

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, February 6, 1979

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

Prayer by Father Timothy Eberhard of St. Barnabas Episcopal Church, Rumford.

Father EBERHARD: Lord be with you; let us pray. Oh God, the fountain of wisdom, whose will is good and gracious and whose laws is truth, we beseech Thee so to guide and bless our Representatives assembled in the Legislature of this State that they may enact such laws as shall please Thee to the glory of Thy name and the welfare of this people, through Jesus Christ. Our Lord. Amen.

The members stood at attention during the playing of the National Anthem by the Maine Maritime Academy Band of Castine.

The journal of the previous session was read and approved.

(Off Record Remarks)

Papers from the Senate

Bill "An Act to Base Adjustments of Retirement Allowances on Cost of Living" (S. P. 130) (L. D. 307)

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

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

(Off Record Remarks)

On motion of Mrs. Mitchell of Vassalboro, Recessed until the sound of the gong.

After Recess

10:50 A.M.

The House was called to order by the Speaker.

Senate Papers cont'd.

Bill "An Act to Include Services Performed by Chiropractors under Health Insurance Policies and Health Care Contracts which Pay Benefits for those Procedures if Performed by a Physician" (S. P. 131) (L. D. 308)

Bill "An Act Relating to the Maine Medical and Hospital Malpractice Joint Underwriting Association Act" (Emergency) (S. P. 143) (L. D. 319)

Bill "An Act Requiring Motor Vehicles Registered in this State to Carry Liability Insurance" (S. P. 134) (L. D. 311)

Bill "An Act Concerning the Financial Responsibility Law" (S. P. 132) (L. D. 309)

Bill "An Act to Increase the Certification Fees for Geologists" (S. P. 133) (L. D. 310)

Bill "An Act to Amend the Geologists and Soil Scientists Certification Act" (S. P. 136) (L. D. 313)

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

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

Bill "An Act to Clarify Standards for Consumer Membership under the Health Facilities Information Disclosure Act" (Emergency) (S. P. 141) (L. D. 317)

Bill "An Act to Permit Waiver of Facilities for the Handicapped in Certain Buildings" (S. P. 135) (L. D. 312)

Came from the Senate referred to the Committee on Health and Institutional Services and ordered printed.

In the House, were referred to the Committee on Health and Institutional Services in concurrence.

Bill "An Act Relating to Appropriation of

Funds for Assistant District Attorneys" (S. P. 128) (L. D. 306)

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

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

Bill "An Act Relating to Service Fees of Authorized Bargaining Agents" (S. P. 137) (L. D. 314)

Bill "An Act to Raise the Ceiling on the Minimum Wage to \$4" (S. P. 127) (L. D. 305)

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

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

Bill "An Act to Amend the Laws Relating to Games of Chance" (S. P. 142) (L. D. 318)

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

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

Bill "An Act to Insure the Accountability of Counties in the Expenditure of Federal Funds" (S. P. 140) (L. D. 316)

Bill "An Act Relating to the Court of Probate of Aroostook County" (S. P. 144) (L. D. 320)

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.

Bill "An Act to Restrict Railroad Companies from Operating Trains Through Selected Intersections in Municipalities During Peak Traffic Conditions" (S. P. 138) (L. D. 315)

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

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

**Reports of Committees
Leave to Withdraw**

Report of the Committee on Transportation reporting "Leave to Withdraw" on Bill "An Act Relating to School Buses Used by Nonprofit Organizations for the Purpose of Transporting Children to Organized Activities" (S. P. 31) (L. D. 19)

Came from the Senate with the Report read and accepted.

In the House, the Report was read and accepted in concurrence.

**Petitions, Bills and Resolves
Requiring Reference**

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

Aging, Retirement and Veterans

Bill "An Act to Improve Survivor Benefits under the Maine State Retirement System" (H. P. 260) (Presented by Mrs. Nelson of Portland)

Bill "An Act Pertaining to Ordinary Death Benefits Under the Maine State Retirement System" (H. P. 261) (Presented by Mr. Dellert of Gardiner)

(Ordered Printed)

Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act to Appropriate \$75,000 to Northeast COMBAT, Inc." (H. P. 262) (Presented by Mrs. Prescott of Hampden) (Cosponsor: Mr. Davies of Orono)

(Ordered Printed)

Sent up for concurrence.

