

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 Ninth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

January 3, 1979 to May 4, 1979

HOUSE

Friday, February 2, 1979

The House met according to adjournment and was called to order by the Speaker pro tem, Representative Diamond of Windham.

Prayer by the Reverend Robert G. Cole, Sr., of the Bethel Christian Church.

Reverend COLE: May we all bow for a moment of prayer. Eternal Father, grant today to the members and the officers of this body a sacred moment of quiet before they take up the duties of the day. Turn their thoughts to Thee and open their hearts to Thy spirit that they may have wisdom in their decisions, understanding in their thinking, love in their attitude and mercy in their judgments.

Father, as we stand on the threshold of a new year faced with so many problems and challenges, bless these individuals chosen by the people of the State of Maine. May they always remember their fellow citizens for whom they must legislate, may they know that many are interceding for our beloved state for an outpouring of Thy love in spirit for their needs. May, from these moments of prayer, come a peace in knowing that Thou art in this place. May they feel Thy nearness in the business of the day, the unseen delegate present and voting. Even now grant to each one faith to believe that there is no problem that Thy wisdom cannot solve, and as you have guided governments in the past, so guide them today. At every desk, may there be that whisper of your counsel.

Finally Lord, I pray not only for wisdom but also for health and strength that they may be able to withstand the physical strain of their office, not only for those present but those, oh God, that might be on the bed of affliction, touch them and lift them up. Bless their families and give peace to their homes. Even now, Lord, from this holy interlude may there flow light, joy and power that will remain with them until night shall bring Thy whispered benediction—well done, thou good and faithful servant, in Jesus name. Amen.

The journal of yesterday was read and approved.

Papers from the Senate

Bill "An Act to Clarify the Publication of School Records" (S. P. 123) (L. D. 249)

Came from the Senate referred to the Committee on Education, ordered printed.

In the House, was referred to the Committee on Education in concurrence.

Bill, "An Act to Allow the Various Counties to Pay on a Biweekly Basis" (S. P. 124) (L. D. 250)

Bill "An Act to Increase the Stipend for the County Law Library at Rumford" (S. P. 126) (L. D. 252)

Bill "An Act to Increase the Salaries of Certain Oxford County Officials" (S. P. 125) (L. D. 251)

Came from the Senate referred to the Committee on Local and County Government and ordered printed.

In the House, were referred to the Committee on Local and County Government in concurrence.

Non-Concurrent Matter**Tabled and Assigned**

RESOLUTION, Proposing an Amendment to the Constitution of Maine Repealing the Offices of Judges of Probate and Registers of Probate as Constitutional Offices (H. P. 197) (L. D. 246) which was referred to the Committee on State Government in the House on January 31, 1979.

Came from the Senate referred to the Committee on Judiciary in non-concurrence.

In the House: On motion of Mrs. Mitchell of Vassalboro, tabled pending further consideration and specially assigned for Wednesday,

February 7.

Non-Concurrent Matter

Bill "An Act Concerning the Crime of Prostitution" (H. P. 65) (L. D. 73) on which the Majority "Ought to Pass" Report of the Committee on Judiciary was read and accepted and the Bill passed to be engrossed in the House on January 31, 1979.

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

In the House: On motion of Mr. Joyce of Portland, the House voted to insist.

Order Out of Order

From the Senate: The following Joint Order: (S. P. 129)

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, February 6, at ten o'clock in the morning.

Came from the Senate read and passed.

In the House, the Order was received out of order by unanimous consent, read and passed in concurrence.

Messages and Documents

The following Communication:

State of Maine

OFFICE OF

SECRETARY OF STATE

Augusta, Maine 04333

January 31, 1979

Honorable Edwin H. Pert

Clerk of the House

Dear Clerk Pert;

The accompanying report is required by the Charitable Solicitations Act, c. 488 of the Public Laws of 1977, effective January 1, 1978. This report describes briefly the original law and subsequent changes and contains a summary of the Secretary of State's activities during the calendar year 1978.

Sincerely,

S/RODNEY S. QUINN

Was read and with accompanying report ordered placed on file.

The following Communication:

DEPARTMENT OF

MENTAL HEALTH & CORRECTIONS

January 30, 1979

President of the Senate, Joseph Sewall

Speaker of the House, John Martin

and Members of the 109th Legislature

State House

Augusta, Maine 04333

Dear Legislators:

According to the provisions of Title 34, M.R.S.A. 263, I hereby submit a brief report outlining the organization table for the responsibilities of intake workers and others involved with juvenile justice within the Department of Mental Health and Corrections.

A more comprehensive report related to planning for prevention and programs dealing with juvenile delinquency as contained in Title 34, M.R.S.A. 262 will be forwarded on March 1, 1979.

