

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

Friday, March 2, 1979

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

Prayer by the Reverend Jack Diamond of Bayshore Union Church, Lincolnville.

Rev. DIAMOND: Father, we do thank you that we live in a country where we are still able to conduct business freely. We thank you, Father, for all of those who have gathered here who have felt the call to serve in this way. Lord, we just asked Thy blessing upon them today and through the remainder of the session. They look to you for strength, seek your guidance and recognize the awesome responsibility that lies with them in conducting the affairs of this state. Strengthen them, give them courage, and may they find joy in doing that which would be pleasing in Thy sight. We ask it all in Christ's precious Name. Amen.

The CLERK: The Clerk recognizes the gentleman from Lisbon Falls, Mr. Tierney.

Mr. TIERNEY: Mr. Clerk, in the absence of the Speaker, I would like to nominate the gentleman from Madison, Mr. James Elias, to act as Speaker pro tem.

The CLERK: The gentleman from Lisbon Falls, Mr. Tierney, has moved that the gentleman from Madison, Mr. Elias, serve as Speaker pro tem for today. Is this the pleasure of the House?

It is a vote.

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

The journal of yesterday was read and approved.

The following Enactor was taken up out of order by unanimous consent:

Passed to Be Enacted Emergency Measure

An Act to Permit Region 3, Northern Penobscot County Vocational Region, to Borrow Operating Funds (H. P. 717) (L. D. 823)

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. 104 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.

By unanimous consent, ordered sent forthwith to the Senate.

Papers from the Senate

The Following Joint Order, An Expression of Legislative Sentiment recognizing that:

Stearns High School of Millinocket has won the Eastern Maine Class B Girls' Basketball championship (S. P. 271)

Came from the Senate Read and Passed
In the House, was read and passed in concurrence.

The Following Joint Order, An Expression of Legislative Sentiment recognizing that:

On February 23, 24, and 25, 1979, Lewiston "La Ville Mere Du Mouvement De La Raquette Aux Etats-Unis," was the scene of the 55th International Snowshoe Congress, sponsored by the City of Lewiston and Le Club Montagnard, (S. P. 274)

Came from the Senate Read and Passed.
In the House, was read and passed in concurrence.

RESOLVE, to Provide Minimum Retirement Credit for Elwood Lloyd of Smyrna (S. P. 284) (L. D. 839)

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

ordered printed.

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

Bill "An Act to Expand the Availability of Certain Social Services by Increasing Income Eligibility" (S. P. 281) (L. D. 849)

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 Concerning Certificates of Contribution under the Maine Insurance Code" (S. P. 280) (L. D. 840)

Bill "An Act Concerning Insurance Proceeds under the Maine Insurance Code" (S. P. 282) (L. D. 850)

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

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

Bill "An Act to Amend the Form of Election Ballots to Omit the Secretary of State's Name under Certain Conditions" (S. P. 272) (L. D. 842)

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 Increase the Fee for Tagging Wild Game to \$1" (S. P. 277) (L. D. 843)

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 Concerning Indeterminate Sentence to the Maine Youth Center" (S. P. 285) (L. D. 844)

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.

Bill "An Act to Provide for Extension of the Time Period During which Notice must be Given under the Workers' Compensation Act" (S. P. 278) (L. D. 846)

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.

Later Today Assigned

Bill "An Act to Restore the Power of Arrest to Private Investigators" (S. P. 275) (L. D. 845)

Came from the Senate referred to the Committee on Legal Affairs.

On motion of Mr. Violette of Van Buren, tabled pending reference in concurrence and later today assigned.

Bill "An Act to Simplify the Requirements for Licensing Certain Clergymen to Perform Marriages" (S. P. 287) (L. D. 847)

Bill "An Act to Provide Malt and Table Wine Licenses for Ship Chandlers, (Emergency) (S. P. 288) (L. D. 851)

Bill "An Act to Allow Reduced Pricing of Discontinued Liquor Items" (Emergency) (S. P. 290) (L. D. 852)

Bill "An Act to Provide for Consistent Hours of Operation by State Retail and Agency Liquor Stores" (Emergency) (S. P. 293) (L. D. 854)

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

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

Bill "An Act to Enable the Ocean Park Association to Qualify for Tax Exempt Status under

the United States Internal Revenue Code" (Emergency) (S. P. 291) (L. D. 853)

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

In the House, on motion of Mr. LaPlante of Sabattus, was referred to the Committee on Legal Affairs in non-concurrence and sent up for concurrence.

