

# 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**

Monday, February 26, 1979

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

Prayer by Representative Jasper Wyman of Pittsfield.

Rep. WYMAN: Our gracious God and our heavenly Father, we thank you for the opportunity to be here today to serve you. We thank you for giving each one of us traveling mercy. We ask today, Father, that you will remind us of the nobility of the political task, and as we seek to perform it today, may we heed the call of Micah to do justly, to love mercy and to walk humbly with our God. We ask this in Jesus name. Amen.

The members stood at attention for the Pledge of Allegiance to the Flag.

The journal of the previous session was read and approved.

**Papers from the Senate**

Bill "An Act to Establish a Statutory Limit on County Expenditures during any One Fiscal Year" (S. P. 256) (L. D. 730)

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

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

Bill "An Act Providing for the Career Development Needs of Maine Citizens Through the Creation of a Division of Career Education within the Department of Educational and Cultural Services" (S. P. 258) (L. D. 731)

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

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

Bill "An Act Concerning Assistance to Blind or Disabled Voters in Marking Ballots" (S. P. 255) (L. D. 729)

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

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

Bill "An Act to Restrict Access to Allagash Lake in the Allagash Wilderness Waterway" (S. P. 254) (L. D. 728)

Came from the Senate referred to the Committee on Energy and Natural Resources and ordered printed.

In the House, was referred to the Committee on Energy and Natural Resources in concurrence. (Later Reconsidered)

Bill "An Act Concerning Strikes or Work Stoppages by Public Employees" (S. P. 249) (L. D. 713)

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 Assess a Surcharge of Fines and Penalties for the Operation of the Maine Criminal Justice Academy" (S. P. 250) (L. D. 714)

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

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

**Petitions, Bills and Resolves****Requiring Reference**

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

**Business Legislation**

Bill "An Act to Clarify and Amend the Investment Provisions of the Maine Insurance

Code" (H. P. 621) (Presented by Mr. Jackson of Yarmouth)

Bill "An Act to Establish Standards for the Sale and Installation of Foam Plastic Insulation" (H. P. 622) (Presented by Mrs. Huber of Falmouth) (Cosponsor: Mr. Howe of South Portland)

Bill "An Act Relating to Determination of Refund Values on Beverage Containers" (H. P. 623) (Presented by Mr. Hughes of Auburn)

Bill "An Act to Require Conspicuous Posting of Retail Gasoline and Diesel Fuel Prices" (H. P. 624) (Presented by Mr. Howe of South Portland) (Cosponsor: Mrs. Huber of Falmouth)

(Ordered Printed)

Sent up for concurrence.

**Election Laws**

Bill "An Act to Require Voters to Show Proof of Residence When They Register to Vote" (H. P. 625) (Presented by Mrs. Nelson of Portland)

(Ordered Printed)

Sent up for concurrence.

**Judiciary**

Bill "An Act to Amend the Criminal History Record Information Act" (H. P. 626) (Presented by Mr. Bowden of Brooklin)

Bill "An Act to Repeal the Criminal History Record Information Act" (H. P. 627) (Presented by Mr. Bowden of Brooklin)

Bill "An Act to Clarify the Freedom of Access Law" (H. P. 628) (Presented by Mr. Bowden of Brooklin)

Bill "An Act to Amend the Laws Relating to Criminal History Record Information" (H. P. 629) (Presented by Mr. MacEachern of Lincoln)

(Ordered Printed)

Sent up for concurrence.

**Later Today Assigned**

Bill "An Act to Prohibit Housing Discrimination Against Families with Children" (H. P. 630) (Presented by Mr. Brannigan of Portland)

Committee on Legal Affairs was suggested.

On motion of Mr. Hughes of Auburn, tabled pending reference and later today assigned.

**Local and County Government**

Bill "An Act to Abolish the Ogunquit Village Corporation" (H. P. 631) (Presented by Mrs. Wentworth of Wells) (Cosponsors: Mr. Laplante of Sabattus and Mr. Lancaster of Kittery)

(Ordered Printed)

Sent up for concurrence.

**Public Utilities**

Bill, "An Act to Require the Public Utilities Commission to Study the Safe and Proper Decommissioning of Nuclear Generating Facilities in Maine" (H. P. 632) (Presented by Mr. Davies of Orono) (Cosponsor: Mrs. Huber of Falmouth)

Bill "An Act to Require Periodic Management Audits of all Public Utilities" (H. P. 633) (Presented by Mr. Davies of Orono) (Cosponsors: Mr. Vose of Eastport and Mr. Laffin of Westbrook)

(Ordered Printed)

Sent up for concurrence.

