

# MAINE STATE LEGISLATURE

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**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 27, 1978

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

Prayer by Father Lionel Vashon of St. Joseph's Catholic Church, Old Town.

Father VASHON: Members of the House, as we prepare to fulfill these serious duties of representing our people, let us be aware of God's presence in our midst and of our need of his help.

Now we pray, God, Our Father, your name is stamped on our coins; may it also be in our hearts as we open this session of the Maine Legislature. We believe in your concern for our destiny and our welfare. Though we are elected by the people of Maine, we realize that our authority comes from you and we understand our responsibility to act in your name for the good of all our nation. Make us ready to shoulder our task with faith in your guidance, love in our hearts, steadfastness in opposition, courage in adversity, perseverance to the end. Let not personal gain or any form of immorality tinge our discussions or motivate our resolutions; rather, let all we do and decide here be inspired by justice and fairness to all by respect for your laws, by compassion for the underprivileged and a constant awareness of our mandate to act for the people of this state.

Make us mindful of our youth who will carry on after us, and lead us to protect their future with high personal morality and fearless legislation to combat the evils of an increasingly Godless, aimless and dehumanizing culture. Increase our compassion for the needy and the elderly so that your peace and serenity may reign over all. Fill us with respect for the natural resources of our state so that we may not waste the blessings of your bounty. Above all, let us be filled with your spirit, the spirit of wisdom and understanding, of charity and discernment, let your light guide us in selfless service to your people. In the words of the poet, J. G. Holland, may we be men of loyal breeding the nation's welfare speeding, men of faith and not of fiction, men of lofty aim in action, men who never fail their brothers, true, however false all others, men who tread where saints have trod, men for country, home and God. This we ask through Christ, Our Lord.

Amen.

The journal of yesterday was read and approved.

Papers from the Senate  
Reports of Committees

## Leave to Withdraw

Report of the Committee on Transportation reporting "Leave to Withdraw" on Bill, "An Act to Repeal Certain Laws Relating to the Registration of Commercial Vehicles Engaged in Interstate Commerce" (S. P. 629) (L. D. 1961)

Came from the Senate with the Report read and accepted.

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

## Non-Concurrent Matter

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) on which the Bill and accompanying papers were recommitted to the Committee on Taxation in the House on January 20.

Came from the Senate with that Body having insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-955) as amended by Senate Amendment "B" (S-437) thereto in non-concurrence.

In the House: On motion of Mr. Carey of Waterville, the House voted to recede and concur.

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:

## Local and County Government

Bill, "An Act to Support Improvement of Air Passenger Services" (H. P. 2048) (L. D. 2110) (Presented by Mr. Violette of Van Buren) (Cosponsors: Mr. Smith of Mars Hill, Mr. McHenry of Madawaska, Mr. Peltier of Houlton) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25) (Ordered Printed)

Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

## Study Report

## Pursuant to Legislative Council

Mr. Curran from the Committee on State Government to which was referred the study relative to the question of recovery of unclaimed property and the need for revision of our present escheat laws have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill "An Act Relating to Abandoned Property" (H. P. 2043) (L. D. 2109) be referred to this Committee for public hearing and printed to Joint Rule 17.

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

By unanimous consent, ordered sent forthwith to the Senate.

## Orders

An Expression of Legislative Sentiment (H. P. 2046) recognizing that:

MARGARET C. HALL has retired after 20 years of dedicated service to the community of Scarborough.

Presented by Mr. Higgins of Scarborough. (Cosponsor: Ms. Benoit of South Portland.)

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

An Expression of Legislative Sentiment (H. P. 2047) recognizing that:

RALPH P. LORFANO of Scarborough has completed 19 years of service as selectman and councilman.

Presented by Mr. Higgins of Scarborough. (Cosponsor: Ms. Benoit of South Portland.)

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

An Expression of Legislative Sentiment (H. P. 2049) recognizes that:

Gorham High School has won the 1977 Class A Soccer Championship, the fourth time they have won that title in the eight-year history of the championship.

