

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, March 26, 1979

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

Prayer by the Reverend Donald Jones of the First Baptist Church, Livermore Falls.

Rev. JONES: Let us pray! Oh God, our help in ages past, our hope for years to come, we gather as representatives of the people of the State of Maine to do the work of legislation. We are aware of the awesome responsibility that rests upon our shoulders. We recognize the far-reaching effects the decisions we make today will have upon our people. Thus, oh God, we would not treat lightly the responsibilities you have given us, for we are answerable to the people. Help us to be sensitive to human needs about us, and may we have clarity of thought concerning the issues that confront us. Give us the courage of our convictions and temper our deliberations with love. For all this, we give you our hearty thanks in the name of Jesus Christ, Our Lord. Amen.

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

The journal of the previous session was read and approved.

Order Out of Order

An Expression of Legislative Sentiment (H. P. 1175) recognizing that:

The 86-member Livermore Falls band and chorus, under direction of Kenton Stewart, will be the official representative of Maine at the Annual Cherry Blossom Festival to be held in Washington, D. C. on April 7, 1979

Presented by Mr. Brown of Livermore Falls (Cosponsors: Mrs. Damren of Belgrade and Senator Ault of Kennebec)

The Order was received out of order by unanimous consent and read.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Brown.

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: As you probably may have guessed, today is a very proud day for me, and a proud day for the people of Livermore Falls, Livermore and Fayette.

Last fall, the Livermore Falls High School Band found that it had been selected as the official band to represent Maine at the Cherry Blossom Festival scheduled for Washington D. C. next week. At first it appeared that between \$7,000 and \$9,000 would have to be raised for this project. That seemed like a lot of money for such a small organization. Further research showed that it was going to cost at least \$14,000 to send this group. That was a massive task.

The young people began a fund drive in our communities and sought to raise that amount. For many months, all of us in those communities have been saving our newspapers, our bottles and cans and helping in every way that we can to make that fund drive a success. The results speak for themselves. Last week, this group of dedicated young people topped the \$14,000 limit. The effect of raising that money to send these outstanding people to our Nation's Capital has had a lasting impact on our communities. It has brought us together in a way that perhaps we have never been brought together before.

We have with us today some of the finest young people in the nation. I am very proud of them and our communities are very proud of them. Won't you join with me today in wishing them well as they prepare for the great honor of representing the great State of Maine in Washington D. C. next week.

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

By unanimous consent, ordered sent forthwith to the Senate.

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

An Expression of Legislative Sentiment (H. P. 1197) recognizing that:

Sean Vereault of Boy Scout Troop #74 of Old Town has attained the rank of Eagle Scout.

Presented by Mr. Pearson of Old Town. The Order was read and passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

An Expression of Legislative Sentiment (H. P. 1198) recognizing that:

The Old Town High School Men's Swim Team, with Coach Timothy Babcock, Captains Jeffrey Dufour, David Cashman and Paul Thibodeau, are Class "A" State Champions.

Presented by Mr. Pearson of Old Town. The Order was read and passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

An Expression of Legislative Sentiment (H. P. 1199) recognizing that: Kathy Baillargeon has accumulated 1,230 points for the Old Town Girls' Basketball Team.

Presented by Mr. Pearson of Old Town. The Order was read and passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Papers from the Senate

Bill "An Act to Establish the Maine Title XX Social Services Act" (S. P. 422) (L. D. 1293)

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 to Revise the Fees for the Licensing of Psychologists" (S. P. 426) (L. D. 1295)

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

In the House, was referred to the Committee on Business Legislation and ordered printed.

Bill "An Act to Remove the Continuing Jurisdiction of the Land Use Regulation Commission over Towns that have Adopted Zoning Ordinances" (S. P. 419) (L. D. 1291)

Bill "An Act to Require an Advisory Referendum on the Dickey-Lincoln Hydroelectric Power Project" (S. P. 427) (L. D. 1296)

Bill "An Act to Clarify the Powers and Duties of the Office of Energy Resources" (S. P. 423) (L. D. 1294)

Bill "An Act to Conform Land Use Regulation in the Unorganized Territory to Statewide Standards" (S. P. 415) (L. D. 1289)

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

In the House, were referred to the Committee on Energy and Natural Resources in concurrence.

Bill "An Act to Require the Inspection of Hospital Pharmacies Prior to Licensure" (S. P. 432) (L. D. 1297)

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.

