

# 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

Thursday, February 15, 1979

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

Prayer by the Reverend Wesley Woodman of the Congregational Church, Warren.

Reverend WOODMAN: Let us be in the spirit of prayer. This is the beginning of a brand new day, Lord. You have given us this day to use as we will. We can waste it or grow in its light and in the process be of service to others. But what we do with this day, Lord, is important, because we are exchanging a day of our lives for it. When tomorrow comes, today will be gone forever. May we never regret the price that we pay for this day.

In this day, may we speak for those who feel they have no voice. Make our voices ring for them. May we listen to those who are frustrated by our sometimes unhearing bureaucratic system. Turn up our hearing aids for them, we pray, O Lord. May we feel for those who think that caring is as outmoded as fidelity, morality and all of the other virtues of a long ago rural Maine. May the crisp, cold air of winter sharpen all our senses this morning so that the warmth of the heart of this House of Representatives will be shared in all the homes of this grand state. These prayers we lift hoping that at the end of the day we may somehow in the distance hear the words — well done, thou good and faithful servants. Amen.

The Journal of yesterday was read and approved.

## (Off Record Remarks)

## Papers from the Senate

Bill "An Act to Eliminate the Dependency Disqualification for Persons Receiving Survivor's Benefits from the State Retirement System" (S. P. 203) (L. D. 535)

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.

Bill "An Act to Prevent Cruelty to Animals by Establishing Certain Licensing Categories and Restrictions" (S. P. 206) (L. D. 538)

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

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

Bill "An Act to Provide for a Closed Season on Black Bear from the First Monday Following Thanksgiving to July 1st" (S. P. 205) (L. D. 537)

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 to Provide that Unemployment Compensation be Based on the Minimum Wage for Certain Services Rather than on Tips and Gratuities Received for the Service" (S. P. 204) (L. D. 536)

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 Establish a Sign on the Maine Turnpike for Lost Valley" (S. P. 202) (L. D. 534)

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

## Ought to Pass as Amended

Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-8) on Bill "An Act to Strengthen and Streamline the Habitual Offender Law" (Emergency) (S. P. 9) (L. D. 16)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-8) and Senate Amendment "A" (S-9)

In the House, the report was read and accepted in concurrence and the Bill read once. Committee Amendment "A" was read and adopted in concurrence. Senate Amendment "A" was read and adopted in concurrence and the Bill assigned for second reading on Friday, February 16.

## Non-Concurrent Matter

Bill "An Act Relating to the Reporting of Illegal Use and Trafficking of Drugs in Maine Schools" (S. P. 182) (L. D. 412) which was referred to the Committee on Education in the House on February 13, 1979.

Came from the Senate with that Body having insisted on its former action whereby the Bill was referred to the Committee on Judiciary in non-concurrence.

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

Petitions, Bills and Resolves  
Requiring Reference

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

## Aging, Retirement and Veterans

Bill "An Act to Reinstate Mandatory Retirement for Certain Law Enforcement Officers" (H. P. 452) (Presented by Mr. Laffin of Westbrook)

(Ordered Printed)

Sent up for concurrence.

## Agriculture

Bill "An Act to Equalize the License Fees for Dogs" (H. P. 453) (Presented by Mr. Wyman of Pittsfield)

(Ordered Printed)

Sent up for concurrence.

## Appropriations and Financial Affairs

Bill "An Act Making Additional Appropriations from the General Fund for the Current Fiscal Year Ending June 30, 1979 and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government" (Emergency) (H. P. 451) (L. D. 539) (Presented by Mr. Pearson of Old Town)

(Ordered Printed)

Sent up for concurrence.

## Tabled and Assigned

Bill "An Act to Increase the Handling Charge for Returnable Beverage Containers from 1¢ to 3¢ and to Provide for Prompt Reimbursement of this Charge to Dealers and Redemption Centers" (H. P. 454) (Presented by Mrs. Locke of Sebec) (Cosponsor: Mr. Gwadosky of Fairfield)

Committee on Business Legislation was suggested.

On motion of Mr. Tierney of Lisbon Falls, tabled pending reference and tomorrow assigned.

## Business Legislation

Bill "An Act to Provide for Licensure of the Incumbent State Auditor as a Public Accountant" (H. P. 455) (Presented by Mr. Jacques of Lewiston) (Cosponsor: Mrs. Berube of Lewiston)

Bill "An Act Amending Maine Traveler Information Services Statutes" (H. P. 456) (Presented by Mr. Boudreau of Waterville) (Cosponsors: Miss Brown of Bethel, Mr. Dow

of West Gardiner, and Mrs. Curtis of Milbridge)

(Ordered Printed)

Sent up for concurrence.