Tabled and Assigned

Bill "An Act to Repeal Mandatory Public Meetings by the State Liquor Commission" (S. P. 289) (L. D. 848)

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.

In the House, on motion of Mr. Violette of Van Buren, tabled pending reference in concurrence and specially assigned for Monday, March 5.

Bill "An Act to Prohibit Motor Trucks from Passing Moving Motor Vehicles When Visibility is Low" (S. P. 279) (L. D. 841)

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

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

Messages and Documents

The following Communication: (S. P. 294)

BUREAU OF TAXATION

To the Members of the 109th Legislature:

The accompanying report of the State-owned delinquent tax lands is submitted in accordance with provisions of Title 36, MRSA, section 1283.

A similar report was submitted in 1976 to the members of the 108th Legislature. The report listed a total of three parcels or interests at that time owned by the State on account of tax delinquency. The 108th Legislature authorized such property to be disposed of by the State Tax Assessor, either by sale to designated persons or by sale to the highest bidder (Chapter 1, Resolves of 1977).

Of the three parcels of interests which the State Tax Assessor was authorized to dispose of by sale the following action has been taken:

Sold to designated persons.....1

Sold to highest bidder.....2

Total received from authorized disposal of three parcels of interest.....\$1,562.45

The current report includes four parcels or interests acquired through liens maturing since the last session of the Legislature. Review has been made of each parcel on the basis of which the descriptive material and recommendations included in the present report are made.

In the case of each parcel, this report shows the entire amount of tax, interest and costs that would have accrued had the property remained in taxation to date. This figure is given as an indication of the total amount of tax liability that should be considered outstanding in the case of each parcel.

Respectfully submitted,

S/R. L. HALPERIN

State Tax Assessor

Came from the Senate read and with accompanying papers ordered placed on file.

In the House, was read and with accompanying papers ordered placed on file.

The following Communication: (H. P. 770)

STATE OF MAINE

House of Representatives

Speaker's Office

Augusta, Maine

To: Members, 109th Maine Legislature
From: S/JOSEPH SEWALL, President of the Senate

S/JOHN L. MARTIN, Speaker of the House

Date: March 1, 1979

Please be advised that any bill drafted after

1:00 P. M. on Friday, March 2, 1979 will be allowed for introduction only within three days from the time you are notified by the Office of Legislative Research that your bill has been drafted.

Legislation after this three-day period will not be accepted and will be considered dead for the session.

Was read and ordered placed on file
Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following Communication: (H. P. 771)
State of Maine

One Hundred and Ninth Legislature
COMMUNICATION ON TAXATION

February 28, 1979

Senator Richard Pierce, Chairman

Legislative Council

State House

Augusta, Maine 04333

Dear Senator Pierce:

In accordance with Title 1, Chapter 31 of the Maine Revised Statutes Annotated directing the appropriate legislative committee to prepare and submit a report evaluating the advisability of retaining Title 36, sections 652 and 656 concerning property tax exemptions, the Joint Standing Committee on Taxation hereby submits the attached final report of the Committee.

Respectfully submitted,
S/THOMAS M. TEAGUE
Senate Chairman
S/BONNIE POST
House Chairman

Was read and with accompanying report ordered placed on file and sent up for concurrence.