Bill "An Act to Provide Help to Small Businesses in Dealing with State Statutory and Regulatory Requirements" (H. P. 263) (Presented by Mr. Gwadosky of Fairfield) (Cosponsor: Mr. Dexter of Kingfield)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act Concerning School Principals" (H. P. 264) (Presented by Mr. Diamond of Windham)

(Ordered Printed)

Sent up for concurrence.

Later Today Assigned

Bill "An Act Concerning Appropriation to the Maine Energy Resources Development Fund" (H. P. 265) (Presented by Mr. Michael of Auburn) (Cosponsors: Mr. Higgins of Scarborough, Mrs. Chonko of Topsham, and Mrs. Huber of Falmouth)

Committee on Energy and Natural Resources was suggested.

(On motion of Mr. Morton of Farmington, tabled pending reference and later today assigned.)

Later Today Assigned

Bill "An Act Relating to the Small Grants Program for Municipal Conservation Commissions" (H. P. 266) (Presented by Mr. Hall of Sangerville)

Committee on Energy and Natural Resources was suggested.

(On motion of Mr. Morton of Farmington, tabled pending reference and later today assigned.)

Fisheries and Wildlife

Bill "An Act to Amend the Stream Alteration Act" (H. P. 267) (Presented by Mr. Dow of West Gardiner)

Committee on Energy and Natural Resources was suggested.

On motion of Mr. Dow of West Gardiner, the Bill was referred to the Committee on Fisheries and Wildlife, ordered printed and sent up for concurrence.

Energy and Natural Resources

Bill "An Act Relating to Discharges and Emissions From Nuclear Generating Facilities" (H. P. 268) (Presented by Mrs. Huber of Falmouth)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act to Permit the Advisory Council to the Commissioner of Inland Fisheries and Wildlife to Give Advice on the Approval of Rules" (H. P. 269) (Presented by Mr. Masterman of Milo)

Bill "An Act Concerning Licenses Issued by the Department of Inland Fisheries and Wildlife" (H. P. 270) (Presented by Mr. Dow of West Gardiner)

Bill "An Act Concerning the Transportation of Legally Killed Deer" (H. P. 271) (Presented by Mr. Dow of West Gardiner)

Bill "An Act to Lower the Daily Limit for Smelt Dealers to 4 Quarts" (H. P. 272) (Presented by Mr. Dow of West Gardiner)

Bill "An Act Concerning Killing of Wild Animals Destroying Property" (H. P. 273) (Presented by Mr. Dow of West Gardiner)

Bill "An Act Concerning Evidence of Illegally Hunting Deer" (H. P. 274) (Presented by Mr. Dow of West Gardiner)

Bill "An Act Concerning Licensing of Head and Hide Dealers by the Department of Inland Fisheries and Wildlife" (H. P. 275) (Presented by Mr. Dow of West Gardiner)

Bill "An Act to Eliminate an Unnecessary Reference in the Hunting Statutes to Use of Lights to Hunt from Vehicles" (H. P. 276) (Presented by Mr. Dow of West Gardiner)

Bill "An Act to Establish a Uniform Opening Day for Deer Hunting" (H. P. 277) (Presented by Mr. Masterman of Milo) (Cosponsor: Mr. Kelleher of Bangor)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act to Provide Funds to Subsidize Adoption of Handicapped Children" (H. P. 278) (Presented by Mr. Higgins of Scarborough) (Cosponsors: Mr. Tarbell of Bangor, Mr. Diamond of Windham, and Mrs. Payne of Portland)

Committee on Health and Institutional Services was suggested.

(On motion of Mrs. Mitchell of Vassalboro, tabled pending reference and tomorrow assigned.)

