

# 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**

STATE OF MAINE  
One Hundred and Ninth Legislature  
JOURNAL OF THE SENATE

January 16, 1979

Senate called to Order by the President.

Prayer by the Honorable Ralph M. Lovell of Sanford.

Senator LOVELL: Let us pray! Almighty God in Heaven, look down upon this Senate and bless us! And please, O' God, help Senator Danton to get well, so Senator Danton can be back with us again. And please, O' God, watch over us, give us the intelligence, integrity, honesty, sincerity, to pass the good bills, to help the people of the State of Maine: And to kill the bad bills that will not help the people of the State of Maine, that will cost them more money. We pray, O' God, that you will do this, for us. Amen.

Reading of the Journal of yesterday.

Senator Conley of Cumberland was granted unanimous consent to address the Senate off the record.

**Papers From the House  
House Papers**

Bill, An Act Concerning Euthenasia of a Sick or Injured Dog Brought to a Veterinarian, to a Humane Society or to a Shelter. (H. P. 77) (L. D. 85)

Comes from the House, referred to the Committee on Agriculture and Ordered Printed.

Which was referred to the Committee on Agriculture and Ordered Printed, in concurrence.

Bill, An Act to Permit the Inhabitants of Garland to Withdraw from the Maine State Retirement System. (H. P. 76) (L. D. 84)

Bill, An Act to Limit Disability Retirement Payments to Persons Restored to Service under the State Retirement System. (H. P. 42) (L. D. 53)

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

Come from the House, referred to the Committee on Aging, Retirement and Veterans and Ordered Printed.

Which were referred to the Committee on Aging, Retirement, and Veterans and Ordered Printed, in concurrence.

Bill An Act to Require the State to Assume all Administrative Costs for the Food Stamp Program. (H. P. 50) (L. D. 59)

Comes from the House, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Which was referred to the Committee on Appropriations and Financial Affairs and Ordered Printed, in concurrence

Bill, An Act Relating to Land Surveyor Applications and Fees. (H. P. 47) (L. D. 79)

Bill, An Act to Permit Store Owners to Limit the Hours During which they will Accept Returnable Beverage Containers and to Permit them to Limit the Number of Containers they will Accept from a Single Person or Group at One Time. (H. P. 66) (L. D. 74)

Bill, An Act to Establish Registration of Electrolgists. (H. P. 48) (L. D. 57)

Bill, An Act to Allow Dealers to Restrict the Hours during which they will Accept Returnable Beverage Containers. (H. P. 69) (L. D. 75)

Come from the House, referred to the Committee on Business Legislation and Ordered Printed.

Which were referred to the Committee on Business Legislation and Ordered Printed, in concurrence.

Bill, An Act Relating to Reimbursements to Nonpublic Schools for Transportation. (H. P. 37) (L. D. 48)

Comes from the House, referred to the Committee on Education and Ordered Printed.

Which was referred to the Committee on Education and Ordered Printed, in concurrence.

Bill, An Act to Clarify the Filing Deadline for Candidates' Reports to the Commission on Governmental Ethics and Election Practices. (H. P. 49) (L. D. 58)

Bill, An Act to Establish a Presidential Primary in the State of Maine. (H. P. 45) (L. D. 56)

Come from the House, referred to the Committee on Election Laws and Ordered Printed.

Which were referred to the Committee on Election Laws and Ordered Printed.

Which were referred to the Committee on Election Laws and Ordered Printed, in concurrence.

Bill, An Act to Establish a Pilot Van Pool Transportation Project under the Office of Energy Resources. (H. P. 44) (L. D. 55)

RESOLVE: Directing the State to Assume the cost of Clean-up Operation for a Gas Spill in Brooks, Maine, Caused by Vandals. (H. P. 38) (L. D. 49)

Come from the House, referred to the Committee on Energy and Natural Resources and Ordered Printed.

Which were referred to the Committee on Energy and Natural Resources and Ordered Printed in concurrence.

Bill, An Act to Establish a Bounty on Coyote. (H. P. 78) (L. D. 86)

Bill, An Act Establishing an Experimental Open Season on Moose. (H. P. 74) (L. D. 83)

Come from the House, referred to the Committee on Fisheries and Wildlife and Ordered Printed.

Which were referred to the Committee on Fisheries and Wildlife and Ordered Printed, in concurrence.

Bill, An Act to Repeal Certain Requirements for Filing, Recording, Registers, Rosters and Binding and Provisions Concerning Administrative Assistant to the Chief Justice. (H. P. 61) (L. D. 69)

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

Bill, An Act Reinstating Public Intoxication as a Crime. (H. P. 64) (L. D. 72)

Bill, An Act to Provide that the County Commissioners shall have the Power to Authorize the Use of Superior Court Facilities when the Court is not in Session. (H. P. 55) (L. D. 64)

Bill, An Act to Provide Mandatory Penalties for Drunken Driving. (H. P. 43) (L. D. 54)

Come from the House, referred to the Committee on Judiciary and Ordered Printed.

