

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

SENATE

February 6, 1978

Senate called to Order by the President. Prayer by the Honorable Roland D. Martin of Frenchville.

Mr. MARTIN: Father and Preserver, you have watched over us through another night, and brought us to another day. Not because of our merits, but by your mercy. Strengthen and guide us this day, that we may spend it in your service, knowing that it is a small thing to begin well, unless we persevere.

We pray for the strength to meet every trial. Patience to face every frustration, courage to tackle every evil, faith to live and help live. Showing your mercy and loving regard for all men, women and children according to their several needs, and especially to those who we name silently and lovingly before you. Amen.

Reading of the Journal of yesterday.

Papers From The House

Non-concurrent Matter

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

In the Senate, January 27, 1978 Passed to be Engrossed as amended by Committee Amendment "A" (S-445)

Comes from the House, Passed to be Engrossed as amended by Committee "A" and House Amendment "A" in non-concurrence. (H-1008)

On Motion of Mr. Hichens of York, The Senate voted to Recede and Concur.

Joint Orders

Expressions of Legislative Sentiment recognizing that:

Charles Goodale is completing his term as Commander of the AmVets Department of Maine. (H. P. 2076)

The Town of Hancock was incorporated on February 21, 1828, and a sesquicentennial committee has been formed to plan public celebrations of this historic event. (H. P. 2075)

In recognition of his many civic, educational and business achievements and his recent work as chairman of the Commission on Maine's future, Halsey Smith of South Freeport has been awarded the distinguished service award by the Maine State Bar Association. (H. P. 2073)

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

Joint Resolutions

Joint Resolutions In Memoriam:

Whereas, the Legislature has learned with deep regret the death of Edward A. Revello, one of the outstanding figures in the Brewer High School educational system. (H. P. 2077)

Whereas, the Legislature has learned with deep regret of the death of the Honorable Edward J. McMann of Bath. (H. P. 2074)

Come from the House, Read and Adopted.

Which were Read and Adopted, in concurrence.

Communications

COMMITTEE ON PUBLIC UTILITIES

The Honorable Joseph Sewall
President of the Senate of Maine
State House

Augusta, Maine 04330

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 37 of the 108th Legislature, the Joint Standing Committee on Public Utilities has had under consideration the nomination of Diantha A. Carrigan to the position of Commissioner, Public Utilities Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote

on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Assistant called the roll with the following result:

YEAS: Senators — 3
Representatives — 10
NAYS: Senators — 0
Representatives — 0
ABSENT: 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Diantha A. Carrigan to the position of Commissioner, Public Utilities Commission be confirmed.

Sincerely,

MINNETTE H. CUMMING,
Senate Chairman

EDWARD C. KELLEHER,
House Chairman

Which was Read and Ordered Placed on File.

Mr. PRESIDENT: The Joint Standing Committee on Public Utilities has recommended that the nomination of Diantha A. Carrigan be confirmed.

Mr. PRESIDENT: The pending question before the Senate is:

Shall the recommendation of the Committee on Public Utilities be overridden? In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 37 of the 108th Legislature, the vote will be taken by the yeas and nays. A vote of YES will be in favor of overriding the recommendation of the Committee. A vote of NO will be in favor of sustaining the recommendation of the Committee. Is the Senate ready for the question?

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, as you will note on your calendar this morning, it was a unanimous decision of the Committee on Public Utilities to recommend the confirmation, or reconfirmation if you will, of Diantha Carrigan to the Public Utilities Commission.

The three member Board is presently involved in three of the bigger rate cases that the State of Maine has ever seen, and even though Diantha was just confirmed to the Public Utilities Commission a short time ago, and during the interim between then and now, she has not been feeling well, so she has missed some time. I thought it was very admirable and interesting that no opponents appeared before the Public Utilities to oppose Diantha to a full seven year term.

This is a very serious position, and I think that it is more serious, or the seriousness is high lighted when you realize it is a seven year term. Which is one of the longer terms of any office I believe in the State of Maine. And I would hope this morning, that given her qualifications and the discussions that have taken place, really she has had two confirmation hearings within the last three months and it has been very, very closely scrutinized and I know of no opposition at this point, and I would hope we would give her a unanimous bill of approval this morning. Thank you.

The PRESIDENT: The Secretary will call the Roll.

ROLL CALL

NAYS: Carpenter, Chapman, Collins, D., Collins, S., Farley, Greeley, Huber, Jackson, Lovell, Mangan, Martin, McNally, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

ABSENT: Conley, Cummings, Curtis, Danton, Hewes, Hichens, Katz, Levine, Merrill.

No Senators having voted in the affirmative and 24 Senators in the negative, with 9 Senators being absent. None being less than of the membership present, it is the vote of the Senate that

the Committee's recommendation be accepted. The nomination of Diantha A. Carrigan is confirmed.

Committee Reports

House

Ought to Pass

The Committee on Taxation on, Bill, "An Act to Include "Mobile Homes" in the Definition of "Homestead" for the Purposes of the Homestead Exemption for Certain Attachments." (H. P. 1951) (L. D. 2030)

Reported that the same Ought to Pass.

