

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 13, 1979

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

Prayer by the Reverend Frederick Niles, Retired, First Methodist Church, East Poland.

Reverend NILES: Let us be in the spirit of prayer. Almighty God, our gracious Heavenly Father, grant to the members of this legislature and officers of this body a sacred moment of quiet before they take up the duties of the day. Turn their thoughts to God and open their hearts to his spirit that they may have wisdom in their decisions, understanding in their thinking, love in their attitudes and mercy in their judgments. Let them not think when this prayer is said that their dependence upon God is over and forget his counsel for the rest of the day, but rather from this holy interlude may there flow light and joy and power that will remain with them. So help us all this day, and we offer our prayer to the name of Christ Jesus, our Lord. Amen.

The members stood at attention during the playing of the National Anthem by the Deering High School Stage Band of Portland.

The journal of the previous session was read and approved.

(Off Record Remarks)

On motion of Mr. Tierney of Lisbon Falls, 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

The following Communication:

THE SENATE OF MAINE

Augusta

February 9, 1979

The Honorable Edwin H. Pert

Clerk of the House

109th Legislature

Augusta, Maine 04333

Dear Clerk Pert:

The Senate today voted to Adhere to its former action on 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).

Respectfully,

S/MAY M. ROSS

Secretary of the Senate

The Communication was read.

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: As the sponsor of this particular measure, I simply do not want it to go unnoticed that the other body chose to kill this particular measure without a public hearing.

Thereupon, the Communication was ordered placed on file.

The following Joint Order, An Expression of Legislative Sentiment recognizing that:

Ben M. Leighton, Sr., has served the Town of Fairfield with great dedication as fireman, Assistant Chief and Chief of the Fairfield Fire Department (S. P. 186)

Came from the Senate read and passed.

In the House, was read and passed in concurrence.

Bill "An Act Appropriating Funds to Allow Maine State Retirement Members a Cost-of-Living Increase in Benefits." (S. P. 189) (L. D. 456)

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

2,000 ordered printed.

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

Bill "An Act Providing Funds for Young Women's Christian Association Fair Harbor Shelter in Portland" (S. P. 194) (L. D. 461)

RESOLVE, Reimbursing Bugbee-Brown, Inc., for Over-collection of \$289.85 in Cigarette Taxes (S. P. 190) (L. D. 457)

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

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

Bill "An Act Relating to Certificate of Deposit as it Applies to Survivors" (S. P. 192) (L. D. 459)

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

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

Bill "An Act to Enable the Land Use Regulation Commission to Establish Standards for Timber Harvesting in Management Districts" (S. P. 196) (L. D. 463)

Came from the Senate referred to the Committee on Energy and Natural Resources and ordered printed.

In the House, was referred to the Committee on Energy and Natural Resources in concurrence.

Bill "An Act Relating to the Operation of Snowmobiles on Private Ways" (S. P. 188) (L. D. 455)

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

In the House, was referred to the Committee on Fisheries and Wildlife in concurrence.

Bill "An Act Increasing the Number of Laymen on the Judicial Council" (S. P. 191) (L. D. 458)

Bill "An Act to Provide for Jury List Selection from Sources other than Voting Lists" (S. P. 178) (L. D. 408)

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

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

Bill "An Act Relating to the Reporting of Illegal Use and Trafficking of Drugs in Maine Schools" (S. P. 182) (L. D. 412)

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

In the House, on motion of Mr. Connolly of Portland, referred to the Committee on Education in non-concurrence and sent up for concurrence.

Bill "An Act to Establish an Office of Public Defender" (S. P. 184) (L. D. 414)

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 Permitting Binding Arbitration for Public Employees in Critical Public Services" (S. P. 197) (L. D. 464)

Bill "An Act Providing for Equitable Unemployment Compensation Contributions by Related Corporations that Concurrently Employ the Same Individual" (S. P. 195) (L. D. 462)

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

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

Bill "An Act to Relieve a Liquor Licensee of

Liability for the Sale of Liquor to a Minor who Presents False Identification Card which Appears to be Valid" (S. P. 181) (L. D. 411)

Came from the Senate referred to the Committee on Legal Affairs, and 1,800 ordered printed.

