

# 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

## SENATE

January 13, 1978

Senate called to Order by the President.  
Prayer by the Honorable Ralph M. Lovell of Sanford.

MR. LOVELL: Let us pray. We thank you O God for all that thy have done for us. We pray that you will look down today on this Senate Session, in this first annual Session, and give us the intelligence, integrity and wisdom to pass the Bills that are needed and defeat the unnecessary ones. We pray that you will help us O God for all the poor, the blind, the cripple, the deaf, and the senior citizens. And on this day, Friday the 13th, O God, we pray, that the snow in the air that you will let us get home safely to our destinations. We thank the O God, thy name. Amen.

Reading of the Journal of yesterday.

**Papers From the House**  
**Joint Order**  
**House Papers**

An Expression of Legislative Sentiment recognizing that:

Lawrence C. Lynch is retiring as town manager of Hampden after 11½ years of dedicated service, the longest term as town manager in Hampden's history. (H. P. 1961)

Comes from the House, Read and Passed.  
Which was Read and Passed, in concurrence.

**House Papers**

RESOLVE, Authorizing the Director of the Bureau of Public Lands to Lease the Right to Lay and Maintain a Certain Right-of-way for Forty Years. (Emergency) (H. P. 1960) (L. D. 2043)

Comes from the House, referred to the Committee on State Government and Ordered Printed.

Which was referred to the Committee on State Government and Ordered Printed in concurrence.

**Communications****Department of Transportation**

January 12, 1978

Governor James B. Longley and Members of the 108th Legislature

Transmitted herewith is a copy of the Supplement to the Highway and Bridge Improvement Program for Fiscal Years 1978 and 1979, as well as a copy of the Revised Highway Maintenance Paving Program for the 1978 summer season.

The Supplement to the Highway and Bridge Improvement Program for Fiscal Years 1978 and 1979 lists additional projects which the Department has determined to be priority items that should be authorized for improvement using available Highway Fund monies and previously unmatched Federal funds.

The Revised Highway Maintenance Paving Program for the 1978 summer season provides for the paving of 1180 miles; 980 miles comes from the 1978 year of the previous 1977-1978 Highway Maintenance Paving Program, an additional 100 miles was approved by the First Regular Session of the 108th Legislature and the remaining 100 miles was recommended by Governor Longley in the Supplemental Highway Allocation Act. This effort expands on the maintenance paving efforts of previous years in accordance with efforts to more closely approximate the life cycle of the pavement.

We trust that this material will be of interest and will provide information and clarification regarding the Department's efforts to maintain and improve Maine's highway system.

Very truly yours,

Maine Department of Transportation

ROGER L. MALLAR

Commissioner

(S. P. 668)

Which was Read and with accompanying

Papers, Ordered Placed on File.  
Sent down for concurrence.

**Senate Papers**

Mr. Merrill of Cumberland (Cosponsor: Mr. Pierce of Waterville) present, Bill, An Act to Establish the Maine Corporation Takeover Bid Disclosure Law. (S. P. 665)

Which was referred to the Committee on Business Legislation and Ordered Printed.  
Sent down forthwith for concurrence.

Mr. Speers of Kennebec presented, Bill, An Act to Provide a \$250,000 Grant to the New England College of Osteopathic Medicine. (S. P. 667) (Approved by Legislative Council pursuant to Joint Rule 25).

Which was referred to the Committee on Education and Ordered Printed.  
Sent down forthwith for concurrence.

Mr. Greeley of Waldo presented, Bill, An Act to Make Allocations from the Unappropriated Highway Fund Surplus for the Fiscal Year Ending June 30, 1979. (Emergency) (S. P. 666)

Which was referred to the Committee on Transportation and Ordered Printed.  
Sent down forthwith for concurrence.

Mr. Jackson of Cumberland presented, Bill, An Act to Clarify County Law Enforcement. (S. P. 671)

Which was referred to the Committee on Local and County Government and Ordered Printed.

Sent down for concurrence.

**Study Report - Performance Audit**

The Committee on Performance Audit to which was referred the study relative to the Maine Human Rights Commission have had the same under consideration and ask leave to submit its findings and report that the accompanying Bill, "An Act to Encourage Early Resolution of Discrimination Complaints and to Clarify the Subpoena Power of the Maine Human Rights Commission" (S. P. 664) (L. D. 2044) be referred to this Committee for public hearing and printed pursuant to joint Rule 17.

