

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

January 3, 1979 to May 4, 1979

HOUSE

Tuesday, January 23, 1979

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

Prayer by Father James P. Brewer of Saint Mary's Church, Augusta.

Father BREWER: Father, we pause and rise acknowledging your presence among us. We are grateful for the gift of another day of life. We praise You for your boundless goodness toward us, and as we proceed with the task before us, give us the wisdom and enlightenment to seek out and follow your will. Help us to treat everyone we meet this day with respect and kindness, the same respect and kindness we hope to receive from others. May all our endeavors this day give You honor and glory. We present our prayers in the name of your Son, who lives and reigns with You and the Holy Spirit, one God, forever and ever. Amen.

The members stood at attention during the playing of the National Anthem by the Monmouth Academy Band.

The journal of the previous session was read and approved.

Order Out of Order

An Expression of Legislative Sentiment (H. P. 117) recognizing that:

Paul Young, son of Winston and Florence Young of Limestone, Maine, has been selected as one of two youths to represent Maine at the National Senate Youth Program in our Nation's capitol.

Presented by Mr. McKean of Limestone.

The Order was received out of order by unanimous consent and read.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. McKean.

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: Paul was selected as one of two young men to represent Maine because of his high scholastic ability, his educational achievements and as a result of highly competitive testing and interviews. Paul is State President of the National Honor Society, he is the 1978-79 speaking champion for the State and a National Merit Scholar.

The Town of Limestone, as well as the citizens of this great State, are proud that Paul is among us. We are also proud that Paul is going to represent our State in our Nation's capitol.

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

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mr. McKean of Limestone,
Recessed until the sound of the gong.

After Recess

11:00 A. M.

The House was called to order by the Speaker.

Papers from the Senate

Bill "An Act to Exclude Certain Academies from the Category of 'Public School'" (S. P. 66) (L. D. 110)

Came from the Senate referred to the Committee on Aging, Retirement and Veterans and ordered printed.

In the House, referred to the Committee on Aging, Retirement and Veterans in concurrence.

Bill "An Act to Appropriate Funds for Repair, Operation and Maintenance of Androscoggin Lake Dam" (S. P. 67) (L. D. 111)

Came from the Senate referred to the Committee on Appropriations and Financial Affairs and ordered printed.

In the House, referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act to Clarify the Duties of the Maine Insurance Advisory Board" (S. P. 65) (L. D. 106)

Came from the Senate referred to the Committee on Business Legislation and ordered printed.

In the House, referred to the Committee on Business Legislation in concurrence.

Bill "An Act Relating to Supplemental Assessments under the Taxation Statutes" (S. P. 68) (L. D. 105)

Came from the Senate referred to the Committee on Taxation and ordered printed.

In the House, referred to the Committee on Taxation in concurrence.

Messages and Documents

The following Communication:

State of Maine
DEPARTMENT OF FINANCE
AND ADMINISTRATION
Bureau of the Budget
Augusta, Maine

January 19, 1979

To the President of the Senate, the Speaker of the House of Representatives and Members of the One Hundred and Ninth Legislature of the State of Maine:

SUBJECT: Certification of Sufficient Surplus in Accordance with Public Law, Chapter 721

Chapter 721 of the Public Laws of 1977 requires the State Budget Officer to document and certify to the Legislature on January 20, 1979 whether or not a sufficient surplus for fiscal year 1978-79 will be available to provide the benefits described in Section 6148 (Homestead Tax Relief). In his certification process he (the State Budget Officer) shall take into account all outstanding contingencies.

I have reviewed the current balance of available funds taking into consideration the cost of the Homestead Tax Relief, excess undedicated revenue at December 31, 1978, anticipated favorable revenue performance for the balance of fiscal year 1979, estimated lapsed balances and other available funds at year end.

I have also examined the known needs for funds including emergency departmental requests submitted to this office for fiscal year 1979. I have considered the costs of collective bargaining agreements that may need to be reflected in current year costs.

As a result of my evaluation of available information, I certify that, in my opinion, there is sufficient surplus to provide the benefits and to take into account all outstanding contingencies.

Respectfully,
(Signed) OTTO W. SIEBERT
State Budget Officer

The Communication was read and ordered placed on file.

The following Communication:

MAINE DEPARTMENT
OF AGRICULTURE

Joseph N. Williams, Commissioner
Members of the 109th Maine Legislature:

I am submitting my fourth annual report on Maine agriculture.

Legislative interest and the Legislative process are both indispensable to the ongoing welfare of farming in Maine.

Rest assured that your visits to the Department and your inquiries about agricultural activities are always welcome.

(Signed) JOSEPH N. WILLIAMS
Commissioner

The Communication was read and ordered placed on file with accompanying papers.

