

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 16, 1979

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

Prayer by Rabbi Harry Z. Sky of the Temple Beth-El, Portland.

RABBI SKY: Dear Father of us all, the members of this Legislature are about to embark on their appointed and elected tasks. In their hands lies the fate and destiny of the State of Maine's residents—their health, their welfare, their future is dependent upon their actions. Grant them, dear Father, the strength to live by their convictions, the integrity to fulfill the mandate of their constituents, the faith in our state's future, so that we will all fulfill the tasks for which we have been chosen.

It has been taught in Thy sacred Scriptures that you judge nations, that you concern yourself with our daily actions. May it therefore come to pass and when our record comes before you, our righteousness will be uppermost our faithfulness to our appointed tasks will herald our appearance before you. Above all, let us fulfill the admonition of Dag Hammarskjöld. He said that you have to attempt to be yourself, what you have to pray for is to become a mirror in which, according to the degree of purity of heart you have attained, a greatness of life will be reflected. Amen.

The members stood at attention during the playing of the National Anthem by the Windham Junior-Senior High School Band.

The journal of the previous session was read and approved.

(Off Record Remarks)

On motion of Mr. Vincent of Portland,
Recessed until the sound of the gong.

After Recess

11:20 A.M.

The House was called to order by the Speaker.

Papers from the Senate

The following Joint Resolution in memory of Bob O'Wrill of Portland (S. P. 54)

Came from the Senate read and adopted.

In the House, the Resolution was read.

THE SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Brannigan.

MR. BRANNIGAN: Mr. Speaker, Members of the House: When we prepared this order, we decided to use the word "Bob" rather than Robert, because it expressed the familiarity which many people have with Bob O'Wrill.

He is familiar to all of us who live in the listening and viewing area of Channel 13 and WGAN radio. He is familiar to us, has been familiar to us, because of his colorful presentation of himself, his colorful clothes, his colorful presentation of weather, that has been a part of our households for many years. Bob has not only been familiar to those of us in the southern-central part of Maine but has been familiar to people all over this state because of his investment in charitable work, especially in the telethons over the past years.

He is not only familiar to all of us who are adults, but I was very surprised a year or so ago. My wife, who teaches pediatric nursing and had taken her students from the university to the pediatric unit of Maine Medical Center, found one day that the place was just buzzing with excitement. The excitement wasn't that Yaz or Mr. Rogers or Farrah Fawcett Majors was coming, it was that Bob O'Wrill was coming. The kids there knew him and they were excited, and for a person whose main pursuit had been directed at adults, for him to be familiar with the children of our state, I believe is a great tribute.

So, Mr. Speaker, I urge that we pass this resolution and send it to those who are most familiar to him, his wife and his daughters, that it will be added to the tributes that have been made about him over the past weeks and that in some way it will help them in their pain.

Thereupon, the Joint Resolution was adopted in concurrence.

Bill "An Act Relating to the Limitation on the Amount of Dependents Group Life Insurance Which May be Issued" (S. P. 45) (L. D. 76)

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

Was referred to the Committee on Business Legislation in concurrence.

Bill "An Act to Permit Privately-owned Snowplows to keep Warning Lights on when on the Highways as well as Private Property" (S. P. 52) (L. D. 77)

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

Was referred to the Committee on Transportation in concurrence.

Messages and Documents

The following Communication:

State of Maine

Department of

Educational and Cultural Services

Augusta, Maine

January 9, 1979

TO: Members of the 109th Maine State Legislature.

FROM: Commissioner H. Sawin Millett, Dept. of Educational and Cultural Services
Commissioner David E. Smith, Dept. of Human Services

Commissioner George Zitnay, Dept. of Mental Health and Corrections

The accompanying report is the interim progress report required by L. D. 2106, "AN ACT Concerning Pilot Projects for More Effective and Efficient Delivery of Services to Preschool Handicapped Children," passed by the Second Regular Session of the 108th Legislature. The report describes briefly the background for passage of L. D. 2106, the activities of the Interdepartmental Coordinating Committee for Preschool Handicapped, the progress to date in the five pilot sites which have been established, and contains a brief discussion of problems which have been encountered with recommendations for the coming year. Draft legislation to provide continuation funding for this project, based on the positive evaluation of efforts to date, has been prepared and is being submitted to the 109th Legislature separate from this report.