RESOLVE, Directing the Review of the Statutes Relating to Junkyards (Emergency) (S. P. 420) (L. D. 1292)

RESOLVE, Authorizing Aiden Redding, Victorian Villa, Maplewood Lodge, Mildred Decos-

ter, the Personal Care Boarding Home Association, Inc., et al, to Bring Civil Action against the State of Maine (S. P. 424) (L. D. 1310)

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

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

Bill "An Act Concerning the State Claims Board" (S. P. 418) (L. D. 1290)

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.

**Report of Committees
Ought to Pass with
Committee Amendment
Amended in Senate**

Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (S-44) on Bill "An Act to Provide Interpreter Service for the Hearing Impaired" (S. P. 80) (L. D. 157)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-44) as amended by Senate Amendment "A" (S-49) thereto.

In the House, the Report was read and accepted in concurrence and the Bill read once. Committee Amendment "A" was read by the Clerk. Senate Amendment "A" to Committee Amendment "A" was read by the Clerk and adopted in concurrence. Committee Amendment "A" as amended by Senate Amendment "A" thereto was adopted in concurrence and the Bill assigned for second reading tomorrow.

**Non-Concurrent Matter
Later Today Assigned**

RESOLUTION, Proposing an Amendment to the Constitution of Maine Allowing the Legislature to Impose a Property Tax in Excess of the Cost of Services upon Properties in the Unorganized Territories (H. P. 1040) (L. D. 1283) which was referred to the Committee on Taxation in the House on March 16, 1979.

Came from the Senate referred to the Committee on State Government in non-concurrence.

In the House: On motion of Mr. Tierney of Lisbon Falls, tabled pending further consideration and later today assigned.

Non-Concurrent Matter

Bill "An Act to Increase Salaries of County Officers" (H. P. 201) (L. D. 227) which was passed to be enacted in the House on March 22, 1979. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-44) as amended by House Amendments "B" (H-57), "C" (H-58), and "D" (H-75) thereto in concurrence.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-44) as amended by House Amendments "B" (H-57), "C" (H-58), "D" (H-75) and Senate Amendment "A" (S-53) thereto in non-concurrence.

In the House: On motion of Mr. LaPlante of Sabattus, the House voted to recede and concur.

**Petitions, Bills and Resolves
Requiring Reference**

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

Aging, Retirement and Veterans

Bill "An Act to Include Teachers in the Hope Training School for Retarded Children in Mexico in the Maine State Retirement System" (H. P. 1177) (Presented by Mr. Theriault of Rumford)

(Ordered Printed)

Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act to Appropriate \$40,000 to Youth-in-Action, Inc., of Portland for the Youth Tides Program" (H. P. 1178) (Presented by Mr. Connolly of Portland)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act to Amend the Maine Traveler Information Services Law" (H. P. 1179) (Presented by Mr. Hughes of Auburn)

Bill "An Act Restructuring the Oil Burner Men's Licensing Board and Providing for the Testing of Energy-related Equipment" (H. P. 1180) (Presented by Mrs. Huber of Falmouth) (Cosponsor: Mr. Howe of South Portland)

Bill "An Act Relating to the Reasonableness of Nongroup Rates Utilized by Health Insurance Companies and Nonprofit Hospital and Medical Service Organizations" (H. P. 1181) (Presented by Mr. Jackson of Yarmouth)

(Ordered Printed)

Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act to Provide for Environmental Education" (H. P. 1182) (Presented by Mrs. Huber of Falmouth) (Cosponsors: Mr. Dellert of Gardiner and Mr. Kelleher of Bangor)

Committee on Education was suggested.

On motion of Mr. Connolly of Portland, was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

Business Legislation

Bill "An Act to Provide for a Self-insurance Fund for State Elementary and Secondary School Property" (H. P. 1183) (Presented by Mr. LaPlante of Sabattus) (Cosponsors: Ms. Lund of Augusta, Mrs. Post of Owl's Head and Mr. McMahon of Kennebunk)

Committee on Education was suggested.

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

Education

Bill "An Act to Provide for Reimbursement as School-related Costs for the Expenditures by Municipalities for Snow Removal Along Designated School Walking Routes for Pedestrian Students" (H. P. 1184) (Presented by Mr. Connolly of Portland)

(Ordered Printed)

Sent up for concurrence.