Public Utilities

Bill "An Act to Amend the Safe Drinking Water Act" (H. P. 279) (Presented by Mrs. Huber of Falmouth)

Committee on Health and Institutional Services was suggested.

On motion of Mrs. Prescott of Hampden, was referred to the Committee on Public Utilities, ordered printed and sent up for concurrence.

Judiciary

Bill "An Act to Transfer Jury Commissioners' Functions to Clerks of Courts and Permit Grand Jury Terms to be Set by Order of the Chief Justice" (H. P. 280) (Presented by Mr. Hughes of Auburn)

Bill "An Act to Clarify the Law Relating to the Maine Criminal Justice Sentencing Institute" (H. P. 281) (Presented by Mr. Hughes of Auburn)

Bill "An Act Relating to the Liability of Landowners Permitting the Use of their Land without Fee by Clarifying the Term Recreational Activities" (H. P. 282) (Presented by Mr. Peterson of Caribou) (Cosponsors: Mr. Lougee of Island Falls and Mr. Pearson of Old Town)

(Ordered Printed)

Sent up for concurrence.

Local and County Government

Bill "An Act to Increase the Salary of the Kennebec County Register of Deeds and Register of Probate by 7%" (H. P. 283) (Presented by Mr. Dow of West Gardiner)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act to Increase the Membership of the Gardiner Water District to Six" (Emergency) (H. P. 284) (Presented by Mr. Dow of West Gardiner) (Cosponsor: Mrs. Reeves of Pittston)

(Ordered Printed)

Sent up for concurrence.

State Government

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide That the House of Representatives Shall be Reduced From 151 to 132 Members (H. P. 286) (Presented by Mr. Birt of East Millinocket)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Guarantee the Rights, Privileges and Immunities of its Citizens (H. P. 287) (Presented by Mr. Connolly of Portland)

Bill "An Act Relating to Municipal and State Purchase of Products of Maine Farms and Fisheries" (H. P. 285) (Presented by Mr. Michael of Auburn) (Cosponsor: Mr. Churchill of Orland)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Purposes for the Meeting of the First Regular Session of the Legislature during December to Election of Constitutional Officers and Legislative Officers and to Provide for Senate Apportionment in 1983. (H. P. 288) (Presented by Mrs. Masteron of Cape Elizabeth) (Cosponsors: Mr. Howe of South Portland, Mr. Barry of Fort Kent, and Mr. Birt of East Millinocket)

(Ordered Printed)
Sent up for concurrence.

Taxation

Bill "An Act to Exempt Nonprofit Medical Centers from Maine Sales Tax" (H. P. 289) (Presented by Mrs. Curtis of Milbridge)

Bill "An Act to Increase the Income Limitation for Eligibility under the Elderly Householders Tax and Rent Refund Act and Low Cost Drug Programs" (H. P. 290) (Presented by Ms. Benoit of South Portland) (Cosponsors: Mr. Brennerman of Portland, Mr. Pearson of Old Town, and Mr. Peterson of Caribou)

(Ordered Printed)

Sent up for concurrence.

Orders

On motion of Mr. Cox of Brewer, it was ORDERED, that Representative Edith Beaulieu of Portland be excused February 2, 1979 for health reasons.

House Reports of Committees

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought Not to Pass" on Bill "An Act Relating to Regulations of Deaths and Permits for Final Disposition of Human Bodies" (H. P. 71) (L. D. 92)

Report was signed by the following members:

Mrs. CLARK of Cumberland
Messrs. AULT of Kennebec
CHAPMAN of Sagadahoc

— of the Senate.

Messrs. BRANNIGAN of Portland
HOWE of South Portland
GWADOSKY of Fairfield
WHITTEMORE of Skowhegan

Miss ALOUPIS of Bangor
Messrs. D. DUTREMBLE of Biddeford
JACKSON of Yarmouth

Miss BROWN of Bethel

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Report was signed by the following members:

Messrs. LIZOTTE of Biddeford
SPROWL of Hope

— of the House.

Reports were read.