**Taxation**

Bill "An Act to Provide that the Rate for Delinquency Charges for Property Taxes shall be no Greater than 3% of the Rate of Municipal Borrowing" (H. P. 634) (Presented by Mr. Carrier of Westbrook) (Cosponsor: Mr. Twitchell of Norway)

(Ordered Printed)

Sent up for concurrence.

**Transportation**

Bill "An Act Concerning the Categories of 'Horseless Carriage' and 'Antique Motor Car' under the Motor Vehicle Statutes" (H. P. 635) (Presented by Mr. Cunningham of New

Gloucester) (Cosponsors: Miss Brown of Bethel, Mrs. Reeves of Pittston, and Mr. Dow of West Gardiner)

Bill "An Act to Increase the Dollar Amount of an Accident that Must be Reported from \$200 to \$500" (H. P. 636) (Presented by Mr. Doukas of Portland) (Cosponsors: Mr. Tierney of Lisbon and Mr. Michael of Auburn)

Bill "An Act to Prohibit Vehicles from Passing School Buses on School Property while Buses are Receiving or Discharging Students" (H. P. 637) (Presented by Mr. Fowlie of Rockland)

(Ordered Printed)

Sent up for concurrence.

**Orders**

An Expression of Legislative Sentiment (H. P. 620) recognizing that:

Bobby Berg of Brownville Jct. has captured top regional honors in the Pepsi-Cola NBA Hot-shot Basketball competition

Presented by Mr. Masterman of Milo.

The Order was read and passed and sent up for concurrence.

A Joint Resolution (H. P. 619) in memory of George W. Small of Plymouth, a distinguished citizen and former Fire Chief of that community

Presented by Mrs. Prescott of Hampden.

The Resolution was read and adopted and sent up for concurrence.

**House Reports of Committees****Leave to Withdraw**

Mr. Carrier from the Committee on Judiciary on Bill "An Act Relating to the Use of Force in Defense of Premises" (H. P. 138) (L. D. 156) reporting "Leave to Withdraw"

Mr. Violette from the Committee on Legal Affairs on RESOLVE, Authorizing Burton L. Lockhart or his Legal Representatives to bring Civil Action against the State of Maine (H. P. 137) (L. D. 159) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

**(Off Record Remarks)**

On motion of Mr. Brown of Mexico, Recessed until the sound of the gong.

**After Recess**

11:05 a. m.

The House was called to order by the Speaker.

**Consent Calendar****First Day**

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

(H. P. 118) (L. D. 128) Bill "An Act to Increase from 3¢ to 5¢ Per Inhabitant the Amount Appropriated Annually for the State Stipend Fund for Agricultural Societies"—Committee on Agriculture reporting "Ought to Pass"

(H. P. 108) (L. D. 137) Bill "An Act to Increase the Limit on Bonded Indebtedness of the Eastport Port Authority From \$500,000 to \$6,000,000" (Emergency)—Committee on Marine Resources reporting "Ought to Pass"

(S. P. 57) (L. D. 90) Bill "An Act to Increase Certain Fees for Pharmaceutical Providers"—Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-15)

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 27, under listing of 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. 266) (L. D. 343) Bill "An Act Relating to the Small Grants Program for Municipal Conservation Commissions"

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.

#### Tabled and Assigned

(H. P. 97) (L. D. 124) Bill "An Act to Dissolve Membership of the Towns of Hope and Appleton from the Community School District" (Emergency) (C. "A" H-38)

On the objection of Mr. Sprowl of Hope, was removed from the Consent Calendar.

On motion of the same gentleman, tabled pending acceptance of the Committee Report and specially assigned for Wednesday, February 28, 1979.

(S. P. 109) (L. D. 202) Bill "An Act to Prohibit a Manufacturer or Wholesaler of Alcoholic Beverages to Hold a Retail License"

(S. P. 89) (L. D. 174) Bill "An Act to Revise Certain Motor Vehicle Laws" (C. "A" S-14)

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

#### Passed to Be Engrossed Amended Bill

Bill "An Act to Amend the Procedure of the State Board of Arbitration and Conciliation" (S. P. 73) (L. D. 127) (C. "A" S-11)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed as amended in concurrence.

#### Second Reader Tabled and Assigned

Bill "An Act Relating to Payment for Sales in Retail Stores under the Liquor Laws" (H. P. 6) (L. D. 12) (C. "A" H-37)

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

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: This bill was discussed in some detail last Friday and it passed the approval of this House by one vote. I attempted at that time to discourage supporters of this bill based on one very simple issue that I think is very prevalent across the State of Maine, and that is the problem of the availability of beer and wine for the youngsters of this state.