## Fisheries and Wildlife

Bill "An Act to Prohibit Hunting of Bear with Dogs and to Prohibit Hunting Bear with Bait" (H. P. 457) (Presented by Mrs. Martin of Brunswick)

(Ordered Printed)

Sent up for concurrence.

## Judiciary

Bill "An Act Providing Authority to Modify District Court Divisions and Districts by Rule of Court after Public Hearing" (H. P. 458) (Presented by Mr. Hobbins of Saco)

Bill "An Act Relating to Fatal Motor Vehicle Accidents" (H. P. 459) (Presented by Mr. Laffin of Westbrook)

Bill "An Act to Revise the Penalty Provisions for the Offense of Speeding" (H. P. 460) (Presented by Mr. Laffin of Westbrook)

Bill "An Act Concerning the Release of Certain Information Furnished for the Filing of Liens for Support Payments" (H. P. 461) (Presented by Mr. Wood of Sanford)

Bill "An Act to Clarify the Hearing Procedures under the Workers' Compensation Act" (H. P. 462) (Presented by Mr. Silsby of Ellsworth)

Bill "An Act Relating to Forcible Entry and Detainer Hearings" (H. P. 463) (Presented by Mr. Jacques of Lewiston)

Bill "An Act to Amend the Statute Relating to Motions to Amend or Enforce a Divorce Decree" (H. P. 464) (Presented by Mr. Peltier of Houlton)

Bill "An Act to Allow Former Judges to Practice Criminal Law" (H. P. 465) (Presented by Mr. Kelleher of Bangor)

Bill "An Act Concerning Causes for a Seven Day Notice of Termination of Tenancy" (H. P. 466) (Presented by Mr. Jacques of Lewiston) (Cosponsors: Mr. Jacques of Waterville, and Mr. Simon of Lewiston)

Bill "An Act Concerning the Habitability of a Rental Unit" (H. P. 467) (Presented by Mr. Jacques of Lewiston) (Cosponsor: Mr. Dudley of Enfield)

(Ordered Printed)

Sent up for concurrence.

## Labor

Bill "An Act to Permit the Negotiation of Union Security Clauses in Contracts between the State and Bargaining Agents of State Employees" (H. P. 468) (Presented by Mrs. Chonko of Topsham) (Cosponsors: Mr. Baker of Portland and Mr. Churchill of Orland)

(Ordered Printed)

Sent up for concurrence.

## Legal Affairs

Bill "An Act to Provide for Licensing of Bottle Clubs" (H. P. 469) (Presented by Mr. Boudreau of Waterville) (Cosponsor: Mr. Dexter of Kingfield)

Bill "An Act to Prohibit the Possession of Manufactured Items the Serial Numbers of Which Have Been Altered" (H. P. 470) (Presented by Mrs. MacBride of Presque Isle) (Cosponsors: Mr. Hobbins of Saco, Mr. Stetson of Wiscasset and Mr. Violette of Van Buren)

(Ordered Printed)

Sent up for concurrence.

## Local and County Government

Bill "An Act to Authorize a District Attorney and Assistant District Attorneys for Washington County" (H. P. 471) (Presented by Mr. Nelson of Roque Bluffs)

Bill "An Act to Define the Post of Hancock County Sheriff as Full Time" (H. P. 472) (Presented by Mr. Bowden of Brooklin)

Bill "An Act to Permit Municipal Constables to Serve as Full-time Deputy Sheriffs" (H. P.

473) (Presented by Mrs. Chonko of Topsham) (Cosponsors: Mrs. Post of Owl's Head and Mr. Stover of West Bath)

Bill "An Act to Provide County Commissioner Districts in Washington County" (H. P. 474) (Presented by Mr. Nelson of Roque Bluffs) (Ordered Printed)

Sent up for concurrence.

#### Marine Resources

Bill "An Act to Appropriate Funds to Provide for Lobster Rearing Stations" (H. P. 475) (Presented by Mr. Bunker of Gouldsboro) (Cosponsors: Mr. Blodgett of Waldoboro and Mr. Silsby of Ellsworth)

(Ordered Printed)

Sent up for concurrence.

#### State Government

Bill "An Act to Amend the Membership and the Legislative Mandate of the Capitol Planning Commission" (H. P. 476) (Presented by Mr. Hickey of Augusta) (Cosponsors: Mrs. Mitchell of Vassalboro and Mr. Paradis of Augusta)

(Ordered Printed)

Sent up for concurrence.

