

# 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

Thursday, January 11, 1979

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

Prayer by Father James E. Knox of Saint Charles Church, Brunswick.

Father KNOX: Our Father and Supreme law giver, we pray for your devine counsel as we gather here today. Guide us in our deliberations as we seek an understanding of the needs of our fellow citizens. Give us the wisdom to see that which is right and courage to champion the things that are right. Give us the spirit of charity and brotherly love that in helping others we may gain a broader knowledge of how to live ourselves. This we ask in Thy name. Amen.

The journal of yesterday was read and approved.

## Order Out of Order

On motion of Mr. Birt of East Millinocket, the following Joint Resolution: (H. P. 81) (Cosponsors: Mr. Tierney of Lisbon, Mr. Churchill of Orland, and Mr. Kelleher of Bangor)

JOINT RESOLUTION HONORING  
BENJAMIN JOSIAH DORSKY  
AS PRESIDENT OF THE MAINE  
AFL—CIO

WHEREAS, Benjamin Josiah Dorsky immigrated with his family from Russia to Maine in the early 1900's; and

WHEREAS, Benjamin Josiah Dorsky joined the Theatrical Stage Employees and Moving Picture Machine Operator's Union, Local 198, in 1920 as a freshman in high school; and

WHEREAS, Benjamin Josiah Dorsky has served as legislative agent for the Maine Federated Labor Council since 1933; and

WHEREAS, Benjamin Josiah Dorsky organized and served as the first President of the Bangor Central Labor Council in 1935; and

WHEREAS, Benjamin Josiah Dorsky has served as President of the Maine Labor Council, American Federation of Labor, since 1937, and the Maine Federation of Labor Council, AFL—CIO since 1956; and

WHEREAS, Benjamin Josiah Dorsky served with singular distinction during a lifetime of dedicated service to working men and women; and

WHEREAS, Benjamin Josiah Dorsky is retiring in February of 1979 and leaving as a legacy a benchmark against which all future labor leaders shall be measured; now, therefore, be it

RESOLVED: That We, the Members of 109th Legislature assembled in the first regular session, extend our heartiest congratulations upon this great occasion; and be it further

RESOLVED: That duly attested copies of this Resolution be transmitted forthwith by the Secretary of State to Mr. Benjamin Josiah Dorsky and his family.

The Resolution was received out of order by unanimous consent and read.

The SPEAKER: The Chair is pleased to recognize in the back of the Hall of the House Ben Dorsky. (Applause, members rising)

The Chair would further add, in addition to the words that have just been read in the resolution, that it is the first time that I have had an opportunity to find out Ben's middle name in all the years I have known him, and that has been some 14 years now, and some of you, of course, have known him longer than that.

We wish him well in his retirement and I hope he comes back to visit us in the Maine Legislature.

Thereupon, the Resolution was adopted and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

## Papers from the Senate

Bill "An Act to provide for Prepayment of

State Bonded Debt" (Emergency) (S. P. 5) (L. D. 5)

RESOLVE, to Reimburse the Town of Eastbrook in the Amount of \$25,644.35 for Losses Caused by Excessive State Valuation (S. P. 35) (L. D. 23)

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

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

Bill "An Act to Provide for the Registration and Protection of Trademarks" (S. P. 43) (L. D. 29)

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

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

Bill "An Act to Require Candidates for Nomination by Primary Petition to File Petitions by April 1st of Election Year" (S. P. 6) (L. D. 6)

Bill "An Act to Enable Voters who Cannot Read or Mark Their Ballots or Whose Religious Beliefs Prevent Them From Marking Their Ballots to Obtain Assistance in Marking Their Ballots From Individuals of Their Choice" (S. P. 36) (L. D. 24)

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

In the House, were referred to the Committee on Election Laws in concurrence.

Bill "An Act to Permit Deer Hunting with Muzzle-loading Rifles" (S. P. 39) (L. D. 25)

Bill "An Act to Test an Open Season on Moose for a One-Year Period" (S. P. 42) (L. D. 28)

Bill "An Act to Revise the Inland Fisheries and Wildlife Laws" (S. P. 8) (L. D. 15)

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

In the House, were referred to the Committee on Fisheries and Wildlife in concurrence.

Bill "An Act to Strengthen and Streamline the Habitual Offender Law" (Emergency) (S. P. 9) (L. D. 16)

Bill "An Act to Prevent the Biological Parents of Adopted Children from Taking These Children After They Have Been Adopted" (S. P. 41) (L. D. 27)

Bill "An Act to Establish the Maine Probate Code" (S. P. 1) (L. D. 1)

Bill "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency) (S. P. 7) (L. D. 14)

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 Improve Public Access to Public Labor Negotiations" (S. P. 34) (L. D. 22)

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 Make Drinking in an Unlicensed Public Place a Class E Crime" (S. P. 2) (L. D. 2)

Bill "An Act to Permit Hotel or Motel Managers to Eject Disruptive or Destructive Persons from their Premises and to Require these Persons to Assume Responsibility for any Damages Caused" (S. P. 33) (L. D. 21)

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

In the House, were referred to the Committee on Legal Affairs in concurrence.

Bill "An Act to Require that Trees Cut Along Highways or Public Ways be Cut at Ground Level or that the Stumps be Removed" (S. P. 32) (L. D. 20)

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

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

## Tabled and Assigned

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit Tax Increases to a One-Year Period to Require Further Legislation and Economic Impact Analysis for the Further Continuation of any Tax Increase and to Require a Two-thirds Vote of Each House to Extend the Tax (S. P. 3) (L. D. 3)

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

On motion of Mrs. Post of Owl's Head, tabled pending reference in concurrence and specially assigned for Tuesday, January 16.

