

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 30, 1979

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

Prayer by the Reverend John MacNeill of the East Winthrop Baptist Church.

Reverend MacNEILL: Let us pray together. Our Heavenly Father, we pray that You will fill with new meaning this sacred moment of prayer, making it an oasis for the refreshment of our souls, a window cleansing for our vision and a recharging of the batteries of our spirits. Help us to feel and to believe that we are talking with God. May we forget all else save our deep need for your guidance and your help. Lord, You will still be here after this prayer is said and we would have it so, for we know deep down in our hearts that without your help we can do nothing abiding. Without You, we shall discuss more and more and settle less and less. May this time of prayer find each one of us in his or her own way reaching out for your help and guidance. Hear our prayers and be with us this day, we ask in Jesus name. Amen.

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

The journal of the previous session was read and approved.

(Off Record Remarks)

On motion of Mr. Tierney of Lisbon, recessed until the sound of the gong.

After Recess

11:00 A.M.

The House was called to order by the Speaker pro tem.

**Papers from the Senate
Tabled and Assigned**

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Amount of State Expenditures which may be made from Undedicated Revenues without Voter Approval (S. P. 96) (L. D. 182)

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

In the House, on motion of Mrs. Kany of Waterville, tabled pending reference in concurrence and tomorrow assigned.

Bill "An Act Prohibiting a Bank Holding Company from Owning more than One Type of Financial Institution" (S. P. 91) (L. D. 177)

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

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

Bill "An Act to Amend the Representation of Towns on Community School Districts" (S. P. 93) (L. D. 179)

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

In the House, referred to the Committee on Education in concurrence.

Bill "An Act to Provide Accessible Polling Places for the Physically Handicapped and the Elderly" (Emergency) (S. P. 95) (L. D. 181)

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

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

Bill "An Act Concerning Unemployment Compensation Benefits for Employees Formerly Working for a Bankrupt Employer" (S. P. 92) (L. D. 178)

Came from the Senate referred to the Com-

mittee on Labor and ordered printed.

In the House, referred to the Committee on Labor in concurrence.

Tabled and Assigned

RESOLVE, Authorizing the Sale of Certain Public Reserved Lands to Cobb's Bosebuck Mountain Camps. (S. P. 85) (L. D. 176)

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

In the House, on motion of Mr. Blodgett of Waldoboro, tabled pending reference in concurrence and tomorrow assigned.

Bill "An Act to Revise the Statute Providing Reimbursement to Municipalities for Revenue Loss Due to Certain Personal Property Tax Exemptions" (S. P. 94) (L. D. 180)

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

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

Non-Concurrent Matter

Bill "An Act to Allow Prison Inmates to Attend Funeral of a Brother or Sister" (H. P. 100) (L. D. 148) which was referred to the Joint Select Committee on Correctional Institutions in the House on January 24, 1979.

Came from the Senate referred to the Committee on Health and Institutional Services in non-concurrence.

In the House: On motion of Mr. Hughes of Auburn, the House voted to recede and concur.

Passed to Be Engrossed

Bill "An Act to Correct the References to Joint Standing Committees for the Purpose of Confirmations" (Emergency) (S. P. 99) (L. D. 175) (Approved by a Majority of the Legislative Council pursuant to Joint Rule 27)

Committee on State Government suggested. Came from the Senate passed to be engrossed without reference to a Committee.

The SPEAKER pro tem: The Chair recognizes the gentleman from Lisbon Falls, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: This bill has been introduced in order to conform our statutes dealing with legislative confirmation to our joint rules.

If you review the bill, you will see that all that is being done here is that we are changing the names of several of the committees which do confirmations because our statutes still say "Energy", for example, and we have to change it to "Energy and Natural Resources." We are also sending those confirmations for Human Resources to the Committee on Health and Institutional Services.

We are going to appoint some rather unusual rules in order to suspend the rules and move this along as soon as possible, and in doing so hopefully enact it so that these committees can get to work on the confirmation process.