Energy and Natural Resources

Bill "An Act to Allow Approved Conservation Plans to Satisfy the Requirements of the Water Pollution Abatement Licensing Program" (H. P. 1185) (Presented by Mr. Hall of Sangerville)

Bill "An Act to Authorize the State to Provide Technical Assistance and Legal Assistance to Recipients of Wastewater Planning and Construction Grants" (H. P. 1186) (Presented by Mr. Nelson of Roque Bluffs)

Bill "An Act to Establish a Silvicultural Review Board" (H. P. 1187) (Presented by Mr. Michael of Auburn) (Cosponsors: Mr. Sherburne of Dexter and Mr. Dexter of Kingfield)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act to Provide for more Humane Trapping of Wild Animals" (H. P. 1188) (Presented by Mr. Rolde of York)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act Appropriating \$500,000 for the Improvement and Construction of District Court Facilities" (H. P. 1189) (Presented by

Mr. Hobbins of Saco)

Committee on Judiciary was suggested.

On motion of Mr. Pearson of Old Town, tabled pending reference and tomorrow signed.

Judiciary

Bill "An Act to Provide for a Method of Arranging Voluntary Meetings Between Adoptees and Adoptive Parents and Natural Parents" (H. P. 1190) (Presented by Mr. Howe of South Portland)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act Concerning Arbitration Involving Municipal Fire and Police Departments" (H. P. 1191) (Presented by Mr. Tuttle of Sanford) (Cosponsors: Mr. Marshall of Millinocket, Mr. Kelleher of Bangor, and Mr. Diamond of Windham)

(Ordered Printed)

Sent up for concurrence.

Local and County Government

Bill "An Act to Amend Comprehensive Planning Enabling Legislation" (H. P. 1192) (Presented by Mrs. Masterton of Cape Elizabeth)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act to Reduce the Minimum Public Utility Monthly Electrical Charge to \$2 and to Prohibit the use by Electrical Utilities of an Estimated Meter Reading as a Basis for a Customer Bill" (H. P. 1193) (Presented by Mr. Davies of Orono) (Cosponsors: Mr. Baker of Portland, Mr. Wyman of Pittsfield, and Mr. Connolly of Portland)

Bill "An Act to Establish a Committee to Report to the Legislature on the Feasibility of Rebuilding Dams for the Production of Electricity" (H. P. 1194) (Presented by Mr. Davies of Orono)

Bill "An Act to Facilitate the Licensing of Small Hydroelectric Generating Facilities" (H. P. 1195) (Presented by Mrs. Huber of Falmouth) (Cosponsor: Mr. Wood of Sanford)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Exempt the Sale of Certain School Buses from the Sales Tax" (H. P. 1196) (Presented by Mr. Rolde of York)

(Ordered Printed)

Sent up for concurrence.

Study Report**Interim Education Finance Commission**

Mr. Connolly from the Interim Education Finance Commission in Accordance with PL 1977, c. 711 and ask leave to submit its findings and report the accompanying Bill, "An Act to Provide for Reimbursement for Crossing Guards" (Emergency) (H. P. 1155) (L. D. 1322) be referred to the Committee on Education for public hearing and printed pursuant to Joint Rule 17.

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

Study Report**Interim Education Finance Commission**

Mr. Connolly from the Interim Education Finance Commission in Accordance with PL 1977, c. 711 and ask leave to submit its findings and report the accompanying Bill "An Act to Amend the School Finance Law" (H. P. 1156) (L. D. 1323) be referred to the Committee on Education for public hearing and printed pursuant to Joint Rule 17.

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

Study Report**Interim Education Finance Commission**

Mr. Connolly from the Interim Education Finance Commission in Accordance with PL 1977, c. 711 asks leave to submit its findings and report the accompanying Bill, "An Act to Provide for Using an Average of Recent State Valuations for Purposes of Computing State Subsidies Under the School Finance Report" (Emergency) (H. P. 1157) (L. D. 1324) be referred to the Committee on Education for public hearing and printed pursuant to Joint Rule 17.

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

Orders

On motion of Mr. LaPlante of Sabattus, the following Joint Order: (H. P. 1176)

ORDERED, the Senate concurring, that the Joint Standing Committee on Local and County Government report out a bill, "An Act Extending the Time for Apportionment of County Taxes from March to March, April or May in the Year 1979"

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

On motion of Mr. Cox of Brewer, it was ORDERED, that Representative Sandra Prescott of Hampden be excused March 26 and March 27, 1979 for legislative business.

House Reports of Committees

Mr. Soulas from the Committee on Legal Affairs on Bill "An Act Relating to the Issuance of Licenses to Carry Concealed Weapons" (H. P. 442) (L. D. 559) reporting "Ought Not to Pass"

The SPEAKER: This bill appears on your calendar in error and should not have left the Committee on Legal Affairs, since no vote has been taken, and the Chair will order the bill returned to the Committee on Legal Affairs.

Thereupon, the bill was returned to the Committee on Legal Affairs.