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

Bill "An Act to Reimburse Municipalities for Expenses Incurred in Enforcing Statutes, Ordinances and Regulations Relating to the Operation or use of Motor Vehicles on Streets and Highways" (S. P. 183) (L. D. 413)

Bill "An Act Concerning the Maine Development Districts Law" (S. P. 179) (L. D. 409)

Bill "An Act to Provide County Commissioners with the Exclusive Jurisdiction Over the Removal of Ice Jams" (S. P. 187) (L. D. 454)

Bill "An Act Relating to Facsimiles of County Register of Deeds and Deputy Register of Deeds" (S. P. 193) (L. D. 460)

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 Increase the Borrowing Capacity of Richmond Utilities District" (Emergency) (S. P. 180) (L. D. 410)

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

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

**Petitions, Bills and Resolves
Requiring Reference**

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

Business Legislation

Bill "An Act Concerning the Physical Therapists Statutes" (H. P. 386) (Presented by Mr. Cloutier of South Portland) (Cosponsor: Mrs. Kany of Waterville)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act to Revise the North American Indian Scholarship Act" (H. P. 387) (Presented by Mr. Pearson of Old Town)

(Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act Concerning the Investigation and Invalidation of Indian Tribal Elections" (H. P. 388) (Presented by Mr. Pearson of Old Town)

Bill "An Act Concerning Notice Provisions for Penobscot Indian Tribal Elections" (H. P. 389) (Presented by Mr. Pearson of Old Town)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act to Amend the Possession Limit for Fish taken from Inland Waters" (H. P. 390) (Presented by Mrs. Mitchell of Vassalboro)

Bill "An Act Relating to Tending Traps in the Unorganized Territories" (H. P. 391) (Presented by Mr. Churchill of Orland)

Bill "An Act Concerning Fines Resulting from Fish and Game Violations on Land of the Penobscot Indians" (H. P. 392) (Presented by Mr. Pearson of Old Town) (Later Reconsidered)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act Concerning Distitute Indians Outside of Reservations" (H. P. 393) (Presented by Mr. Pearson of Old Town)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act Providing for Rent Receipts and Requiring Disclosure of a Landlord's Identity" (H. P. 394) (Presented by Mr. Wyman of Pittsfield) (Later Reconsidered)

Bill "An Act to Limit the Liability for Hang-gliding" (H. P. 395) (Presented by Miss Brown of Bethel)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act Relating to Self-insurance under the Workers' Compensation Act" (H. P. 396) (Presented by Mr. Wyman of Pittsfield)

Bill "An Act Concerning Workers' Compensation for Fire Personnel" (H. P. 397) (Presented by Mr. Hanson of Kennebunkport) (Cosponsor: Mr. Lizotte of Biddeford)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act Concerning Removal of Unattached Nonmembers from Indian Reservations" (H. P. 398) (Presented by Mr. Pearson of Old Town)

RESOLVE, Authorizing Lyman F. Gray, Cilia M. Gray and Bernard L. Gray to Bring Civil Action Against the State of Maine (H. P. 399) (Presented by Mr. Churchill of Orland)

(Ordered Printed)

Sent up for concurrence.

Tabled Later Today

Bill "An Act Concerning Registration Fees for Persons Appearing Before County Commissioners for a Tax Abatement" (H. P. 400) (Presented by Miss Brown of Bethel)

Committee on Local and County Government was suggested.

On motion of Mr. LaPlante of Sabattus, tabled pending reference and later today assigned.

Local and County Government

Bill "An Act to Require Small Municipalities to Provide a Full-time Law Enforcement Officer" (H. P. 401) (Presented by Mr. L. Dutremble of Biddeford)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act to Clarify the Form of the Local Consent Resolution Regarding State Housing Authority Housing Assistance Allocation" (H. P. 402) (Presented by Mr. Kelleher of Bangor)

Bill "An Act to Create a State Compensation Commission" (H. P. 403) (Presented by Mr. Davies of Orono) (Cosponsors: Mrs. Masterton of Cape Elizabeth, Mr. Garsoe of Cumberland, and Ms. Benoit of South Portland)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Expand Eligibility for Elderly Tax and Rent Relief" (H. P. 404) (Presented by Mr. Masterman of Milo) (Cosponsor: Mr. L. Dutremble of Biddeford)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act to Restrict the Use of Dealer Plates" (H. P. 406) (Presented by Mr. Stetson of Wiscasset)

RESOLVE, Appropriating Funds for State Share of Access Bridge in the Town of Medford (H. P. 405) (Presented by Mr. Masterman of Milo)

(Ordered Printed)

Sent up for concurrence.

Orders

On motion of Mr. Cox of Brewer, it was ORDERED, that Representative James McMahon of Kennebunk be excused Friday, February 9, 1979 through Friday, February 23, 1979 for personal reasons;

AND BE IT FURTHER ORDERED, that Representative David Brennerman of Portland be excused Thursday, February 8, 1979 and Friday, February 9, 1979 for health reasons.

