

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

February 15, 1979

Senate called to Order by the President.

Prayer by Reverend Howell K. Lind, Winthrop Street Universalist Church, in Augusta.

Reverend LIND: Creative Spirit by whose gentlest touch we are made manifest and by whose indwelling we fashion our world for ever and ever. Continue thy presence blessing our moments with a vision of Hope Eternal. Finding within these men and women the strength to be understanding, the resoluteness to be patient and giving the courage to be open and sensitive. That throughout the efforts of these men and women, each citizen of our State may be granted quality if not quantity of life. In the spirit of this common purpose to serve others, have we gathered and that spirit do we invoke thy blessing and guidance. Amen.

Reading of the Journal of yesterday.

Senator Katz of Kennebec, was granted unanimous consent to address the Senate, Off the Record.

On Motion by Senator Pierce of Kennebec, Recessed until the sound of the bell.

Recess

After Recess

The Senate called to order by the President.

Senator Najarian of Cumberland, was granted unanimous consent to address the Senate, On the Record.

Senator NAJARIAN: Mr. President, Senator Conley received word this morning that his father had died. He was 81 years old. I would like to ask the Senate to join with me in a few moments of meditation out of respect to our Minority Leader and his family.

SENATE AROSE FOR A MOMENT OF SILENT RESPECT FOR THE FATHER OF SENATOR CONLEY

**Papers From the House
Joint Orders**

An Expression of Legislative Sentiment recognizing that:

Youth-in-Action, Inc., of Portland, has an outstanding record of achieving youth-operated motivational and job training projects and has been awarded a contract to conduct one of ten national demonstration programs to create jobs for youth in the private sector... (H. P. 449)

Comes from the House, Read and Passed.

An Expression of Legislative Sentiment recognizing that:

the Deering High School Rams are the Southern Maine Class A football champions; this outstanding team coached by Curran, Garvin, St. Pierre and Day was first in the Southern Conference, records the least points scored against them and is credited with 9 players named to the Class A All Star Team... (H. P. 450)

Comes from the House, Read and Passed.

Which were Read and Passed, in concurrence.

House Papers

Bill, "An Act to Facilitate the Setting of State Financial and Revenue Policy by the Legislature." (H. P. 363) (L. D. 483)

Comes from the House, referred to the Committee on Audit and Program Review and Ordered Printed.

Which was referred to the Committee on Audit and Program Review and Ordered Printed, in concurrence.

Bill, "An Act to Provide for Continuing Education for Real Estate Brokers and Salesmen." (H. P. 364) (L. D. 480)

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 to Provide for Public Rest Room Facilities in Shopping Centers." (H. P. 408) (L. D. 511)

Committee on Business Legislation 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 Make the School Lunch Program Voluntary with School Administrative Units." (H. P. 370) (L. D. 481)

Bill, "An Act to Revise the North American Indian Scholarship Act." (H. P. 387) (L. D. 497)

Bill, "An Act to Prevent the Spouse of a School Director from Working for that Director's School Administrative District Whether With or Without Pay." (H. P. 409) (L. D. 512)

Comes 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 Concerning the Investigation and Invalidation of Indian Tribal Elections." (H. P. 388) (L. D. 498)

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 Relating to Municipal Use of Land Control Techniques Under the Zoning Laws." (H. P. 371) (L. D. 482)

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

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

Bill, "An Act Concerning the Degree of Flammability of Insulation Installed in Residences." (Emergency) (H. P. 412) (L. D. 513)

Comes on Energy and Natural Resources suggested.

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 to Amend the Possession Limit for Fish taken from Inland Waters." (H. P. 390) (L. D. 499)

Bill, "An Act Relating to Tending Traps in the Unorganized Territories." (H. P. 391) (L. D. 500)

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 Relating to Furloughs for Inmates of County Jails." (H. P. 414) (L. D. 514)

Bill, "An Act Concerning Destitute Indians Outside of Reservations." (H. P. 393) (L. D. 501)

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

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

Bill, "An Act Relating to Right of Entry on Lands." (H. P. 418) (L. D. 515)

Bill, "An Act to Limit the Liability for Hang-gliding." (H. P. 395) (L. D. 503)

Bill, "An Act for Per Diem Compensation for Active Retired Judges." (Emergency) (H. P. 375) (L. D. 485)

Comes 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 Providing for Rent Receipts and Requiring Disclosure of a Landlord's Identity." (H. P. 394) (L. D. 502)

Committee on Judiciary suggested.