Which were referred to the Committee on Judiciary and Ordered Printed, in concurrence.

RESOLVE: Authorizing Arthur G. Powers to Sue the State of Maine. (H. P. 46) (L. D. 78)

Committee on Judiciary suggested.

Comes from the House, referred to the Committee on Legal Affairs, and Ordered Printed.

Which was referred to the Committee on Legal Affairs, and Ordered Printed, in concurrence.

Bill, An Act to Increase the Limit that the State Minimum Wage can Rise from \$3 to \$4. (H. P. 63) (L. D. 71)

Comes from the House, referred to the Committee on Labor and Ordered Printed.

Which was referred to the Committee on Labor and Ordered Printed, in concurrence.

Bill, An Act Relating to Eating, Lodging and Recreational Places Licensing Law. (H. P. 9) (L. D. 18)

Committee on Legal Affairs suggested.  
Comes from the House, referred to the Com-

mittee on Business Legislation and Ordered Printed.

On motion by Senator Katz of Kennebec, referred to the Committee on Legal Affairs and Ordered Printed, in non-concurrence.

Sent down for concurrence.

Bill, An Act to Increase the Salary of the Judge of Probate for the County of Oxford. (H. P. 58) (L. D. 67)

Bill, An Act to Change the Date on Which the Annual Sessions of the County Commissioners are Held in Sagadahoc County. (H. P. 57) (L. D. 66)

Bill, An Act to Increase the Limitation on Contracts which the County Commissioners may Enter into for Purchases and Constructions without Competitive Bidding. (H. P. 56) (L. D. 65)

Bill, An Act to Establish a Uniform Allowance for Deputy Sheriffs. (H. P. 70) (L. D. 80)

Bill, An Act Converting Long Island Plantation into the Town of Frenchboro. (Emergency) (H. P. 51) (L. D. 60)

Come from the House, referred to the Committee on Local and County Government and Ordered Printed.

Which were referred to the Committee on Local and County Government and Ordered Printed, in concurrence.

Bill, An Act to Repeal the Tax on Marine Worms. (H. P. 62) (L. D. 70)

Comes from the House, referred to the Committee on Marine Resources and Ordered Printed.

Which was referred to the Committee on Marine Resources and Ordered Printed, in concurrence.

Bill, An Act to Increase the Total Authorized Indebtedness of the Kennebunk Light and Power District from \$300,000 to \$2,000,000. (H. P. 52) (L. D. 61)

Bill, An Act Increasing Borrowing Capacity of Mars Hill Utility District and Extending the Time Which That District has to Take Over Mars Hill and Blaine Water Company. (Emergency) (H. P. 54) (L. D. 63)

Come from the House, referred to the Committee on Public Utilities and Ordered Printed.

Which were referred to the Committee on Public Utilities and Ordered Printed, in concurrence.

Bill, An Act Relating to the Procurement of Engineer and Architectural Services by State Government Agencies. (H. P. 53) (L. D. 62)

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)

Come from the House, referred to the Committee on State Government and Ordered Printed.

Which were referred to the Committee on State Government and Ordered Printed, in concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of Maine Reducing to 18 Years the Age at which a Person may serve as a Member of the Maine Legislature. (H. P. 79) (L. D. 87)

Comes from the House, referred to the Committee on State Government and Ordered Printed.

On Motion by Senator Katz of Kennebec, referred to the Committee on Election Laws, and Ordered Printed, in non-concurrence.

Sent down for concurrence.

Bill, An Act to Permit a Trade-in Credit Under the Sales Tax Statutes for Utility Tractors. (H. P. 60) (L. D. 68)

Bill, An Act to Provide a Trade-in Credit for the Sales Tax on Campers (H. P. 40) (L. D. 51)

Come from the House, referred to the Committee on Taxation and Ordered Printed.

Which were referred to the Committee on Taxation and Ordered Printed, in concurrence.

Bill, An Act Relating to Auxiliary Lights on Certain Law Enforcement Vehicles under the Motor Vehicle Law. (H. P. 80) (L. D. 88)

Bill, An Act Relating to Weights of Commercial Vehicles. (H. P. 73) (L. D. 82)

Bill, An Act to Require the Secretary of State to Give Notification when the Renewal of Motor Vehicle Registrations are Due. (H. P. 39) (L. D. 50)

Come from the House, referred to the Committee on Transportation and Ordered Printed.

Which were referred to the Committee on Transportation and Ordered Printed, in concurrence.