Bill "An Act to Remove Moose River from the Maine Forestry District" (S. P. 4) (L. D. 4)

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

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

Bill "An Act Relating to School Buses Used by Nonprofit Organizations for the Purpose of Transporting Children to Organized Activities" (S. P. 31) (L. D. 19)

Bill "An Act Relating to Age Limit for Motor Vehicle Operator Licenses" (S. P. 40) (L. D. 26)

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

In the House, were referred to the Committee on Transportation in concurrence.

## Non-Concurrent Matter

## Tabled and Assigned

Bill "An Act to Increase the Compensation for Substitute Teachers" (H. P. 3) (L. D. 9) which was referred to the Committee on Labor in the House on January 10, 1979.

Came from the Senate referred to the Committee on Education in non-concurrence.

In the House: On motion of Mr. Tierney of Lisbon Falls, tabled pending further consideration and specially assigned for Tuesday, January 16.

## Petitions, Bills and Resolves

## Requiring Reference

The following Bills, Resolve and Resolution were received and referred to the following Committees:

## Aging, Retirement and Veterans

Bill "An Act to Permit the Inhabitants of Garland to Withdraw from the Maine State Retirement System" (H. P. 76) (Presented by Mr. Sherburne of Dexter)

(Ordered Printed)

Sent up for concurrence.

## Agriculture

Bill "An Act Concerning Euthanasia of a Sick or Injured Dog Brought to a Veterinarian, to a Humane Society or to a Shelter" (H. P. 77) (Presented by Mr. Laffin of Westbrook)

(Ordered Printed)

Sent up for concurrence.

## Fisheries and Wildlife

Bill "An Act Establishing an Experimental Open Season on Moose" (H. P. 74) (Presented by Mr. McKean of Limestone) (Cosponsors: Mr. Dexter of Kingfield, Mr. Jacques of Waterville, Mr. MacEachern of Lincoln)

Bill "An Act to Establish a Bounty on Coyote" (H. P. 78) (Presented by Mr. Carroll of Limerick)

(Ordered Printed)  
Sent up for concurrence.

#### Tabled and Assigned

Bill "An Act Relating to Regulations of Deaths and Permits for Final Disposition of Human Bodies" (H. P. 71) (Presented by Mr. Gray of Rockland) (Cosponsor: Mr. Sprowl of Hope)

Committee on Local and County Government was suggested.

On motion of Mr. Kelleher of Bangor, tabled pending reference and specially assigned for Tuesday, January 16.

#### Local and County Government

Bill "An Act to Establish a Uniform Allowance for Deputy Sheriffs" (H. P. 70) (Presented by Mr. Gray of Rockland) (Cosponsor: Mr. LaPlante of Sabattus)

(Ordered Printed)  
Sent up for concurrence.

#### State Government

RESOLVE, Authorizing the Bureau of Public Lands to Convey by Sale to the Town of Dennysville the State's Interest in Certain Real Property in Edmunds, Washington County (H. P. 72) (Presented by Mr. Vose of Eastport)

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) (Presented by Mrs. Kany of Waterville) (Cosponsors: Mr. Davies of Orono, Mr. Tarbell of Bangor)

(Ordered Printed)  
Sent up for concurrence.

#### Transportation

Bill "An Act Relating to Weights of Commercial Vehicles" (H. P. 73) (Presented by Mr. Soulas of Bangor)

Bill "An Act Relating to Auxiliary Lights on Certain Law Enforcement Vehicles under the Motor Vehicle Law" (H. P. 80) (Presented by Mr. Gillis of Calais)

(Ordered Printed)  
Sent up for concurrence.

#### Orders of the Day

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

Bill "An Act Relating to Eating, Lodging and Recreational Places Licensing Law" (H. P. 9) (L. D. 18)

(Committee on Legal Affairs suggested)

Tabled—January 10, 1979 by Mr. Tierney of Lisbon

Pending—Motion of Mr. Howe of South Portland to refer to Committee on Business Legislation.

Thereupon, the Bill was referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

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

Bill "An Act Relating to Land Surveyor Applications and Fees" (H. P. 47) (Committee on Business Legislation suggested)

Tabled—January 10, 1979 by Mr. Howe of South Portland.

Pending—Motion of Mr. Hickey of Augusta to refer to Committee on State Government.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Hickey.

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: I will withdraw my request to refer this bill to the State Government Committee. I have been advised that due to the fact that fees are involved, it could be more properly handled by Business Legislation.

Thereupon, Mr. Hickey of Augusta was granted permission to withdraw his motion.

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

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

RESOLVE, Authorizing Arthur G. Powers to Sue the State of Maine (H. P. 46) (Committee on Judiciary suggested)

Tabled—January 10, 1979 by Mr. Tarbell of Bangor.

Pending—Reference

On motion of Mr. Hughes of Auburn, referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

#### House at Ease

Called to order by the Speaker.

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

The following Joint Order: (S. P. 53)

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, January 16, at ten o'clock in the morning.

Came from the Senate, read and passed and ordered sent forthwith.

In the House, the Order was read and passed in concurrence.

#### (Off Record Remarks)

On motion of Mr. McHenry of Madawaska, Adjourned until Tuesday, January 16, at ten o'clock in the morning.