Was read and with accompanying papers ordered placed on file.

Petitions, Bills and Resolves**Requiring Reference**

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

Business Legislation

Bill "An Act to Amend the Requirements for Registration of Professional Foresters" (H. P. 82) (Presented by Mr. Rolde of York) (Cosponsors: Mr. Dexter of Kingfield and Mr. Hall of Sangerville)

(Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act to Provide that Persons who Run for Elective Office and who do not have Anyone Running against them do not have to File Reports on Campaign Expenses" (H. P. 83) (Presented by Mr. Dudley of Enfield)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Repeal the Per Diem Payment and the Commutation Allowance for Court Officers" (H. P. 84) (Presented by Mr. Wood of Sanford)

(Ordered Printed)

Sent up for concurrence.

Marine Resources

Bill "An Act to Prohibit Purse Seining in Hancock County" (H. P. 85) (Presented by Mr. Bunker of Gouldsboro)

(Ordered Printed)

Sent up for concurrence.

State Government

RESOLUTION, Proposing an Amendment to the Constitution of Maine Reducing to 21 Years the Age at which a Person may serve as a State Senator. (H. P. 86) (Presented by Mr. Nadeau of Lewiston) (Cosponsors: Mr. Brown of Livermore Falls and Mr. Fowlie of Rockland)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act to Require Sand, Gravel, Peat and Other Fill Transported by Truck to be Covered" (H. P. 87) (Presented by Mrs. Prescott of Hampden) (Cosponsors: Ms. Brown of Gorham)

(Ordered Printed)

Sent up for concurrence.

Orders

An Expression of Legislative Sentiment (H. P. 59) recognizing that:

Tony Matoine of Sanford High School has received the 1978 Fitzpatrick Award as outstanding athlete in football.

Presented by Mr. Tuttle of Sanford. (Cosponsors: Mr. Paul of Sanford, Mr. Wood of Sanford, and Senator Lovell of York)

The Order was read.

THE SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Tuttle.

MR. TUTTLE: Mr. Speaker and Members of the House: the Fitzpatrick Award is an award given to the athlete chosen as the most outstanding individual in attitude, sportmanship and athletic ability in high school football. This is chosen by the press, by his peers, and by the coaches in the State of Maine. This year's recipient is Mr. Tony Mantoine of Sanford High School.

Particularly coming back after injury, showing the character deserving of such an award. I feel that an official expression of sentiment and gratitude should be sent on behalf of the Legislature and the people of the State of Maine to Mr. Mantoine, who is in the gallery today.

(Applause)

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

By unanimous consent, ordered sent forthwith to the Senate.

Orders of the Day

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

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)—In Senate, referred to Committee on State Government.

Tabled—January 11, 1979, by Mrs. Post of Owl's Head.

Pending—Reference in concurrence.

On motion of Mrs. Mitchell of Vassalboro, retabled pending reference in concurrence and tomorrow assigned.

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

Bill "An Act to Increase the Compensation for Substitute Teachers" (H. P. 3) (L. D. 9)—In House, referred to Committee on Labor.—In Senate, referred to Committee on Education in non-concurrence.

Tabled—January 11, 1979 by Mr. Tierney of Lisbon.

Pending—Further Consideration.

On motion of Mr. Connolly of Portland, the House voted to recede and concur.

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

Bill "An Act Relating to Regulations of Deaths and Permits for Final Disposition of Human Bodies" (H. P. 71) (Committee on Local and County Government suggested)

Tabled—January 11, 1979 by Mr. Kelleher of Bangor.

Pending—Reference.

