

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 20, 1979

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

Prayer by Father H. James Rains, Jr., of the Trinity Episcopal Church, Lewiston.

Father RAINS: Guide, we beseech Thee, O Lord, all those to whom is committed to government of this state and grant to them at this time special gifts of wisdom and understanding, of counsel and strength, that they may consider all questions calmly in their deliberations and act wisely and promptly, upholding what is right, abhorring what is wrong and performing that which is just, so that in all things Thy will may be done for the sake of Jesus Christ, Our Lord. Amen.

The members stood at attention during the playing of the National Anthem by Representative Stephen Gould of Old Town.

The journal of the previous session was read and approved.

On motion of Mr. Garsoe of Cumberland, Recessed until the sound of the gong.

After Recess
11:10 a. m.

The House was called to order by the Speaker.

Papers from the Senate

Bill, "An Act to Permit the Retirement Earnings Limitation to Increase as Cost-of-Living Increases in Retirement Benefits are Granted" (S. P. 222) (L. D. 606)

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 Increase State Reimbursement for the Net Costs of Local General Assistance" (S. P. 216) (L. D. 601)

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

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

Bill "An Act to Insure Parental Participation in a Minor's Decision to have an Abortion" (S. P. 220) (L. D. 604)

Bill "An Act to Assure Notice and Hearing Prior to Appointment of a Special Guardian" (S. P. 215) (L. D. 600)

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 to Limit the Number and Location of Agency Stores under the Statutes Relating to Alcoholic Beverages" (S. P. 217) (L. D. 602)

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 Allow Item by Item Referendums on Proposed Town Charter Amendments Presented by a Municipal Charter Review Commission" (S. P. 221) (L. D. 605)

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

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

RESOLVE, Authorizing the Transfer of 10

Acres of State-owned Land on Cony Road to Kennebec County for a Correctional Facility (S. P. 218) (L. D. 603)

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

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

Non-Concurrent Matter

Joint Order relative to Mrs. Euphamie Dubay (H. P. 480) which was read and passed in the House on February 15, 1979.

Came from the Senate Indefinitely Postponed in non-concurrence.

In the House: The House voted to recede and concur.

Petitions, Bills and Resolves
Requiring Reference

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

Agriculture

Bill "An Act to Require a Licensed Arborist to be on the Job Site of Any Job Undertaken by an Arborist" (H. P. 513) (Presented by Mr. Tozier of Unity) (Cosponsor: Mr. Hall of Sangerville)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act to Expand the Forms of Deferred Compensation Under the Deferred Compensation Plan" (H. P. 517) (Presented by Mrs. Kany of Waterville)

(Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act to Require Each Primary Candidate to be a Resident of the District from which he is Running Prior to the Primaries" (H. P. 518) (Presented by Mrs. Payne of Portland)

Bill "An Act Concerning Nomination Procedure for Nonparty Candidates" (H. P. 519) (Presented by Mr. Birt of East Millinocket)

(Ordered Printed)

Sent up for concurrence.

Energy and Natural Resources

Bill "An Act to Amend the Subdivision Law" (H. P. 520) (Presented by Mrs. Lewis of Auburn)

Bill "An Act to Establish the Aquifer Protection Act" (H. P. 521) (Presented by Ms. Lund of Augusta) (Cosponsor: Mr. Baker of Portland)

Bill "An Act to Establish Energy Efficiency Building Performance Standards for the State of Maine" (H. P. 522) (Presented by Mrs. Huber of Falmouth) (Cosponsors: Mr. Davies of Orono, Mr. Morton of Farmington, and Mr. Carter of Winslow)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act to Establish a Marijuana Therapeutic Research Program" (H. P. 523) (Presented by Mr. Leighton of Harrison) (Cosponsors: Mr. Hughes of Auburn, Mr. Brown of Livermore Falls, and Mr. Brannigan of Portland)

(Ordered Printed)

Sent up for concurrence.

Local and County Government

Bill "An Act to Permit the Use of Facsimile Stamps on Municipal Sewerage Assessments and Charges" (H. P. 524) (Presented by Mr. Violette of Van Buren)

(Ordered Printed)

Sent up for concurrence.

Marine Resources

Bill "An Act to Require a Degradable Section

in all Lobster Traps" (H. P. 525) (Presented by Mr. Jackson of Yarmouth)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act to Make it Mandatory for Utilities to Notify Fire Chiefs and Municipal Officers when they Increase the Voltage through a Municipality" (H. P. 526) (Presented by Mr. Rollins of Dixfield) (Cosponsor: Mr. Dexter of Kingfield)

Bill "An Act to Prohibit Telephone Charges for Information or Directory Assistance Calls" (H. P. 527) (Presented by Mr. Kelleher of Bangor)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act Relating to the City of Bangor the State's Interests in a Portion of the Bed of the Penobscot River" (H. P. 528) (Presented by Mr. Tarbell of Bangor) (Cosponsor: Mr. Kelleher of Bangor)

RESOLVE, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Lands in the Town of Atkinson, Piscataquis County and St. John Plantation in Aroostook County and the Unorganized Territory (H. P. 529) (Presented by Mrs. Post of Owls Head)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act Concerning the Rate of Return on the Investment Factor under the Railroad Excise Tax" (H. P. 530) (Presented by Mr. Carter of Bangor) (Cosponsor: Mr. Kelleher of Bangor)

Bill "An Act Concerning State Valuation and Assessment" (H. P. 531) (Presented by Mrs. Curtis of Milbridge)

Bill "An Act to Amend the Laws on Taxation to Provide for the Automatic Return of any State Surplus to the Taxpayers" (H. P. 532) (Presented by Mrs. Lewis of Auburn)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act to Allow the Evaluation of the Existing Toll Facilities on the Maine Turnpike" (H. P. 533) (Presented by Mr. Brown of Mexico)

Bill "An Act to Remove the Requirement that Violations of Certain Truck Weight Statutes be Punished by a Mandatory Fine" (H. P. 534) (Presented by Mr. Bunker of Gouldsboro)

Bill "An Act to Authorize Constables to Use Blue Lights on Their Vehicles" (H. P. 535) (Presented by Mr. Bunker of Gouldsboro)

Bill "An Act to Compensate for Certain Wells within Highway Rights-of-Way" (H. P. 536) (Presented by Mr. Brown of Mexico)

(Ordered Printed)

Sent up for concurrence.