Petitions, Bills and Resolves
Requiring Reference

The following Bills were received and referred to the following Committees:

Agriculture

Bill "An Act to Increase from 3¢ to 5¢ Per Inhabitant the Amount Appropriated Annually for the State Stipend Fund for Agricultural Societies" (H. P. 118) (Presented by Mr. Carter of Winslow)

Bill "An Act Concerning Cruelty to Animals" (H. P. 119) (Presented by Mr. Drinkwater of Belfast) (Cosponsors: Mr. Lowe of Winterport and Mrs. Hutchings of Lincolnville)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act to Allow Real Estate Rental Agents to be Unlicensed" (H. P. 120) (Presented by Mr. Drinkwater of Belfast)

Bill "An Act Concerning Remedies under the Unfair Trade Practices Statutes" (H. P. 121) (Presented by Mr. Howe of South Portland)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act to Require Certification of Teachers in Bilingual Education Programs" (H. P. 122) (Presented by Mrs. Berube of Lewiston)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act Prohibiting Trespassing on School Property" (H. P. 123) (Presented by Mr. Pearson of Old Town)

Bill, "An Act to Increase the Mileage Reimbursement and Compensation of Jurors" (H. P. 124) (Presented by Mr. Drinkwater of Belfast) (Cosponsors: Mr. Lowe of Winterport, Mr. Tozier of Unity, and Mrs. Hutchings of Lincolnville)

Bill, "An Act to Increase Fees and Mileage Reimbursements of Witnesses" (H. P. 125) (Presented by Mr. Drinkwater of Belfast) (Cosponsors: Mr. Lowe of Winterport, Mrs. Hutchings of Lincolnville, and Mr. Tozier of Unity)

Bill "An Act Reinstating Littering as a Criminal Offense" (H. P. 126) (Presented by Mr. Drinkwater of Belfast)

Bill "An Act Relating to the Use of Deadly Force and Nondeadly Disabling Chemicals in Property Offenses" (H. P. 127) (Presented by Mr. Drinkwater of Belfast)

(Ordered Printed)

Sent up for concurrence.

Marine Resources

Bill "An Act Amending the Sardine Tax Law" (H. P. 128) (Presented by Mr. Vose of Eastport)

Bill "An Act Amending Certain Laws Relating to the Packing of Sardines" (H. P. 129) (Presented by Mr. Vose of Eastport)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act to Clarify the Definition of Intermittent State Employees" (Emergency) (H. P. 130) (Presented by Mr. Paradis of Augusta)

Bill "An Act to Increase the Salaries of the Constitutional Officers and the State Auditor by \$5,000" (Emergency) (H. P. 131) (Presented by Mr. Birt of East Millinocket) (Cosponsors: Mr. MacEachern of Lincoln, Mr. Gould of Old Town, and Mr. Tierney of Lisbon)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Clarify the Confidentiality of Certain Tax Records" (H. P. 132) (Presented by Mr. Cox of Brewer)

Bill "An Act to Provide for a Local Excise Tax on Watercraft" (H. P. 133) (Presented by Mr. Jackson of Yarmouth) (Cosponsors: Mr. Howe of South Portland, Mr. Laffin of Westbrook, and Mr. Rolde of York)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act Concerning Certain Allocations from the General Highway Fund for the Repair of Certain Bridges in Baxter State Park" (Emergency) (H. P. 134) (Presented by Mr. Birt of East Millinocket)

(Ordered Printed)

Sent up for concurrence.

Orders of the Day

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

Bill, "An Act to Allow Prison Inmates to Attend the Funeral of a Brother or Sister" (H. P. 100) (Committee on Health and Institutional Services suggested)

Tabled—January 18, 1979 by Mrs. Prescott of Hampden.

Pending—Reference.

On motion of Mrs. Prescott of Hampden, retabled pending reference and tomorrow assigned.

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

Bill "An Act to Increase the Limit on Bonded Indebtedness of the Eastport Port Authority From \$500,000 to \$6,000,000" (Emergency) (H. P. 108) (Committee on Marine Resources suggested)

Tabled—January 18, 1979 by Mrs. Mitchell of Vassalboro.

Pending—Reference.

Thereupon, the Bill was referred to the Committee on Marine Resources, ordered printed and sent up for concurrence.

(Off Record Remarks)

Orders Out of Order

On motion of Mr. Cox of Brewer, it was ORDERED, that Albert Theriault of Rumford be excused for the duration of his illness; AND BE IT FURTHER ORDERED, that Edith Beaulieu of Portland be excused January 23 for personal reasons:

AND BE IT FURTHER ORDERED, that Bruce Roope of Presque Isle be excused January 23 for medical reasons.

An Expression of Legislative Sentiment (H. P. 116) recognizing that:

Lucille Pare has been named Clerical Employee of the Year for Class GS 4 and GS 5 in Region 1

Presented by Mr. Paradis of Augusta.

The Order was received out of order by unanimous consent, read and passed and sent up for concurrence.

The SPEAKER: The Chair would like to make note, in reference to Roll Call No. 4 on Senate Paper 5, L. D. 5, Bill "An Act to Provide for Prepayment of State Bonded Debts," I have been informed by the gentleman from Lewiston, Mr. Call, that he wishes to have been recorded as yea, and the record shows it as nay.

(Off Record Remarks)

On motion of Mr. Joyce of Portland,
Adjourned until ten o'clock tomorrow morning.