Leave to Withdraw

Mr. Pearson from the Committee on Appropriations and Financial Affairs on RESOLVE, Authorizing the State to Pay the Indebtedness of Eastern Maine Friends of Retarded Citizens (H. P. 538) (L. D. 669) reporting "Leave to Withdraw"

Mr. Laffin from the Committee on Judiciary on Bill "An Act Concerning Governmental Documents and Records of the Juvenile and Criminal Justice System" (H. P. 667) (L. D. 827) reporting "Leave to Withdraw"

Mr. Paradis from the Committee on State Government on Bill "An Act to Conform State of Maine Recruitment, Examination and Employment Practices with Provisions of the Maine Human Rights Act and Related State and Federal Legislation" (H. P. 258) (L. D. 303) reporting "Leave to Withdraw"

Mrs. Kany from the Committee on State Government on Bill "An Act to Establish a Commission to Study the State Personnel System" (H. P. 936) (L. D. 1148) reporting "Leave to Withdraw"

Mrs. Kany from the Committee on State Government on Bill "An Act to Establish the Privacy Study Commission" (H. P. 647) (L. D. 800) reporting "Leave to Withdraw"

Mr. Paradis from the Committee on State Government on Bill "An Act Relating to Training, Counseling and Managerial Service Programs in Maine State Government" (H. P. 225) (L. D. 273) reporting "Leave to Withdraw"

Mr. Paradis from the Committee on State Government on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Abolish the Office of Secretary of State and to Create the Office of Lieutenant Governor (H. P. 382) (L. D. 489) reporting "Leave to Withdraw"

Mrs. Bachrach from the Committee on State Government on Bill "An Act Creating the Bureau of Management Services within the Department of Finance and Administration" (H. P. 353) (L. D. 467) reporting "Leave to Withdraw"

Mr. Wyman from the Committee on Labor on Bill "An Act Concerning the Voluntary Quit Provisions of the Employment Security Law" (H. P. 376) (L. D. 484) reporting "Leave to Withdraw"

Mrs. Lewis from the Committee on Labor on Bill "An Act to Increase the Limit that the State Minimum Wage can Rise from \$3 to \$4" (H. P. 63) (L. D. 71) reporting "Leave to Withdraw"

Mr. McHenry from the Committee on Labor on Bill "An Act to Expand Eligibility for Unemployment Compensation Benefits if a Worker has a Serious Personal Emergency" (H. P. 215) (L. D. 263) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Fenlason of Danforth, recessed until the sound of the gong.

After Recess

11:15 A.M.

The House was called to order by the Speaker.

Divided Report

Majority Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act Relating to Method of Turning at Intersections" (H. P. 325) (L. D. 406)

Report was signed by the following members:

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

— of the Senate.

Messrs. JACQUES of Lewiston
ELIAS of Madison
STROUT of Corinth
CARROLL of Limerick
HUNTER of Benton
BROWN of Mexico
McKEAN of Limestone

— of the House.

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

Report was signed by the following members:

Mr. McPHERSON of Eliot
Mrs. HUTCHINGS of Lincolnville
Mr. LOUGEE of Island Falls

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I would now move that we accept the Majority "Ought Not to Pass" report.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Leonard.

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: This is probably not one of the bills that will be least heard of in the State of Maine. I am sure the Press Herald and other papers in the State of Maine won't give me front page coverage. However, it is an important bill and it seems that it has received a little bit of unfair treatment in the committee.

I will explain the bill. The title really does explain it, but it simply states that there is a problem in the State of Maine that many people in trying to speed their way, expedite their way from one place to another, are cutting across corner lots, leaving the roadway that was provided for them by the State of Maine at our benevolence and our tax dollar, and cutting across some private citizen's lot of land and

then entering the roadway on the other side. That, I submit, is an unsafe practice.

I was asked four years ago to sponsor this bill, which I did, and it met a similar fate, although I was kind of hoodwinked by the committee back then; they asked me for a leave to withdraw or a majority "ought not to pass" and I took the leave to withdraw and that is the way it came out.

I went back and I talked with — having been a freshman I really wasn't prepared, so I talked with Chief of Police Association, I talked with the State Police, I talked with local police departments and I asked, what is wrong with the bill? In no case whatsoever, never has one of those agencies said it is a bad bill. Never has one of those agencies said it is an unenforceable bill. They have all said it is needed in the State of Maine and we very definitely should have it and it should receive passage in this Legislature.

I presented my bill in front of the Transportation Committee. I really wasn't terribly psyched up for its presentation because I thought it was such an automatic bill that I really wouldn't receive any opposition. However, I found, much to my dismay, that several of the people, I shouldn't say several but at least a couple of the members on the committee, make it a practice to go across a corner lot in order to get here to the State House on time. Well, if that is the reason for voting against the bill, I submit they are being a little bit reckless with their authority.

