

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 30, 1979

Senate called to order by the President.

Prayer by The Honorable Michael E. Carpenter of Houlton.

Senator CARPENTER: Let us pray! Our heavenly father, as we gather here for another week of doing the people's business, please accept our shortcomings; forgive us our faults. Most of all, guide us, to do the people's business for all the people in the State; help us to remember those less fortunate than ourselves, that we may, in some way, attempt to improve their lives. We ask this through Christ, Our Lord. Amen.

Reading of the Journal of yesterday.

Out of Order and Under Suspension of the Rules.

On motion by Senator Minkowsky of Androscoggin:

Order

WHEREAS, the fate of any Senator is, in some way, the fate of us all; and

WHEREAS, the entire Senate has suffered together with Senator Albert Cote during his recent illness; and

WHEREAS, the Senate has admired the courage and fortitude of Senator Cote; now, therefore, be it

ORDERED, that the Senate expresses its joy and appreciation for Senator Cote's recovery and extends to him its warmest welcome back into the Senate Chamber.

Which was Read and Passed.

**Papers From The House
Joint Order**

An Expression of Legislative Sentiment recognizing that:

Gerard Dumais of Van Buren is retiring from the Van Buren Fire Department as a lifetime honorary member after 23 years of efficient and faithful service... (H. P. 150)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

House Papers

Bill, "An Act to Amend the Law Relating to the Licensing of Dogs." (H. P. 151) (L. D. 183)

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 Prohibit Gas Stations from Charging a Fee for Putting Air in a Customer's Tires." (H. P. 153) (L. D. 192)

Bill, "An Act Concerning Repossession of Consumer Goods from a Consumer in Default Under a Consumer Credit Transaction." (H. P. 152) (L. D. 191)

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 Provide for a Student Member of the Board of Trustees of the University of Maine." (H. P. 155) (L. D. 194)

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 Relating to the Time of Payment of Wages and Salaries of University of Maine Employees." (H. P. 154) (L. D. 193)

Committee on Education suggested.

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 Concerning Coon Hunting." (H. P. 156) (L. D. 184)

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

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

Bill, "An Act Relating to Juvenile Clients of the Protective Care Division of the Department of Human Services." (H. P. 157) (L. D. 185)

Comes from the House, referred to the Committee on Health and Institutional Services and Ordered Printed.

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

Bill, "An Act to Conform the Acknowledgment Provision of the Recording Statutes to the Uniform Recognition of Acknowledgment Act." (H. P. 158) (L. D. 186)

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

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

Bill, "An Act to Allow Registrars of Deeds to use Rubber Stamps in Lieu of Original Signatures." (H. P. 159) (L. D. 187)

Bill, "An Act Relating to the Transfer of the Planning and Development Functions of the Urban Renewal Authority of the City of Bangor." (H. P. 160) (L. D. 188)

Bill, "An Act to Permit County Sheriffs to Appoint Limited Authority and Limited Purpose Deputies." (H. P. 161) (L. D. 189)

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 Relative to the Jurisdiction of the Public Utilities Commission over Non-utility Attachments to Public Utility Plant." (H. P. 163) (L. D. 195)

Bill, "An Act Relating to Action by the Public Utilities Commission on Petitions by Electrical Companies for Certificates of Public Convenience and Necessity." (H. P. 164) (L. D. 196)

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 to Relieve Homeowners and Renters from the Burden of the Property Tax." (H. P. 165) (L. D. 197)

Bill, "An Act to Increase the Property Tax Exemption for Houses of Religious Worship." (H. P. 167) (L. D. 190)

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 Making Minor Revisions in the Aeronautics Law." (H. P. 166) (L. D. 198)

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)

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.

**Communications
SENATE CHAMBER**

President's Office

January 29, 1979

Honorable May M. Ross
Secretary of the Senate
State House
Augusta, Maine 04333

Dear Madam Secretary:

This letter is to notify you that I have made the following appointments pursuant to Senate Rule 33:

Committee on Bills in the Second Reading

Pierce of Kennebec, Chairman

Huber of Cumberland

Danton of York

McBreairty of Aroostook

Committee on Engrossed Bills

Perkins of Hancock, Chairman

Hichens of York

Gill of Cumberland

Collins of Knox

Sutton of Oxford

Redmond of Somerset

Chapman of Sagadahoc

O'Leary of Oxford

Minkowsky of Androscoggin

Farley of York

Cote of Androscoggin

Martin of Aroostook

Sincerely,

JOSEPH SEWALL

President of the Senate

Which was Read and Ordered Placed on File.