Petitions, Bills and Resolves

Requiring Reference

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

Appropriations and Financial Affairs

Bill "An Act Relating to Funding and Support for Alcoholism Treatment and Rehabilitation Centers" (H. P. 723) (Presented by Mr. Marshall of Millinocket) (Cosponsors: Mrs. Martin of Brunswick, Mr. Gray of Rockland, and Mr. Wyman of Pittsfield)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act Concerning Traditional Methods of Construction Under the Manufactured Housing Statutes" (H. P. 724) (Presented by Mr. Hobbins of Saco)

Bill "An Act to Require the Payment of Interest or Payment Services on Escrow Accounts Used for Paying Municipal Taxes" (H. P. 725) (Presented by Mr. Howe of South Portland)

Bill "An Act to Amend the Standard Nonforfeiture Law" (H. P. 726) (Presented by Mr. Carter of Bangor)

(Ordered Printed)

Sent up for concurrence.

Later Today Assigned

Bill "An Act to Require Annual Cost Containment Plans from Health Insurers" (H. P. 727) (Presented by Mrs. Prescott of Hampden)
Committee on Business Legislation was suggested.

On motion of Mr. Howe of South Portland, tabled pending reference and later today assigned.

Business Legislation cont'd.

Bill "An Act to Amend the Standard Valuation Law" (H. P. 728) (Presented by Mr. Carter of Bangor)

Bill "An Act Relating to a Compensation for

Minors Delivering Newspaper Supplements" (H. P. 729) (Presented by Mr. Laffin of Westbrook)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act Authorizing the State Board of Education to Receive the Advice of Students" (H. P. 730) (Presented by Mr. Birt of East Millinocket)

Bill "An Act to Require Each Town in a School Administrative District to Vote on the District's Budget at a Town Meeting" (H. P. 731) (Presented by Mr. Rollins of Dixfield)

Bill "An Act to Update the Insured Value Factor in the Computation of Legal Tuition Fees under the Education Statutes" (H. P. 732) (Presented by Mr. Hobbins of Saco)

Bill "An Act Relating to the Administration of School Dental Health Programs" (H. P. 733) (Presented by Mrs. Locke of Sebec)

(Ordered Printed)

Sent up for concurrence.

Energy and Natural Resources

Bill "An Act to Create a Lake Restoration Fund" (H. P. 734) (Presented by Mr. Wyman of Pittsfield) (Cosponsors: Mrs. Masterton of Cape Elizabeth, Mrs. Huber of Falmouth, and Mr. Wood of Sanford)

Bill "An Act to Forbid the Use of Pesticides Containing Dioxin" (H. P. 735) (Presented by Mr. Davies of Orono)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act to Remove Weight Restrictions on Black Bass" (H. P. 736) (Presented by Mr. Brown of Livermore Falls)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act Concerning the Coordination of Health Services Funded Through the State and Federal Funds" (H. P. 737) (Presented by Mrs. Prescott of Hampden)

Bill "An Act Requiring Consumer Majorities on the Boards of Health Care Facilities" (H. P. 738) (Presented by Mrs. Prescott of Hampden)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Require Good Cause for Winter Evictions" (H. P. 739) (Presented by Mr. Baker of Portland) (Cosponsor: Mr. D. Dutremble of Biddeford)

Bill "An Act to Clarify Judicial Discretion Under Warranty of Habitability" (H. P. 740) (Presented by Mr. Hobbins of Saco)

Bill "An Act to Permit the Consolidation of Certain Court Cases" (H. P. 741) (Presented by Mr. Hobbins of Saco) Bill "An Act Prohibiting Fraudulent Communication Devices and the Publishing of Information on how to Fraudulently Avoid Payment of Telecommunication Services" (H. P. 742) (Presented by Mr. Hobbins of Saco)

Bill "An Act to Require Attorneys to Have Sufficient Professional Malpractice Insurance as a Requirement for Admission to the Bar" (H. P. 743) (Presented by Mr. Laffin of Westbrook)

Bill "An Act to Limit the Use of State Funds for the Advocacy of Homosexual Practices" (H. P. 744) (Presented by Mr. Laffin of Westbrook)

Bill "An Act to Provide for an Official Seal for the Department of Human Services and to Expedite the Establishment of Court-ordered Child Support Obligations in Non-AFDC Cases" (H. P. 745) (Presented by Mr. McSweeney of Old Orchard Beach)

Bill "An Act Concerning Restitution under the Juvenile Code" (H. P. 746) (Presented by

Mrs. Nelson of Portland)

