

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

Wednesday, February 21, 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 William Hamilton of the First Congregational Church, Wiscasset.

Reverend HAMILTON: They that wait upon the Lord will renew their strength. They will mount up on wings as eagles. They shall run and not be weary; they shall walk and not faint. Let us pray.

God of our republic, God of this Legislature, God of all people, we acknowledge our awe and humility at the responsibilities placed upon us. We confess our struggle to do the right in the midst of conflicting opinion. We know well our limitations and shortcomings.

Be with us this day as the bringer of competence that we may discharge our responsibilities honestly, speak boldly in the face of conflict and surpass our limits, to the end that the people who have trusted us to represent them will indeed be served. Help us to rejoice in this fellowship of government, knowing that no matter what side we are on at any time, we are united in service. Be among us as we gather this day. Amen.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Joint Order: (S. P. 230)

ORDERED, the House concurring, that Bill, "An Act Converting Long Island Plantation into the Town of Frenchboro," H. P. 51, L. D. 60, be recalled from the Engrossing Department to the Senate.

Came from the Senate read and passed.

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

By unanimous consent, ordered sent forthwith to the Senate.

RESOLVE, to Provide a Minimum Retirement Credit to Shirley Quint of Hodgdon (S. P. 224) (L. D. 639)

RESOLVE, to Provide a Minimum Retirement Credit to Mrs. M. Jerome Dickinson of Hodgdon (S. P. 225) (L. D. 640)

Came from the Senate referred to the Committee on Aging, Retirement and Veterans and ordered printed.

In the House, were referred to the Committee on Aging, Retirement and Veterans in concurrence.

Bill "An Act Relating to Native Farm Products" (S. P. 226) (L. D. 641)

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

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

Bill "An Act to Extend the Deer Season through the Second Saturday following Thanksgiving" (S. P. 228) (L. D. 643)

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

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

Bill "An Act to Set Forth the Rights and Responsibilities of Hospital Patients and Responsibilities of Physicians" (S. P. 229) (L. D. 644)

Came from the Senate referred to the Committee on Health and Institutional Services and ordered printed.

In the House, was referred to the Committee on Health and Institutional Services in concurrence.

Bill "An Act to Require Restitution by a Criminal Offender to his Victim and to Require

Payment of Prosecution and Court Costs" (S. P. 227) (L. D. 642)

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

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

**Reports of Committees
Ought Not to Pass**

Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act Relating to Age Limit for Motor Vehicle Operator Licenses" (S. P. 40) (L. D. 26)

Was placed in the Legislative Files without further action pursuant to Joint Rule 22 in concurrence.

Leave to Withdraw

Report of the Committee on Transportation reporting "Leave to Withdraw" on Bill "An Act to Authorize the Construction of a Bridge Across the Kennebec River in the City of Augusta" (S. P. 87) (L. D. 172)

Came from the Senate with the Report read and accepted.

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

Messages and Documents

The following Communication: (S. P. 223)

State of Maine
SENATE CHAMBER
President's Office
Augusta, Maine 04333

February 16, 1979

Honorable Roland L. Sutton
Honorable Jasper S. Wyman
Chairmen, Labor Committee
State House
Augusta, Maine 04333

Please be advised that Governor Joseph E. Brennan is nominating Harold G. Loring of Portland to serve on the Maine Employment Security Commission as the Labor Representative.

Pursuant to MRSA, Title 26, Section 1081, this nomination requires review by the Joint Standing Committee on Labor and confirmation by the Senate.

Sincerely,

S/JOSEPH SEWALL
President of the Senate
S/JOHN MARTIN
Speaker of the House

Came from the Senate read and referred to the Committee on Labor.

In the House, the Communication was read and referred to the Committee on Labor in concurrence.

**Petitions, Bills and Resolves
Requiring Reference**

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

Agriculture

Bill "An Act to Control Brucellosis in Cattle" (H. P. 537) (Presented by Mr. Sherburne of Dexter) (Cosponsor: Mr. Torrey of Poland) (Ordered Printed)

Sent up for concurrence.

