

# 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 24, 1979

Senate called to order by the President.

Prayer by the Rev. Robert B. Newland, St. Mark's Episcopal Church, Augusta.

Reverend NEWLAND: Let us pray! O' God, You made us in your own image, and redeemed us through, Jesus, your Son. Look with compassion on the whole Human Family; take away the arrogance and hatred which infect our hearts; **break down the walls that separate us.** Unite us in bonds of love and work through our struggles and confusion, to accomplish your purposes on earth. That in your good time, all nations and races may serve You in harmony around your heavenly throne.

O God, the fountain of wisdom, whose will is good and gracious, and whose law is truth. We beseech You so to guide and bless our representatives in the Senate of this State; that they may enact such laws as shall please thee; to the glory of thy name and the welfare of this people, **through Jesus Christ, our Lord. Amen.**

Reading of the Journal of yesterday.

**Papers From The House  
House Papers**

Bill, "An Act to Increase from 3¢ to 5¢ Per Inhabitant the Amount as Appropriated Annually for the State Stipend Fund for Agricultural Societies." (H. P. 118) (L. D. 128)

Bill, "An Act Concerning Cruelty to Animals." (H. P. 119) (L. D. 129)

Come from the House referred to the Committee on Agriculture and Ordered Printed, in concurrence.

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

Bill, "An Act to Allow Real Estate Rental Agents to be Unlicensed." (H. P. 120) (L. D. 132)

Bill, "An Act Concerning Remedies under the Unfair Trade Practices Statutes." (H. P. 121) (L. D. 138)

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 to Require Certification of Teachers in Bilingual Education Programs." (H. P. 122) (L. D. 130)

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 Prohibiting Trespassing on School Property." (H. P. 123) (L. D. 134)

Bill, "An Act to Increase the Mileage Reimbursement and Compensation of Jurors." (H. P. 124) (L. D. 131)

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

Bill, "An Act Relating to the Use of Deadly Force and Nondeadly Disabling Chemicals in Property Offenses." (H. P. 127) (L. D. 136)

Bill, "An Act Reinstating Littering as a Criminal Offense." (H. P. 126) (L. D. 139)

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.

Bill, "An Act Amending the Sardine Tax Law." (H. P. 128) (L. D. 133)

Bill, "An Act Amending Certain Laws Relating to the Packing of Sardines." (H. P. 129) (L. D. 140)

Bill, "An Act to Increase the Limit on Bonded Indebtedness of the Eastport Authority From \$500,000 to \$6,000,000." (H. P. 108) (L. D. 137)

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

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

Bill, "An Act to Clarify the Definition of Intermittent State Employees." (H. P. 130) (L. D. 141)

Bill, "An Act to Increase the Salaries of the Constitutional Officers and the State Auditor by \$5,000." (H. P. 131) (L. D. 142)

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.

Bill, "An Act to Clarify the Confidentiality of Certain Tax Records." (H. P. 132) (L. D. 143)

Bill, "An Act to Provide for a Local Excise Tax on Watercraft." (H. P. 133) (L. D. 144)

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 Concerning Certain Allocations from the General Highway Fund for the Repair of Certain Bridges in Baxter State Park." (H. P. 134) (L. D. 145)

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

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

**Joint Orders**

An Expression of Legislative Sentiment recognizing that:

Lucille Pare has been named Clerical Employee of the Year for Class GS 4 and GS 5 in Region 1. (H. P. 116)

An Expression of Legislative Sentiment recognizing that:

Paul Young, son of Winston and Florence Young of Limestone, Maine, has been selected as one of two youths to represent Maine at the National Senate Youth Program in our Nation's capitol. (H. P. 117)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

**Communications**

**LEGISLATIVE COUNCIL**

January 23, 1979

The Honorable May M. Ross

Secretary of the Senate

Senate of Maine

Augusta, Maine 04333

Dear Madam Secretary:

This is to inform you that the Republican members of the Legislative Council, pursuant to Legislative Joint Rule 38, have selected Ms. Sandra Holdsworth as their Partisan Staff Assistant on Gubernatorial Nomination. She will serve during the present biennium and will provide all necessary assistance to each Committee recommending action on gubernatorial nominations.

Sincerely,

(Signed): RICHARD H. PIERCE  
Chairman, Legislative Council

(S. P. 90)

Which was Read and Ordered Placed on File.  
Sent down for concurrence.

**COMMITTEE ON APPROPRIATIONS  
& FINANCIAL AFFAIRS**

109th Maine Legislature

January 23, 1979

The Honorable Joseph Sewall  
President of the Senate of Maine  
State House

Augusta, Maine 04333

Dear President Sewall:

In accordance with 3 M. R. S. A., Chapter 6, Section 151, and with Joint Rule 37 of the 109th Maine Legislature, the Joint Standing Committee on Appropriations and Financial Affairs has had under consideration the nomination of Rodney L. Scribner to the position of Commissioner of Finance and Administration.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 109th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with the following result:

YEAS:

Senators:

David G. Huber  
Thomas R. Perkins  
Mary Najarian

Representatives:

Michael D. Pearson  
Louis Jalbert  
Donald V. Carter  
Edward C. Kelleher  
Lorraine N. Chonko  
G. William Diamond  
Richard G. Morton  
Linwood M. Higgins  
Paul A. Boudreau  
Carl W. Smith

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Rodney L. Scribner to the position of Commissioner of Finance and Administration be confirmed.