Bill "An Act Concerning Maine Rules of Civil Procedure Before the Workers' Compensation Commission" (H. P. 747) (Presented by Mr. Tarbell of Bangor) (Cosponsor: Mr. Tierney of Lisbon)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act to Protect Management Personnel Where Unjustly Discharged or Involuntarily Retired" (H. P. 748) (Presented by Mr. Gray of Rockland) (Cosponsors: Mr. Baker of Portland, Mrs. Martin of Brunswick, and Mr. Marshall of Millinocket)

Bill "An Act Relating to the Notice Provisions of the Workers' Compensation Act" (H. P. 749) (Presented by Mr. Hobbins of Saco) (Cosponsor: Mr. Cloutier of South Portland)

Bill "An Act Relating to the Identification and the Hazards of Chemicals in the Workplace" (H. P. 750) (Presented by Mrs. Prescott of Hampden)

Bill "An Act to Encourage Disabled Employees to Return to Work" (H. P. 751) (Presented by Mr. Vincent of Portland)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Repeal the Portable Stove Exemption to the Statutes Governing Kindling of Out-of-door Fires" (H. P. 752) (Presented by Mr. Twitchell of Norway)

(Ordered Printed)

Sent up for concurrence.

Local and County Government

Bill "An Act to Separate Ogunquit Village Corporation from the Town of Wells" (H. P. 753) (Presented by Mr. McPherson of Eliot) (Cosponsor: Mr. Tuttle of Sanford)

Bill "An Act to Authorize Rental Housing to be Financed by the Issuance of Revenue Obligation Facilities under the Municipal Securities Approval Act" (H. P. 754) (Presented by Mr. Davies of Orono)

(Ordered Printed)

Sent up for concurrence.

On motion of Mr. LaPlante of Sabattus, the House reconsidered its action whereby Bill "An Act to Authorize Rental Housing to be Financed by the Issuance of Revenue Obligation Facilities under the Municipal Securities Approval Act," House Paper 754, was referred to the Committee on Local and County Government.

On motion of the same gentleman, tabled pending reference and later today assigned.

Marine Resources

Bill "An Act to Permit Depuration Facilities to Operate during Red Tide" (H. P. 755) (Presented by Mr. Higgins of Scarborough) (Cosponsor: Mr. Lowe of Winterport)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act to Increase the Salaries of the Workers' Compensation Commissioners" (H. P. 756) (Presented by Mr. Higgins of Scarborough) (Cosponsors: Mr. Tarbell of Bangor and Mr. Kelleher of Bangor)

Bill "An Act Concerning Unclassified Personnel in the Department of Educational and Cultural Services" (H. P. 757) (Presented by Mr. Fenlason of Danforth)

Bill "An Act to Transfer the Responsibility for Administering and Enforcing the Human Rights Act to the Attorney General" (H. P. 758) (Presented by Mr. Carrier of Westbrook)

Bill "An Act Concerning Public Agencies Contracting for Architectural Services" (H. P. 759) (Presented by Mr. Jackson of Yarmouth) (Cosponsor: Miss Gavett of Orono)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act to Increase Job Security for Employment for Employees Elected to the Legislature, excluding Employees Covered under Provisions Dealing with Teachers" (H. P. 760) (Presented by Mr. Tuttle of Sanford) (Cosponsors: Mr. Wyman of Pittsfield, Mr. Baker of Portland and Mr. Tierney of Lisbon)

Committee on State Government was suggested.

On motion of Mrs. Kany of Waterville, was referred to the Committee on Labor, ordered printed and sent up for concurrence.