Thereupon, under suspension of the rules and without reference to a Committee, the Bill was read twice and passed to be engrossed in concurrence.

By unanimous consent, ordered sent forthwith to Engrossing.

Messages and Documents

The following Communication: (H. P. 169)

State of Maine
HOUSE OF REPRESENTATIVES
Majority Office
Augusta, Maine

January 25, 1979

The Honorable Edwin H. Pert
Clerk of the House
House of Representatives
State House
Augusta, Maine 04333
Dear Clerk Pert:

This is to inform you that the Democratic members of the Legislative Council, pursuant

to Legislative Joint Rule 38, have selected Ms. Kathleen W. Goodwin as their Partisan Staff Assistant on Gubernatorial Nominations. She will serve during the present biennium and will provide all necessary assistance to each Committee recommending action on gubernatorial nominations.

Sincerely,

(Signed) JAMES E. TIERNEY

Vice Chairman, Legislative Council

The Communication was read and ordered placed on file and sent up for concurrence.

The following Communication:

State of Maine
HOUSE OF REPRESENTATIVES
Speaker's Office
Augusta, Maine

January 25, 1979

Hon. Edwin H. Pert
Clerk of the House
House of Representatives
Augusta, Maine 04333
Dear Clerk Pert:

I am appointing the following members to serve on the several Standing Committees of the House:

Ways and Means:

Jalbert of Lewiston, Chr.
Blodgett of Waldoboro
Diamond of Windham
Brannigan of Portland
Marshall of Millinocket
Gowen of Standish
Matthews of Caribou

Leaves of Absence:

Cox of Brewer, Chr.
Locke of Sebec
Nadeau of Lewiston
Paradis of Augusta
Hutchings of Lincolnville
Peltier of Houlton
Roope of Presque Isle
Bills in the Second Reading:
McHenry of Madawaska, Chr.
Kany of Waterville
Twitchell of Norway
Elias of Madison
Torrey of Poland
Huber of Falmouth
Reeves of Newport

Engrossed Bills:

Hall of Sangerville, Chr.
Doukas of Portland
Lizotte of Biddeford
Tuttle of Sanford
Laffin of Westbrook
Davis of Monmouth
MacBride of Presque Isle
Rules and Business of the House
The Speaker, Ex-Officio
Tierney of Lisbon Falls
Garsoe of Cumberland
Smith of Mars Hill

House Committee on Elections:

Carter of Winslow, Chr.
Berry of Buxton
Beaulieu of Portland
Brenerman of Portland
Tarbell of Bangor
Gould of Old Town
Norris of Brewer

Sincerely,

(Signed) JOHN L. MARTIN

Speaker of the House

The Communication was read and ordered placed on file.

**Petitions, Bills and Resolves
Requiring Reference**

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

Business Legislation

Bill "An Act to Prohibit Cancellation of Automobile or Property Insurance without Actual Notice to the Insured" (H. P. 170) (Presented

by Mrs. Beaulieu of Portland)
(Ordered Printed)
Sent up for concurrence.

State Government

Bill "An Act to Provide for Art in Public Buildings and Other Facilities" (H. P. 171) (Presented by Mrs. Mitchell of Vassalboro) (Cosponsors: Mrs. Masterton of Cape Elizabeth, Mr. Wood of Sanford, and Mr. Garsoe of Cumberland)

Committee on Education was suggested.

On motion of Mr. Connolly of Portland, the Bill was referred to the Committee on State Government, ordered printed and sent up for concurrence.

