

# 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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**Second Special Session**

October 18, 1978

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**Third Special Session**

December 6, 1978

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APPENDIX

**HOUSE**

Friday, February 10, 1978

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

Prayer by Father Thomas J. Joyce of St. Mary's Catholic Church, Augusta.

Father JOYCE: We ask your blessing, Almighty God, on all here present. We petition you, whom we call Father, to continue to strengthen this body that they may always uphold the high principles to which they have been dedicated. Grant that everything they do will be directed by the knowledge of your truths and may you order their days and work in peace. May they keep you from all harm and they bless you all with every good gift. We also pause to thank you for the many blessings already received, and as all things begin and end with you, may the peace of God, which is beyond all understanding, keep your hearts and minds in the knowledge and love of God. Amen.

The journal of yesterday was read and approved.

**Papers from the Senate  
Study Report**

**Pursuant to Legislative Council**

The Committee on Health and Institutional Services to which was referred the study relative to health care costs 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 Health Facilities Information Disclosure Act" (S. P. 695) (L. D. 2136) 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 Health and Institutional Services and ordered printed.

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

**Leave to Withdraw**

Report of the Committee on Veterans and Retirement reporting "Leave to Withdraw" on Bill "An Act to Allow Blind Vending Stand Operators Licensed by the Department of Human Services, Division of Eye Care, to Participate in the Maine State Retirement System" (S. P. 690) (L. D. 2127)

Came from the Senate with the Report read and accepted.

In the House, the Report was read and accepted in concurrence.

**Non-Concurrent Matter**

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) on which the House insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-986) in the House on February 8.

Came from the Senate with that Body having adhered to its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-986) as amended by Senate Amendment "A" (S-452) thereto in non-concurrence.

In the House: On motion of Mr. Blodgett of Waldoboro, the House voted to recede and concur.

**Non-Noncurrent Matter  
Tabled and Assigned**

Bill "An Act to Provide for Alternative Election Procedures for School Budgets on a Local Basis" (H. P. 1909) (L. D. 1970) on which the Minority "Ought to Pass" as amended by Committee Amendment "A" (H-999) Report of the

Committee on Education was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-999) as amended by House Amendment "A" (H-1012) thereto in the House on February 3.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Education read and accepted in non-concurrence.

In the House:

The Chair recognizes the gentleman from Sanford, Mr. Wood.

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: This bill was introduced at the request of my constituents back home and I would like to have the weekend to talk to them to decide what they would like me to do with the bill, so I would hope someone could table it until Monday.

Whereupon, on motion of Mr. Lynch of Livermore Falls, tabled pending further consideration and specially assigned for Monday, February 13.

**Messages and Documents**

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND EIGHTH  
LEGISLATURE  
COMMITTEE ON VETERANS  
AND RETIREMENT

February 9, 1978

The Honorable John. L. Martin  
Speaker of the House of Representatives  
State House  
Augusta, Maine 04333

Dear Speaker Martin:

The Committee on Veterans and Retirement is pleased to report that it has completed all business placed before it by the Second Regular Session of the 108th Maine Legislature.

Total Bills Received	6
Unanimous Reports	3
Leave to Withdraw	2
Ought to Pass as Amended	1
Divided Reports	3
Total Number of Amendments	2

Respectfully,

Signed:

ALBERT THERIAULT  
House Chairman

The Communication was read and ordered placed on file.

**Petitions, Bills and Resolves**

**Requiring Reference  
Tabled and Assigned**

Bill "An Act Relating to Appropriating Funds for Certain Municipal Governments" (H. P. 2096) (L. D. 2196) (Presented by Mr. Wood of Sanford) (Cosponsors: Mr. Wilfong of Stow, Mr. McMahon of Kennebunk, Mr. Mackel of Wells) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25)

Committee on Reference of Bills suggested the Committee on Education.

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

Mr. TIERNEY: Mr. Speaker, I move this bill be referred to the Joint Standing Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: The Education Committee has apparently discussed whether this bill should go to the Education Committee or the Appropriations and Financial Affairs Committee. I serve on the latter committee and I think there has been a determined effort made in this particular legislature to see bills that are of a substantive nature that do carry an appropriation with it referred to what would be considered the substantive committee, and it seems to me this is a significant policy issue that the Education Committee is familiar with

that they should be acting upon.

