

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 31, 1979

Senate called to Order by the President.

Prayer by Reverend Peter L. Misner, Winthrop United Methodist Church and the Wayne Community Church.

Reverend MISNER: Let us pray. At the beginning of this day, O God, we bow in Your presence to give thanks for the privilege, we hold in our hand for the gift of life, renewed for us today. We offer our gratitude, our prayer that we may fill these brief moments with useful work, which will serve the people. We give thanks that the task of serving in the public interest is one that we share with people in all walks of life, across the State of Maine. Grant us we pray, a sense of our unity with women and men who serve from Kittery to Fort Kent. That we may know our work is not confined to these walls, but done with a strong sense of tasks shared by many. We give thanks, for our Governor, for the sense of open communication which marks his leadership, and for all in this place who hold gracefully the public trust. We remember with thanksgiving the line of persons who have walked these corridors before us. Pray that the memory of faithful work done on our behalf in days now vanished, may sharpen in us the sense of participation in the continuing history of this people. Bless, O Lord, the labors of this Senate today, that we may continue to build sound foundations for the future of Maine and of her people. Amen.

Reading of the Journal of yesterday.

House Papers

Bill, "An Act to Prohibit Cancellation of Automobile or Property Insurance without Actual Notice to the Insured." (H. P. 170) (L. D. 221)

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

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

Bill, "An Act Authorizing the Postponement of National School Lunch Programs." (H. P. 172) (L. D. 218)

Bill, "An Act Relating to the Advisory Board to the Firemen's Training Program of the Department of Educational and Cultural Services." (H. P. 173) (L. D. 223)

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

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

Bill, "An Act to Provide for Art in Public Buildings and Other Facilities." (H. P. 171) (L. D. 222)

Committee on Education suggested.

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

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

Bill, "An Act to Prohibit the Gathering of Signatures Within 250 Feet of the Entrance to a Polling Place and Within any Registrar's Office." (H. P. 174) (L. D. 208)

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

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

Bill, "An Act to Eliminate Mandatory Silver Nitrate Drops in Eyes of Newborns." (H. P. 175) (L. D. 219)

Comes from the House, referred to the Com-

mittee 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 Provide an Effective Penalty Under the Labor Laws for Violation of the Statute Requiring a Written Statement of Reason for Termination of Employment." (H. P. 176) (L. D. 210)

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 to Increase the Membership of the Atlantic Sea Run Salmon Commission." (H. P. 162) (L. D. 217)

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 Simplify and Clarify the Maine Administrative Procedure Act." (H. P. 177) (L. D. 224)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Age at Which a Person may Serve in the Maine Legislature to 18 for Members of the House of Representatives and 21 for Members of the Senate. (H. P. 178) (L. D. 225)

Comes 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 Authorize the Lease of Mental Health and Corrections' Facilities by Other Agencies." (H. P. 179) (L. D. 220)

Committee on State Government suggested.

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 Provide for a Property Tax Credit to Veterans in Place of a Property Tax Exemption." (H. P. 180) (L. D. 226)

Bill, "An Act Relating to Abatement Proceedings." (H. P. 181) (L. D. 209)

Comes 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.

Communications
EXECUTIVE DEPARTMENT
State Planning Office

January 30, 1979

Mae Ross
Secretary of the Senate
State House
Augusta, Maine 04333

Dear Ms. Ross:

Transmitted for distribution to the Senate is the attached document entitled "The Status of Housing in Maine," prepared by the State Planning Office pursuant to 5 M.R.S.A. §3306-A.

Sincerely,
ALLEN PEASE
Director

State Planning Office

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

DEPARTMENT OF FINANCE
AND ADMINISTRATION
Bureau of Accounts
and Control

December 20, 1978

Governor James B. Longley,
Governor-Elect Joseph E. Brennan
Members of the Legislature
and Other Citizens of Maine

The accompanying statements present the financial position of the various funds of our State Government at June 30, 1978, and their resources and expenditures for the fiscal year then ended. Prior year information, budgetary data and footnote disclosures have been included where appropriate to promote a better understanding of the State's finances.

In compliance with statutory requirements, the State's accounting records covering the four year period ended June 30, 1978, have been audited by Coopers & Lybrand, independent public accountants. Their report on the Combined Balance Sheet is contained on the following page.

We believe this annual report provides a basis for comprehensive analysis of the State's operations and financial position. Requests for supplementary information, suggestions for improvement of the method of presentation, or general comments are always welcome.