House Reports of Committees

Ought Not to Pass

Mr. Violette from the Committee on Legal Affairs on RESOLVE, Authorizing Arthur G. Powers to Sue the State of Maine (H. P. 46) (L. D. 78) 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. Nelson from the Committee on Local and County Government on Bill "An Act to Increase the Salary of the Judge of Probate for the County of Oxford" (H. P. 58) (L. D. 67) reporting "Leave to Withdraw"

Mr. LaPlante from the Committee on Local and County Government on Bill "An Act to Increase Salaries of Elected Officials of Washington County" (H. P. 105) (L. D. 107) reporting "Leave to Withdraw"

Mr. Jackson from the Committee on Marine Resources on Bill "An Act to Prohibit Purse Seining in Hancock County" (H. P. 85) (L. D. 96) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Consent Calendar

First Day

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

(H. P. 130) (L. D. 141) Bill "An Act to Clarify the Definition of Intermittent State Employees" (Emergency) — Committee on State Government reporting "Ought to Pass"

(H. P. 140) (L. D. 160) Bill "An Act to Amend the Maine State Apprenticeship Council to State Apprenticeship and Training Council to Conform with Federal Recommendations under the Labor Laws" — Committee on Labor reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar on February 14, 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. 61) (L. D. 69) Bill "An Act to Repeal Certain Requirements for Filing, Recording Registers, Rosters and Binding and Provisions Concerning Administrative Assistant to the Chief Justice" (C. "A" H-19)

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

Second Reader

Tabled and Assigned

Bill "An Act Empowering Retired Justices of the Supreme Judicial Court and District Court Judges to Sit in Superior Court and Administrative Judges to Sit in District Court" (Emergency) (S. P. 55) (L. D. 89)

Was reported by the Committee on Bills in the Second Reading and read the second time.

On motion of Mr. Hobbins of Saco, tabled pending passage to be engrossed and tomorrow assigned.

Passed to be Engrossed Amended Bill

Bill "An Act to Increase the Amount which the District Court is Allowed to Deposit each Month into the District Court Building Fund from \$3,000 to 10,000" (H. P. 101) (L. D. 108) (C. "A" H-17)

Was reported by the Committee on Bills in the Second Reading and read the second time.

On motion of Mr. Hobbins of Saco, the House reconsidered its action whereby Committee Amendment "A" was adopted.

The same gentleman offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-21) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended and sent up for concurrence.

Passed to Be Enacted

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

Orders of the Day

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

HOUSE REPORT — "Ought to Pass" — Committee on Health and Institutional Services on Bill "An Act to Allow Prison Inmates to Attend the Funeral of a Brother or Sister" (H. P. 100) (L. D. 148)

Tabled—February 9, 1979, by Mr. Laffin of Westbrook.

Pending—Acceptance of Committee Report.

Thereupon, the Report was accepted, the Bill read once and assigned for second reading tomorrow.

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

Bill "An Act Relating to Certification of Plumbing Inspectors" (S. P. 154) (L. D. 372)

Tabled—February 9, 1979, by Mr. Blodgett of Waldoboro

Pending—Motion of Mr. Birt of East Millinocket to Reconsider reference to the Committee on Energy and Natural Resources.

The SPEAKER: The Chair recognizes the gentleman from Waldoboro, Mr. Blodgett.

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: I would oppose the reconsideration of the reference of this bill. We already have one of a similar nature that has been assigned to the Energy and Natural Resources Committee, and it would be in the order of consistency that we would put this one there also.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from East Millinocket, Mr. Birt, that the House reconsider its action whereby this bill was referred to the Committee on Energy and Natural Resources in concurrence. All those in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

25 having voted in the affirmative and 87 having voted in the negative, the motion did not prevail.

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

Mr. TARBELL: Mr. Speaker, I move we reconsider our action of Friday whereby Bill "An Act to Permit Signed Statements of Psychologists and Chiropractors to be Admitted into Evidence Before the Workers' Compensation Board," House Paper 377, was referred to the Committee on Labor.

On motion of Mr. Hobbins of Saco, tabled pending the motion of Mr. Tarbell of Bangor to reconsider and tomorrow assigned.

On motion of Mr. Violette of Van Buren, the House reconsidered its action of earlier in the day whereby Bill "An Act Concerning Fines Resulting from Fish and Game Violations on Land of the Penobscot Indians," House Paper 392, was referred to the Committee on Fisheries and Wildlife.

The same gentleman moved that the bill be referred to the Committee on Legal Affairs.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, I move that we table this for one day.

Whereupon, Mr. Pearson of Old Town requested a vote.

The SPEAKER: All those in favor of this matter being tabled pending the motion of Mr. Violette of Van Buren to refer to the Committee on Legal Affairs and tomorrow assigned will vote yes; those opposed will vote no.

A vote of the House was taken.

78 having voted in the affirmative and 50 having voted in the negative, the motion did prevail.