Taxation

Bill "An Act Granting Municipalities the Option to Levy and Collect for Services to Tax Exempt Properties" (H. P. 761) (Presented by Miss Aloupis of Bangor)

Bill "An Act to Exempt from Sales Taxes Depreciable Machinery Used in Commercial Farming and Fishing" (H. P. 762) (Presented by Mr. Jackson of Yarmouth) (Cosponsors: Mr. Carroll of Limerick, Mr. Fowle of Rockland and Mr. Sherburne of Dexter)

Bill "An Act to Amend the Excise Tax on Certain Pickup Trucks" (H. P. 763) (Presented by Mrs. Mitchell of Vassalboro)

RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Tree Growth Tax Law" (Emergency) (H. P. 764) (Presented by Mr. Carroll of Limerick) (Cosponsors: Mr. Twitchell of Norway and Mr. MacEachern of Lincoln)

Bill "An Act to Index the Maine Individual Income Tax Structure" (H. P. 769) (Presented by Ms. Benoit of South Portland) (Cosponsors: Mrs. Masterton of Cape Elizabeth, Mr. Tarbell of Bangor and Mr. Dow of West Gardiner)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act to Provide Amateur Radio Operators with Initial Plates at Reduced Costs" (H. P. 765) (Presented by Mr. Howe of South Portland)

(Ordered Printed)

Sent up for concurrence.

Later Today Assigned

Bill "An Act Providing for the Registration and Regulation of Off-road Vehicles" (H. P. 766) (Presented by Mr. Morton of Farmington)

Committee on Transportation was suggested.

On motion of Mr. Morton of Farmington, tabled pending reference and later today assigned.

Transportation cont'd.

Bill "An Act to Provide for Staggered Registration for Motor Trucks" (H. P. 767) (Presented by Mrs. Hutchings of Lincolnville) (Cosponsors: Mr. Leonard of Woolwich and Mr. McKean of Limestone)

(Ordered Printed)

Sent up for concurrence.

Referred to Committee on Taxation

Mrs. Post from the Committee on Taxation In Accordance with 1 MRSA, sections 2602 and 2603, asks leave to report that "An Act to amend Certain Property Tax Exemptions and to Require Continuing Periodic Review of Tax Exemptions" (H. P. 768) (L. D. 855) be referred to the Committee on Taxation for Public Hearing and printed pursuant to Joint Rule 17.

Report was read and accepted, the Bill referred to the Committee on Taxation, ordered printed and sent up for concurrence.

Orders

On motion of Mrs. Kany of Waterville, the following Joint Order: (H. P. 718)

ORDERED, the Senate concurring, that Constitutional Resolution, Proposing an Amendment to the Constitution of Maine Repealing the Offices of Judges of Probate and Registers of Probate as Constitutional Officers, H. P. 197, L. D. 246, be recalled from the legislative files to the House.

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

An Expression of Legislative Sentiment (H. P. 719) recognizing that:

Jeffrey Aalto, Thomas Henderson, David King, Scott Lemly, Louis Maguire, Jr. and Stephen Mitchell, all members of Troop 22 of the Pine Tree Council of the Boy Scouts of America, have attained the honor and distinction of Eagle Scout

Presented by Mr. Cloutier of South Portland. (Cosponsor: Mr. Kane of South Portland)

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

An Expression of Legislative Sentiment (H. P. 720) recognizing that:

The Buckfield High School Girls' Basketball Team has won the 1979 Western Maine Class D Girls' Basketball Championship

Presented by Mr. Immonen of West Paris, (Cosponsors: Miss Brown of Bethel and Sen. Sutton of Oxford)

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

An Expression of Legislative Sentiment (H. P. 721) recognizing that:

Harold Hutchins of Kingfield is retiring after 36 years as Town Treasurer

Presented by Mr. Dexter of Kingfield

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

An Expression of Legislative Sentiment (H. P. 722) recognizing that:

Arthur and Hattie Cousins of Sedgwick, celebrated their 50th wedding anniversary on February 19, 1979

Presented by Mr. Bowden of Brooklin. (Cosponsor: Sen. Perkins of Hancock)

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

On motion of Mr. Cox of Brewer, it was

ORDERED, that Representative Edith Beaulieu of Portland be excused February 28, March 1, and March 2, 1979 for legislative business;

AND BE IT FURTHER ORDERED, that Representative Lucien Dutremble of Biddeford be excused March 3, March 4, and March 5, 1979 for personal reasons.