I am sure that a great many of you are familiar with this bill which would allow in the retail stores the sale of alcoholic beverages. Instead of 17 year olds supervised by 18 year olds, it is the old erosion process, now it is down to the age level of 16.

When the drinking age bill was raised in this state to 20, there was considerable debate in this House on how the retail stores would be able to sell their merchandise with youngsters under 20 years of age. At that time, it was the wisdom of both sides of the aisle concerning the drinking age bill that was before the legislature to leave the sales provision at 17, under the supervision of 18 year olds. I think it was crystal clear at that time, and my problem is, ladies and gentlemen, I am seeing here again today the erosion of the process of the allowability of 16 year olds to sell beer and wine in stores under supervision.

I have got a feeling this morning that there is going to be an attempt to suggest that this House may want to table the bill because of alleged amendments to be offered. That is all right in itself, except I think I understand the process and know what delaying tactics can mean.

The lobby that is supporting this bill, at least one of them was running around breathlessly out on the third floor because of the fact they could feel that the attempt by this body was to kill it. The votes perhaps are here this morning. I would hope that if they are here, we would not accept any motions except the one I am going to make right at the moment, and that is that I move, Mr. Speaker, that this bill and all its accompanying papers be indefinitely postponed. When the vote is taken, I respectfully request the yeas and nays.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves that this bill and all its accompanying papers be indefinitely postponed.

The Chair recognizes the gentlewoman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: There is no attempt, I believe, to have any delaying tactics on this bill. It is a fact that an amendment is being prepared to make it a little bit more palatable for those who are opposed to it. It was a very close vote.

In addition, the Small Grocers Association is meeting at 12 noon today, and I would like to extend to them the courtesy of talking over this amendment and seeing how they respond to it.

Mr. Speaker, I request that this bill be tabled—I would like to have somebody table it for me.

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

Mr. GARSOE: Mr. Speaker, I move that this item be tabled for one legislative day.

Whereupon, Mr. Kelleher of Bangor requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Cumberland, Mr. Garsoe, that this bill be tabled pending the motion of Mr. Kelleher of Bangor to indefinitely postpone and tomorrow assigned. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

74 having voted in the affirmative and 36 having voted in the negative, the motion did prevail.

#### Passed to Be Enacted

An Act to Transfer Certain Inactive Accounts of the Maine State Retirement System to the Retirement Allowance Fund (H. P. 41) (L. D. 52)

An Act to Repeal the Per Diem Payment and the Commutation Allowance for Court Officers (H. P. 84) (L. D. 95) (C. "A" H-28)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

On motion of Mr. Vose of Eastport, under suspension of the rules, the House reconsidered its action whereby Resolve Authorizing the Bureau of Public Lands to Convey by Sale to the Town of Dennysville the State's Interest in Real Property in Edmunds, Washington County, House Paper 72, L. D. 81, was finally passed on February 16.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby the Resolve was passed to be engrossed as Amended by Committee Amendment "A".

The same gentleman offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-39) was read by the Clerk and adopted.

The Resolve was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" in non-concurrence and sent up for concurrence.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. McKean.

Mr. McKEAN: Mr. Speaker, I move that we

reconsider our action whereby L. D. 728 was referred to the Committee on Energy and Natural Resources.

The SPEAKER: The gentleman from Limestone, Mr. McKean, moves that we reconsider our action of earlier in the day whereby Bill "An Act to Restrict Access to Allagash Lake in the Allagash Wilderness Waterway," Senate Paper 254, L. D. 728, was referred to the Committee on Energy and Natural Resources in concurrence.

The Chair recognizes the gentleman from Waldoboro, Mr. Blodgett.

Mr. BLODGETT: Mr. Speaker, I would object to this, and I would hope that we would oppose such a motion.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. McKean.

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I have discussed this bill purposely with the committee chairmen on Fisheries and Wildlife. There is a question on the limiting of inland fisheries, this being salmon fishing, togue fishing, and the purpose of what I am going to do would for discussion with the committee chairmen to get the exact purpose of this particular bill. As it stands right now, the bill is more in line with fish and wildlife than it would be energy and natural resources. Therefore, I wish you would give us the opportunity to check further into the exact purpose of the bill.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Limestone, Mr. McKean, that the House reconsider its action of earlier in the day whereby L. D. 728 was referred to the Committee on Energy and Natural Resources in concurrence. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Blodgett of Waldoboro 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 vote 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 Waldoboro, Mr. Blodgett.

