

# 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

February 14, 1978

Senate called to Order by the President.  
Prayer by Reverend George C. Bland, Jr.,  
South Parish Congregational Church, Augusta.

Reverend BLAND: Let us pray together. All mighty ever living God, we pause in our work this day, which perpetuates the memory of a late Roman, Valentine, whose life tradition suggests to us was lived in helpful service to people and ended in martyrdom for his faith at the hands of Roman archers. We men and women who serve acknowledge our need to make all we do an expression of love and our commitment to serve and of faithfulness to what is good and true to our best sense of the past and our best hopes and dreams for the future. Hear our prayer. Amen.

Reading of the Journal of yesterday.

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

Bill, "An Act Relating to the Application of the State Valuation to State and Town Cost-Sharing Activities, Including Highways, Bridges and Winter Maintenance." (Emergency) (S. P. 657) (L. D. 2034)

In the Senate, February 10, 1978 Bill and Papers, Indefinitely Postponed.

Comes from the House, Bill and Papers Re-committed to the Committee on Transportation, in non-concurrence.

On Motion of Mr. Speers of Kennebec, Tabled until Friday next, pending consideration.

**Joint Orders**

Expressions of Legislative Sentiment recognizing that:

Lester and Esther Bisset, of Blue Hill, are celebrating their 60th wedding anniversary. (H. P. 2097)

Robbie DeFrederico, 10 year old son of Mr. and Mrs. James DiFrederico of Millinocket has won the boys' State Hoop Shoot contest for 1978, (H. P. 2098)

Barbara Page, 9 year old daughter of Mr. and Mrs. Joseph Page of East Millinocket has won the girls' State Hoop Shoot contest for 1978, (H. P. 2099)

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

**Joint Resolution**

Joint Resolution in Memoriam,  
WHEREAS, the Legislature has learned with deep regret of the death of Gene B. Bonyun, of Westport Island, a noted musician and folklorist, (H. P. 2103)

WHEREAS, the Legislature has learned with deep regret of the death of Francis L. Strout of Fort Fairfield, an outstanding superintendent, teacher and coach, (H. P. 2102)

WHEREAS, the Legislature has learned with deep regret of the death of the Honorable Percy F. Plummer, of Lisbon, an active civic leader of that community, (H. P. 2100)

Come from the House, Read and Adopted.  
Which were Read and Adopted, in concurrence.

**Committee Reports**

**House**

**Leave to Withdraw**

The Committee on Business Legislation on, Bill, "An Act to Establish the Certification of Marriage and Family Counselors." (H. P. 1899) (L. D. 1956)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Report was Read and Accepted, in concurrence.

**Ought to Pass — As Amended**

The Committee on Judiciary on, Bill, "An Act to Amend Foreclosure Proceedings by Civil Action." (H. P. 1977) (L. D. 2062)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-1024)

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

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

**Ought to Pass in New Draft**

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)

Reported that the same Ought to Pass in New Draft under new title, "An Act to Restructure the Fuel Adjustment Clause" (H. P. 2002) (L. D. 2137)

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.

**Senate**

**Ought to Pass — As Amended**

Mr. Collins for the Committee on Judiciary on, Bill, "An Act to Provide for the Specific Liability for Persons or Corporations Contributing to a Public Nuisance." (S. P. 658) (L. D. 2035)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-464)

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.

**Second Readers**

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

**House**

Bill, "An Act to Set Off a Portion of Land from the Town of Wales and Annex the Same to the Town of Sabattus." (H. P. 2058) (L. D. 2116)

Which was Read a Second Time and Passed To Be Engrossed, in concurrence.

**Senate — As Amended**

RESOLVE, Authorizing the Commissioner of Educational and Cultural Services to Exchange Certain Lands at Southern Maine Vocational-Technical Institute." (S. P. 660) (L. D. 2037)

Which was Read a Second Time and Passed To be Engrossed, as amended.  
Sent down for concurrence.

**Enactors**

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

An Act to Require Cooperation of State Agencies in Compiling Labor and Industrial Statistics for the Bureau of Labor. (S. P. 642) (L. D. 2009)

An Act Relating to Preventive Discipline in the Schools. (H. P. 1866) (L. D. 1916)

Which were Passed To Be Enacted and having been signed by the President, were by the Secretary presented to the Governor for his approval.

**Emergency**

An Act to Amend the Charter of the Gray Water District. (H. P. 1967) (L. D. 2048)

This being an emergency measure and having received the affirmative votes of 25 members of the Senate, was Passed to be En-

acted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

**Orders of the Day**

The President laid before the Senate:

Bill, "An Act to Permit Persons Other Than Arborists to Take Down Trees by Topping or Sections." (Emergency) (H. P. 1858) (L. D. 1925)

Tabled — February 10, 1978 by Senator Speers of Kennebec

Pending — Consideration

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

The President laid before the Senate:

Bill, "An Act to Revise the Statute on Operating a Motor Vehicle While under the Influence of Intoxicating Liquor or Drugs." (S. P. 696) (L. D. 2138) (Emergency)

Tabled — February 13, 1978 by Senator Curtis of Penobscot

Pending — Passage to be Engrossed

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, I move that this Bill receive its Passage to be Engrossed; but in support of my statement I would like to say that I had it tabled so that I could take a look at one provision of it. Which I was not sure but might not need to be amended, it does not need to be amended. The purpose of this legislation as somebody in the Senate has asked me to explain is to clarify that discrepancy that exists between two pieces of legislation which were both on the books last year having to do with how to determine what is a second offense for a conviction of operating under the influence. You remember last year we provided that if a person is convicted of a second offense of OUI that he would receive a short jail sentence of at least 24 hours. The question was how long a period of time must expire before the first offense disappears and ceases to be counted. There were two separate provisions on the statutes; one which provided six years and one which provided ten years. This Bill clarifies that issues and provides that the limit be six years. So that for six years, a person who has one OUI conviction will have hanging over his head a sort of, at least a 24 hour jail sentence if he is convicted of a second OUI offense.

This Bill Passed to be Engrossed.

Sent down in concurrence.

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

**Papers from the House**

**House Paper**

Bills requiring reference to Committee were acted upon in concurrence.

On Motion of Mr. Huber of Cumberland, Adjourned until 10:00 in the morning, Wednesday, February 15, 1978.