House Reports of Committees

Leave to Withdraw

Mr. Baker from the Committee on Labor on Bill "An Act Relating to the Time of Payment of Wages and Salaries of University of Maine Employees" (H. P. 154) (L. D. 193) reporting "Leave to Withdraw"

Mrs. Post from the Committee on Taxation on Bill "An Act to Remove the Fire Protection Tax Assessment Limit on Township 17, R. 4 and Township 17, R. 5 in Aroostook County" (H. P. 22) (L. D. 39) reporting "Leave to Withdraw"

Mr. McKean from the Committee on Transportation on Bill "An Act to Authorize Constables to Use Blue Lights on Their Vehicles" (H. P. 535) (L. D. 656) reporting "Leave to Withdraw"

Reports were Read and Accepted and sent up for concurrence.

Divided Report

Tabled and Assigned

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act to Establish Bounty on Coyote" (H. P. 78) (L. D. 86)

Report was signed by the following members:

Messrs. PIERCE of Kennebec
USHER of Cumberland
REDMOND of Somerset

— of the Senate

Messrs. GILLIS of Calais
MacEachern of Lincoln
JACQUES of Waterville
CHURCHILL of Orland
MASTERMAN of Milo
PETERSON of Caribou
PAUL of Sanford
DOW of West Gardiner
VOSE of Eastport

— of the House

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

Report was signed by the following member:

Mr. TOZIER of Unity

— of the House

Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentleman from West Gardiner, Mr. Dow.

Mr. DOW: Mr. Speaker, I move that the Majority "Ought Not to Pass" Report be accepted and would request a roll call vote.

On motion of Mr. Carroll of Limerick, tabled pending the motion of Mr. Dow of West Gardiner to accept the Majority Report and specially assigned for Monday, March 5.

Consent Calendar

First Day

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

(H. P. 337) (L. D. 436) Bill "An Act Relating to the Fiscal Year of Hospital Administrative District No. 4 in Piscataquis, Somerset and Penobscot Counties" (Emergency) Committee on Health and Institutional Services reporting "Ought to Pass"

(H. P. 189) (L. D. 239) Bill "An Act to Specifically Define what Constitutes a Law Enforcement Officer's Signal to a Motorist to Stop" Committee on Legal Affairs reporting "Ought to Pass"

(H. P. 253) (L. D. 298) Bill "An Act to Allow the Trustees of the Portland Ministry at Large to Seek Changes in its Articles of Incorporation" (Emergency) Committee on Legal Affairs reporting "Ought to Pass"

(S. P. 68) (L. D. 105) Bill "An Act Relating to Supplemental Assessments under the Taxation Statutes" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-19)

(H. P. 9) (L. D. 18) Bill "An Act Relating to Eating, Lodging and Recreational Places Licensing Law" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-51)

(H. P. 179) (L. D. 220) Bill "An Act to Authorize the Lease of Mental Health and Corrections Facilities by other Agencies" Committee on Health and Institutional Services Reporting "Ought to Pass" as amended by Committee Amendment "A" (H-50)

No objections being noted, the above items were ordered to appear on the Consent Calendar of March 5, under listing of the Second Day.

Second Reader

Tabled and Assigned

Bill "An Act to Strengthen Regional Library System" (S. P. 77) (L. D. 166)

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

On motion of Mr. Connolly of Portland, tabled pending passage to be engrossed and specially assigned for Tuesday, March 6.

Tabled and Assigned

Bill "An Act to Place Responsibility for Preparation and Implementation of Emergency Evacuation Plans in the Bureau of Civil

Emergency Preparedness" (H. P. 352) (L. D. 449)

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

On motion of Mrs. Bachrach of Brunswick, tabled pending passage to be engrossed specially assigned for Tuesday, March 6.

Passed to Be Enacted Emergency Measure

An Act to Increase Certain Fees for Pharmaceutical Providers (S. P. 57) (L. D. 90) (C. "A" S-15)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER pro tem: The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, I would like to pose a question through the Chair. I would like to ask someone to briefly explain this.

The SPEAKER pro tem: The gentleman from Old Town, Mr. Pearson, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from South Portland, Mr. Howe.