Appropriations and Financial Affairs

RESOLVE, Authorizing the State to Pay the Indebtedness of Eastern Maine Friends of Retarded Citizens" (H. P. 538) (Presented by Mr. Tarbell of Bangor) (Cosponsor: Mr. Kelleher of Bangor) (Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act to Enact a Model Group Health Insurance Continuation and Conversion Law" (H. P. 539) (Presented by Mrs. Damren of Belgrade) (Cosponsor: Mr. Boudreau of Waterville) (Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act Creating a Division of Industrial Training" (Emergency) (H. P. 540) (Presented by Mrs. Kany of Waterville) (Cosponsors: Mr. Birt of East Millinocket, Mr. Rolde of York and Mr. Jacques of Waterville)

Bill "An Act to Permit a Vocational Center to Bill Other Communities Sending Students to the Center in the Year of Actual Service" (H. P. 541) (Presented by Mrs. Kany of Waterville) (Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act Concerning the Training of Dogs while Bear Hunting" (H. P. 542) (Presented by Mr. Peterson of Caribou) (Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Prohibit an Intentional Attempt to Elude a Police Officer through High-speed Driving" (H. P. 543) (Presented by Mr. Rollins of Dixfield) (Cosponsor: Mr. Laffin of Westbrook)

Bill "An Act Relating to Criminal History Record Information" (H. P. 544) (Presented by Mr. Howe of South Portland) (Cosponsor: Mr. Cloutier of South Portland)

Bill "An Act to Clarify Certain Provisions Relating to the Statistical Reporting of Abortions" (H. P. 545) (Presented by Mrs. Berube of Lewiston) (Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act Relating to the Establishment of a State Building Code" (H. P. 546) (Presented by Mr. Vincent of Portland) (Ordered Printed)

Sent up for concurrence.

Later Today Assigned

Bill "An Act to Clarify Sex Discrimination in the Maine Human Rights Act" (H. P. 548) (Presented by Ms. Benoit of South Portland) (Cosponsors: Mr. Tarbell of Bangor and Mr. Rolde of York)

Committee on Legal Affairs was suggested. On motion of Mr. Violette of Van Buren, tabled pending reference and later today assigned.

Legal Affairs cont'd.

RESOLVE, Authorizing Barry A. Brann of Wilton to Bring Civil Action Against the State of Maine (H. P. 547) (Presented by Mr. Morton of Farmington) (Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act to Clarify the Rule-making Procedure of the Commissioner of Public Safety" (H. P. 549) (Presented by Mrs. Damren of Belgrade) (Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act to Exempt School Buses from Tolls on the Maine Turnpike" (H. P. 550) (Presented by Mr. LaPlante of Sabattus) (Cosponsors: Mr. Lancaster of Kittery, Mr. McPherson of Eliot, and Mr. Brodeur of Auburn)

Bill "An Act Providing Additional Driver License Examiners in the Division of Motor Vehicles" (Emergency) (H. P. 551) (Presented by Mr. Birt of East Millinocket) (Cosponsors: Mr. MacEachern of Lincoln and Mr. Marshall of Millinocket) (Ordered Printed)

Sent up for concurrence.

Orders

On motion of Mr. Cox of Brewer, it was ORDERED, that Representative Elizabeth Mitchell of Vassalboro be excused February 20, 1979 through February 23, 1979 for personal reasons.

The SPEAKER pro tem: Would the Sergeant-at-Arms kindly escort the gentleman from Madison, Mr. Elias, to the rostrum to serve as Speaker pro tem.

Thereupon, Mr. Elias assumed the Chair as Speaker pro tem and Mr. Diamond from Windham retired from the hall.

**House Reports of Committees
Divided Report**

Majority Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act to Require Motorcycle Operators and Passengers and Motor Driven Cycle Operators and Passengers to Wear Helmets if they are Minors" (H. P. 114) (L. D. 123)

Report was signed by the following members:

MESSRS. EMERSON of Penobscot
O'LEARY of Oxford
USHER of Cumberland

— of the Senate.

Mrs. HUTCHINGS of Lincolnville

MESSRS. HUNTER of Benton
McKEAN of Limestone
JACQUES of Lewiston
BROWN of Mexico
ELIAS of Madison
STROUT of Corinth

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Report was signed by the following members:

MESSRS. LOUGEE of Island Falls
McPHERSON of Eliot
CARROLL of Limerick

— of the House

Reports were read.