I won't speak again, but I am going to give you a couple things that come from the Maine State Police, the Department of Public Safety. Number one, their position on L. D. 406 — there are several areas in the state where this is a problem. To avoid a traffic light, some of us will cut through the yard of business and back on the highway beyond the intersection. They state that this is a hazard to the safety of pedestrians and other motorists. Presently, there is no law that prohibits this type of action; the Bureau of State police is in favor of this bill.

Second-after having hearing reports from the committee that this is an unenforceable bill, that is the thrust of their "Ought not to Pass" Report as I understand it. I asked the bureau again, is it enforceable? They said, yes, it is the opinion of the Bureau of State Police that this proposal would be enforceable. This type of action in usually taken in a rapid, continual manner so as to avoid the traffic that is waiting for the control device to change. It is this type of action that would indicate to a law enforcement officer that a violation had taken place. The officer, after stopping the individual, would be able to determine if there were any extenuating circumstances and would have the option of issuing a summons, a warning or taking no action at all. The fact that this would be illegal would deter the average motorist. Those operators that intentionally ignore the law would be the obvious violators as described above. Obviously, they would be prosecuted to the full extent of the law and not make the session, possibly.

I hope that you will vote against the Majority "Ought not to Pass" Report, vote for the "Ought to Pass" Report, when I make that motion after we have dispensed with the "Ought Not to Pass" Report.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: This bill has been in front of our committee for the past 10 to 12 years that I can remember. As a matter of fact, we had an opinion in our caucus in the City of Lewiston at one time that it was unconstitutional. This is private property. The owner of the station or the store can always sign a warrant against that gentleman that went through that parking lot or whatever it is. I saw one time where a man was arrested, he had forgotten his pocketbook, so he went right through

the filling station and went back home to pick up his pocketbook so so he could get some gasoline and he was picked up by an officer and the judge let him go. These are the things that we don't want to mess around with. We have city ordinances, if they want to put them in, which were ruled as being unconstitutional because this is private land. So, it is up to you to pass or not to pass.

The SPEAKER: The pending question is on the motion of the gentleman from Limerick, Mr. Carroll, that the House accept the Majority "Ought Not to Pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

73 having voted in the affirmative and 38 in the negative, the motion did prevail.

Sent up for concurrence.

Divided Report

Majority Report of the Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-124) on Bill "An Act to Increase the Legally Authorized Length of a Combination Tractor trailer Operating Upon the Roadways of the State of Maine." (H. P. 328) (L. D. 383)

Report was signed by the following members:

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

— of the Senate.

Mr. STROUT of Corinth
Mrs. HUTCHINGS of Lincolnville
Messrs. McKEAN of Limestone
CARROLL of Limerick
LOUGEE of Island Falls
ELIAS of Madison
BROWN of Mexico
JACQUES of Lewiston

— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Messrs. HUNTER of Benton
McPHERSON of Eliot

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I would now move that we accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Eliot, Mr. McPherson.

Mr. McPHERSON: Mr. Speaker, Ladies and Gentlemen of the House: Having signed the minority report, I feel I should at least bring to you some of my reasons. I feel that this is merely foot-in-the-door approach by the trucking industry for larger trucks. I question as to where it is going to stop; just how much bigger are they going to get? The reason given for the bill is to allow for longer power units on the tractors, better load distribution.

The people of the State of Maine spoke quite clearly in 1974 when they initiated a referendum and defeated legislation which increased the gross weight at that time to 50 tons. I feel our secondary road system in this state is inadequate to handle any larger trucks. As we heard the other day, our Highway fund is in trouble by \$7 million to \$8 million.

On the turnpike, the motorist is literally being blown off the road by trucks. Friday, going home, I noticed six trucks following one another, six tractor-trailer trucks, one behind the other. This would mean, if this bill were passed, that there would be 360 feet of trucks alone, never mind any space between them.

This trucking industry claims that their concern is for the driver's safety, and is he really concerned when he is exceeding the posted speed limit 10 to 15 miles an hour. They con-

cern themselves with telling us about all the taxes that they pay, but they never mention the thousands of dollars that are being lost to the State of Maine in fuel taxes that they aren't paying by fueling up in New Hampshire and some of the other schemes that they are pulling.

I would just like to point out to you, ladies and gentlemen, our concern here today should be for the motorists and that small 3,000 pound car, not really the trucker in his 80,000 pound giant.