#### Joint Order

WHEREAS, the pressures for change in the correctional system have increased to a point where they can no longer be ignored; and

WHEREAS, these pressures come from inmates, the news media, the courts, correctional personnel and members of the public; and

WHEREAS, during recent years the conditions in some jails have deteriorated to such a level that the courts have found these conditions to constitute cruel and unusual punishment in violation of the United States Constitution; and

WHEREAS, the State of Maine is not immune to this spreading debility in the correctional system; and

WHEREAS, certain county jails in Maine have been ordered closed and the threat of more closures is an increasing possibility; and

WHEREAS, increased closures of jails have led to overcrowded conditions in many jails and this overcrowding has created other numerous complications such as lack of personnel needed to provide services to inmates, increased tension among inmates and between inmates and correctional personnel, and violations of the civil rights of inmates; and

WHEREAS, these problems make it clear that a realignment of the correctional system is needed; now, therefore, be it

ORDERED, the Senate concurring, and subject to the Legislative Council's recommendations, that the Joint Select Committee on Correctional Institutions shall study, review and coordinate the numerous studies and reports on correctional systems which have been concluded within 5 years prior to the passage of this order, including the detention study and the master plan; and be it further

ORDERED, that the committee shall also study the present correctional facilities within the State, both State and county; and be it further

ORDERED, that the committee shall examine the alternatives to incarceration of criminals, the alternatives to closing county jails and the feasibility of establishing community correctional programs; and be it further

ORDERED, that the committee shall seek advice, comments and assistance from the following agencies, groups and organizations and shall actively involve them in the conduct of this study: The Maine County Commissioners Association; the Bureau of Corrections; the Maine Criminal Justice Planning and Assistance Agency; the Sheriffs' Association; the Judiciary; the Attorney General's Office, the State District Attorney's Office; municipal officials; Common Cause; and citizens of the State; and be it further

ORDERED, that the committee report its findings and recommendations together with all necessary implementing legislation in accordance with the Joint Rules to the Legislative Council for submission in final form at the second regular session of the 109th Legislature; and be it further

ORDERED, that the Legislative Council, before determining an appropriate level of

funding and support for this study, shall first ensure that this study can be accomplished within the limits of available resources, and that this study is in the best interests of the State; and be it further

ORDERED, that the Legislative Council may combine this study with another study in order to ensure a more efficient inquiry and to avoid duplication.

(H. P. 75)

Which was read.

On motion by Senator Katz of Kennebec, tabled pending passage.

#### Communication

State of Maine

Department of

Educational and Cultural Services

January 9, 1979

TO: Members of the 109th Maine State Legislature

FROM: Commissioner H. Sawin Millett, Dept. of Educational and Cultural Services

Commissioner David E. Smith, Dept. of Human Services

Commissioner George Zitnay, Dept. of Mental Health and Corrections

The accompanying report is the interim progress report required by L. D. 2106, "AN ACT Concerning Pilot Projects for More Effective and Efficient Delivery of Services to Preschool Handicapped Children," passed by the Second Regular Session of the 108th Legislature. The report describes briefly the background for passage of L. D. 2106, the activities of the Interdepartmental Coordinating Committee for Preschool Handicapped, the progress to date in the five pilot sites which have been established, and contains a brief discussion of problems which have been encountered with recommendations for the coming year. Draft legislation to provide continuation funding for this project, based on the positive evaluation of efforts to date, has been prepared and is being submitted to the 109th Legislature separate from this report.

Which was Read and with accompanying Report, Ordered Placed on File.

State of Maine

Senate Chamber

President's Office

Augusta, Maine 04333

January 15, 1979

Chairmen, Health and Institutional Services Committee 109th Maine Legislature

Please be advised that Governor Joseph E. Brennan on January 12, 1979 nominated George A. Zitnay of Freeport to serve as Commissioner of the Department of Mental Health and Corrections.

Pursuant to Title 34, Section 1, this nomination is subject to review by the Committee on Health and Institutional Services.

Sincerely,

JOSEPH SEWALL

President of the Senate

JOHN MARTIN

Speaker of the House

(S. P. 61)

Which was Read and Referred to the Committee on Health and Institutional Services.

Sent down for concurrence.

State of Maine

Senate Chamber

President's Office

Augusta, Maine 04333

January 15, 1979

Chairmen, Marine Resources Committee 109th Maine Legislature

Please be advised that Governor Joseph E. Brennan on January 12, 1979 nominated Spencer Apollonio of Boothbay Harbor to serve as Commissioner of the Department of Marine Resources.

Pursuant to Title 12, Section 3451, this nomination is subject to review by the Committee

on Marine Resources.

Sincerely,

JOSEPH SEWALL

President of the Senate

JOHN MARTIN

Speaker of the House

(S. P. 60)

Which was Read and Referred to the Committee on Marine Resources.

Sent down for concurrence.

#### Senate Papers

Senator Perkins of Hancock presented,

Bill, An Act to Require that Fairs meet Qualifications Standards before they are Entitled to Receive Money from the Stipend Fund. (S. P. 58)

Which was referred to the Committee on Agriculture and Ordered Printed.