On motion of Mr. Carroll of Limerick, the Minority "Ought to Pass" Report was accepted, the bill read once and assigned for second reading tomorrow.

**Consent Calendar
First Day**

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

(H. P. 160) (L. D. 188) Bill "An Act Relating to Transfer of the Planning and Development Functions of the Urban Renewal Authority of the City of Bangor" Committee on Local and County Government reporting "Ought to Pass"

(H. P. 329) (L. D. 366) Bill "An Act to Dissolve the Proprietors of the Centre Meeting-House in Farmington" Committee on Local and County Government reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 22, under listing of the Second Day.

**Consent Calendar
Second Day**

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

(H. P. 213) (L. D. 261) Bill "An Act Concerning Prisoner Participation in Public Works Projects"

(H. P. 194) (L. D. 243) Bill "An Act to Amend the Laws Relating to the Maine Historic Preservation Commission"

(H. P. 158) (L. D. 186) Bill "An Act to Conform the Acknowledgment Provision of the Recording Statutes to the Uniform Recognition of Acknowledgments Act" (C. "A" H-32)

(H. P. 124) (L. D. 131) Bill "An Act to In-

crease the Mileage Reimbursement and Compensation of Jurors" (C. "A" H-31)

(H. P. 125) (L. D. 135) Bill "An Act to Increase Fees and Mileage Reimbursements of Witnesses" (C. "A" H-30)

No objections being noted at the end of the Second Legislative Day, the House Papers were passed to be engrossed and sent up for concurrence.

(H. P. 128) (L. D. 133) Bill "An Act Amending the Sardine Tax Law" (C. "A" H-34)

On the request of Mr. McHenry of Madawaska, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the bill read once. Committee Amendment "A" (H-34) was read by the Clerk and adopted.

On motion of Mr. Tarbell of Bangor, the House reconsidered its action whereby Committee Amendment "A" was adopted.

Mr. McHenry of Madawaska offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-35) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was assigned for second reading tomorrow.

(H. P. 19) (L. D. 36) RESOLVE to Direct the County of Cumberland to pay \$1,069.72 to Stanley E. Payson of Scarborough and Shirley M. Jodrie of Portland. (C. "A" H-33)

No objections being noted at the end of the Second Legislative Day, the House Paper was passed to be engrossed and sent up for concurrence.

**Passed to Be Enacted
Emergency Measure**

An Act to Increase the Amount which the District Court is Allowed to Deposit each Month into the District Court Building Fund from \$3,000 to \$10,000 (H. P. 101) (L. D. 108) (H. "A" H-21 to C. "A" H-17)

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. 127 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.

Orders of the Day

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

Bill, "An Act to Increase the Handling Charge for Returnable Beverage Containers from 1¢ to 3¢ and to Provide for Prompt Reimbursement of this Charge to Dealers and Redemption Centers" (H. P. 454) (Committee on Business Legislation suggested)

Tabled—February 6, 1979 by Mr. Tierney of Lisbon.

Pending—Reference.

On motion of Mr. Tierney of Lisbon Falls, retabled pending reference and tomorrow assigned.

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

An Act Concerning Appointments of Justices of the Peace. (Emergency) (H. P. 109) (L. D. 118)

Tabled—February 20, 1979 by Mr. Tarbell of Bangor.

Pending—Passage to be Enacted.

On motion of Mrs. Kany of Waterville, the bill was recommitted to the Committee on State Government in non-concurrence and sent up for concurrence.

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

An Act Empowering Retired Justices of the

Supreme Judicial Court and District Court Judges to Sit in Superior Court and Administrative Court Judges to Sit in District Court (Emergency) (S. P. 55) (L. D. 89)

Tabled—February 20, 1979 by Mr. Hobbins of Saco.

Pending—Passage to be Enacted.

On motion of Mr. Hobbins of Saco, retabled pending passage to be enacted and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act to Clarify Sex Discrimination in the Maine Human Rights Act" (H. P. 548) which was tabled earlier in the day pending reference.

On motion of Mr. Violette of Van Buren, was referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Pearson of Old Town. Adjourned until ten o'clock tomorrow morning.