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

Mr. HOWE: Mr. Speaker, I move that the House accept the Majority "Ought Not to Pass" Report and I would speak to my motion.

The SPEAKER: The gentleman from South Portland, Mr. Howe, moves that the House accept the Majority "Ought Not to Pass" Report.

The gentleman may proceed.

Mr. HOWE: Mr. Speaker and Members of the House: This is an appropriate topic for your House Chairman to be addressing this morning since he is near death, but he will try to hang on long enough to debate the bill.

The bill deals with the filing of certificates of death. Under the present law, those certificates, once the death certificate has been certified by a doctor and that certificate has gone to the funeral director, the funeral director must further complete the certificate in duplicate and forward it to the clerk of the municipality where that person died. That location is the geographical location and it is easily determinable. A doctor or police department, or both, would record the place of death. Our concern is, and this bill would propose to give the funeral director the option of filing that certificate either in the municipality where the person died or where they resided.

The meaning of residency is rather tenuous. It is not always clear precisely where someone resides. That is not always the place they live and residency can change from time to time. For example, the funeral director might be

confused by a mailing address, which is not actually the person's place of residence.

The only proponent to this bill was one funeral director, a constituent of the primary sponsor of the bill. The Funeral Directors Association made it clear they were taking no position on the bill but did tell us they saw no crying need for this piece of legislation.

Opposing the bill were the Director of the Bureau of Vital Statistics and the President of the Maine Town Clerks Association, who were convinced that there would be some degree of chaos created if it were left up to the funeral directors to decide in which of those municipalities the certificate of death would be filed.

The 11-member majority of the committee were persuaded that this bill didn't further any significant public good and, in fact, might make it confusing for other persons to track down a certificate of death if it were not originally filed in the place of death.

For those reasons, I urge you to accept the Majority "Ought Not to Pass" Report this morning.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Gray.

Mr. GRAY: Mr. Speaker and Members of the House: I would request a division on this. Every argument has two sides, and I would like to present the other side.

Presently, the law requires that a death certificate be filed only in the municipality where the death occurs. This restriction causes several problems not only for the funeral directors but for the bereaved who must deal with the necessary paper work in funeral arrangements.

Let me give you an example. When a person dies in a hospital or nursing home some distance from the deceased's place of residence and the local funeral director is sent to pick up the deceased, unless the director arrives during business hours, he is unable to get certified copies of the death certificate from the town clerk. This means he must return or attempt to obtain these copies through the mail. This takes a week or ten days. This delay causes problems for the funeral director, who is responsible for the paper work, but it also causes hardship on the family members who need certified copies for insurance claims, veterans' benefits or social security benefits.

Speaking of veterans' benefits, I would like to relate to you something that actually happened in my home town with a young veteran who died at Togus. He was sick for some time and when he died his wife and children were left with no means of support. Even though she was entitled to veterans' benefits, she was unable to start the paper work because she was unable to get the certified copies of the death certificate from Togus. So, you can imagine, if it takes a week or ten days to get certified copies through the mail from the town clerk, imagine how long it takes from some federal institution.

It is true, I recall at the hearing there were only two who spoke against the bill. One was a statistician from the State Office Building over there who was concerned about tracking down or locating copies that he needed for his paper work, and the other was a town clerk. Now, there could be some self interest here as far as the town clerks are concerned, because some of them retain the \$2 fee that is required as part of their salary. But in discussing this with a number of town clerks, they are not going to lose anything on this, because what they lose on one end, they could pick up on the other.

It is a very simple change. Everyone will still get their copy. It simply allows the death certificate to be filed either in the municipality where the death occurred or in the municipality where the deceased resided. In other words, it removes the restriction from requiring the death certificate to be filed just in the town where death occurs. This bill would allow the certificate to be filed either where the death occurred or in the town of residence, and I

think this is a very reasonable change.

Those funeral directors that I have communicated with don't oppose this. In fact, it would help them in their effort to conduct this business and to assist the survivors in taking care of their rather unpleasant work.

