

# 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, January 9, 1979

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

Prayer by the Reverend Douglas Robbins, Retired Pastor, Winthrop Street Universalist Church, Augusta.

Reverend ROBBINS: Almighty God, in whom we live and move and have our being, we recognize Thee as the author of all that is good and pray that we may be worthy of all of Thy gifts. As we begin again the deliberations of this legislative body, we will be conscience of work which awaits our attention. We will strive to protect the rights of all and to understand opinions which are different from our own. We would not speak unkindly of others and would find a deeper comradeship through learning to know each other better.

We remember that our state's true wealth consists not in the abundance of the things we possess, but rather in the justice of her laws and the mutual respect of her citizens.

At this time, may Thy peace dwell always within our hearts and understanding always in our minds. Amen.

The members stood at attention during the playing of the National Anthem by the Medomak Valley High School Band of Waldoboro.

The journal of the previous session was read and approved.

## (Off Record Remarks)

By unanimous consent, the following item of Unfinished Business was taken up out of order: JOINT ORDER — Relative to Joint Rules 109th Legislature (H. P. 12)

Read in House January 3.

Tabled — January 3, 1979 by Mr. Garsoe of Cumberland

Pending — Passage. (Assigned for January 4)

Mr. Birt of East Millinocket offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-1) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I fully recognize the desire of people who wish to try to speed up the legislative program. I recognize that maybe to some degree our legislative sessions have run on too long, but I am bothered a good deal by the fact that we may be going somewhat in the wrong direction.

I think from my own study of the legislative process and from people I have talked with whom I have a great deal of respect for, the legislative process is a deliberative process and shouldn't be hurried up just for the sake of expediency.

I do notice several things that have happened over my career in the legislature. When I first came down here, the session prior to coming down here, legislators were allowed to table bills unassigned in the House. That was taken away about the time I came down here.

I explained some of this to my own caucus but I feel that it should be put into the record. At the time I first came down here, they were allowed to table bills up to two weeks. Gradually that was reduced down to the point now where we are pretty much tabling bills for only two days. These are some things that are slowly eroding the legislative process.

At one time, we had three readings in the House. Then it was decided to go down to two readings being done on the same day, and eventually they decided the third reading served no purpose, so now we only have two readings, yet, in a study of the British House of Commons, The British House of Commons, which set up the initial background of philosophy of

our own legislative body, still uses the three readings.

I have heard many people say that the Maine Legislature has one of the best decumors of any of the legislatures in the country, some of the best democracy. Some states have rules whereby there is a rules committee that can control the flow of legislation on the floor. I heard a fellow say one time that he had the most powerful in the Mississippi Legislature — he had had that job for 27 years — because he had complete control of the flow of legislation.

I am bothered by the erosion slowly, maybe not by intent, but it is coming about, the erosion of the rights of the individual legislators. We went down so that the substitution of the bill for the report was eliminated by having to have one signature. Now we are moving in the direction of another one. I am afraid that if we get moving further along in this, the day may come when a unanimous 'ought not to pass' would even be considered on the floor of the legislature as being consigned to the legislative files and not even debated.

I think at the present time it is a mistake to do this. I don't think that there are that many cases where this is a problem, and I would hope that the House would adopt this amendment this morning which, in substance, will take out of the proposed change in the joint rules the change so that it requires two signatures to hold a bill for debate on the floor instead of just one.

Thereupon, House Amendment "A" was adopted.

Mrs. Post of Owl's Head offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-4) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: I think one of the important legislative principles that we should abide by, or do abide by, is that both houses of this legislature are equal, and we do have a very important joint committee system in the State of Maine and under that system, the chairmen, one from the House and one from the Senate, are also equal. They must agree on decisions such as scheduling hearings, hiring staff, and the important decisions that make the committee run. However, there has been one area, at least, that for the past four years where the committee chairmen have not been equal, and that is that of presiding at meetings. So what this amendment would do would be to follow that important principle and say that the chairmen of the committees, the House chairman and the Senate chairman, should alternate in presiding at committee hearings and committee meetings. I would simply follow through on the important principle of both bodies being equal, not only as we deliberate in session but as we deliberate in committee.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I am opposed to this. I think the committees have worked well together, and I think the ordering of the chairmanship has worked well. There are times when the Senate chairman can be there maybe two or three days when the House chairman can't be because of conflicts with other committees or something like this.

I jokingly asked if we would set it up so it would be Mondays, Wednesdays and Fridays and then we would pick up the other odd days so that maybe if the committee was out visiting somewhere or traveling, they would then do it.

I don't think this is needed. I think that a well-run committee can work very well with just the two people working out their schedule, and there is a good balancing now.

I would ask for a division on this.

