

# 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 Eighth  
Legislature***

OF THE

STATE OF MAINE

**1978**

**Second Regular Session**

January 4, 1978 — April 6, 1978

INDEX

**Senate Confirmation Session**

June 14, 1978

INDEX

**First Special Session**

September 6, 1978 — September 15, 1978

INDEX

**Second Special Session**

October 18, 1978

INDEX

**Third Special Session**

December 6, 1978

INDEX

APPENDIX

## HOUSE

Friday, January 20, 1978

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

Prayer by the Reverend Kendrick Child of St. Mathew's Episcopal Church, Lisbon Falls.

Reverend Child: Let us pray. Lord, we are gathered here with business to do and we ask that you help us do that with care, for what is most on all of our minds is the storm and safe trips home, so we ask in particular, Lord, that you bless each one of us today, we ask a safe trip home for each individual, to be safely returned to their families and that no tragedy or problems will occur for anyone. We ask your blessing on this day and this afternoon in Jesus name. Amen.

The journal of yesterday was read and approved.

**Papers from the Senate  
Non-Concurrent Matter**

Bill "An Act to Require Certain Out-of State Sellers to Register under the Maine Sales and Use Tax Law" (H. P. 1883) (L. D. 1937) on which the Majority "Ought to Pass" Report of the Committee on Taxation was read and accepted and the Bill passed to be engrossed in the House on January 17.

Came from the Senate with the Bill and accompanying papers recommended to the Committee on Taxation in non-concurrence.

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

**Non-Concurrent Matter**

RESOLVE, Appropriating Funds to Renovate an Elementary School Building at Windham which was Destroyed by Flood Waters (Emergency) (H. P. 1864) (L. D. 1914) on which the Minority "Ought to Pass" as amended by Committee Amendment "A" (H-954) Report of the Committee on Education was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-954) in the House on January 19.

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

In the House:

The SPEAKER pro tem: The Chair recognizes the gentleman from Windham, Mr. Diamond.

Mr. DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: I thank you all for your help and kind assistance, but I also understand, being a long-time member, that it is not going to last that much longer in the other body, so, I would move that we recede and concur. Again, thank you very much.

Thereupon, on motion of Mr. Diamond of Windham, the House voted to recede and concur.

The following Communication:

Richmond, Maine  
Town Office

Main Street, Richmond, Maine  
Telephone 207 737-4305

I, Gerald A. Brown, Town Clerk of Richmond, Attest under oath and with the Town Seal, that Timothy M. Moody, a duly elected State Representative of the State of Maine has changed his affiliation from the Republican party to the Democratic Party. This takes effect January 17, 1978.

Sincerely,

GERALD A. BROWN  
Town Clerk

A true copy  
Attest

GERALD A. BROWN

The Communication was read and ordered

placed on file.

**Petitions, Bills and Resolves  
Requiring Reference**

The following Bill was received and, upon recommendation of the Committee on Reference of Bills, was referred to the following Committee:

**Education**

Bill "An Act to Clarify the Education Laws" (H. P. 2018) (L. D. 2093) (Presented by Mr. Lynch of Livermore Falls) (Governor's Bill) (Ordered Printed)

Sent up for concurrence.

**Study Report**

**Joint Select Committee on State Policy**

Mr. Curran from the Joint Select Committee on State Policy to which was referred the study relative to Preservation, Development, and Utilization of Historic and Cultural Resources, pursuant to H. P. 345 of the 108th Legislature have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill "An Act to Create a Department of Cultural Resources" (H. P. 2009) (L. D. 2092) be referred to the Committee on State Government and printed pursuant to Joint Rule 17.

Report was read and accepted, and the Bill referred to the Committee on State Government, ordered printed and sent up for concurrence.

**Orders**

An Expression of Legislative Sentiment (H. P. 2019) recognizing that: FREEPORT HIGH SCHOOL has won the State Class B Soccer Championship for 1977

Presented by Ms. Clark of Freeport.