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I, too, have problems with this because, as you are well aware, in my area, going from Guilford through to Harmony, there is a truck every 15 minutes night and day, five days a week over this road. The psychological effect that I have noticed when my wife and I have followed these trucks, the length that they have already is that they take up about five-eighths of the road, leaving about three-eighths of the road to the people that are passing on the other side. Now, they may be within the lines that are designated in the center of the road, but the people that are passing them or going the opposite way, have the daylight scared out of them because of that load they already have. Some of those loads are more crooked than a snake's back. You are going to meet yourself coming, and I don't see how you are going to justify having trucks any longer than they are now.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: This bill is a safety bill. It slightly increases the length that a trailer truck can be. At the present time, with the boxes that they use on the back of these, they have to have what they call a cab-over, in which the driver is sitting right on top of the engine. He is right up in the bow of the thing. It is a perilous position to be in one of those trucks.

This bill merely allows them to increase the length of the towing unit, the tractor so called. It permits the engine to be out front and the driver sitting back behind it. Maine is the only state in New England that doesn't have this length increase. It would just bring Maine in compliance with the other New England states and permit the truckers to have a little bit safer rig to be going down the road with. It doesn't increase the width of the truck, it doesn't increase the carrying capacity, the gross weight, all it does is let them use a little safer truck. I hope you vote for the bill.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I thought I would have a great deal of difficulty in voting on this bill. Today when I throw my switch, it will be the first time that I will be voting without the expert advice of our truck authority from Portland, for our expert in this field did not choose to run again, and when I look over to my left, I no longer see that authority, Representative John Jensen.

The good representative would get up and make long speeches, would tell us how on these trucks the back wheels actually ran forward. He was the authority on lengths and weights of trucks. He had a certain fixation regarding trucks, and I think that was part of my life when I used to help him cross the street down there in front of the Portland Exposition Building. He would speak in detail about these trucks, and I learned always to listen, then to vote opposite.

I looked for an authority this time and said I would have to go to someone who would guide me. I had the occasion then to talk to Mr. Albert Grasse in Portland, a long time employee of Milliken-Tomlinson; they are the dis-

tributors for the independent grocers of Maine and run trucks throughout the state. He took several minutes and explained to me what an energy saver this bill would be and how much it would cut costs, strictly an energy thing.

You know, I looked the bill over and I went and got the amendment today, and I know if Representative Jensen were here, he would knock this one, so I feel safe and I urge you to vote to support this bill, the "ought to pass."

The SPEAKER: The pending question is on the motion of the gentleman from Limerick, Mr. Carroll, that the Majority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

85 having voted in the affirmative and 30 having voted in the negative, the motion did prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (H-124) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Consent Calendar

First Day

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

(H. P. 592) (L. D. 736) Bill "An Act to Facilitate the Treatment of Minors for Alcohol and Drug Abuse Problems" Committee on Health and Institutional Services reporting "Ought to Pass"

(H. P. 311) (L. D. 407) Bill "An Act to Exempt Part-Time Musicians from the Unemployment Compensation Tax" Committee on Labor reporting "Ought to Pass"

(H. P. 309) (L. D. 427) Bill "An Act Relating to Revisions of the Occupational Safety and Health Statute and to Conform the Occupational Safety and Health Rules and Regulations to Federal Requirements" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-129)

(S. P. 136) (L. D. 313) Bill "An Act to Amend the Geologists and Soil Scientists Certification Act" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-48)

No objections being noted, the above items were ordered to appear on the Consent Calendar of March 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:

(S. P. 113) (L. D. 207) Bill "An Act Authorizing the Public Utilities Commission to use a Modified Procedure in Uncontested Cases Relating to the Assignment and Transfer of Special or Charter Bus Licenses"

No objections having been noted at the end of the Second Day, the Senate Paper was passed to be engrossed in concurrence.

Recommitted to the Committee on Business Legislation

(S. P. 192) (L. D. 459) Bill "An Act Relating to Certificate of Deposit as it Applies to Survivors"

On the objection of Mr. Howe of South Portland, was removed from the Consent Calendar.

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

Mr. HOWE: Mr. Speaker and Members of the House: This bill was reported out of our committee quite promptly. Information came to us which was not presented at the public hearing, and based on that, I move that this bill be recommitted to the Committee on Business Legislation.

Thereupon, on motion of Mr. Howe of South Portland, was recommitted to the Committee on Business Legislation in non-concurrence and sent up for concurrence.