At this point, the Speaker appointed Mrs. Nelson of Portland and Mr. Morton of Farm-

ington as monitors.

The SPEAKER: The pending question is on the adoption of House Amendment "D." All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Jalbert of Lewiston requested a roll call vote.

The SPEAKER: For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I felt that I had had my share last week. I like to wait pretty much for money matters to come before this body.

I think that we are starting off a little bit on the wrong foot, and I think the friendly opposition will have to bear out with me that on several occasions, even in my caucus. I sometimes balk. I won't say that sometimes I am not quickly brought back in line and beckoned out of a certain room on the second floor, but those are the facts.

You know, I am not pounding away too much at some of these things, because I was around when some of the rules were made; I was around when some of the committees were formed, but first we talk about compassion and then somewhere along the line, we have got to go to something that is called fairness.

Presently, we don't have any makeup of the committees. Yet, we have a name on a door, an office has been changed — a name on the door of a Senate Chairman of the Appropriations Committee, a brand new office, one desk.

Actually, there is no chairman of the House Appropriations Committee. If we are to go along with the philosophies being entertained in the other body, then probably there should be another desk in there and another name on the door. I do have an office, if anybody wants to see it. It is on the second floor, the Legislative Finance Office. It says, Representative Louis Jalbert, Private Office, and then if you open up the door, mops and tea kettles will fall out of it. I finally got an office with my name on the door after 35 years.

Somebody here said this thing didn't amount to anything but I think it does. I have found myself in the position of refusing the chair.

I also know that under the present rules, if we are going to go along on a stringent basis, the second man in command in the other body becomes the chairman if the chairman of the Senate committee goes out, and then a third man, and then it goes to the first man named in the House. I think this is a fair enough proposition. I think I know what the ultimate result in the other body will be. In any event, I think at least this would show, should we pass it here, that we would like some sense of fairness. I think as far as I am concerned the chairman of the committees that I have served under have always been kind, have always been fair to me, and now we are trying to put that kindness and that fairness into the rules, and I support Mrs. Post's situation.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Laffin.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I think that what we are seeing here this morning is something that I had hoped we would not see, the changing of all the rules that the past legislatures have made.

I can remember serving on the Labor Committee with my good friends Mr. Tierney and Senator Roberts, and Mr. Tierney quite often ran the Labor Committee hearings, even in the presence of the Senator — very good harmony. I have also served on a committee where my

very good friend, Mr. Theriault, was the House Chairman, and Senator Collins, and they got along very well. I also served on a committee when a member of this House, Mr. Bustin, ran the Labor Committee — he ran the committee. Every meeting we had, he was chairman, even though the Senator from the other body was there — no problems whatsoever. So why all of a sudden do we have a lot of problems arising?

I urge the defeat of this motion.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to remind everyone that all of the pluses that the gentlelady, when she introduced this amendment, mentioned have to be taken care of, the joint action on clerk's and that sort of thing, and from a practical standpoint, it has been my experience that the House Chairman presided as often as the Senate Chairman in many of these committees, just for the same reasons that the gentleman from Westbrook has spoken about. I believe if you read this, you would have to keep a tally on who was the last chairman, something like the old "prohibition laws." It is one that you can't enforce and laws that you can't enforce are bad laws, bad rules.

I hope that you will defeat this. I don't see any need for it.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: (Microphone out of order)

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: If you look at the joint rules, they read: "The Senate Chairman shall preside, and in his absence, the House Chairman shall preside and thereafter, as the need may arise, the chairmanship shall alternate between the members of each House in the order of their appointment to the committee." Therefore, if the Senate Chairman is not here, the House Chairman automatically would be presiding.

All of you who have been here in past years know that very often the Senate Chairman may not even bother to preside or may not preside. I think back to Business Legislation where we had a very active House Chairman, who was a member of the Democratic Party, and she pretty much ran the committee and she did a very fine job of it. I also think back to experiences of Marine Resources, where the sponsor of this particular amendment was House Chairman and very often she ran the committee, and I don't think in any way did she have a problem getting to chair the committee.

I think the present rules are completely sufficient and I hope you will vote against this amendment.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: It had been my firm resolve to stay out of this housekeeping problem. I think you have had the facts well presented to you, but the gentleman from Limerick, when he gets on his feet and accuses my party of not believing in fair play, has exceeded the bounds of a good legislator's remarks. I resent them, I refute them, and hope that we will not hear any more of that type of expression coming from anyone.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Cumberland, Mr. Garsoe. Was he speaking about me?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, has posed a question through the Chair to the gentleman from Cumberland, Mr. Garsoe, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. GARSOE: Mr. Speaker, I specifically directed my remarks to the gentleman from

Limerick, Mr. Carroll.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, to keep the record straight, the gentleman from Limerick owes no one any apology.