Presented by Mr. Quinn of Gorham. (Cosponsor: Mr. Spencer of Standish.)

The Order was read.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker and Members of the House: It is with particular pleasure that I congratulate the Gorham High School soccer team. They have not only done well in these eight years, they have beaten a particularly dedicated and able team from Fort Kent two of those four years.

It has been alleged, I assume, that Fort Kent suffered from the altitude differences between Orono and the St. John Valley. I reject that out of hand, however; they were equally a fine group of young men.

Thereupon, the Order received passage and was sent up for concurrence.

A Joint Resolution (H. P. 2050) in memory of WILLIAM DAVIES of Acton.

Presented by Mr. WOOD of Sanford. (Co-

sponsor: Mr. Tierney of Lisbon Falls).

The Resolution was read and adopted and sent up for concurrence.

On Motion of Mrs. Berube of Lewiston, the following Joint Resolution: (H. P. 2045) (Cosponsors: Ms. Goodwin of Bath, Mrs. Chonko of Topsham, Senator Morrell of Cumberland.)

## Joint Resolution in

## Recognition of

## Franco-American Friendship

Whereas, in the year 1778, the thirteen colonies of the United States were seeking independence from England; and

Whereas, Louis XVI, King of France and of Navarre, signed a Treaty of Friendship and Commerce between France and the United States; and

Whereas, that Treaty of Friendship and Commerce proclaimed equality and perfect reciprocity in international relationships between the thirteen colonies of the United States and France, the first ally of the United States; and

Whereas, the date, July 11th, commemorates many examples of French assistance to our country during the Revolutionary War, including the assistance of arms, armies and the Marquis de Lafayette now, therefore, be it

Resolved: That we, the members of the 108th Legislature in the second regular session assembled, hereby declare the year 1978 to be "Franco-American Friendship Year" and further declare July 11th to be Franco-American Friendship Day; and be it further

Resolved: That we call upon the citizens of Maine, as well as all interested groups and organizations, to observe this year and this date with appropriate ceremonies and activities in honor of the occasion; and be it further

Resolved: That, upon passage in concurrence, the Secretary of State shall make available suitable copies of this joint resolution.

The Resolution was read and adopted and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

## House Reports of Committees

## Ought Not to Pass

Mr. Twitchell from the Committee on Taxation on Bill "An Act to Revise the Method by Which Citizens May Appeal their Property Tax Bills" (H. P. 1938) (L. D. 2018) reporting "Ought Not to Pass".

Was placed in the Legislative Files without further action pursuant to Joint Rule 20, and sent up for concurrence.

## Leave to Withdraw

Mr. Teague from the Committee on Taxation on Bill "An Act Enabling Municipalities to Establish a Local Amusement or Entertainment Service Tax" (H. P. 1981) (L. D. 2071) reporting "Leave to Withdraw".

Mr. Theriault from the Committee on Veterans and Retirement on Bill "An Act to Permit Retirement with Full Benefits for any Member of the Maine State Retirement System when the Sum of the Member's Age Plus the Member's Years of Service Equals 85" (H. P. 1984) (L. D. 2063) reporting "Leave to Withdraw".

Reports were read and accepted and sent up for concurrence.

## Divided Report

Majority Report of the Committee on Transportation reporting "Ought to Pass" amended by Committee Amendment "A" (H-980) on Bill "An Act to Exempt Special Mobile Equipment from the Motor Vehicle Title Statutes" (H. P. 1901) (L. D. 1962).

Report was signed by the following members:

Mr. Minkowsky of Androscoggin, Mr. Greeley of Waldo - of the Senate.

Mr. McKean of Limestone, Mr. Carroll of Limerick, Mr. Lunt of Presque Isle, Mr. Elias of Madison, Mr. Brown of Mexico, Mr. Jensen

of Portland, Mr. Jacques of Lewiston, Mr. Littlefield of Hermon, Mrs. Hutchings of Lincolnville - of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Mr. McNally of Hancock - of the Senate.