The SPEAKER: The Chair recognizes the gentleman from Wells, Mrs. Wentworth.

Mrs. WENTWORTH: Mr. Speaker and Members of the House: I will agree that from Togus it takes one to two weeks to get a report back. All forms are filed in triplicate—one for the residence will be forwarded immediately.

As far as requesting the town clerk, I am sure that any clerks who are requested a form, they mail them out the same day as requested. The biggest delay is the almost impossibility of getting a doctor to sign on the day that funeral directors make out their report.

I would urge you to accept the majority report.

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

Mr. HOWE: Mr. Speaker and Members of the House: I thank the gentleman from Wells for her comments. I did neglect to point out, but it came to light during the committee hearing that in fact more frequently than at any other time, it appears the real holdup is with the doctor who has caused some delay in signing the certificate initially.

Briefly, a little bit more on the filing procedure. The law does require that the certificate originally go to the clerk in the municipality where the death occurred, but one of those three copies must be sent then to the clerk in the municipality of residence. So a copy does get to that residence ultimately, and from a brief survey from our committee room by phone with several municipalities, we determined that in the case of even some of the largest municipalities, South Portland and Bangor, specifically, the clerks there send those copies to the clerk in the place of residence the same day they come in, and we felt that had a party the need to get hold of one of these certificates right away for insurance purposes, they or the funeral director could expedite that with a phone call.

As far as the matter of the Togus V.A. Center, I talked this morning with the supervisor of vital statistics, Marion Perkins, who indicated that those certificates go directly from Togus to the State Bureau of Vital Statistics, where they are processed immediately, and had there ever been any complaint filed with the Bureau of Vital Statistics, she would have been glad to look into it and could have sent a field investigator out. But apparently the one funeral director who did testify for this bill had never made any complaints known to the officials at the state prior to filing this bill.

Again, I urge you to support the majority report.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I would also urge you to go along with the majority report here. There are problems with residence, and this is a field that we have gotten into before, and residency is very often hard to prove. If you look at indications of property ownership, where taxes are paid, automobile registration, where the person actually was living before he went wherever he went to die and the time that he was at that location prior, and all of these can become very confusing. Many of us are very mobile nowadays and move around, so it is hard to find us.

I think this bill addresses one particular problem. We had the example of the man at Togus. That problem was handled. The funeral director made an effort, talked to Togus and the problem was worked out. There haven't been any others that I know of and I think if there were, they probably could be handled on that same level.

I would point out that as the law now stands, it is uniform throughout the state. In fact, this is the uniform way it is handled throughout the United States. Everybody is used to it. They know how the system works. The system does have some problems, often these problems are the doctor more than anything else. Therefore, I don't think this system should be changed at this point, and I hope you will support the majority report of the committee, which was "ought not to pass."

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Sprowl.

Mr. SPROWL: Mr. Speaker, Ladies and Gentlemen of the House: I view this bill as permissive legislation, not restrictive legislation. I know that I am very much in the minority and I know that the bill has little chance of going anywhere. However, I heard the bill and it does make sense to me and I do support the Representative from Rockland on this bill.

I might tell you about a problem that we have in Rockport. Rockport is one of the towns that I represent. That is a small town but it has a very large hospital. Everything is relative—it wouldn't be large compared to Portland or Bangor, but it is a fairly complex hospital, and the funeral director, as the bill now stands, is supposed to file the burial certificate with the town clerk in the place where the deceased dies. He has a real problem in that town. There is a small office and they can't keep up with this.

The bill originated with a funeral director in Rockland where most of the bodies that he picks up come from; that is their residence, in Rockland. It would make it much easier for him to be able to file that certificate in Rockland. It would not only be easier for that funeral director, it would be easier for all of the people who are involved in this time of sorrow.

I can't see anything wrong with this bill. I think it is permissive legislation, and I wholeheartedly back the Representative from Rockland and I hope you will too.