On motion of Mr. Kelleher of Bangor, the Bill was referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

At this point, the Speaker appointed the following members of the House to the Joint Standing Committees and to the Joint Select Committee on Corrections:

AGING, RETIREMENT & VETERANS

Nelson of Portland, Chairman
Therault of Rumford
Hickey of Augusta
Paul of Sanford
Churchill of Orland
Dellert of Gardiner
Hanson of Kennebunkport
Lowe of Winterport
Reeves of Newport
Studley of Berwick

AGRICULTURE

Mahany of Easton, Chairman
Tozier of Unity
Locke of Sebec
Wood of Sanford
Michael of Auburn
Rollins of Dixfield
Torrey of Poland
Nelson of New Sweden
Roope of Presque Isle
Sherburne of Dexter

APPROPRIATIONS & FINANCIAL AFFAIRS

Pearson of Old Town, Chairman
Jalbert of Lewiston
Carter of Winslow
Kelleher of Bangor
Chonko of Topsham
Diamond of Windham
Morton of Farmington
Higgins of Scarborough
Boudreau of Waterville
Smith of Mars Hill

AUDIT & PROGRAM REVIEW

Berube of Lewiston, Chairman
Benoit of South Portland
Hickey of Augusta
Baker of Portland
Nadeau of Lewiston
Torrey of Poland
Gillis of Calais
Huber of Falmouth
Peterson of Caribou
Fillmore of Freeport

BUSINESS LEGISLATION

Howe of South Portland, Chairman
Brannigan of Portland
D. Dutremble of Biddeford
Gwadosky of Fairfield
Lizotte of Biddeford
Jackson of Yarmouth
Sprowl of Camden
Aloupis of Bangor
Whitemore of Skowhegan
Brown of Bethel

EDUCATION

Connolly of Portland, Chairman
Beaulieu of Portland
Locke of Sebec
Rolde of York
Gowen of Standish
Lewis of Auburn
Fenlason of Danforth
Birt of East Millinocket
Davis of Monmouth
Leighton of Harrison

ELECTION LAWS

Benoit of South Portland, Chairman
Berry of Buxton
Tierney of Lisbon
Hall Sangerville
Nadeau of Lewiston
Birt of East Millinocket
Gould of Old Town
Small of Bath
Studley of Berwick
Wentworth of Wells

ENERGY & NATURAL

RESOURCES

Blodgett of Waldoboro, Chairman
Hall of Sangerville
Doukas of Portland
Jacques of Waterville
Michael of Auburn
Dexter of Kingfield
Huber of Falmouth
Austin of Bingham
Peltier of Houlton
Kiesman of Fryeburg

FISHERIES & WILDLIFE

Dow of West Gardiner, Chairman
MacEachern of Lincoln
Tozier of Unity
Paul of Sanford
Jacques of Waterville
Vose of Eastport
Peterson of Caribou
Gillis of Calais
Masterman of Milo
Churchill of Orland
HEALTH & INSTITUTIONAL SERVICES
Prescott of Hampden, Chairman
Brenerman of Portland
Brodeur of Auburn
Cloutier of South Portland
Curtis of Milbridge
Vincent of Portland
Norris of Brewer
MacBride of Presque Isle
Matthews of Caribou
Payne of Portland

JUDICIARY

Hobbins of Saco, Chairman
Hughes of Auburn
Joyce of Portland
Carrier of Westbrook
Simon of Lewiston
Sewall of Newcasttle
Gray of Rockland
Laffin of Westbrook
Silsby of Ellsworth
Stetson of Wiscasset

LABOR

Wyman of Pittsfield, Chairman
McHenry of Madawaska
Beaulieu of Portland
Martin of Brunswick
Baker of Portland
Tuttle of Sanford
Lewis of Auburn
Cunningham of New Gloucester
Dexter of Kingfield
Fillmore of Freeport
LEGAL AFFAIRS
Violette of Van Buren, Chairman
Dudley of Enfield
Maxwell of Jay
Call of Lewiston
Brown of Gorham
McSweeney of Old Orchard Beach
Stover of West Bath
Soulas of Bangor
Dellert of Gardiner