Education

Bill "An Act Authorizing the Postponement of National School Lunch Programs" (H. P. 172) (Presented by Mr. Birt of East Millinocket)

Bill "An Act Relating to the Advisory Board to the Firemen's Training Program of the Department of Educational and Cultural Services" (H. P. 173) (Presented by Mrs. Beaulieu of Portland) (Cosponsor: Mrs. Reeves of Pittston)

(Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act to Prohibit the Gathering of Signatures Within 250 Feet of the Entrance to a Polling Place and Within any Registrar's Office" (H. P. 174) (Presented by Mr. Lizotte of Biddeford)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act to Eliminate Mandatory Silver Nitrate Drops in Eyes of Newborns" (H. P. 175) (Presented by Mrs. Sewall of Newcastle)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act to Provide an Effective Penalty Under the Labor Laws for Violation of the Statute Requiring a Written Statement of Reason for Termination of Employment" (H. P. 176) (Presented by Mr. Nadeau of Lewiston) (Cosponsor: Mr. Wyman of Pittsfield)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act to Simplify and Clarify the Maine Administrative Procedure Act" (H. P. 177) (Presented by Mr. Connolly of Portland)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act to Authorize the Lease of Mental Health and Corrections' Facilities by other Agencies" (H. P. 179) (Presented by Mr. Morton of Farmington)

Committee on State Government was suggested.

On motion of Mrs. Prescott of Hampden, the Bill was referred to the Committee on Health and Institutional Services, ordered printed and sent up for concurrence.

State Government cont'd

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Age at Which a Person may Serve in the Maine Legislature to 18 for Members of the House of Representatives and 21 for Members of the Senate (H. P. 178) (Presented by Mr. Barry of Fort Kent) (Cosponsor: Mr. Brenerman of Portland)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Provide for a Property Tax Credit to Veterans in Place of a Property Tax Exemption" (H. P. 180) (Presented by Mr. Sprowl of Hope)

Bill "An Act Relating to Abatement Proceedings" (H. P. 181) (Presented by Mr. Austin of Bingham)

(Ordered printed)

Sent up for concurrence.

Orders

On motion of Mr. Cox of Brewer, it was:
ORDERED, that Lucien Dutremble of Biddeford be excused January 25 for personal reasons;

AND BE IT FURTHER ORDERED, that Dennis Dutremble of Biddeford be excused January 25 for personal reasons;

AND BE IT FURTHER ORDERED, that Patrick Jackson of Yarmouth be excused January 25 for personal reasons;

AND BE IT FURTHER ORDERED, that Sherry Huber of Falmouth be excused January 30 and 31 for legislative business;

AND BE IT FURTHER ORDERED, that Richard Davies of Orono be excused January 30 and 31 for legislative business;

Second Reader

Tabled and Assigned

Bill "An Act Concerning the Crime of Prostitution" (H. P. 65) (L. D. 73)

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

On motion of Mr. Hobbins of Saco, tabled pending passage to be engrossed and tomorrow assigned.

Orders of the Day

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

Bill "An Act to Strengthen Regional Library Systems" (S. P. 77) (L. D. 166) — In Senate, referred to Committee on Education.

Tabled—January 25, 1979 by Mr. Pearson of Old Town.

Pending—Reference in Concurrence.

On motion of Mr. Pearson of Old Town, re-tabled pending reference in concurrence and tomorrow assigned.

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

Bill "An Act to Provide for Annual Adjustment of Key Personal Income Tax Elements for Inflation" (S. P. 84) (L. D. 170) — In Senate, referred to Committee on Taxation.

Tabled—January 25, 1979 by Mrs. Post of Owl's Head.

Pending—Reference in Concurrence.

Thereupon, the Bill was referred to the Committee on Taxation in concurrence.

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

Bill "An Act to Increase the Membership of the Atlantic Sea Run Salmon Commission" (H. P. 162) (Committee on Marine Resources suggested.)

Tabled—January 25, 1979 by Mr. Pearson of Old Town.

Pending—Reference.

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

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

An Act to Correct the References to Joint Standing Committees for the Purpose of Confirmations (S. P. 99) (L. D. 175)

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 being necessary, a total was taken. 125 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.

(Off Record Remarks)

On motion of Mr. Joyce of Portland,
Adjourned until ten o'clock tomorrow morning.