I am not completely sure in my own mind why the Education Committee thinks this bill ought to be referred to the Appropriations Committee, but it seems to me, in terms of keeping with our previous actions in this legislature, that in all probability it should go to the Education Committee.

If, on the other hand, members of the Education Committee have some legitimate reasons why they think it should go to the Appropriations Committee, then maybe I would reconsider, but at this point I am inclined to vote against reference to the Appropriations Committee and I am in favor of reference to the Education Committee.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker and Members of the House: For the past month, the Education Committee has been meeting almost daily on the school funding bill. We have addressed innumerable problems brought about by the repeal of the uniform property tax. This was one area that we discussed, and I would assure the gentleman that if it went to Education, it would come out "ought not to pass."

The SPEAKER: The Chair recognizes the gentleman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker and Members of the House: One of the problems the Education Committee had in discussing this issue was a ruling from the Attorney General that if we dealt with this within the confines of the education school funding bill, we might be working on unconstitutional grounds. We found that the only way this problem could be addressed by this legislature was in the form of a rebate. This is simply a financial decision as well as a policy decision and we cannot deal with it within the realm of the school funding law or we might violate our constitutional requirements.

On motion of Mr. Tierney of Lisbon Falls, tabled pending reference and specially assigned for Monday, February 23.

**Orders**

An Expression of Legislative Sentiment (H. P. 2093) recognizing that:

Bud Leavitt, Outdoor Editor of the Bangor Daily News has been elected to the International Fishing Hall of Fame

Presented by Mr. Kelleher of Bangor. (Cosponsor: Mr. Birt of Millinocket)

The Order was read.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: Just to give some brief information relative to this, Bud Leavitt being elected to the International Fishing Hall of Fame, the Maine man was the first person to be shined from this state and is one of 250 living members voted into the hall. Members are chosen for enshrinement at the rate of 12 anglers each year. Leavitt, a nationally known outdoor figure and writer, became the third New Englander to enter the Angler's Hall of Fame.

The International Hall of Fame was first established 1950. Its intentions are to perpetuate the names and accomplishments of its members. The hall is located in Temple Terrace, Florida. I think that probably all the people in the State of Maine, particularly sportsmen, ought to be very pleased with the recognition that has been given to one of our outstanding sports writers.

Thereupon, the Order received passage and was sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 2095) recognizing that:

Morman Duplessis is retiring as fire chief of the Vassalboro Volunteer Fire Department after 38 years of dedicated service to that community

Presented by Mrs. Mitchell of Vassalboro.  
The Order was read and passed and sent up for concurrence.

On motion of Mr. Talbot of Portland, the following Joint Resolution: (H. P. 2094)

**Joint Resolution  
in Recognition of  
Black History Month**

WHEREAS, the struggle for human dignity and respect has been taking place at an increasing pace throughout the 1960's and 1970's; and

WHEREAS, all that can be done must be done to instill a sense of pride and dignity in our Black heritage and the many contributions Blacks have made to this world; and

WHEREAS, National Negro History Week has been expanded and is now known as National Black History Month; and

WHEREAS, Whitney M. Young, Jr. stated so eloquently:

"Look at me, I'm here.

I have dignity, I have pride.

I have roots. I insist.

I demand that I participate in those decisions that affect my life and the lives of my children. . . ."

WHEREAS, Black history has been and is now being made in many areas of our immediate society, throughout the world, our Nation and in our State; now, therefore, be it

**RESOLVED:** That we, the members of the 108th Legislature in the Second Regular Session assembled, hereby declare the month of February, 1978, to be Black History Month; and be it further

**RESOLVED:** That we call upon the citizens of Maine, as well as all interested groups and organizations, to observe this month with appropriate ceremonies and activities in honor of the occasion; and be it further

**RESOLVED:** That upon passage in concurrence, the Secretary of State shall make available suitable copies of this joint resolution.

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

**House Reports of Committees  
Ought to Pass in New Draft  
New Draft Printed**

Mr. Wood from the Committee on Public Utilities on Bill "An Act to Limit Fuel Adjustment Charges to Actual Changes in the Price of Oil" (H. P. 1928) (L. D. 2001) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Restructure the Fuel Adjustment Clause" (H. P. 2092) (L. D. 2137)

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

**Consent Calendar  
First Day**

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

(H. P. 1977) (L. D. 2062) Bill "An Act to Amend Foreclosure Proceedings by Civil Action" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1024)

On the objection of Mr. Carrier of Westbrook, was removed from the Consent Calendar.