Mr. Gray of Rockland requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having requested a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from South Portland, Mr. Howe, that the Majority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Bordeaux, Boudreau, Bowden, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Brown, K.C.; Carroll, Carter, D.; Chonko, Cloutier, Connolly, Cox, Cunningham, Curtis, Davies, Davis, Dellert, Diamond, Dow, Drinkwater, Dutremble, D.; Dutremble, L.; Fenlason, Fillmore, Fowlie, Garsoe, Gillis, Gowen, Gwadosky, Hanson, Hickey, Howe, Hughes, Jackson, Jacques, P.; Joyce, Kane, Kany, Lancaster, Leighton, Lowe, Lund, MacEachern, Mahany, Martin, A.; Masterman, Matthews, McHenry, McKean, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, A.; Nelson, M.; Paul, Payne, Pearson, Peterson, Post, Prescott, Reeves, P.; Rolde, Sewall, Sherburne, Simon, Small, Stover, Strout, Theriault, Tierney, Tozier, Tuttle, Violette, Vose, Wentworth, Whittemore, Wyman.

NAY — Austin, Birt, Blodgett, Bunker, Call, Carrier, Carter, F.; Churchill, Conary, Damren, Dexter, Doukas, Dudley, Gavett, Gould, Gray, Hall, Higgins, Hobbins, Hunter, Hutchings, Immonen, Jacques, E.; Jalbert, Kelleher, Kiesman, Laffin, LaPlante, Leonard,

Lewis, Lizotte, Locke, Lougee, MacBride, Marshall, McPherson, Nelson, N.; Norris, Peltier, Reeves, J.; Rollins, Roope, Silsby, Smith, Sprowl, Stetson, Studley, Tarbell, Torrey, Twitchell, Vincent, Wood.

ABSENT — Aloupis, Elias, Huber, Maxwell, Paradis, Soulas, The Speaker.

Yes, 91; No, 52; Absent, 7.

The SPEAKER: Ninety-one having voted in the affirmative and fifty-two in the negative, with seven being absent, the motion does prevail.

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. 47) (L. D. 79) Bill "An Act Relating to Land Surveyor Applications and Fees" — Committee on Business Legislation reporting "Ought to Pass"

No objections being noted, the above item was ordered to appear on the Consent Calendar of February 7, under listing of the Second Day.

Consent Calendar

Second Day

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

(H. P. 50) (L. D. 59) Bill "An Act to Require the State to Assume all Administrative Costs for the Food Stamp Program" (C. "A" H-13)

No objections having been noted at the end of the Second Legislative Day, the House Paper was passed to be engrossed and sent up for concurrence.

Orders of the Day

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

JOINT ORDER Relative to Investigation on Impact of Oil Refinery at Eastport on Bald Eagle (H. P. 204)

Tabled—February 1, 1979 by Mr. Kelleher of Bangor.

Pending—Passage.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: From time to time, I might say to the newer members of this body, you are going to be seeing orders coming in to study certain areas of certain situations in the state. The order that is in here today, in my humble opinion, has been studied by the Fish and Game Department in terms of understanding the American bald eagle here in the State of Maine. I also understand the department has monitored the bald eagle for the past three or four years. It can give us a reasonable account of where they nest and the number there are.

The federal government has had an impact study concerning the oil refinery, the alleged oil refinery of Pittston, and the effect on the American bald eagle.

In my humble opinion, I do not believe that this order should be passed for the simple reason of saving money for the taxpayers based on available information that is in hand now.

I can remember a few years ago there was an esteemed gentleman in this body from Washington County who wanted to have this Legislature study Passamaquoddy and Dickey-Lincoln. At that time, I opposed it and I went down to the Law Library and very graciously the Law Librarian, Miss Edith Hary, gave me some reports of studies done on Passamaquoddy, Cobscook Bay, and I brought them up. It took me quite a while to get them here because I started piling them on the floor and by the time I got them all up here, they were waist high, just to prove a point that that issue had been studied to death and I think this one has as well.

I would make the motion, Mr. Speaker, that this House indefinitely postpone this order at this time.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves that this order be indefinitely postponed.