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 Concerning Workers' Compensation for Fire Personnel." (H. P. 397) (L. D. 504)

Bill, "An Act Concerning the Voluntary Quit Provisions of the Employment Security Law." (H. P. 376) (L. D. 484)

Bill, "An Act to Correct Inequalities in the State Employees Labor Relations Act." (H. P. 378) (L. D. 493)

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

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

Bill, "An Act Concerning Removal of Unattached Nonmembers from Indian Reservations." (H. P. 398) (L. D. 505)

RESOLVE, Authorizing Lyman F. Gray, Celia M. Gray and Bernard L. Gray to Bring Civil Action Against the State of Maine. (H. P. 399) (L. D. 506)

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

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

Bill, "An Act Concerning Registration Fees for Persons Appearing Before County Commissioners for a Tax Abatement." (H. P. 400) (L. D. 507)

Committee on Local and County Government suggested.

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

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

Bill, "An Act to Establish Assessments Upon Certain Public Utilities and to Authorize Use of the Funds Generated by Those Assessments to Pay Certain Expenses of the Public Utilities Commission." (H. P. 380) (L. D. 487)

Bill, "An Act Requiring the Public Utilities Commission to Order a Community of Interest Study upon Petition by 10% of the Service Customers in a Telephone Exchange and to Promulgate Rules Relating to the Establishment of Extended Area Service." (H. P. 379) (L. D. 486)

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 Amend to Administrative Procedure Act by Providing for Prospective Review of Agency Rules by the Legislature." (H. P. 381) (L. D. 488)

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)

Bill, "An Act to Clarify the Form of the Local Consent Resolution Regarding State Housing Authority Housing Assistance Allocation." (H. P. 402) (L. D. 508)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Legislature's Power to Change Measures Adopted by the People or to Reenact Measures Suspended by the People. (H. P. 383) (L. D. 490)

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 Exempt the Young Men's Christian Association and the Young Women's Christian Association from the Sales Tax." (H. P. 384) (L. D. 491)

Bill, "An Act to Exempt Sales of Fuel Sold to Railroads from the Sales Tax." (H. P. 385) (L. D. 492)

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 to Restrict the Use of Dealer Plates." (H. P. 406) (L. D. 510)

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

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.

Communication
STATE OF MAINE
Senate Chamber
President's Office

February 14, 1979

Honorable Roland L. Sutton
Honorable Jasper S. Wyman
Chairmen, Labor Committee
State House
Augusta, Maine 04333

Please be advised that Governor Joseph E. Brennan is nominating Samuel D. Shapiro of Waterville to serve as a member of the State Employees Appeals Board.

Pursuant to MRSA, Title 5, Section 751, this appointment is subject to review by the Joint Standing Committee on Labor and confirmation by the Senate.

Sincerely,
JOSEPH SEWALL
President of the Senate
JOHN MARTIN
Speaker of the House
(S. P. 213)

Which was Read, and Referred to the Committee on Labor.

Sent down for concurrence.

Senate Papers

Senator Hichens of York presented, Bill, "An Act to Prohibit Humane Societies and Shelters from Releasing Fertile Animals into the Community." (S. P. 208)

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

Sent down for concurrence.

Senator Hichens of York, Cosponsors: Senators Silverman of Washington, Senator Carpenter of Aroostook, Senator McBreairey of Aroostook present, Bill, "An Act to Assist School Administrative Units in Addressing Problems Associated with Alcohol, Tobacco and Drug Use and Abuse." (S. P. 209)

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

Sent up for concurrence.

Senator USHER of Cumberland presented,

Bill, "An Act to Require Safe Hunting Certification to Obtain a Hunting License." (S. P. 212)

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

Sent down for concurrence.

Senator Najarian of Cumberland presented, Bill, "An Act to Permit Juvenile Offenders who are Deaf or Mute, or Both, to be Committed to the Maine Youth Center." (Emergency) (S. P. 207)

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

Sent down for concurrence.

Senator Hichens of York presented, Bill, "An Act to Ensure that the Property Tax Exemption for Residential Real Estate Owned by Blind Persons shall be Based on Just Value." (S. P. 210)

Senator Teague of Somerset presented, Bill, "An Act to Exempt Solid Waste Used as a Fuel from the Sales Tax." (S. P. 211)

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

Sent down for concurrence.

Committee Reports
House
Leave to Withdraw

The Committee on Health and Institutional Services on, Bill, "An Act to Establish the Maine State Indoor Air Act." (H. P. 99) (L. D. 125)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act Prohibiting Trespassing on School Property." (H. P. 123) (L. D. 134)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Reports were Read and Accepted, in concurrence.