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

An Expression of Legislative Sentiment (H. P. 2021) recognizing that: CHARLES J. OUELLETTE of Boy Scout Troop 270 has been awarded Scouting's highest award for valor, the Honor Medal with Crossed Palms, by the Boy Scouts of America

Presented by Mr. Flourde of Fort Kent (Cosponsors: Mr. Martin of Eagle Lake, Mr. McHenry of Madawaska, Senator Martin of Aroostook)

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

**Tabled and Assigned**

On motion of Mr. Carrier of Westbrook, the following Joint Order: (H. P. 2020)

Ordered, the Senate concurring, that Joint Rule 24 be amended by adding a new paragraph to read:

Any vote of the Legislative Council to accept or reject a bill or resolve proposed for introduction under the procedures established under this Joint Rule shall be taken by the yeas and nays, and that vote shall be recorded and made available for public inspection.

The Order was read.

Under the rules, tabled pending passage and specially assigned for Monday, January 23.

An Expression of Legislative Sentiment (H. P. 2022) recognizing that: CHARLES D. CROUCHLEY, Jr., of Belfast, has been active in scouting over 40 years and his untiring efforts have been an important influence on hundreds of youth

Presented by Mr. Drinkwater of Belfast. (Cosponsor: Mr. Shute of Stockton Springs)

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

On motion of Mr. Nadeau of Sanford, it was ORDERED, that Swift Tarbell III of Bangor be excused January 23rd, 24th and 25th for legislative business.

**House Reports of Committees  
Referred to Committee**

**On Transportation**

Mr. Talbot from the Committee on Human Resources on Bill "An Act Appropriating Funds to Construct an Access Road to the Phase 2 Housing project on the Penobscot Tribal Reservation" (H. P. 1916) (L. D. 1977) reporting that it be referred to the Committee on Transportation.

Report was read and accepted, the Bill referred to the Committee on Transportation 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. 1910) (L. D. 1971) Bill "An Act to Clarify Reporting Requirements under the Campaign Finance Law and to Correct Other Oversights in that Law" — Committee on Election Laws reporting "Ought to Pass" as amended by Committee Amendment "A" (H-966)

No objections being noted, the above item was ordered to appear on the Consent Calendar of January 23, under listing of the Second Day.

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

**Passed to Be Enacted**

**Emergency Measure**

"An an to Authorize Local School Committees to Elect the method of Funding Unemployment Compensation" (H. P. 1932) (L. D. 2000) (C. "A" H-964)

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 necessary, a total was taken. 103 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, all matters acted upon requiring Senate concurrence were ordered sent forthwith.

**Orders of the Day**

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

Bill "An Act Relating to Certificate of Need" (S. P. 652) (L. D. 2013) (S "B" S-433)

Tabled — January 19, 1978 by Mr. Goodwin of South Berwick.

Pending — Passage to be Engrossed.

On motion of Mr. Tierney of Lisbon Falls, re-tabled pending passage to be engrossed as amended in concurrence and specially assigned for Monday, January 23.

On motion of Mr. Carey of Waterville, the House reconsidered its action whereby it voted to recede and concur with the Senate on Bill "An Act Relating to the Taxation of Certain Property Owned and Operated by Telephone or Telegraph Companies" (Emergency) (H. P. 1878) (L. D. 1932) whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "B" thereto in concurrence.

The SPEAKER pro tem: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker and Members of the House: The Bureau of Taxation informed us late yesterday afternoon that it may not do exactly what the two sponsors have requested. In speaking with members of the committee, we have decided that we would like to send this bill back to the committee and I move it be re-committed.

Thereupon, on motion of Mr. Carey of Waterville, the Bill was recommitted to the Committee on Taxation in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Mrs. Masterton of Cape Elizabeth, Adjourned until Monday, January 23, at 9:30 in the morning.