Mr. HOWE: Mr. Speaker, Members of the House: In response to Mr. Pearson's question, this bill increases certain types of fees that are levied on pharmaceutical providers or pharmacists and their operations. Those fees are as follows: In order to open a pharmacy, one must secure a permit for pharmacy operations — one time. That fee presently is \$50 and it is being increased to \$100.

In order to sit for the examination to become a pharmacist, one must presently pay one time or at least each time one takes the test, if one doesn't pass it the first time — pay \$50 and it would be increased to \$100. Those are one-time fees.

If one wants to become a pharmacist in this state, having been a pharmacist somewhere else where the requirements are similar to those in Maine, the Commission on Pharmacy may, in its discretion, grant reciprocal licensing to a pharmacist from another state upon the payment now of \$100, and that payment would increase to \$150. That again, is a one-time payment, and then for pharmacists and their registered assistants, who are required to renew their licenses each year, their fee would go from \$10 to \$30 each renewal period.

As a standard practice for the Committee on Business Legislation, we asked the Commission on Pharmacy to bring in its budget and explain what they do for the people of Maine, why it is even necessary to license these people, although I think it is fairly apparent in the case of people handling drugs.

We were quite impressed by the operations of the pharmaceutical inspector who has been a very busy, one-man operation from one end of the state to the other inspecting pharmacies, uncovering various types of abuses of drugs and in order to keep within the fairly small budget. I can't quote you the figures at this moment but the commission is going to have to be increased.

Now, the emergency enactor is necessary in order to put these fees into effect the next renewal period, which is this July the 1st.

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

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: Could I ask a question through the Chair to Mr. Howe, if this is a dedicated account?

The SPEAKER pro tem: The gentleman from Augusta, Mr. Hickey, has posed a question through the Chair to the gentleman from South Portland, Mr. Howe, who may answer if he so desires.

The Chair recognizes the gentleman.

Mr. HOWE: Mr. Speaker, Members of the House: The answer to that question is yes. The fees that pharmacists pay in order to be licensed and to operate go toward policing of

that profession.

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

Mr. KELLEHER: Mr. Speaker and Members of the House: I would like to pose a question through the Chair to any member of the Committee on Business Legislation. Over in the Department of Public Safety, they are advertising for a new drug inspector. Would that come under the department that is in question at the moment?

The SPEAKER pro tem: The gentleman from Bangor, Mr. Kelleher, has posed a question through the Chair to anyone who may answer if they so desire.

The Chair recognizes the gentleman from South Portland, Mr. Howe.

Mr. HOWE: Mr. Speaker and Members of the House: In response to Representative Kelleher's question, no, the Division of Special Investigations of the Department of Public Safety is presently running a newspaper advertisement to get a pharmaceutical inspector to work with the drug enforcement agencies and the inspector for the Commission on Pharmacy frequently works in conjunction with those people, but it is a separate job under a separate agency. In fact, we looked into this as the bill was coming out of committee because we understood that the commission had one pharmacist and didn't plan to employ a second one. We saw the ad and wondered what was up, but we learned that it was the DSI advertising for that job, so there is no direct relationship.

The SPEAKER pro tem: The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken

118 having voted in the affirmative and 12 having voted in the negative, the Bill was passed to be enacted.

Signed by the Speaker and sent to the Senate.

An Act to Revise the Statute Relating to the Removal of Dangerous Buildings (H. P. 103) (L. D. 113) (C. "A" H-36)

Was 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.

Finally Passed

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) (L. D. 81) (H. "A" H-39, C. "A" H-14)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, finally passed, 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 Establish a Demonstration Project to Create a Grant and Loan Program to Assist Older Citizens in Purchasing Medically Prescribed Eyeglasses, Dentures and Hearing Aids" (H. P. 683) (Committee on Aging, Retirement and Veterans suggested)

Tabled — March 1, 1979 by Mrs. Nelson of Portland.

Pending — Reference.

Thereupon, the Bill was referred to the Committee on Aging, Retirement and Veterans, ordered printed and sent up for concurrence.

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

Bill, "An Act to Require that Certain Information be Provided by Insulation Installers" (H. P. 698) (Committee on Energy and Natural Resources suggested)

Tabled — March 1, 1979 by Mr. Blodgett of

Waldoboro.