Respectfully submitted,
RICHARD DIEFFENBACH
State Controller

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

HOUSE OF REPRESENTATIVES
Majority Office

January 25, 1979

The Honorable Edwin H. Pert
Clerk of the House
House of Representatives
State House
Augusta, Maine 04333

Dear Clerk Pert:

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

Sincerely,
JAMES E. TIERNEY
Vice Chairman
Legislative Council
(H. P. 169)

Comes from the House, Read and Ordered Placed on File.

Which was Read and Ordered Placed on File in concurrence.

COMMITTEE ON STATE GOVERNMENT

January 30, 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 38 of the 109th Maine Legislature, the Joint Standing Committee on State Government has had under consideration the nomination of Arthur A. Stilphen to the position of Commissioner of Public Safety.

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 3
Representatives 10

NAYS:
Senators 0
Representatives 0

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 Arthur A. Stilphen to the position of Commissioner of Public Safety be confirmed.

Sincerely,
DAVID AULT
Senate Chairman
JUDY C. KANY
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on State Government has recommended that the nomination of Arthur A. Stilphen be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on State Government be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 109th 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, Clark, Collins, Conley, Cote, Emerson, Farley, Gill, Hichens, Huber, Katz, Lovell, Martin, Minkowsky, Najarian, O'Leary, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Trotsky, Usher, Sewall

ABSENT — Danton, Devoe, McBreairty, Perkins

No Senators having voted in the affirmative and 29 Senators in the negative, with 4 Senators being 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 Arthur A. Stilphen is confirmed.

STATE OF MAINE Committee on Labor

January 30, 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 38 of the 109th Legislature, the Joint Standing Committee on Labor has had under consideration the nomination of David Wayne Bustin to the position of Commissioner of Manpower Affairs.

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 3

Representatives 9

NAYS:

Senators 0

Representatives 0

ABSENT:

Senators 0

Representatives 1, Joyce Lewis, Auburn

Twelve members of the Committee having voted in the affirmative and one absent, it was the vote of the Committee that the nomination of David Wayne Bustin to the position of Commissioner of Manpower Affairs be confirmed.

Sincerely,
ROLAND SUTTON
Senate Chairman
JASPER WYMAN
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Com-

mittee on Labor has recommended that the nomination of David W. Bustin be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Labor be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 109th 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 — Teague, Trotsky

NAY — Ault, Carpenter, Chapman, Clark, Collins, Conley, Cote, Emerson, Farley, Gill, Hichens, Huber, Katz, Lovell, Martin, Minkowsky, Najarian, O'Leary, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Trafton, Usher, Sewall

ABSENT — Danton, Devoe, McBreairty, Perkins

2 Senators having voted in the affirmative and 27 Senators in the negative, with 4 Senators being Absent and 2 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 David W. Bustin is confirmed.

Senate Papers

Senator Minkowsky of Androscoggin presented, Bill, "An Act Pertaining to Absentee Voting." (S. P. 121)

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

Sent down for concurrence.

Senator Collins of Knox presented, Bill, "An Act to Remove the Sunset Provision on the Tort Claims Act." (S. P. 119)

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

Sent down for concurrence.

Senator Silverman of Washington presented, Bill, "An Act Concerning Dismissal of Municipal Police Chiefs." (S. P. 122)

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

Sent down for concurrence.

Senator Silverman of Washington presented, Bill, "An Act to Increase the Compensation for Atlantic Sea Run Salmon Commission Members to \$50 a Day." (S. P. 120)

Reference to the Committee on State Government is suggested.

On Motion by Senator Katz of Kennebec, referred to the Committee on Marine Resources and Ordered Printed.

Sent down for concurrence.

Committee Report Senate

The following Ought Not to Pass Report shall be placed in the Legislative Files without further action pursuant to Rule 22 of the Joint Rules:

Bill, "An Act to Require that Trees Cut Along Highways or Public Ways be Cut at Ground Level or that the Stumps be Removed." (S. P. 32) (L. D. 20)

Enactor

The Committee on Engrossed Bills reported as truly and strictly Engrossed the following:

Emergency

An Act to Correct the References to Joint Standing Committees for the Purpose of Confirmation. (S. P. 99) (L. D. 175)

This being an emergency measure and having received the affirmative votes of 28 members of the Senate, was Passed to be En-

acted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

The President laid before the Senate the first tabled and specially assigned matter.

JOINT ORDER — Relative to Study of Correctional Systems. (H. P. 75)

Tabled—January 30, 1979 by Senator Katz of Kennebec

Pending—Motion of Senator Katz of Kennebec to Indefinitely Postpone.

On Motion by Senator Katz of Kennebec. Indefinitely Postponed, in non-concurrence.

Sent down for concurrence.

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