SENATE CHAMBER

President's Office

January 26, 1979

Honorable Samuel W. Collins, Jr.

Honorable Barry J. Hobbins

Chairmen, Judiciary Committee

State House

Augusta, Maine 04333

Please be advised that Governor Joseph E. Brennan on January 26, 1979 nominated Joseph M. Jabar, Sr. of Waterville to serve as a Commissioner of the Workers' Compensation Commission.

Pursuant to MRSA, Title 39, Section 91, this appointment is subject to review by the Joint Standing Committee on Judiciary.

Sincerely,

JOSEPH SEWALL

President of the Senate

JOHN MARTIN

Speaker of the House

(S. P. 117)

Which was Read and referred to the Committee on Judiciary.

Sent down for concurrence.

**DEPARTMENT OF EDUCATIONAL
AND CULTURAL SERVICES**

January 29, 1979

To: Edwin Pert, Clerk of the House

May Ross, Secretary of the Senate

From: H. Sawin Millett, Jr., Commissioner

Re: Report on Actions Taken Regarding the Education for Habitual Truants

I am pleased to transmit herein my report of the number of habitual truants identified during the past school year along with the actions that have been taken regarding alternative education programs and other referral actions at the local level:

	AGE	AGE
	State Totals	7-13 14-16
1. Number of Truants Identified	209	1,210
A. Resolved administratively at the local level	140	568
B. Referred to alternative program within the school system	15	148
C. Referred to alternative program offered by another school system	2	14
D. Referred to alternative program offered by an existing agency external to the school		

system

E. Not resolved or referred to date	5 62
2. Number Referred to School Board	30 171
A. Parents instructed of legal responsibility	17 247
B. Compulsory education waived	8 71
C. Special work permit issued	113
3. Number of Parents Referred to Court Action	17
A. Number of parents fined or confined	7 22
B. Number of parents referred to counseling	2 3
Continuing Programs which are Permanent -	21
Continuing Programs which are not Permanent -	24
Programs new this year which are Permanent -	7
Programs new this year which are not Permanent -	84
Additional information regarding the above statistics as well as more detailed information describing some of the alternative programs being offered may be obtained by contacting the Division of Curriculum Resources (289-2033).	25

Which was Read and Ordered Placed on File.

Senate Papers

Senator Devoe of Penobscot presented, Bill, "An Act to Clarify the Application of Military Service Credits to Retirement Benefits for Policemen, Firemen, Local District Employees, Sheriffs and Full-time Deputy Sheriffs." (S. P. 115)

Senator Collins of Knox presented, Bill, "An Act Concerning the Uniform Processing of Employer Contributions into the Retirement System." (S. P. 108)

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

Sent down for concurrence.

Senator Pierce of Kennebec, Co-sponsor: Senator Chapman of Sagadahoc presented, Bill, "An Act to Require Life Insurers to Furnish Specified Disclosure Information to Purchasers of Life Insurance." (S. P. 116)

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

Sent down for concurrence.

Senator Redmond of Somerset presented, Bill, "An Act to Decrease from 18 Inches to 16 Inches the Length Limit on Togue which may be Taken from Moosehead Lake." (S. P. 111)

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

Sent down for concurrence.

Senator Devoe of Penobscot presented, Bill, "An Act to Clarify the Law Relating to Liability of Relatives for Support." (S. P. 103)

The same Senator presented, Bill, "An Act Relating to Filing Abstracts of Divorce Decrees with Registry of Deeds." (S. P. 104)

The same Senator presented, Bill, "An Act to Permit Forfeiture of Property Used to Conceal, Store or Transport Stolen Goods." (S. P. 105)

Senator Conley of Cumberland presented, Bill, "An Act Authorizing the City of Portland to Lease to the State its Central Fire Station Presently Located on Land Known as Lincoln Park Extension for Court use and for the Ad-

ministration of a Court System." (S. P. 110)
Which were referred to the Committee on Judiciary and Ordered Printed.
Sent down for concurrence.