Ought to Pass

The Committee on Health and Institutional Services on, Bill, "An Act to Allow Prison Inmates to Attend the Funeral of a Brother or Sister." (H. P. 100) (L. D. 148)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed.

The Committee on Labor on, Bill, "An Act to Amend the Maine State Apprenticeship Council to State Apprenticeship and Training Council to Conform with Federal Recommendations under the Labor Laws." (H. P. 140) (L. D. 160)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed.

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

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed.

Which Reports were Read and Accepted, in concurrence, and the Bills, Read once, and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to Require that Persons Committing Traffic Infractions within 6 Months after the Effective Date of the Law Creating the Infraction shall be Issued a Warning Rather than a Court Summons." (H. P. 16) (L. D. 33)

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
JOYCE of Portland
SEWALL of Newcastle
GRAY of Rockland
SILSBY of Ellsworth
HUGHES of Auburn

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-22).

Signed:

Representatives:

CARRIER of Westbrook
HOBBINS of Saco
LAFFIN of Westbrook

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

Which Reports were Read, and the Majority Ought Not to Pass Report of the Committee Accepted, in concurrence.

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:

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit Tax Increases to a One-year Period to Require Further Legislation and Economic Impact Analysis for the Further Continuation of any Tax Increase and to Require a Two-thirds Vote of Each House to Extend the Tax. (S. P. 3) (L. D. 3)

Second Readers

The Committee on Bills in the Second Reading reported the following:

House — As Amended

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)

Which was Read a Second Time.

The PRESIDENT: The Chair recognizes the Senator from Penobscot Senator Devoe.

Sensor DEVOE: Mr. President and Members of the Senate. I present Senate Amendment "A" (S-10) and move its Adoption.

The PRESIDENT: The Senator from Penobscot Senator Devoe, now offers Senate Amendment "A" (S-10) to (L. D. 69) and moves its Adoption.

Senate Amendment "A" Read and Adopted. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

Bill, "An Act to Increase the Amount which the District Court is Allowed to Deposit each Month into the District Court Building Fund from \$3,000 to \$10,000." (H. P. 101) (L. D. 108)

Which was Read a Second Time and Passed to be Engrossed, as amended, in concurrence.

Enactor

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

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

Which was Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

Senator Hichens of York, was granted unanimous consent to address the Senate, On the Record.

Senator HICHENS: Mr. President and Members of the Senate. Yesterday was Valentines and through the whole day long niceties were prevalent in goodies, verse and song but this is the day after and we get back to routine with all the legislature work and problems yet unseen. Yet ere we all get settled — may I

bring to your attention the birthday of a colleague — and ere his name I mention may I extend a glad hand as he joins our Senate ranks and takes part in all the business and occasional rare pranks. We've never had a doctor in these Senate seats, I'm sure, but often went on down the hall for counsel and for cure. We've had our share of lawyers, farmers, teachers too and I could name some professions — that others never knew. This year however we are blessed here not with only one but two, experienced pharmacists, and ere this session's done we'll all share in their expertise on bills we'll act upon and within these Senate Chambers — a new era may dawn. So on this fifteenth day of February — 79 and with his inhibitions I've struggled to endure. So it gives me great pleasure to read this verse today and with you send best wishes going on their way to Senator Tom Perkins — and may the sun ever shine on all the paths ahead of him — along the Blue Hill line.

We'd like to honor one of these — and so I write this line of greeting to the Senator who calls his home — Blue Hill, although he's lived in many towns in Maine and someday still may settle in the Blaine House, although I've never heard him mention that ambition — but around here he has stirred the waters, and his influence is widely felt, I'm sure.

Senator Perkins of Hancock, was granted unanimous consent to address the Senate, Off the Record.

Senator Gill of Cumberland, was granted unanimous consent to address the Senate, Off the Record.

Senator Hichens of York, was granted unanimous consent to address the Senate, Off the Record.

Senator Gill of Cumberland, was granted unanimous consent to address the Senate, Off the Record.

The President laid before the Senate, the First Tabled, and specially assigned matter:

Bill, "An Act to Exclude Certain Academies from the Category of "Public School." (S. P. 66) (L. D. 110)

Tabled—February 13, 1979 by Senator Katz of Kennebec

Pending—Passage to be Engrossed

Which was, Passed to be Engrossed, as amended.

Sent down for concurrence.

On Motion by Senator Pierce of Kennebec, Adjourned out of respect for the father of the Minority Leader until 12 noon, tomorrow.