills which we are dealing with, which we have to change in regard to Article IX, are completely independent from each other. The town clerk bill which I am sponsoring is scheduled for public hearing before the Business Legislation Committee next Friday, on the 20th. This is a bill which we must pass now because it deals with the basic transition between the old Article IX and the new Article IX, the Uniform Commercial Code, which is an area of expertise basically followed by banks and creditors and bank law-

yers. Every day that goes by that we do not pass this bill, we are increasing the amount of claims and cases in litigation which is going to grow over this transition period. So unless you want to make a lot of bank lawyers rich, we probably ought to pass it as soon as possible.

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

Mr. Cox from the Committee on Taxation on Bill "An Act Concerning the Discount Factor and Capitalization Rate in the Tree Growth Tax Statutes" (Emergency) (H. P. 1882) (L. D. 1936) reporting "Ought to Pass"

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

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

Consent calendar First day

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

(H. P. 1906) (L. D. 1967) RESOLVE, to Amend the Apportionment of Multimember Districts of the House of Representatives into Single Member Districts (Emergency) - Committee on State Government reporting "Ought to Pass"

(H. P. 1880) (L. D. 1934) Bill "An Act to Increase the Bonding Limit of the Maine State Housing Authority" (Emergency) - Committee on State Government reporting "Ought to Pass"

(H. P. 1890) (L. D. 1947) Bill "An Act relating to Joint Committee Between George Stevens Academy and Nearby Towns" - Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-953)

(H. P. 1878) (L. D. 1932) Bill "An Act Relating to the Taxation of Certain Property Owned and Operated by Telephone or Telegraph Companies" (Emergency) - Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-955)

(H. P. 1892) (L. D. 1949) RESOLVE, to Appeal the Decision of the State Claims Board Regarding Property Damage Suffered by Philip G. Rotolo of Portland Because of a Resident of the Maine Youth Center (Emergency) - Committee on Legal Affairs reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of January 16, under listing of the Second Day.

Consent Calendar Second Day

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

(H. P. 1865) (L. D. 1915) Bill "An Act to Authorize Magalloway Plantation to Raise Funds for Secondary School Board for the 1977-78 School Year in Excess of Statutory Maximums" (Emergency)

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

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

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

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

Committees:

Education

Bill "An Act to Appropriate Funds for the York County Community College" (H. P. 1978) (Presented by Mr. Goodwin of So. Berwick) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

(Ordered Printed)
Sent up for concurrence.

Human Resources

Bill "An Act Appropriating Funds to Establish Emergency Shelters for Family Members who are Victims of Family Violence" (H. P. 1979) (Presented by Mrs. Trafton of Auburn) (Cosponsors: Mr. Perkins of Blue Hill, Mrs. Nelson of Portland, Ms. Goodwin of Bath) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

(Ordered Printed)
Sent up for concurrence.
(Later Reconsidered)

Local and County Government

Bill "An Act to Revise the Municipal Boundary between the Town of Old Orchard Beach and the City of Saco" (Emergency) (H. P. 1980) (Presented by Mr. Kerry of Old Orchard Beach) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

(Ordered Printed)
Sent up for concurrence.

Taxation

Bill "An Act Enabling Municipalities to Establish a Local Amusement or Entertainment Service Tax" (H. P. 1981) (Presented by Mr. Kerry of Old Orchard Beach) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Bill "An Act Increasing Benefits for Certain Claimants under the Elderly Householders Tax and Rent Refund Act" (Emergency) (H. P. 1983) (Presented by Mr. McBreairty of Perham) (Cosponsors: Ms. Goodwin of Bath, Mr. Peterson of Caribou, Mr. Palmer of Nobleboro) (Governor's Bill)

Bill "An Act to Assist Localities in Improving the Accuracy of Local Property Tax Valuations" (H. P. 1982) (Presented by Ms. Benoit of South Portland) (Cosponsors: Mr. Carey of Waterville, Mr. Morton of Farmington) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

(Ordered Printed)
Sent up for concurrence.

Human Resources

Bill "An Act to Revise the Effective Date of the Act which Prohibits the Practice of Mandatory Retirement Age" (Emergency) (H. P. 1985) (Presented by Mr. Sprowl of Hope) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25)

Committee on Reference of Bills suggested the Committee on Veterans and Retirement.

On motion of Mr. Talbot of Portland, referred to the Committee on Human Resources, ordered printed and sent up for concurrence.

Veterans and Retirement

Bill "An Act to Permit Retirement with Full Benefits for any Member of the Maine State Retirement System when the Sum of the Member's Age Plus the Member's Years of Service equals 85" (H. P. 1984) (Presented by Ms. Clark of Freeport) (Cosponsor: Mr. Birt of East Millinocket) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

(Ordered Printed)
Sent up for concurrence.

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

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

Committees:

Health and Institutional Services

Bill "An Act to Amend the Child Welfare Laws" (Emergency) (H. P. 1990) (Presented by Mrs. Trafton of Auburn) (Governor's Bill) (Ordered Printed)
Sent up for concurrence.

Judiciary

Bill "An Act to Provide for Limited Guardianship" (H. P. 1991) (Presented by Mr. Norris of Brewer) (Governor's Bill) (Ordered Printed)
Sent up for concurrence.

On motion of Mr. Henderson of Bangor, the following Joint Order (H. P. 1986):

Ordered, the Senate concurring, that the Joint Standing Committee on Local and County Government shall report out a bill revising the salaries of county officers; and be it further Ordered, that the committee shall report out a resolve or resolves for laying of the county taxes for the year 1978.

The Order was read and passed and sent up for concurrence.

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

The following Bill was received and, upon recommendation of the Committee on Reference of Bills, was referred to the following Committee:

Health and Institutional Services

Bill "An Act to Clarify the Rights and Responsibilities of Institutions to Provide Medical Care" (H. P. 1992) (Presented by Mrs. Prescott of Hampden) (Governor's Bill)

(Ordered Printed)
Sent up for concurrence.

On motion of Mrs. Trafton of Auburn, the House reconsidered its action of earlier in the day whereby Bill "An Act Appropriating Funds to Establish Emergency Shelters for Family Members who are Victims of Family Violence", House Paper 1979, was referred to the Committee on Human Resources.

On further motion of the same gentlewoman, the Bill was referred to the Committee on Appropriations and Financial Affairs and sent up for concurrence.

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

House at Ease

Called to order by the Speaker.

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

The following Bill was received and, upon recommendation of the Committee on Reference of Bills, was referred to the following Committee:

Business Legislation

Bill "An Act Relating to the Installation of Sprinkler Systems in all New and Existing Hotels" (H. P. 1995) (Presented by Mrs. Beauhieu of Portland) (Governor's Bill)

(Ordered Printed)
Sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Bennett of Caribou, Adjourned until Monday, January 16, at 9:30 in the morning.