Respectfully submitted,

S/GEORGE A. ZITNAY

Acting Commissioner

Was read and with accompanying report ordered placed on file.

The following Communication:

State of Maine

HOUSE OF REPRESENTATIVES

Speakers Office

Augusta, Maine

February 1, 1979

Honorable Edwin H. Pert

Clerk of the House

House of Representatives

State House

Augusta, ME 04333

Dear Clerk Pert:

This is to notify you that I am appointing Rep. Kenneth Matthews of Caribou to the House Standing Committee on Bills in the Second Reading. He will be replacing Rep. Glen Torrey of Poland.

Sincerely,

S/JOHN L. MARTIN

Speaker of the House

Was read and ordered placed on file.

Petitions, Bills and Resolves**Requiring Reference**

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

Aging, Retirement and Veterans

Bill "An Act Pertaining to Ordinary Death Benefits under the Maine State Retirement System" (H. P. 229) (Presented by Mrs. Nelson of Portland)

Bill "An Act Relating to Adjustment of Retirement Allowance for Retirees of the State Police" (H. P. 230) (Presented by Mr. MacEachern of Lincoln)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act Relating to Weight Imparted by Tire Width of Tires on Certain Farm Trucks" (H. P. 231) (Presented by Mr. Smith of Mars Hill) (Cosponsor: Mr. Lougee of Island Falls)

Committee on Agriculture was suggested.

On motion of Mr. Carroll of Limerick, tabled pending reference and specially assigned for Tuesday, February 6.

Appropriations and Financial Affairs

Bill "An Act Appropriating Funds for the Maine Commission for Women" (H. P. 232) (Presented by Mr. Martin of Eagle Lake)

Bill "An Act Appropriating Funds to Move the Stanton Museum and its Collection from Bates College to the Maine State Museum" (H. P. 233) (Presented by Mrs. Lewis of Auburn) (Cosponsor: Mr. Simon of Lewiston)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act Concerning the Profession of Public Accountancy" (H. P. 234) (Presented by Mr. Joyce of Portland) (Cosponsors: Mr. Hickey of Augusta, Mr. Hanson of Kennebunkport, and Mr. Masterman of Milo)

Bill "An Act to Revise the Podiatric Practice Act" (H. P. 235) (Presented by Mr. Cloutier of South Portland) (Cosponsor: Mrs. Kany of Watterville)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act to Abolish Compulsory Education" (H. P. 236) (Presented by Mrs. Lewis of Auburn) (Cosponsor: Mr. Fenlason of Danforth)

Bill "An Act to Prohibit a School District from Offering Driver Education Courses for a Fee to a Student when a Duly Licensed Commercial School is Available" (H. P. 237) (Presented by Mrs. Lewis of Auburn)

Bill "An Act to Amend the Statute Relating to Alternative Procedures for Adoption of School Budgets" (H. P. 238) (Presented by Mr. Wood of Sanford)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for gubernatorial Run-off Elections (H. P. 239) (Presented by Mr. Morton of Farmington) (Cosponsor: Mr. Bowden of Brooklin)

Committee on Election Laws was suggested. On motion of Mrs. Mitchell of Vassalboro, tabled pending reference and specially assign-

ed for Tuesday, February 6.

Energy and Natural Resources

Bill "An Act to Prohibit Regulation of Solar Heating and Cooling Equipment by the Oil Burner Men's Licensing Board" (H. P. 240) (Presented by Mrs. Huber of Falmouth)

Bill "An Act Relating to Recording of Land Subdivision Plans" (H. P. 241) (Presented by Mr. Brown of Livermore Falls)

(Ordered Printed)
Sent up for concurrence.

Judiciary

Bill "An Act Relating to Revisions of the Adoption Law" (H. P. 242) (Presented by Mrs. Kany of Waterville)

Bill "An Act Concerning Liability of Land-owners to Recreational Users of their Land" (H. P. 243) (Presented by Mr. Kiesman of Fryeburg) (Cosponsors: Mr. Peterson of Caribou, Mr. Diamond of Windham and Mr. Vincent of Portland)

Bill "An Act Concerning Implied Warranty and Covenant of Habitability" (H. P. 244) (Presented by Mrs. Berube of Lewiston)

(Ordered Printed)
Sent up for concurrence.