Sincerely,

(Signed): DAVID HUBER

**Senate Chairman**

(Signed): MICHAEL PEARSON

**House Chairman**

Which was Read and Ordered Placed on File.

Mr. PRESIDENT: The Joint Standing Committee on Appropriations and Financial Affairs has recommended that the nomination of Rodney L. Scribner be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Appropriations and Financial Affairs be overridden? In accordance with 3 M. R. S. A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Legislature, the vote will be taken by the yeas and nays. A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee. Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

YEA — None

NAY — Ault, Carpenter, Chapman, Collins, Conley, Devoe, Emerson, Farley, Hichens, Huber, Lovell, Martin, McBrearty, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Trotzky, Usher, Sewall

Absent—Clark, Cote, Danton, Gill, Katz

No Senators having voted in the affirmative and 28 Senators in the negative, with 5 Senators Absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Rodney L. Scribner is confirmed.

(Off Record Remarks)

**Senate Papers**

Senator Ault of Kennebec, Cosponsors: Senator Trotzky of Penobscot, Senator Conley of Cumberland, Senator McBrearty of Aroostook

took, presented, Bill, "An Act Providing Funds for Clients in Special Age Groups Served by Cerebral Palsy Centers." (S. P. 74)

Which was referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Sent down for concurrence.

Senator Ault of Kennebec, presented, Bill, "An Act Concerning the Continuation of Pilot Projects for more Effective and Efficient Delivery of Services to Preschool Handicapped Children." (Emergency) (S. P. 75)

Senator Carpenter of Aroostook, presented, Bill, "An Act Concerning the Hiring of all School Bus Drivers." (S. P. 76)

Senator Pierce of Kennebec, Cosponsors: Senator Gill of Cumberland, Senator Trotzky of Penobscot, Senator Minkowsky of Androscoggin, presented, Bill, "An Act to Strengthen Regional Library Systems." (S. P. 77)

Which were referred to the Committee on Education and Ordered Printed.

Sent down for concurrence.

Senator Katz of Kennebec, presented, Bill, "An Act to Amend the Campaign Finance Law." (S. P. 78)

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

Sent down for concurrence.

Senator O'Leary of Oxford presented, Bill, "An Act to Ensure the Safety of Minors Participating in Trip Camping." (S. P. 79)

Which was referred to the Committee on Fisheries and Wildlife and Ordered Printed.

Sent down for concurrence.

Senator Hichens of York presented, Bill, "An Act to Provide Interpreter Service for the Hearing Impaired." (S. P. 80)

Which was referred to the Committee on Health and Institutional Services and Ordered Printed.

Sent down for concurrence.

Senator Shute of Waldo presented, Bill, "An Act Authorizing the Use of Nondeadly Disabling Chemicals for Self-defense and for Property Protection in Certain Circumstances." (S. P. 83)

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

Sent down for concurrence.

Senator Pray of Penobscot presented, Bill, "An Act Concerning Stoppage of Work under the Unemployment Compensation Statutes." (S. P. 81)

Senator Pray of Penobscot presented, Bill, "An Act to Increase Penalties for Violation of the Statutes Concerning Minimum Wages." (S. P. 82)

Which were referred to the Committee on Labor and Ordered Printed.

Sent down for concurrence.

Senator O'Leary of Oxford presented, Bill, "An Act to Abolish the Legislative Council." (S. P. 86)

Which was referred to the Committee on State Government and Ordered Printed.

Sent down for concurrence.

Senator O'Leary of Oxford presented, RESOLVE, Authorizing the Sale of Certain Public Reserved Lands to Cobb's Bosebuck Mountain Camps. (S. P. 85)

Reference to the Committee on State Government is suggested.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Senator O'LEARY: Mr. President, I move that (S. P. 85) RESOLVE, Authorizing the Sale of Certain Public Reserved Lands to Cobb's Bosebuck Mountain Camps be referred to the Committee on Energy and Natural Resources.

On motion by Senator Pierce of Kennebec, tabled for 1 Legislative Day, pending the motion by Senator O'Leary of Oxford.

Senator O'Leary of Oxford, Cosponsors: Senator Usher of Cumberland, Senator Emerson of Penobscot, presented, Bill, "An Act to Provide for Annual Adjustment of Key Personal Income Tax Elements for Inflation." (S. P. 84)

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

Sent down for concurrence.

Senator Katz of Kennebec presented, Bill, "An Act to Authorize the Construction of a Bridge Across the Kennebec River in the City of Augusta." (S. P. 87)

Senator O'Leary of Oxford presented, Bill, "An Act to Authorize a Bond Issue in the Amount of \$4,500,000 to Make Improvements on State Route 17 in Letter D Township and Rangeley Plantation." (S. P. 88)

Senator Carpenter of Aroostook presented, Bill, "An Act to Revise Certain Motor Vehicle Laws." (S. P. 89)

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

Sent down for concurrence.

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