Passed to Be Enacted Emergency Measure

An Act Making Additional Appropriations from the General Fund and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government (H. P. 1007) (L. D. 1169)

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 and 7 against and accordingly, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Finally Passed Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Waldo County for the Year 1979 (H. P. 1009) (L. D. 1171)

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. 129 voted in favor and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure Failed of Final Passage

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Knox County for the Year 1979 (H. P. 1008) (L. D. 1170)

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

The SPEAKER: The Chair recognizes the gentleman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: Having been here for awhile, I understand the process of county delegation pretty much sets that budget. However, I believe that this county budget is too high, I do not support it, and I wish to go on record as not supporting it and would ask for a roll call.

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 pending question is on Final Passage. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this Resolve being finally passed will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Beaulieu, Birt, Bordeaux, Boudreau, Brown, D.; Brown, K. L.; Brown, K. C.; Call, Carrier, Carter, F.; Chonko, Cloutier, Conary, Connolly, Cox, Curtis, Damren, Davis, Dellert, Dexter, Diamond, Doukas, Dow, Drinkwater, Dutremble, L.; Elias, Fenslason, Fillmore, Garsoe, Gavett, Gould, Gowen, Gray, Gwadosky, Hall, Hanson, Hickey, Higgins, Huber, Hunter, Hutchings, Immonen, Jacques, P.; Kane, Kiesman, Laffin, Lancaster, LaPlante, Leighton, Leonard, Lewis, Locke, Lougee, Lowe, Lund, MacBride, MacEachern, Mahany, Marshall, Masterman, Masterton, Matthews, Maxwell, McHenry, McPherson, Morton, Nelson, A.; Nelson, M.; Nelson, N.; Norris, Paul, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Soulas, Sprowl, Stetson, Stover, Studley, Tarbell, Theriault, Tierney, Torrey, Tozier, Tuttle, Vincent, Violette, Wentworth, Whitemore, Wood, Wyman.

NAY—Austin, Bachrach, Baker, Benoit, Berry, Berube, Brodeur, Brown, A.; Bunker, Carroll, Carter, D.; Cunningham, Davies, Dudley, Dutremble, D.; Fowlie, Howe, Jackson, Jacques, E.; Jalbert, Joyce, Kany, Kelleh-

er, Lizotte, Martin, A.; McKean, McSweeney, Michael, Mitchell, Nadeau, Paradis, Pearson, Post, Reeves, P.; Smith, Strout, Twitchell, Vose.

ABSENT—Barry, Blodgett, Bowden, Brannigan, Brennerman, Churchill, Gillis, Hobbins, Hughes, McMahon, Payne, Prescott, Rolde, Simon.

Yes, 98; No, 38; Absent, 14.

The SPEAKER: Ninety-eight having voted in the affirmative and thirty-eight in the negative, with fourteen being absent, and ninety-eight being less than two-thirds, the Resolve fails of final passage.

Sent up for concurrence.

Passed to Be Enacted

An Act to Increase the Personal Needs Allowance for Recipients of State Benefits Residing in Adult Foster Homes, Boarding Homes and Nursing Homes (H. P. 212) (L. D. 260) (C. "A" H-98)

An Act Relating to Identification of Motor Vehicles used to Transport Handicapped Persons (H. P. 326) (L. D. 403)

An Act to Increase the Size of the Human Services Fraud Investigation Unit (H. P. 338) (L. D. 437) (C. "A" H-99)

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.

An Act Raising the Amount of the Homestead Exemption in Attachment and Bankruptcy Proceedings (H. P. 419) (L. D. 532) (S. "A" S-42 to C. "A" H-79)

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

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker and Members of the House: I object to this bill. As you probably have noticed, there presently is a \$5,000 homestead exemption for people who do go into bankruptcy. This bill, in essence, raised it to \$15,000. As it stands right now, it is down \$6,500.00. Under all circumstances, I object to raising the amount. As a matter of fact, I question whether we should have any exemption at all. I think this is a way of rewarding people who do not pay their bills. I don't buy the idea of some people saying you have to leave them enough money to buy a house or a down payment on a house. No one left me a down payment on any house and I don't expect them to if I do go through bankruptcy.

I think this is a serious situation. I don't like the bill and I hope that you vote against enacting it.

When the vote is taken, I request a roll call.