The Chair recognizes the gentleman from Sanford, Mr. Paul.

Mr. PAUL: Mr. Speaker and Members of the House: I initially presented this order last Thursday. It was tabled by the good gentleman from Bangor; now it appears before you today. I think it would be appropriate for your own information that I do read the end of the order which is the substance of the order.

"Ordered, the Senate concurring, that the Commissioner of Inland Fisheries and Wildlife conduct an investigation into the potential impact an oil refinery at Eastport would have on the bald eagle population presently in existence at the proposed refinery site and surrounding area; and be it further

"Ordered, that the Commissioner shall report his findings and make recommendations to this 109th Legislature on or before March 1, 1979."

The reason for this order, I hope you can understand, is basically as the result of the recent United States Fish and Wildlife biological opinion which unequivocally stated that the proposed refinery at Eastport would have severe impact on the further existence of the bald eagle in that area. It is my belief that this would be an appropriate time and certainly cause for concern to see that our state department, Fish and Wildlife Department, begin to conduct their own investigation, draw up their own conclusions and make recommendations to this body in light of the opinion recently handed down by the U.S. Fish and Wildlife Service.

Just to address one of Representative Kelleher's points in opposing the order, it would be saving the taxpayers money. There is sufficient money in the department's budget to handle this investigation presently. A little example I could give you is the recent recodification that was done by the department, presented to you as L.D. 15, which cost \$12,000 which was conducted by a private firm, so the money is available in the department's budget.

What I basically want you people to do here this afternoon is to decide in your own mind whether or not all the questions and answers have been brought before you on this bald eagle question. I think it is highly appropriate that the Fish and Wildlife Commissioner, who is entrusted with the responsibility of looking out for the welfare of our bald eagle and all wildlife of the state, get involved. It is being handled at the federal level right now, and I want our state to be back in the ball game on this bald eagle question.

I hope you will vote against the indefinite postponement motion and approve this order so that the commissioner can do an investigation and analysis of ramifications of the refinery.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Gillis.

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: I oppose this joint order because it is nothing but repetition. As the good gentleman from Bangor, Representative Kelleher, has stated, these reports have been accomplished and reaccomplished and accomplished again. We are just sending this down to Fish and Wildlife, and if the study is performed down there, it will simply be accomplished by opening a desk drawer, pulling out an already accomplished report and dropping it in the mail. It is a waste of time, effort and money and I just don't see the need for it.

I ask that you support the indefinite postponement.

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I also oppose this particu-

lar study order. I think it is a waste of time, it is a waste of the state's money. I would propose, however, that 20 years down the line if we continue on the course of action that we are now, we may enjoy another study order, and that will be how to make fuel out of the bald eagle.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that this Joint Order, H. P. 204, be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A Vote of the House was taken.

118 having voted in the affirmative and 19 in the negative, the motion did prevail.

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

JOINT ORDER Relative to 800 Wats Line (S. P. 118) — In Senate, read and passed January 30.

Tabled—February 1, 1979, by Mrs. Mitchell of Vassalboro.

Pending—Passage in concurrence.

On motion of Mr. Garsoe of Cumberland, retabled pending passage in concurrence and tomorrow assigned.

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

Bill "An Act Relating to Weight Imparted by Tire Width of Tires on Certain Farm Trucks" (H. P. 231) (Committee on Agriculture suggested)

Tabled—February 2, 1979 by Mr. Carroll of Limerick.

Pending—Reference.

On motion of Mr. Carroll of Limerick, the Bill was referred to the Committee on Transportation, ordered printed and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act Concerning Appropriation to the Maine Energy Resources Development Fund" (H. P. 265), which was tabled earlier in the day and later today assigned pending reference.

Thereupon, on motion of Mr. Morton of Farmington, the Bill was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act Relating to the Small Grants Program for Municipal Conservation Commissions" (H. P. 266) which was tabled earlier in the day and later today assigned pending reference.

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

(Off Record Remarks)

On motion of Mr. Soulas of Bangor,
Adjourned until ten o'clock tomorrow morning.