The SPEAKER: The Chair recognizes the gentleman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: I must say that I am surprised that this has become such a partisan issue.

It seems to me that if, in fact, those times when the committees alternate between the House Chairman and the Senate Chairman presiding at meetings work out well, then there is no reason to believe that this particular amendment wouldn't work out well. The problem is that sometime those arrangements are not made, and whether or not a House Chairman can preside at any meeting presently is solely up to the discretion of the Senate Chairman. What we found from time to time is perhaps Senate Chairmen might make the hearings when the press is there and don't always make the working sessions, and that is when the House Chairmen preside, at working sessions sometimes, and don't ever preside at hearings.

The issue is whether or not this body is equal to the other body in this Maine Legislature. That is all the issue is. If that is true and if we had joint committees, then it makes perfect sense to me that the chairmen, one from this body and one from the other body, should alternate presiding at those committee meetings.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I really hadn't intended to say anything this morning on this small item, but since it is thought to be a partisan issue, I don't think it is — I would like to tell you I think it is a good idea but I am not going to vote for it for this reason. It is just wasting time. It is like putting a bill in here to abolish the Senate — you would get just about as far.

I served once as House Chairman of Transportation and I served as chairman more than I wanted to. The Senate Chairman at that time was Senator Ferguson. He also had Natural Resources, and I was committee chairman as much as I wanted to be. I think down through the years that I have been here, I have no great complaint; however, the order does have merit, but you are not going to be able to pass it, so I am wasting my time and yours by just talking about it, because it is like I told you, it is like putting a bill in here to abolish the Senate.

The SPEAKER: A roll call has been ordered. The pending question is on the adoption of House Amendment "D". Those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, I would like to pair my vote with the gentleman from Bangor, Mr. Kelleher. If Mr. Kelleher were here, he would be voting yes and I would be voting no.

#### ROLL CALL

YEA — Bachrach, Barry, Beaulieu, Benoit, Berube, Blodgett, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K.C.; Carrier, Carroll, Carter, D.; Chonko, Cloutier, Connolly, Cox, Curtis, Davies, Diamond, Doukas, Dow, Dutremble, D.; Dutremble, L.; Elias, Fowlie, Gwadosky, Hall, Hickey, Hobbins, Howe, Hughes, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, LaPlante, Lizotte, MacEachern, Mahany, Martin, A.; Maxwell, McHenry, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Paradis, Paul, Pearson, Post, Prescott, Reeves, P.; Rolde, Simon, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wood, Wyman, The Speaker

NAY — Aloupis, Austin, Baker, Birt, Borda, Boudreau, Bowden, Brown, D.; Brown,

K.L.; Bunker, Call, Carter, F.; Churchill, Conary, Cunningham, Damren, Davis, Dellert, Dexter, Drinkwater, Dudley, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gowen, Gray, Hanson, Higgins, Hunter, Hutchings, Immonen, Jackson, Kiesman, Laffin, Lancaster, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, MacBride, Marshall, Masterman, Masterton, Matthews, McMahon, McPherson, Morton, Nelson, A.; Payne, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Soulas, Sprowl, Stetson, Stover, Studley, Tarbell, Torrey, Wentworth, Whittemore

ABSENT — Baker, Berry, Gould, Huber, Locke, Strout

PAIRED — Kelleher-Norris.

Yes, 72; No, 71, Absent, 6; Paired, 2.

The SPEAKER: Seventy-two having voted in the affirmative and seventy-one in the negative, with two paired and six absent, House Amendment "D" is adopted.

(Off Record Remarks)

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

#### After Recess

11:45 A.M.

The House was called to order by the Speaker.

(Off Record Remarks)

Thereupon, the Joint Order, House Paper 12, as amended by House Amendment "A" and House Amendment "D" received passage and was sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following paper appearing on Supplement No. 2 was taken up out of order by unanimous consent:

On motion of Mr. Tierney of Lisbon, it was ORDERED, That the Clerk of the House shall, with the approval of the Speaker, submit bi-weekly payrolls and include in said payrolls all officers authorized by the House

By unanimous consent, ordered sent forthwith to Legislative Finance.

#### Orders out of Order

An Expression of Legislative Sentiment (H. P. 35) recognizing that:

The North Star Chapter of the DeMolay of Caribou has won its second consecutive New England DeMolay basketball championship.

Presented by Mr. Peterson of Caribou (Cosponsors: Mr. Matthews of Caribou, Senator McBreairey of Aroostook, and Mr. Nelson of New Sweden)

The Order was received out of order by unanimous consent, read and passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

An Expression of Legislative Sentiment (H. P. 34) recognizing that:

Jeffrey McBurnie, the son of Mr. and Mrs. Gordon McBurnie of Wade, has been recognized for his outstanding academic record by being chosen Valedictorian of Washburn District High School for 1978.