House Reports of Committees**Ought Not to Pass**

Mr. Stetson from the Committee on Judiciary on Bill "An Act Reinstating Littering as a Criminal Offense" (H. P. 126) (L. D. 139) 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. Drinkwater from the Committee on Local and County Government on Bill "An Act to Permit County Sheriffs to Appoint Limited Authority and Limited Purpose Deputies" (H. P. 161) (L. D. 189) reporting "Leave to Withdraw"

Mr. Pearson from the Committee on Appropriations and Financial Affairs on Bill "An Act

Appropriating Funds to Purchase 500 Copies of 'The History of Current Maine Newspapers' by Alan R. Miller" (H. P. 207) (L. D. 255) reporting "Leave to Withdraw"

Mr. Nelson from the Committee on Marine Resources on Bill "An Act Increasing the Minimum Length of Lobsters Which may be Possessed from 3 3/16 Inches to 3 1/4 Inches" (H. P. 106) (L. D. 109) reporting "Leave to Withdraw"

Mrs. Post from the Committee on Marine Resources reporting on Bill "An Act to Increase the Membership of the Atlantic Sea Run Salmon Commission" (H. P. 162) (L. D. 217) 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. 213) (L. D. 261) Bill "An Act Concerning Prisoner Participation in Public Works Projects" Committee on Health and Institutional Services reporting "Ought to Pass"

(H. P. 194) (L. D. 243) Bill "An Act to Amend the Law Relating to the Maine Historic Preservation Commission" Committee on State Government reporting "Ought to Pass"

(H. P. 158) (L. D. 186) Bill "An Act to Conform the Acknowledgment Provision of the Recording Statutes to the Uniform Recognition of Acknowledgments Act" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-32)

(H. P. 124) (L. D. 131) Bill "An Act to Increase the Mileage Reimbursement and Compensation of Jurors" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-31)

(H. P. 125) (L. D. 135) Bill "An Act to Increase Fees and Mileage Reimbursements of Witnesses" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-30)

(H. P. 128) (L. D. 133) Bill "An Act Amending the Sardine Tax Law" Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-34)

(H. P. 19) (L. D. 36) RESOLVE, to Direct the County of Cumberland to pay \$1,069.72 to Stanley E. Payson of Scarborough and Shirley M. Jodrie of Portland-Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-33)

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 21, 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:

(S. P. 66) (L. D. 110) Bill "An Act to Exclude Certain Academies from the Category of 'Public School'" (C. "A" S-7)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was passed to be engrossed in concurrence.

Emergency Measure

Later Today Assigned

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

(On motion of Mr. Tierney of Lisbon Falls, tabled pending passage to be enacted and later today assigned.)

Passed to Be Enacted

An Act to Authorize the Use of Superior Court Facilities when the Court is not in Session (H. P. 55) (L. D. 64) (C. "A" H-16)

An Act to Limit Disability Retirement Payments to Persons Restored to Service under the State Retirement System (H. P. 42) (L. D. 53)

An Act to Increase the Total Authorized Indebtedness of the Kennebunk Light and Power District from \$300,000 to \$2,000,000 (H. P. 52) (L. D. 61)

Were reported to 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:

An Act concerning Appointments of Justices of the Peace (Emergency) (H. P. 109) (L. D. 118)

Tabled—February 16, 1979, by Mr. Garsoe of Cumberland.

Pending—Passage to be enacted.

On motion of Mr. Tarbell of Bangor, retabled pending passage to be enacted and tomorrow assigned.

On motion of Mr. Fowlie of Rockland, the House reconsidered its action of February 16 whereby Bill "An Act to Prohibit Fishing for Atlantic Salmon in any Territorial Waters in this State," House Paper 491, was referred to the Committee on Fisheries and Wildlife.

Mr. Dow of West Gardiner withdrew his motion to refer to the Committee on Fisheries and Wildlife.

On motion of Mr. Fowlie of Rockland, the Bill was referred to the Committee on Marine Resources, ordered printed and sent up for concurrence.

On motion of Mrs. Post of Owl's Head, the House reconsidered its action of February 16 whereby Bill "An Act to Prohibit Commerce in Atlantic Salmon in the State of Maine," House Paper 495, was referred to the Committee on Fisheries and Wildlife.

Mr. Dow of West Gardiner withdrew his motion to refer to the Committee on Fisheries and Wildlife.

On motion of Mr. Fowlie of Rockland, the Bill was referred to the Committee on Marine Resources, ordered printed and sent up for concurrence.

The Chair laid before the House the following matter:

An Act Empowering Retired Justices of the Supreme Judicial Court and District Court Judges to Sit in Superior Court and Administrative Court Judges to Sit in District Court (Emergency) (S. P. 55) (L. D. 89) which was tabled earlier in the day pending passage to be enacted.

On motion of Mr. Hobbins of Saco, retabled pending passage to be enacted and tomorrow assigned.

At this point, the Chair appointed Representative Diamond of Windham to serve as Speaker pro tem for tomorrow's session.

(Off Record Remarks)

On motion of Mr. Brown of Mexico, Adjourned until ten o'clock tomorrow morning.