On motion of Mr. Howe of South Portland, the House reconsidered its action of earlier in the day whereby Bill "An Act Providing for Rent Receipts and Requiring Disclosure of a Landlord's Identity," House Paper 394, was referred to the Committee on Judiciary.

On motion of the same gentleman, the Bill was referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act Concerning Registration Fees for Persons Appearing Before County Commissioners for a Tax Abatement" (H. P. 400) which was tabled earlier in the day and later today assigned pending reference.

On motion of Mrs. Post of Owl's Head, the bill was referred to the Committee on Taxation, ordered printed and sent up for concurrence.

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

Bill "An Act to Amend the Laws Relating to the State Harness Racing Commission" (H. P. 407) (Presented by Mr. Cunningham of New Gloucester)

Referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

Bill "An Act to Provide for Public Rest Room Facilities in Shopping Centers" (H. P. 408) (Presented by Mr. Torrey of Poland)

Committee on Business Legislation was suggested.

On motion of Mr. Violette of Van Buren, referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

Bill "An Act to Prevent the Spouse of a School Director from Working for That Director's School Administrative District whether With or Without Pay" (H. P. 409) (Presented by Mr. Fenlason of Danforth)

Bill "An Act Relating to Current Funding of Special Education Tuition" (H. P. 410) (Presented by Mr. Davis of Monmouth)

Bill "An Act Authorizing the State to Contract with Tufts University School of Veterinary Medicine" (H. P. 411) (Presented by Mr. Tarbell of Bangor)

Were referred to the Committee on Education ordered printed, and sent up for concurrence.

Bill "An Act Concerning the Degree of Flammability of Insulation Installed in Residences" (Emergency) (H. P. 412) (Presented by Mrs. Huber of Falmouth) (Cosponsor: Mr. Howe of South Portland)

Committee on Energy and Natural Resources suggested.

On motion of Mr. Blodgett of Waldoboro, was referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

Bill "An Act Relating to Bass Tournament Permits" (H. P. 413) (Presented by Mr. Brown of Livermore Falls)

Was referred to the Committee on Fisheries and Wildlife suggested, ordered printed and sent up for concurrence.

Bill "An Act Relating to Furloughs for Inmates of County Jails" (H. P. 414) (Presented by Mrs. Prescott of Hampden)

Was referred to the Committee on Health and Institutional Services, ordered printed and sent up for concurrence.

Bill "An Act to Increase the Penalty for Acquiring Drugs by Deception" (H. P. 415) (Presented by Mr. Diamond of Windham)

Bill "An Act to Increase Fees for Filing of Probate Instruments" (Emergency) (H. P. 416) (Presented by Mr. Howe of South Portland)

Were referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

Bill "An Act to Make the Voluntary Payment of Workers' Compensation Nonprejudicial" (H. P. 417) (Presented by Mr. Tarbell of Bangor) (Cosponsors: Mr. Studley of Berwick, Miss Gavett of Orono, and Mr. Hobbins of Saco)

Committee on Judiciary was suggested.

(On motion of Mr. Wyman of Pittsfield, tabled pending reference and tomorrow assigned.)

Bill "An Act Relating to Right of Entry on Lands" (H. P. 418) (Presented by Mr. Brown of Livermore Falls)

Bill "An Act Raising the Amount of the Homestead Exemption in Attachment and Bankruptcy Proceedings" (H. P. 419) (Presented by Mr. Rolde of York)

Were referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

Bill "An Act Relating to Interest on Benefits under the Workers' Compensation Act" (H. P. 420) (Presented by Mrs. Post of Owl's Head) (Cosponsor: Mr. Michael of Auburn)

Bill "An Act Relating to Attorney's Fees when Expenses are Paid in Workers' Compensation Cases" (H. P. 421) (Presented by Mr. Howe of South Portland) (Cosponsor: Mr. Garsoe of Cumberland)

Were referred to the Committee on Labor, ordered printed and sent up for concurrence.

Bill "An Act to Amend Existing Stumpage Allowance to the Passamaquoddy Indian Tribe" (H. P. 422) (Presented by Mr. Vose of Eastport)

Was referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

Bill "An Act Concerning Appointment of County Commissioners to Certain County Offices" (H. P. 423) (Presented by Mr. Wood of Sanford)

Was referred to the Committee on Local and County Government, ordered printed and sent up for concurrence.

Bill "An Act to Prohibit Gill Netting in

Spruce Creek, York County" (H. P. 424) (Presented by Mr. Rolde of York)

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

Bill "An Act to Exempt from the Sales Tax Sales to Nonprofit Public Residential Drug Treatment Centers" (H. P. 425) (Presented by Mr. Connolly of Portland)

Was referred to the Committee on Taxation, ordered printed and sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Dow of West Gardiner, Adjourned until ten o'clock tomorrow morning.