Presented by Mr. Peterson of Caribou. (Cosponsors: Mr. Matthews or Caribou and Senator McBreairey of Aroostook)

The Order was received out of order by unanimous consent, read and passed and sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 33) recognizing that:

Jill Cyr, the daughter of Mrs. Irvin Cyr of Caribou, has been recognized for her outstanding academic record by being chosen Salutatorian of Caribou High School for 1978.

Presented by Mr. Peterson of Caribou (Co-sponsors: Mr. Matthews of Caribou and Senator McBreairty of Aroostook).

The Order was received out of order by unanimous consent, read and passed and sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 32) recognizing that:

Elaine Young, the daughter of Mr. and Mrs. Herschel Young of Washburn, has been recognized for her outstanding academic record by being chosen Salutatorian of Washburn District High School for 1978.

Presented by Mr. Peterson of Caribou (Co-sponsors: Mr. Matthews of Caribou and Senator McBreairty of Aroostook)

The Order was received out of order by unanimous consent, read and passed and sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 31) recognizing that:

Sharon Larson, the daughter of Mr. and Mrs. Arthur Larson of New Sweden, has been recognized for her outstanding academic record by being chosen Valedictorian of Caribou High School for 1978.

Presented by Mr. Peterson of Caribou. (Co-sponsors: Mr. Matthews of Caribou, Senator McBreairty of Aroostook and Mr. Nelson of New Sweden)

The Order was received out of order by unanimous consent, read and passed and sent up for concurrence.

#### (Off Record Remarks)

#### Papers from the Senate

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

The Marshwood High School Hawks of SAD 35 and their coach, Rod Wotton, have won the SYSSA championship for 1978 and have compiled an excellent record of 46 wins out of 47 games and 18 consecutive wins over the past 3 seasons. (S. P. 26)

Came from the Senate read and passed.  
Was read and passed in concurrence.

The following Joint Resolution in memory of Dr. John Woodcock

orthopedic surgeon of Bangor (S. P. 27)  
Came from the Senate read and adopted.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: The death of Dr. John Woodcock marks the end of three generations of medical practice in the City of Bangor. His father, Dr. Alan Woodcock, who died in 1974, was also an orthopedic surgeon, and his grandfather, Dr. Galen Woodcock, established the family medical practice in Bangor in 1880.

The death of Dr. Woodcock leaves the people of Bangor with a very real feeling of loss.

Thereupon, the Joint Resolution was adopted in concurrence.

#### Messages and Documents

The following Communication:

STATE OF MAINE  
Office of The Governor  
Augusta, Maine

January 5, 1979

To the President of the Senate and to the Speaker of the House of Representatives of the One Hundred and Ninth Legislature of the State of Maine:

SUBJECT: Unorganized Territory Educational and Services Tax

The following list of Municipal Cost Components is submitted in accordance with 36 MRSA, Section 1604.

Public Safety	\$ 150,000
Forest Fire Protection	1,500,000
Land Use Regulation Commission	300,000
Secretary of State	1,000

Property Tax Assessment	250,000
County Reimbursement for Services	1,085,000
Education	2,347,000
Human Services-General Assistance	191,000
Total	\$5,824,000

The Municipal Cost Components for 1979, computed for services and reimbursements to be rendered in FY 1980, was provided me by the Bureau of the Budget, Department of Finance and Administration, based on data it received from State agencies.

Respectfully,

(Signed) JOSEPH E. BRENNAN  
Governor

The Communication was read and ordered placed on file.

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

The following Communication:

THE SENATE OF MAINE

Augusta

January 4, 1979

The Honorable Edwin H. Pert

Clerk of the House

109th Legislature

Augusta, Maine 04333

Dear Clerk Pert:

The President appointed the following members on the part of the Senate to the Committee to wait upon the Honorable JOSEPH E. BRENNAN and inform him that he has been duly elected Governor of the State of Maine for the political years 1979, 1980, 1981 and 1982:

Senators:

REDMOND of Somerset

USHER of Cumberland

LOVELL of York

Respectfully,

(Signed) MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:

THE SENATE OF MAINE

Augusta

January 4, 1979

The Honorable Edwin H. Pert

Clerk of the House

109th Legislature

Augusta, Maine 04333

Dear Clerk Pert:

The President appointed the following members on the part of the Senate to the Joint Select Committee to consider the Governor's Message:

Senators:

PIERCE of Kennebec

PRAY of Penobscot

HUBER of Cumberland

Respectfully,

(Signed) MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

#### (Off Record Remarks)

On motion of Mrs. Martin of Brunswick,  
Adjourned until ten o'clock tomorrow morning.