Labor

Bill "An Act Relating to the Establishment of a Benefit Year in the Unemployment Compensation Program" (H. P. 245) (Presented by Mr. Boudreau of Waterville)

Bill "An Act Relating to Negotiations Involving State Employees Under the Labor Laws" (H. P. 246) (Presented by Mrs. Lewis of Auburn)

Bill "An Act Relating to Penalty Provisions under the Maine Labor Laws" (H. P. 247) (Presented by Mr. Wyman of Pittsfield) (Cosponsors: Mr. Dexter of Kingfield and Mr. D. Dutremble of Biddeford)

Bill "An Act to Clarify the Definition of Employer Under the Workers' Compensation Act" (H. P. 248) (Presented by Mr. Garsoe of Cumberland)

Bill "An Act to Increase the Statutory Penalty for Violating the Statute Concerning Advertising or Soliciting Worker During a Strike" (H. P. 249) (Presented by Mr. Baker of Portland) (Cosponsors: Mr. Lizotte of Biddeford, Mr. Nadeau of Lewiston and Mr. Tuttle of Sanford)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act Relating to Constables and Special Police Officers" (H. P. 250) (Presented by Mr. Lancaster of Kittery) (Cosponsor: Mr. Gould of Old Town)

Bill "An Act to Allow 17 Year Olds to Donate Blood without Parental Consent" (H. P. 251) (Presented by Mr. Boudreau of Waterville)

Bill "An Act to Permit Performing Arts Centers to Serve Alcoholic Beverages" (H. P. 252) (Presented by Ms. Small of Bath)

Bill "An Act to Allow the Trustees of the Portland Ministry at Large to Seek Changes in its Articles of Incorporation" (Emergency) (H. P. 253) (Presented by Mrs. Nelson of Portland)

(Ordered Printed)

Sent up for concurrence.

Marine Resources

Bill "An Act to Provide for a Reduced Fee for Lobster and Crab Fishing Licenses for Residents 60 Years of Age or Over" (H. P. 254) (Presented by Mrs. Huber of Falmouth)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act Relating to Motor Carrier Rates Subject to the Jurisdiction of the Public Utilities Commission" (H. P. 255) (Presented by

Mr. Davies of Orono)
(Ordered Printed)
Sent up for concurrence.

State Government

Bill "An Act to Provide for an Advisory Referendum on Reducing the Number of Members of the Maine House of Representatives from 151 to 99 Members" (H. P. 256) (Presented by Mr. Doukas of Portland) (Cosponsors: Mr. Tuttle of Sanford, Mrs. Kany of Waterville, and Mr. Marshall of Millinocket)

Bill "An Act to Provide the Bureau of Consumer Protection with a Toll-free Telephone Number" (H. P. 257) (Presented by Mr. Baker of Portland) (Cosponsor: Mrs. Bachrach of Brunswick and Mrs. Berube of Lewiston)

Bill "An Act to Conform State of Maine Recruitment, Examination and Employment Practices with Provisions of the Maine Human Rights Act and Related State and Federal Legislation" (H. P. 258) (Presented by Mr. Paradis of Augusta) (Cosponsors: Mrs. Chonko of Topsham, Mr. Violette of Van Buren, and Mr. Kane of South Portland)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Increase Certain Motor Vehicle Excise Taxes" (H. P. 259) (Presented by Mr. Lancaster of Kittery) (Cosponsor: Mr. Gould of Old Town)

(Ordered Printed)

Sent up for concurrence.

Orders

A Joint Resolution (H. P. 228) in memory of Cecil L. Martin of Bristol Connecticut.

Presented by Mr. Tarbell of Bangor (Cosponsors: Mrs. Mitchell of Vassalboro, Mr. Tierney of Lisbon and Mr. Garsoe of Cumberland)

The Resolution was read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bangor, Mr. Tarbell.

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: On behalf of the House Floor Leaders and all the members of the House, we offer our sincere sympathy and condolences to the Speaker for the death of his brother this past week.

Thereupon, the Resolution was adopted and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Mr. Cox of Brewer, it was ORDERED that George F. Call of Lewiston be excused January 31 for personal reasons;

AND BE IT FURTHER ORDERED, that Guy Marcel Lizotte of Biddeford be excused February 2 for personal reasons;

AND BE IT FURTHER ORDERED, that J. David Leonard of Woolwich be excused February 2 for personal reasons.

House Reports of Committees

Ought Not to Pass

Mr. Pearson from the Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate \$25,000 to Lay Advocates at Work, Inc." (H. P. 29) (L. D. 46) reporting "Ought Not to Pass"

Was placed in the Legislative Files without further action pursuant to Joint Rule 22, and sent up for concurrence.

Leave to Withdraw

Mr. Carroll from the Committee on Transportation on Bill "An Act Relating to Auxiliary Lights on Certain Law Enforcement Vehicles under the Motor Vehicle Law" (H. P. 80) (L. D. 88) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

Consent Calendar First Day

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

(H. P. 50) (L. D. 59) Bill "An Act to Require the State to Assume all Administrative Costs for the Food Stamp Program" — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-13)

No objections being noted, the above item was ordered to appear on the Consent Calendar of February 6, under the listing of Second Day.