Sent down for concurrence.

The same Senator presented, Bill, An Act to Increase Certain Fees for Pharmaceutical Providers. (S. P. 57)

Which was referred to the Committee on Business Legislation and Ordered Printed.

Sent down for concurrence.

Senator Collins of Knox, co-sponsors: Senators Minkowsky of Androscoggin, and Senator Devoe of Penobscot presented, Bill, An Act Empowering Retired Justices of the Supreme Judicial Court and District Court Judges to Sit in Superior Court Administrative Court Judges to Sit in District Court. (Emergency) (S. P. 55)

Which was referred to the Committee on Judiciary and Ordered Printed.

Sent down for concurrence.

#### Orders

An Expression of Legislative Sentiment recognizing that: Tina Kelleher, of Paris, has served as secretary in the Oxford County Extension office for more than 50 years. . . (S. P. 56) is presented by Senator Sutton of Oxford, co-sponsored by Representative Immonen of West Paris.

Which was Read and Passed.

Sent down for concurrence.

An Expression of Legislative Sentiment recognizing that: Mark P. Arsenault of Mexico, a member of Troop 544, has achieved the honor and distinction of Eagle Scout in the Boy Scouts of America. . . (S. P. 59) is presented by Senator O'Leary of Oxford, co-sponsored by Representative Brown of Mexico.

Which was Read and Passed.

Sent down for concurrence.

#### COMMITTEE APPOINTMENTS

At this time, there being no objection, the President appointed the following Senate members of Committees, the first-named members thereof to serve as Chairmen:

#### AGRICULTURE

HICHENS of York

CARPENTER of Aroostook

MARTIN of Aroostook

#### APPROPRIATIONS AND FINANCIAL AFFAIRS

HUBER of Cumberland

PERKINS of Hancock

NAJARIAN of Cumberland

#### BUSINESS LEGISLATION

CHAPMAN of Sagadahoc

AULT of Kennebec

CLARK of Cumberland

#### EDUCATION

TROTZKY of Penobscot

GILL of Cumberland

MINKOWSKY of Androscoggin

#### ELECTION LAWS

PIERCE of Kennebec

DANTON of York

FARLEY of York

#### ENERGY AND NATURAL RESOURCES

MCBREAIRTY of Aroostook

TROTZKY of Penobscot  
 O'LEARY of Oxford  
 FISHERIES AND WILDLIFE  
 REDMOND of Somerset  
 PIERCE of Kennebec  
 USHER of Cumberland  
 HEALTH AND INSTITUTIONAL  
 SERVICES  
 GILL of Cumberland  
 HICHENS of York  
 CARPENTER of Aroostook  
 JUDICIARY  
 COLLINS of Knox  
 DEVOE of Penobscot  
 TRAFTON of Androscoggin  
 LABOR  
 SUTTON of Oxford  
 LOVELL of York  
 PRAY of Penobscot  
 LEGAL AFFAIRS  
 SHUTE of Waldo  
 FARLEY of York  
 COTE of Androscoggin  
 LOCAL AND COUNTY GOVERNMENT  
 EMERSON of Penobscot  
 REDMOND of Somerset  
 COTE of Androscoggin  
 MARINE RESOURCES  
 SHUTE of Waldo  
 CHAPMAN of Sagadahoc  
 SILVERMAN of Washington  
 AUDIT AND PROGRAM REVIEW  
 MCBREAIRTY of Aroostook  
 PERKINS of Hancock  
 MINKOWSKY of Androscoggin  
 PUBLIC UTILITIES  
 DEVOE of Penobscot  
 COLLINS of Knox  
 TRAFTON of Androscoggin  
 STATE GOVERNMENT  
 AULT of Kennebec  
 SUTTON of Oxford  
 MARTIN of Aroostook  
 TAXATION  
 TEAGUE of Somerset  
 CHAPMAN of Sagadahoc  
 CLARK of Cumberland  
 TRANSPORTATION  
 EMERSON of Penobscot  
 O'LEARY of Oxford  
 USHER of Cumberland  
 AGING, RETIREMENT AND VETERANS  
 LOVELL of York  
 TEAGUE of Somerset  
 SILVERMAN of Washington  
 JOINT SELECT COMMITTEE ON  
 CORRECTIONAL INSTITUTIONS  
 PERKINS of Hancock  
 PRAY of Penobscot

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(OFF RECORD REMARKS)

Senator KATZ of Kennebec was granted  
 unanimous consent to address the Senate off  
 the record.

Senator CONLEY of Cumberland was grant-  
 ed unanimous consent to address the Senate off  
 the record.

On motion by Senator Pierce of Kennebec,  
 Adjourned until 10 o'clock tomorrow morning.