The SPEAKER: For the Chair to order a roll call, it must have expressed desire of one-fifth of the members present and voting. Those in favor 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 pending question is on passage to be enacted of L. D. 532. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Bachrach, Baker, Beaulieu, Benoit, Berry, Boudreau, Brodeur, Brown, K. L., Brown, K. C., Carter, D., Chonko, Cloutier, Conary, Connolly, Cox, Damren, Davies, Doukas, Dutremble, L., Fillmore, Garsoe, Gowen, Gray, Gwadosky, Hall, Hanson, Higgins, Howe, Huber, Hutchings, Immonen, Jackson, Jacques, E., Jacques, P., Jalbert, Joyce, Kane, Laffin, Lancaster, LaPlante, Leonard, Locke, Lowe, Lund, Mahany, Marshall, Masterton, Matthews, Maxwell, McHenry, McSweeney, Michael, Mitchell, Nadeau, Nelson, M. Norris, Paul, Payne, Peltier, Post, Reeves, P., Small, Soulas, Sprowl, Tarbell, Theriault, Tierney, Tuttle, Vincent, Violette, Vose, Wood, Wyman.

NAY—Aloupis, Austin, Berube, Birt, Blodgett, Bordeaux, Brown, A., Brown, D., Bunker, Call, Carrier, Carroll, Carter, F., Cunningham, Curtis, Davis, Dellert, Dexter, Diamond, Dow, Drinkwater, Dudley, Dutremble, D., Fenlason, Fowlie, Gavett, Gould, Hickey, Hunter, Kelleher, Kiesman, Leighton, Lewis, Lizotte, Lougee, MacBride, MacEachern, Martin, A., Masterman, McKean, McPherson, Morton, Nelson, A., Nelson, N., Paradis, Pearson, Peterson, Reeves, J., Rollins, Roope, Sewall, Sherburne, Silsby, Smith, Stetson, Stover, Strout, Studley, Torrey, Tozier, Twitchell, Wentworth, Whittemore.

ABSENT—Barry, Bowden, Brannigan, Brennerman, Churchill, Elias, Gillis, Hobbins, Hughes, Kany, McMahon, Prescott, Rolde, Simon.

Yes, 73; No, 63; Absent 14.

The SPEAKER: Seventy-three having voted in the affirmative and sixty-three in the negative, with fourteen being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

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

Mr. JOYCE: Mr. Speaker, having voted on the prevailing side, I now move reconsideration and hope you all vote against me.

The SPEAKER: Mr. Joyce of Portland, having voted on the prevailing side, now moves that the House reconsider its action whereby L. D. 532 was passed to be enacted.

A viva voce vote being taken, the motion did not prevail.

An Act to Establish a Sign on the Maine Turnpike for Lost Valley (S. P. 202) (L. D. 534)

Finally Passed

RESOLVE, Providing for a Study to Reexamine the Location of an Additional River Crossing in the Town of Skowhegan (H. P. 168) (L. D. 199)

RESOLVE, Appropriating Funds for State Share of Access Bridge in the Town of Medford (H. P. 405) (L. D. 509)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed. The Bills were passed to be enacted and the Resolves 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 Increase Penalties for Violation of the Statutes Concerning Minimum Wages" (S. P. 82) (L. D. 155) — In House, passed to be enacted on March 13, 1979. — In Senate, failed of passage to be enacted on March 21, 1979.

Tabled—March 23, 1979 by Mr. Wyman of Pittsfield.

Pending—Further Consideration.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Wyman.

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I have had an amendment prepared for this bill. I believe it was in preparation at the end of last week but as yet I do not believe it is prepared for its introduction, and I would appreciate having someone table this for one day, please.

Whereupon, on motion of Mrs. Mitchell of Vassalboro, tabled pending further consideration and tomorrow assigned.

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

Communication (H. P. 1113) From Rodney S. Quinn, Secretary of State Relative to initiative petitions relating to "An Act to Repeal the Forced Deposit Law" — In House, House reconsidered placing Communication on file on March 22, 1979.

Tabled—March 23, 1979 by Mrs. Mitchell of Vassalboro.

Pending—Placing on File.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I think I have explained to the press enough times so that they are not confused, but just in case there is anyone here who has any questions, we are still awaiting some communication from the Attorney General's Office as to procedurally whether these petitions have to be sent to the Judiciary Committee for approval. We are still awaiting that answer, so I would request that someone table this for one more day.

Whereupon, on motion of Mrs. Mitchell of Vassalboro, tabled pending placing on file and tomorrow assigned.

The Chair laid before the House the following matter:

Resolution, Proposing an Amendment to the Constitution of Maine Allowing the Legislature to Impose a Property Tax in Excess of the Cost of Services upon Properties in the Unorganized Territories (H. P. 1040) (L. D. 1283) which was tabled earlier in the day and later today assigned pending further consideration.

On motion of Mrs. Post of Owl's Head, tabled pending further consideration and tomorrow assigned.

(Off Record Remarks)

On motion of Mrs. Nelson of Portland, adjourned until nine-thirty tomorrow morning.