Thereupon, the Report was read and accepted and the Bill read once. Committee Amendment "A" (H-1024) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative 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. 2058) (L. D. 2116) Bill "An Act to Set Off a Portion of Land from the Town of Wales

and Annex the Same to the Town of Sabattus" (S. P. 644) (L. D. 2011) Bill "An Act to Exempt the Industrial Accident Commission From the Administrative Procedure Act" (C. "A" S-457)

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.

**Passed to Be Enacted**

"An Act to Increase the Amount which Qualifies a Financial Institution for Exemption from Insurance of Deposits on Accounts" (H. P. 1862) (L. D. 1920) (H. "A" H-1013)

"An Act to Revise the Sanford Sewerage District Charter" (S. P. 673) (L. D. 2081)

"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)

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

**Orders of the Day**

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

Bill, "An Act Clarifying the Statutes Relating to Municipalities" (Emergency) (H. P. 1921) (L. D. 1982)

Tabled — February 9, 1978 by Mr. Henderson of Bangor.

Pending — Adoption of committee Amendment "A" (H-1019)

On motion of Mrs. Berube of Lewiston, retabled pending the adoption of Committee Amendment "A" and specially assigned for Monday, February 13.

Mr. Tierney of Lisbon Falls was granted unanimous consent to address the House.

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: The Legislative Liaison Committee, created to discuss the Indian land claim question, was created by an agreement of the Legislative Council just over a month ago. We have spent the last two days being briefed by members of the Presidential Task Force on the proposed Indian land claim settlement. We feel it is an issue of great complexity and immeasurable implications for the State of Maine.

The Task Force was made up of six individuals; the Legislative Committee is made up of six individuals. On behalf of the Senate, there was the Senator from Cumberland, Senator Conley, the Senator from Knox, Senator Collins, and the Senator from Cumberland, Senator Morrell. On behalf of the House, there was the gentleman from Cumberland, Mr. Garsoe, the gentleman from Eagle Lake, Mr. Martin, and myself. We have felt after two days of investigation and discussion that the time for legislative silence on the Indian land claims issue is at an end. We have prepared a statement which I am about to read which has been reviewed by the Attorney General of the State and which has been reviewed with members of Governor Longley's staff and met with at least tentative approval from both sources.

The Governor, the Legislature and the Attorney General have not been a party to or been involved in the process of arriving at the proposal we have before us, and we feel that as responsible elected officials, it is incumbent upon us to study the proposal and its ramifications before taking a position.

The next 60 days are a critical period of decision making in the history of the State, and the magnitude of the problem leaves no room for errors of judgment created in haste. For the sake of the people of Maine, whatever direction it eventually pursued must be based on an exhaustive investigation into the merits of the case. We simply cannot afford to be wrong. The

people of Maine must be aware of the potential liability should the courts go against us.

We need the next few weeks for calm and reasonable deliberation. We need a cooperative atmosphere in which to examine all of the possibilities which range from outright acceptance to outright rejection, but it might also include the possibility of reaching alternatives somewhere between the two extremes.

From our perspective, this is the only reasonable approach and that the people of Maine expect no less from their duly elected officials. The Governor, the Legislature and the Attorney General intend to set any differences aside to concentrate upon finding the best possible solution to this problem for the state and its people. We assure that the people of Maine will exhibit the calm, patience and fortitude that they have always shown in times of stress. For their elected leadership to do any less would invite history to judge us harshly.

Mr. Carey of Waterville was granted unanimous consent to address the House.

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to have it made very clear, as many of you may already know, that the six man team that was appointed was appointed by leadership itself and it may or may not reflect the views of the rest of us here who are in the rank and file in the House. I hope that we will be advised as constantly as we possibly can be and that we are asked to be involved when the final decision is made as to what position legislative leadership is going to take.

Mrs. Kany of Waterville was granted unanimous consent to address the House.

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the remarks of Representative Carey and I am glad that finally, at this late date, we in the legislature are beginning to address this question. I do believe that our elected officials in the State of Maine began looking at this question a little late and I am sorry that it is at this very late date that we are now entering into the picture.

On motion of Mr. Tierney of Lisbon Falls.  
Adjourned until Monday, February 13, at ten o'clock in the morning.