Gavett of Orono

LOCAL & COUNTY GOVERNMENT

LaPlante of Sabattus, Chairman
McHenry of Madawaska
L. Dutremble of Biddeford
Nelson of Roque Bluffs
Drinkwater of Belfast
Stover of West Bath
McMahon of Kennebunk
Bordeaux of Mt. Desert
Brown of Livermore Falls
Wentworth of Wells

MARINE RESOURCES

Fowlie of Rockland, Chairman
Post of Owl's Head
Blodgett of Waldoboro
Nelson of Roque Bluffs
Jackson of Yarmouth
Bunker of Gouldsboro
Bowden of Brooklin
Hanson of Kennebunkport
Kiesman of Fryeburg
Small of Bath

PUBLIC UTILITIES

Davies of Orono, Chairman
Berry of Buxton
McKean of Limestone
Nelson of Portland
Vose of Eastport
Cunningham of New Gloucester
Brown of Livermore Falls
Gavett of Orono
Lowe of Winterport
Reeves of Newport

STATE GOVERNMENT

Kany of Waterville, Chairman
Bachrach of Brunswick
Barry of Fort Kent
Paradis of Augusta
Reeves of Pittston
Masterton of Cape Elizabeth
Conary of Oakland
Damren of Belgrade
Lancaster of Kittery
Lund of Augusta

TAXATION

Post of Owl's Head, Chairman
Twitchell of Norway
Cox of Brewer
Brenerman of Portland
Wood of Sanford
Kane of South Portland
Immonen of West Paris
Carter of Bangor
Marshall of Millinocket
Leonard of Woolwich

TRANSPORTATION

Carroll of Limerick, Chairman
Jacques of Lewiston
Brown of Mexico
Elias of Madison
McKean of Limestone
Strout of Corinth
Hutchings of Lincolnville
Hunter of Benton
Lougee of Island Falls
McPherson of Eliot

JOINT SELECT COMMITTEE ON CORRECTIONAL INST.

Hughes of Auburn, Chairman
Carter of Winslow
Fowlie of Rockland
Cloutier of South Portland
Drinkwater of Belfast
Marshall of Millinocket
Roope of Presque Isle
Stetson of Wiscasset

(Off Record Remarks)

Mr. Joyce of Portland was granted unanimous consent to address the House.

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: When recognition is due one of the members of this body, we will not fail. When one of our members has set an example for the rest of us to follow, I think that he should be commended.

It was a cold morning on December 21 as I

drove up north on Route 4 heading towards Farmington, Maine. On that day, I knew, although the first day of winter, the most important recognition to that day was that it was Chester Greenwood Day. I realized the great effort by Representative Dick Morton, who worked hard to get recognition on that particular day.

When I turned the car radio on, I heard Representative Morton being interviewed, but before I arrived in Farmington, I had heard three separate interviews from our good Representative.

I went on to attend the well-organized parade downtown on Main Street, it marched right through the one traffic light that that town has—it was red at the time. The weather there, a little under 18 degrees, I watched and it reminded me of a spring day as I saw the gaily colored earmuffs bouncing up and down in the parade and among the throngs that were out there.

I stayed around most of the day, went down and watched the sleigh rides in the center of town. I watched the snowshoe races. I didn't have enough courage to get in the long line to obtain my free hot chocolate offered by a local restaurant. But, in looking around and seeing these earmuffs, I saw a young fellow who played in the high school band and he wore his earmuffs as a bow tie. I saw a young damsel, really wasn't in distress, and she had a pair wrapped around the upper portion of her body.

I feel with all the activity there that we owe a great debt of gratitude to Representative Dick Morton for the way this program has stretched out from the community of Farmington and thank him for getting Chester on the calendar for that day.

As I told you, I saw many earmuffs up there. They had the indoor and the outdoor models, and when I look into things, these promises made on the floor, to see that they are carried out. I like to bring evidence back. Now, if one of the Pages will come up to my desk, I will give him the indoor-outdoor model that I brought back for my Speaker, and he could probably give you a demonstration on how they should be worn. (Applause)

(Off Record Remarks)

On motion of Mrs. Berube of Lewiston,
Adjourned until ten o'clock tomorrow morning.