Orders of the Day

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

JOINT ORDER Relative to Study of Correctional Systems (H. P. 75) — In House, read and passed January 10. — In Senate, indefinitely postponed in non-concurrence.

Tabled—February 1, 1979 by Mrs. Prescott of Hampden.

Pending—Further Consideration.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Hampden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker, I move the House recede and concur and would like to speak to my motion.

The SPEAKER pro tem: The gentlewoman from Hampden, Mrs. Prescott, moves that the House recede and concur.

The gentlewoman may proceed.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: This Order, which was passed in the House on January 10, gave some direction to the newly formed Select Committee on Corrections. I have agreed that I would indefinitely postpone this order, because the chairmen of the new select committee have gotten together and have agreed upon what their guidelines will be for the direction of the committee to take this session. My only concern has been whether or not this new select committee could report out legislation, and if I understand the way the committee was formed, it could not report out legislation; but it is also my understanding now, after talking with the chairmen, that if indeed there is legislation needed, the committee will be authorized to report it out.

Based on that, I will agree that we do not need this order and I will recede and concur.

Thereupon, the House voted to recede and concur.

The following paper appearing on Supplement No. 1 was taken up out of order by unanimous consent:

Non-Concurrent Matter

Bill "An Act to Clarify the Requirements Relating to Identification of School Buses" (H. P. 7) (L. D. 13) which was passed to be engrossed as amended by Committee Amendment "A" (H-12) in the House on February 1.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-12) and Senate Amendment "A" (S-5) in non-concurrence.

In the House:

The SPEAKER pro tem: The Chair recognizes the gentleman from South Portland, Mr. Howe.

Mr. HOWE: Mr. Speaker and Members of the House: Senate Amendment "A" is an emergency enactor that wasn't put on the bill when it came out of committee because we didn't know how many votes we would have in here, but given that it passed by a 120 vote margin, I now move that the House recede and concur.

Thereupon, the House voted to recede and concur.

By unanimous consent, ordered sent forthwith to Engrossing.

(Off Record Remarks)

The following Enactor appearing on Supplement No. 2 was taken up out of order by unanimous consent:

An Act to Clarify the Requirements Relating to Identification of School Buses (H. P. 7) (L. D. 13) (C. "A" H-12, S. "A" S-5)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 129 voted in favor of same and 4 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

Mr. Jalbert of Lewiston was granted unanimous consent to address the House:

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday, I was unable to be here for personal reasons. I watched the news in my community and picked up the phone and called one of my colleagues from Lewiston, Representative Georgette Berube, to tell her about her comments as far as CETA is concerned, and we discussed it at some length, that part of the program, and that was all that she discussed and I thoroughly agreed with her.

In this morning's Bangor Daily News, and I am not taking issue with the Bangor Daily News. I am not taking issue with the individual who wrote the article, because I always make these comments every two years and the time is appropriate now as far as I am concerned. If I pick up a paper and an article is in my favor, I buy 125 copies. If it is against me, it is the opinion of one man. If they misprint my name, I sue them.

I am only talking now and addressing myself because the article heads, "Knox CETA Chief Blasts Aid Misuse Charge." I am talking about that solely, addressing myself principally to my good colleague from Knox County.

It says in part, "Just when you get some good press, some half cocked legislator comes along and lambastes a program she does not personally like. Those of us who bust our butts to try and run a good program, who try to gain the public confidence, get hit by these false accusations and are on the defensive all the time."

"If she had simply followed through, at least in Knox County, she would have found that a complete rebuttal was on file to account for every penny of that money. She would have found that her charges were felonious." These remarks were made by Manuel Mitchell, director of the county program, who I do not know at all, no doubt a fine gentleman, although he should, in the press at least, refrain from the words 'butts,' at least when he is talking about a fine lady.

I do know Mrs. Berube is very conscientious. She is from my community. I am the senior member of not only the legislature but certainly from my community, and she doesn't need any protection from me. She never has discussed—I am addressing myself to the Knox County members—Knox County on town conversations I have had with her concerning CETA, and her comments, in my opinion, were appropriate. Not once has she ever mentioned Knox County. I know she has a strong feeling for Knox County. I have a very strong feeling for Knox County being married close to that county, but I think I can speak for Mrs. Berube. I would like to have our legislators from Knox County call Mr. Mitchell, tell him that Mrs. Berube never mentioned them, that we have affection for Knox County and we want to keep it that way, but we could very quickly lose it.

On motion of Mr. Sherburne of Dexter,
Adjourned until Tuesday, February 6, at ten o'clock in the morning.