Mr. Strout of Corinth - of the House.

Reports were read.

On motion of Mr. Carroll of Limerick, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-980) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

#### Divided Report

##### Tabled and Assigned

Majority Report of the Committee on Transportation reporting "Ought to Pass" on Bill "An Act to Repeal Mandatory Eye Tests for the Renewal of Driver's Licenses for all Persons over 40" (Emergency) (H. P. 1884) (L. D. 1938)

The report was signed by the following members:

Mr. Greeley of Waldo, Mr. Minkowsky of Androscoggin, Mr. McNally of Hancock - of the Senate.

Mr. Carroll of Limerick, Mr. Strout of Corinth, Mr. Littlefield of Hermon, Mr. Lunt of Presque Isle, Mr. Elias of Madison, Mr. Brown of Mexico, Mr. Jacques of Lewiston, Mr. McKean of Limestone — of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Mr. Jensen of Portland, Mrs. Hutchings of Lincolnville - of the House.

Reports were read.

(On motion of Mr. Tierney of Lisbon Falls, tabled pending acceptance of either Report and specially assigned for Tuesday, January 31).

#### Consent Calendar

##### First Day

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

(H. P. 1858) (L. D. 1925) Bill "An Act to Permit Persons Other Than Arborists to Take Down Trees by Topping or Sections" (Emergency) Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-981).

(H. P. 1930) (L. D. 2003) Bill "An Act to Allow the Town of Otisfield to Meet its Obligations to Cumberland County for Existing Bonded Indebtedness Through a Lump Sum Payment" (Emergency) - Committee on Local and County Government reporting "Ought to Pass".

(H. P. 1907) (L. D. 1968) Bill "An Act to Reorganize Certain Boards and Commissions and to Affiliate Certain Boards and Commissions with Departments of Maine State Government" - Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-982).

No objections being noted, the above items were ordered to appear on the Consent Calendar of January 30, 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. 1922) (L. D. 1983) Bill "An Act Relating to Assessment for Public Services Tax on Unorganized Townships" (Emergency).

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.

#### Second Reader

##### Recommitted to the Committee on Local and County Government

Bill "An Act to Revise the Salaries of Certain County Officers" (H. P. 1942) (L. D. 2108).

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

On motion of Mr. Henderson of Bangor, recommitted to the Committee on Local and County Government and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

#### Second Reader

##### Tabled and Assigned

Bill "An Act to Restore Notice to Policyholders of Right to a Hearing upon Nonrenewal of their Automobile Insurance Policy" (S. P. 613) (L. D. 1901)

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

(On motion of Mr. Palmer of Nobleboro, tabled pending passage to be engrossed and specially assigned for Monday, January 30.)

#### Passed to Be Engrossed

##### Amended Bill

Bill "An Act to Provide a Lower Registration Fee under the Transportation of Christmas Tree Statutes" (H. P. 1894) (L. D. 1951) (C. "A" H-979).

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.

#### Orders of the Day

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

An Act Concerning the Discount Factor and Capitalization Rate in the Tree Growth Tax Statutes (Emergency) (H. P. 1882) (L. D. 1936)

Tabled - January 25, 1978 by Mr. Carey of Waterville.

Pending - Passage to be Enacted.

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

Mr. CAREY: Mr. Speaker and Members of the House: A very brief explanation. We finally have the figures compiled and there will be a session in the Taxation Room, Room-337, at 1:30 on Monday for those people interested in capitalization and the figures that have been arrived at by the State Tax Assessor's Office. We do need, however, more time, and I would ask somebody to table this for two days.

Thereupon, on motion of Mr. Tierney of Lisbon Falls, tabled pending passage to be enacted and specially assigned for Tuesday, January 31.

#### (Off Record Remarks)

On motion of Mr. Curran of South Portland. Adjourned until Monday, January 30, at ten o'clock in the morning.