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: L. D. 728 is an issue not dealing exclusively with fishing but it has to do with the rule-making procedure and those rules made by LURC. For this reason, the Committee on Energy and Natural Resources deals with this on a regular basis and has, in fact, asked LURC to make some changes in their rules and regulations and it would be appropriate, therefore, that the Energy and Natural Resources Committee handle this particular bill rather than the Inland Fisheries and Game.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MACEachern: Mr. Speaker, Ladies and Gentlemen of the House: I feel that this bill should go to Fisheries and Wildlife. If you have read the bill, the bill does nothing but prevent someone from going up a stream in a canoe to Allagash Lake. The pond that they land their airplanes on with their canoes is outside the Allagash Wilderness Waterway and most of the activity that this restricts is without the waterway. I feel that it should come under the jurisdiction of Fisheries and Wildlife.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Masterman.

Mr. MASTERMAN: Mr. Speaker, Ladies and Gentlemen of the House: Representative MacEachern showed vividly where this area is. It is on the Allagash Waterway, but he is perfectly right when he says that they don't land there.

they land on Johnson Pond. LURC tried to do a little finagling with this last year and when I heard LURC mentioned, it scared me to death. I think you should put this in Fisheries and Wildlife where it belongs.

The SPEAKER: The Chair recognizes the gentleman from Waldoboro, Mr. Blodgett.

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: I think we should bring out the fact here that the finagling that was just mentioned last year was not by LURC but by Inland Fisheries and Game. Their people wanted to change this. It had nothing to do with LURC. They accepted the recommendations that were made to them and this was blocked by LURC.

The SPEAKER: The Chair recognizes the gentleman from Kingfield, Mr. Dexter.

Mr. DEXTER: Mr. Speaker, Men and Women of the House: If this isn't a natural resource, I don't know what it is.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Masterman.

Mr. MASTERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to remind Representative Blodgett, I went to all those meetings and I didn't even see him up in Bangor, Maine.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: If you think you are going to have a little rhubarb on your hands, just think when the committee report comes out, whichever committee it goes before.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Limestone, Mr. McKean, that the House reconsider its action whereby this bill was referred to the Committee on Energy and Natural Resources in concurrence. All those in favor of reconsideration will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Austin, Barry, Berry, Boudreau, Bowden, Brown, A., Brown, K. L., Bunker, Carrier, Carroll, Carter, D., Carter, F., Churchill, Conary, Cunningham, Curtis, Damren, Davis, Dellert, Dow, Drinkwater, Dutremble, D., Dutremble, L., Elias, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gowen, Gwadosky, Hanson, Hunter, Immonen, Jacques, E., Jacques, P., Laffin, Leighton, Leonard, Lewis, Lowe, MacBride, MacEachern, Mahany, Marshall, Martin, A., Masterman, Matthews, Maxwell, McHenry, McKean, Morton, Nadeau, Nelson, A., Norris, Paradis, Paul, Peterson, Roope, Sewall, Smith, Soulas, Sprowl, Studley, Torrey, Tozier, Tuttle, Twitchell, Violette, Vose, Wentworth, Whittemore.

NAY—Aloupis, Bachrach, Baker, Berube, Blodgett, Bordeaux, Brannigan, Brodeur, Brown, D., Brown, K. C., Call, Chonko, Cloutier, Connolly, Cox, Davies, Dexter, Diamond, Doukas, Hall, Hickey, Huber, Hughes, Jalbert, Joyce, Kane, Kelleher, Kiesman, Lancaster, LaPlante, Locke, Lund, Masterton, McPherson, McSweeney, Michael, Mitchell, Nelson, M., Pearson, Peltier, Prescott, Reeves, J., Rolde, Rollins, Sherburne, Small, Stover, TARBELL, Tierney, Vincent, Wood, Wyman.

ABSENT—Beaulieu, Benoit, Birt, Brenerman, Dudley, Fowlie, Gould, Gray, Higgins, Hobbins, Howe, Hutchings, Jackson, Kany, Lizotte, Lougee, McMahon, Nelson, N., Payne, Post, Reeves, P., Silsby, Simon, Stetson, Strout, Theriault, Mr. Speaker.

Yes, 72; No, 52; Absent, 26.

The SPEAKER: Seventy-two having voted in the affirmative and fifty-two in the negative, with twenty-six being absent, the motion does prevail.

Thereupon, on motion of Mr. McKean of Limestone, tabled pending reference in concurrence and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act to Prohibit Housing Discrimination Against Families with Children" (H. P. 630) which was tabled earlier in the day and later today assigned pending reference.

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

On motion of Mr. Carrier of Westbrook, Adjourned until ten o'clock tomorrow morning.