Pending — Reference.

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

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

House Report — "Ought to Pass" as amended by Committee Amendment "A" (H-44) — Committee on Local and County Government on Bill, "An Act to Increase Salaries of County Officers" (H. P. 201) (L. D. 227)

Tabled — March 1, 1979 by Mr. LaPlante of Sabattus.

Pending — Acceptance of Committee Report.

On motion of Mr. LaPlante of Sabattus, tabled pending acceptance of the Committee Report and later today assigned.

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

Bill, "An Act Creating a Workers' Compensation Insurance Fund" (H. P. 689) (Committee on Business Legislation suggested)

Tabled — March 1, 1979 by Mr. Davies of Orono.

Pending — Reference.

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

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

Senate Report — "Ought to Pass" As Amended by Committee Amendment "A" (S-18) — Committee on Legal Affairs on 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)

Tabled — March 1, 1979 by Mr. Blodgett of Waldoboro.

Pending — Acceptance of the Committee Report.

Thereupon, the Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-18) was read by the Clerk and adopted in concurrence.

Under suspension of the rules, the Bill was read the second time. Mr. Blodgett of Waldoboro offered House Amendment "A" and moved its adoption. House Amendment "A" (H-47) was read by the Clerk and adopted.

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

The Chair laid before the House the following matter:

Bill "An Act to Restore the Power of Arrest to Private Investigators," (S. P. 275) (L. D. 845) which was tabled earlier in the day pending reference in concurrence.

On motion of Mr. Violette of Van Buren, retabled pending reference in concurrence and specially assigned for Monday, March 5.

The Chair laid before the House the following matter:

Bill "An Act to Require Annual Cost Containment Plans from Health Insurers" (H. P. 727) which was tabled earlier in the day pending reference.

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

The Chair laid before the House the following matter:

Bill "An Act to Authorize Rental Housing to be Financed by the Issuance of Revenue Obligation Facilities under the Municipal Securities Approval Act" (H. P. 754) which was

tabled earlier in the day pending reference.

On motion of Mr. LaPlante of Sabattus, was referred to the Committee on Local and County Government, ordered printed and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act Providing for the Registration and Regulation of Off-road Vehicles" (H. P. 766) which was tabled earlier in the day pending reference.

The SPEAKER pro tem: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, I move that this bill be referred to the Committee on Fisheries and Wildlife, ordered printed and sent up for concurrence.

The SPEAKER pro tem: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker and Members of the House: I would ask for a division on that motion and I would speak briefly.

In the last session of the legislature, we had this vehicle before us and we did a study on this. It seems to me that the Transportation Committee has most of the information that is necessary without sending this to Fisheries and Wildlife. I think it is a transportation bill and I would oppose the motion to refer it to Fisheries and Wildlife.

The SPEAKER pro tem: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I am not really torn up about this either way, but I do want to call to the gentleman's attention that the bill has been completely redrafted from last time. This is a bill which provides for licensing of these particular vehicles in a manner which exactly tracks the snowmobile law and it does call for licensing by the Bureau of Fisheries and Wildlife. Under those circumstances, I felt that was the proper agency and the proper committee to handle it.

I have discussed the matter with both committee chairmen and they are in agreement with my motion.

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Farmington, Mr. Morton, that this Bill be referred to the Committee on Fisheries and Wildlife and ordered printed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

110 having voted in the affirmative and 3 having voted in the negative, the motion did prevail.

Sent up for concurrence.

The Chair laid before the House the following matter:

House Report — "Ought to Pass" as amended by Committee Amendment "A" (H-44) — Committee on Local and County Government on Bill "An Act to Increase Salaries of County Officers" (H. P. 201) (L. D. 227) which was tabled earlier in the day pending acceptance of the Committee Report.

On motion of Mr. LaPlante of Sabattus, retabled pending acceptance of the Committee Report and specially assigned for Monday, March 5.

On motion of Mr. Brown of Mexico.

Adjourned until Monday, March 5, at ten o'clock in the morning.