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

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

Ought to Pass in New Draft

The Committee on Public Utilities on, Bill, "An Act to Provide for the Payment Costs for Relocation Utility Facilities in an Urban Renewal Area." (Emergency) (H. P. 1904) (L. D. 1965)

Reported that the same Ought to Pass in New Draft under same title (H. P. 2072) (L. D. 2131)

Comes from the House, the Bill, in New Draft, Passed to be Engrossed.

Which Report was Read and Accepted in concurrence, and the Bill, in New Draft, Read Once and Tomorrow Assigned for Second Reading.

Divided Reports

The Majority of the Committee on Education on, Bill, "An Act to Provide for Alternative Election Procedures for School Budget on a Local Basis." (H. P. 1909) (L. D. 1970)

Reported that the same Ought Not to Pass.

Signed:

Senators: KATZ of Kennebec

PIERCE of Kennebec

USHER of Cumberland

Representatives: CONNOLLY of Portland

BAGLEY of Winthrop

PLOURDE of Fort Kent

LEWIS of Auburn

LYNCH of Livermore Falls

FENLASON of Danforth

BIRT of East Millinocket

BEAULIEAU of Portland

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-999).

Signed:

Representatives: MITCHELL of Vassalboro

WYMAN of Pittsfield

Comes from the House, the Minority Report Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-1012) thereto.

Which Reports were Read.

On Motion of Mr. Speers of Kennebec, Tabled for One Legislative Day, pending acceptance of either Committee Report.

Monday, February 6, 1978

Senate

Leave to Withdraw

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

Reported that the same be granted Leave to Withdraw.

Mr. MANGAN for the Committee on Judiciary on, Bill, "An Act to Increase the Penalty for Possession of Heroin." (S. P. 615) (L. D. 1903)

Reported that the same be granted Leave to Withdraw.

Which Reports were Read and Accepted.

Sent down for concurrence.

Ought to Pass

Mr. MINKOWSKY for the Committee on Transportation on, Bill, "An Act Relating to the Application of the State Valuation of State and Town Cost-Sharing Activities, Including Highway, Bridges and Winter Maintenance." (Emergency) (S. P. 657) (L. D. 2043)

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 Require Compensation of State Agencies in Compiling Labor and Industrial Statistics for the Bureau of Labor." (S. P. 642) (L. D. 2009)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-454)

Mr. PRAY for the Committee on Labor on, Bill, "An Act to Facilitate the Making of Decrees by the Industrial Accident Commission." (S. P. 643) (L. D. 2010)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-455)

Which Reports were Read and Accepted and the Bills Read Once. Committee Amendments "A" were Read and Adopted and the Bills, as amended, Tomorrow Assigned for Second Reading.

Second Readers

The Committee on Bills in the Second Reading reported the following:

House - As Amended

Bill, "An Act to Amend the Maine Potato Branding Law." (H. P. 1896) (L. D. 1953)

Bill, "An Act to Suspend Public Law 1977, Chapter 499, "An Act Relating to Habitual Truants and High School Dropouts," until July 1, 1979." (Emergency) (H. P. 1893) (L. D. 1950)

Bill, "An Act to Increase Retirement Benefits for Teachers who Taught Prior to July 1, 1942." (H. P. 1888) (L. D. 1945)

Bill, "An Act Concerning Substitution of Generic Drugs by Pharmacists." (H. P. 1914) (L. D. 1975).

Which were Read a Second Time and Passed to be engrossed, as amended, in concurrence.

Orders of The Day

The President laid before the Senate:

House Reports — from the Committee on Legal Affairs — 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) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass.

Tabled — February 2, 1978 by Senator Hewes of Cumberland.

Pending — Acceptance of Either Report.

On Motion of Mr. Speers of Kennebec, Retabled until Wednesday next.

The President laid before the Senate:

House Report — from the Committee on Agriculture — Bill, "An Act to Permit Person other than Arborists to Take Down Trees by topping or Sections." (Emergency) (H. P. 1858) (L. D. 1925) Ought to Pass as Amended by Committee Amendment "A" (H-981)

Tabled — February 3, 1978 by Senator Speers of Kennebec.

Pending — Acceptance of Report.

On Motion of Mr. Speers of Kennebec, Retabled for One legislative Day.

The President laid before the Senate:

House Reports — from the Committee on Marine Resources — Bill, "An Act to Clarify and Limit the Authority of Municipalities to Establish Shellfish Conservation Programs and to License and Regulate the Taking of Shellfish." (H. P. 715) (L. D. 851) Majority Report — Ought to Pass as Amended by Committee

Amendment "C" (H-989); Minority Report — Ought Not to Pass.

Tabled — February 3, 1978 by Senator Speers of Kennebec

Pending — Acceptance of Either Report
On Motion of Mr. Speers of Kennebec, Retabled for One Legislative Day.

The President laid before the Senate:

Bill, "An Act Relating to Assessment for Public Services Tax on Unorganized Townships." (H. P. 1922) (L. D. 1983) Emergency
Tabled — February 3, 1978 by Senator Speers of Kennebec.

Pending — Enactment.

On Motion of Mr. Huber of Cumberland, placed on the Special Appropriations Table.

(Off Record Remarks)

On Motion of Mr. Huber of Cumberland, Adjourned until 11:00 in the morning, Tuesday, February 7, 1978.