Which Report was Read and Accepted and the Bill referred to the Committee on Performance Audit.

Sent down forthwith for concurrence.

**Orders**

Expressions of Legislative Sentiment recognizing that:

Rod Wotton has, during the course of his career at Marshwood High School and South Berwick Academy, headed teams which have won 100 football games, (S. P. 669)

the Football Team of Marshwood High School has won the State Class C Co-championship for 1977, (S. P. 670) are presented by Senator Hichens of York, (Cosponsored by Representative McPherson of Eliot).

Which were Read and Passed.

Sent down for concurrence.

**Committee Reports****Senate****Ought to Pass**

Mr. Katz for the Committee on Education on, Bill, An Act Providing that Student Scholarships Under the Maine Student 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)

Reported that the same Ought to Pass.

Which Report was Read and Accepted and the Bill Read Once and Tomorrow Assigned for Second Reading.

**Ought to Pass - As Amended**

Mr. Pray for the Committee on Labor on, Bill, An Act to Amend the Appeal Procedures in the Employment Security Law. (S. P. 628)

(L. D. 1960)

Reported that the same Ought to Pass as amended, by Committee Amendment "A" (S-429).

Which Report was Read and Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as amended, Tomorrow Assigned for Second Reading.

**Orders of the Day**

The President laid before the Senate.

Senate Reports — from the Committee on Health and Institutional Services — Bill, "An Act Relating to Certificate of Need." (S. P. 384) (L. D. 1358) Majority Report — Ought to Pass in New Draft under Same Title (S. P. 652) (L. D. 2013); Minority Report — Ought to Pass in New Draft under same Title (S. P. 653) (L. D. 2014)

Tabled — January 9, 1978 by Senator Conley of Cumberland

Pending - Acceptance of Either Report

On motion of Mr. Speers of Kennebec, Retabled for One Legislative Day,

Out of order and under suspension of the rules, the Senate voted to consider the following:

**Papers From the House**  
**Committee Report**  
**Ought to Pass**

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)

Reported that the same Ought to Pass.

Comes from the House, the Bill passed to be Engrossed.

Which Report was Read and Accepted. The Bill Read once and Tomorrow Assigned for Second Reading.

Out of Order and under suspension of the rules the Senate voted to consider the following:

**Papers From the House**  
**House Papers**

Bills received requiring reference to Committee were acted upon in concurrence.

**Study Report - Judiciary**

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.

Comes from the House, the Report Read and Accepted and the Bill referred to the Committee on Judiciary.

Which Report was Read and Accepted and the Bill referred to the Committee on Judiciary in concurrence.

**Senate Papers**

Mr. Collins of Aroostook presents, Bill, An Act to Facilitate Recruitment and Retention of Outstanding Persons for Policy-making Positions in State Service. (Emergency) (S. P. 672)

Reference to the Committee on State Government suggested and Ordered Printed.

Which was referred to the Committee on State Government.

Out of order and under suspension of the rules, the Senate voted to consider the following:

**Papers From the House**  
**Committee Reports**  
**Change of Reference**

Bill, An Act to Revise the Venue Provisions of the Maine Employment Security Commission Appeals Procedure. (H. P. 1871) (L. D. 1928)

Reported that the same be referred to the

**Committee on Labor.**

Comes from the House, the Report Read and Accepted and the Bill referred to the Committee on Labor.

Which Report was Read and Accepted in concurrence, and the Bill referred to the Committee on Labor.

**Leave to Withdraw**

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)

Reports that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

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)

Reports that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Taxation on, Bill, An Act to Provide a Personal Income Tax Credit. (H. P. 1881) (L. D. 1935)

Reports that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Reports were Read and Accepted and in concurrence.

**Ought to Pass**

The Committee on Education on, 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) (H. P. 1865) (L. D. 1915)

Reports that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed.

Which Report was Read and Accepted in concurrence. The Bill Read Once. Tomorrow Assigned for Second Reading.

On Motion of Mr. Huber of Cumberland, adjourned until 10 o'clock the morning, Monday, January 16, 1978.