#### Taxation

Bill "An Act to Exempt Post-secondary School Books from Sales Taxation" (H. P. 477) (Presented by Mr. Davies of Orono) (Cosponsor: Mr. Tarbell of Bangor)

Bill "An Act to Provide for Quarterly Collection of the Sales Tax from Retailers having Annual Sales of \$50,000 or Less" (H. P. 478) (Presented by Mr. Dexter of Kingfield)

Bill "An Act to Establish the Maine Homeowners and Tenants Tax Relief Program" (H. P. 479) (Presented by Mr. Torrey of Poland) (Cosponsors: Mr. Michael of Auburn, Mr. Davies of Orono, and Mr. Cunningham of New Gloucester)

(Ordered Printed)

Sent up for concurrence.

#### Orders

An Expression of Legislative Sentiment (H. P. 480) recognizing that:

On February 18th, Mrs. Euphamie Dubay will celebrate the 100th anniversary of her birth.

(Presented by Mr. Violette of Van Buren) (Cosponsor: Mr. Martin of Aroostook)

The Order was read and passed and sent up for concurrence.

#### House Reports of Committees

##### Leave to Withdraw

Mr. Paul from the Committee on Aging, Retirement and Veterans on Bill "An Act to Increase to \$150 the Retirement Allowance for Qualified Teachers who Began to Teach in the Public Schools before July 1, 1947" (H. P. 20) (L. D. 37) reporting "Leave to Withdraw"

Mr. Brenerman from the Committee on Health and Institutional Services on Bill "An Act to Eliminate Mandatory Silver Nitrate Drops in Eyes of Newborns" (H. P. 175) (L. D. 219) reporting "Leave to Withdraw"

Mr. Barry from the Committee on State Government on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Age at which a Person may Serve in the Maine Legislature to 18 for Members of the House of Representatives and 21 for Members of the Senate (H. P. 178) (L. D. 225) reporting "Leave to Withdraw"

Mrs. Kany from the Committee on State Government on RESOLUTION, Proposing an Amendment to the Constitution of Maine Reducing to 18 Years the Age at which a Person may Serve as a Member of the Maine Legislature" (H. P. 79) (L. D. 87) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

#### Consent Calendar

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

(S. P. 65) (L. D. 106) Bill "An Act to Clarify the Duties of the Maine Insurance Advisory Board"—Committee on Business Legislation reporting "Ought to Pass"

(H. P. 41) (L. D. 52) Bill "An Act to Transfer Certain Inactive Accounts of the Maine State Retirement System to the Retirement Allowance Fund"—Committee on Aging, Retirement and Veterans reporting "Ought to Pass"

(H. P. 84) (L. D. 95) Bill "An Act To Repeal the Per Diem Payment and the Commutation Allowance for Court Officers"—Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-28)

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 16, under listing of Second Day.

#### Passed to Be Engrossed Amended Bills

Bill "An Act Relating to the Liability of Parents for Damage by Children" (H. P. 4) (L. D. 10) (C. "A" H-23)

Was reported by the Committee on Bills in the Second Reading, read the second time, the House Paper passed to be engrossed as amended and sent up for concurrence.

Bill "An Act to Prohibit Smoking at Public Meetings" (H. P. 5) (L. D. 11) (C. "A" H-26)

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

On motion of Mr. Higgins of Scarborough, 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-29) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: As a former smoker all this amendment does is allow at a meeting taking place where all members present are smokers and each of them gives their consent, allows the people there to smoke, it would allow that situation. I can recall some meetings that I attended when I did smoke, it was a subcommittee meeting or something like that and no one was in attendance or those that were there did smoke, it seems perhaps unfortunate that they could not smoke. If they wish to go ahead and commit mass suicide, perhaps the state hadn't ought to get involved in that.

So, I would hope you would accept House Amendment "A" and perhaps this would make it a bit more compatible to the esteemed body at the other end of the hall.

Thereupon, House Amendment "A" to Committee Amendment "A" was 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.

Bill "An Act Relating to Avoidance of Contracts Made on the Lord's Day" (H. P. 136) (L. D. 146) (C. "A" H-24)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed as amended and sent up for concurrence.

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

Bill "An Act Concerning the Registration under the Motor Vehicle Statutes of Farm Motor Vehicles Using Dolly Axles" (H. P. 426) (Committee on Agriculture suggested)

Tabled—February 14, 1979 by Mr. Carroll of Limerick.

#### Pending—Reference.

The Bill was referred to the Committee on Transportation, ordered printed and sent up for concurrence.

#### (Off Record Remarks)

On motion of Mr. Soulas of Bangor, Adjourned until twelve o'clock noon tomorrow.