Senator Devoe of Penobscot presented, Bill, "An Act Concerning the Period of Liability of a Financial Institution on a Written Instrument under the Abandoned Property Statute." (S. P. 114)

Reference to the Committee on Judiciary, is suggested.

On motion of Senator Katz of Kennebec, referred to the Committee on Business Legislation, and Ordered Printed.
Sent down for concurrence.

Senator Pierce of Kennebec, Co-sponsors: Senator Shute of Waldo and Senator Farley of York presented, Bill, "An Act to Prohibit a Manufacturer or Wholesaler of Alcoholic Beverages to Hold a Retail License." (S. P. 109)

Which was referred to the Committee on Legal Affairs and Ordered Printed.
Sent down for concurrence.

Senator Conley of Cumberland presented, Bill, "An Act to Restrict the Placing of Hazardous Objects on Utility Poles." (S. P. 107)

Senator Devoe of Penobscot presented, Bill, "An Act Authorizing the Public Utilities Commissioner to use a Modified Procedure in Uncontested Cases Relating to the Assignment and Transfer of Contract Carrier Permits." (S. P. 112)

The same Senator presented, 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." (S. P. 113)

Which were referred to the Committee on Public Utilities and Ordered Printed.
Sent down for concurrence.

Senator Devoe of Penobscot presented, Bill, "An Act Relating to Compensation of the Public Utilities Commissioners." (S. P. 106)

Which was referred to the Committee on State Government and Ordered Printed.
Sent down for concurrence.

Order

On motion by Senator Pierce of Kennebec, WHEREAS, the legislative constituency should be better able to reach their Senators and Representatives during session; and

WHEREAS, this constituent service could be provided through the purchase of a single toll-free watts line; and

WHEREAS, the Information Office is ideally situated to provide this constituent service in a nonpartisan manner to both Senators and Representatives; and

WHEREAS, Legislators are frequently in a position where they cannot be reached but would welcome receipt of names and numbers of calls which they can return when more convenient; now, therefore, be it

ORDERED, the House concurring, that a toll-free watts line be installed and operated in the Legislative Information Office for the remainder of the session on a test basis for the purposes of developing a name and number answering service between Legislators and their constituents; and be it further

ORDERED, that all costs incurred in carrying out this order shall be expended from the Legislative Account.

(S. P. 118)

Which was Read and Passed.

Sent up for concurrence.

Committee Report House

Divided Report

The Majority of the Committee on Judiciary. Bill, "An Act Reinstating Public Intoxication as a Crime." (H. P. 64) (L. D. 72)

Reported that the same Ought Not to Pass.
Signed:

Sensors:

COLLINS of Knox
DEVOE of Penobscot
TRAFTON of Androscoggin

Representatives:

STETSON of Wiscasset
SIMON of Lewiston
HOBBINS of Saco
SEWALL of Newcastle
HUGHES of Auburn
SILSBY of Ellsworth

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Representatives:

CARRIER of Westbrook
GRAY of Rockland
JOYCE of Portland
LAFFIN of Westbrook

Comes from the House, the Majority Report Read and Accepted.

Which were Read and the Majority Ought Not to Pass Report was accepted.

Orders of the Day

Senator Cote of Androscoggin, was granted unanimous consent to address the Senate, on the record.

Senator COTE: Mr. President and members of this august body. I want to thank you this morning, for your welcome, you accorded me. I also want to thank each and everyone of you, who sent me letters, cards, telephoned, for the beautiful flowers that I received, and all of you who, in one way or another, missed me here.

It is a pleasure for me to be back. I hope that I can pick up my full strength, and be able to serve as I should in this body.

Thank you very much.

The President laid before the Senate, JOINT ORDER—relative to Study of Correctional Systems. (H. P. 75)

Tabled—January 25, 1979 by Senator Conley of Cumberland

Pending—Motion of Senator Katz of Kennebec to be Indefinitely Postponed.

On motion by Senator Katz of Kennebec, retabled for one Legislative Day.

On motion by Senator Pierce of Kennebec, Adjourned until 10:00 o'clock tomorrow morning.