

# 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 16, 1979

The Senate called to Order by the Secretary.  
The SECRETARY: Is it the pleasure of the Senate that the Senator from Kennebec Senator Katz, act as President Pro-Tem?

It is a vote.

The Secretary would ask the Sergeant-at-Arms to escort the Senator from Kennebec Senator Katz, to the rostrum to assume the duties of President Pro-Tem.

The Sergeant-at-Arms escorted the Senator from Kennebec Senator Katz, to the rostrum, where he acted a President Pro-Tem.

Prayer by Reverend John V. MacNeill, East Winthrop Baptist Church, East Winthrop.

Reverend MacNEILL: Let us pray together. O God our Father, it is Friday. For some of us it has been a profitable week, matters have moved smoothly, for others of us it has been a tough week. Cars haven't started and pipes have needed thawing out, but we are here in our appointed places this day.

Listen not to our words, but to the yearning of our hearts, hear beneath our partitions, the crying of our needs. So make us more mindful of the needs of our fellow citizens, and less absorbed in selfish concerns. That Christ may approve and bless what we do here this day, through Jesus Christ our Lord. Amen.

Reading of the Journal of yesterday.

Out of Order and Under Suspension of the Rules, on Motion by Senator Pierce of Kennebec.

ORDERED, the House concurring that when the House and Senate adjourn, they adjourn until Tuesday, February 20 at ten o'clock in the morning. (S. P. 214)

Which was Read and Passed.

Sent down forthwith for concurrence.

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

Senator Pray of Penobscot 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 Pro-Tem.

#### Papers from the House House Papers

Bill, "An Act Making Additional Appropriations from the General Fund for the Current Fiscal Year Ending June 30, 1979 and Changing Certain Provisions to the Law Necessary to the Proper Operations of State Government." (H. P. 451) (L. D. 539)

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 Concerning the Physical Therapists Statutes." (H. P. 386) (L. D. 521)

Bill, "An Act to Lower Business Fees and to Provide for Continuing Education under the Hearing Aid Dealers and Fitters' Statute." (H. P. 427) (L. D. 544)

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 Amend the Laws Relating to the State Harness Racing Commission." (H. P. 407) (L. D. 543)

Committee on Business Legislation suggested.

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

On Motion by Senator Perkins of Hancock, referred to the Committee on Agriculture and Ordered Printed, in concurrence.

Bill, "An Act Relating to Current Funding of Special Education Tuition." (H. P. 410) (L. D. 527)

Bill, "An Act Authorizing the State to Contract with Tufts University School of Veterinary Medicine." (H. P. 411) (L. D. 528)

Bill, "An Act to Correct Subsidy Index Discrimination." (H. P. 428) (L. D. 545)

Bill, "An Act Relating to Requirements for Physical Education and Minimum School Year for Elementary and Secondary Education." (H. P. 429) (L. D. 546)

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 Concerning Notice Provisions for Penobscot Indian Tribal Elections." (H. P. 389) (L. D. 525)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Remove the Literacy Requirements for Eligibility to Vote. (H. P. 430) (L. D. 547)

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, in concurrence.

Bill, "An Act Relating to Bass Tournament Permits." (H. P. 413) (L. D. 529)

Bill, "An Act Concerning Fire Permits for Registered Guides." (H. P. 431) (L. D. 548)

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 Concerning Fines Resulting from Fish and Game Violations on Land of the Penobscot Indian." (H. P. 392) (L. D. 541)

Committee on Fisheries and Wildlife suggested.

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

On Motion by Senator Pierce of Kennebec, Tabled for 1 Legislative Day, Pending Reference

Bill, "An Act to Establish a Deadline for Removal of Ice Fishing Shacks." (H. P. 432) (L. D. 549)

Committee on Fisheries and Wildlife suggested.

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

On Motion by Senator Pierce of Kennebec, Tabled for 1 Legislative Day, Pending Reference.

Bill, "An Act to Provide for Non-smoking Areas in Restaurants with a Seating Capacity of 50 or More Persons." (H. P. 433) (L. D. 550)

Come 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 Raising the Amount of the Homestead Exemption in Attachment and Bankruptcy Proceedings." (H. P. 419) (L. D. 532)

Bill, "An Act to Increase the Penalty for Acquiring Drugs by Deception." (H. P. 415) (L. D. 530)

Bill, "An Act to Increase Fees for Filing of Probate Instruments." (Emergency) (H. P. 416) (L. D. 531)

Bill, "An Act Establishing Penalties for Cutting Timber Without the Owner's Permission." (H. P. 434) (L. D. 551)

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 to Make the Voluntary Payment of Workers' Compensation Nonprejudicial." (H. P. 417) (L. D. 542)

Committee on Judiciary 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 Relating to Interest on Benefits under the Workers' Compensation Act." (H. P. 420) (L. D. 533)

Bill, "An Act Relating to Attorney's Fees when Expenses are Paid in Workers' Compensation Cases." (H. P. 421) (L. D. 516)

Bill, "An Act Relating to Self-insurance under the Workers' Compensation Act." (H. P. 396) (L. D. 526)

Come 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 Permit Signed Statements of Psychologists and Chiropractors to be Admitted into Evidence Before the Workers' Compensation Board." (H. P. 377) (L. D. 540)

Committee on Labor suggested.

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 Amend Existing Stumpage Allowance to the Passamaquoddy Indian Tribe." (H. P. 422) (L. D. 517)

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 to Require Small Municipalities to Provide a Full-Time Law Enforcement Officer." (H. P. 401) (L. D. 522)

Bill, "An Act Concerning Appointment of County commissioners to Certain County Offices." (H. P. 423) (L. D. 518)

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 Prohibit Gill Netting in Spruce Creek, York County." (H. P. 424) (L. D. 519)

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 Create a State Compensation Commission." (H. P. 403) (L. D. 523)

Comes from the House, referred to the Com-

mittee on State Government and Ordered Printed.

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

Bill, "An Act to Expand Eligibility for Elderly Tax and Rent Relief." (H. P. 404) (L. D. 524)  
 Bill, "An Act to Exempt from the Sales Tax Sales to Nonprofit Public Residential Drug Treatment Centers." (H. P. 425) (L. D. 520)

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.

#### Joint Order

An Expression of Legislative Sentiment recognizing that:

On February 18th, Mrs. Euphamie Dubay will celebrate the 100th anniversary of her birth. . . (H. P. 480)

Comes from the House, Read and Passed.

Which was read.

On Motion by Senator Martin of Aroostook, Indefinitely Postponed, in non-concurrence.

Sent down for concurrence.

#### Communications

##### DEPARTMENT OF TRANSPORTATION

February 15, 1979

Governor Joseph E. Brennan and Members of the 109th Legislature

Transmitted herewith is a copy of the Transportation Improvement Program for Fiscal Years 1980-81.

This Program includes activities in airports, public transportation, railroads, and waterways.

The recommended projects and funding levels for each of the above categories are described in the appropriate section of the attached report.

We trust that the material will be of interest and will provide information and clarification regarding the Department's efforts in transportation modes other than highways.

Very truly yours,  
 ROGER L. MALLAR  
 Commissioner

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

#### Senate Papers

Senator Collins of Knox presented, Bill, "An Act to Permit the Retirement Earnings Limitation to Increase as Cost-of-living Increases in Retirement Benefits are Granted." (S. P. 222)

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

Sent down for concurrence.

Senator Redmond of Somerset, Cosponsor: Senator O'Leary of Oxford presented Bill, "An Act to Authorize Municipalities of Under 2,500 Inhabitants to Permit Persons other than Arborists to Remove Trees within Municipal Boundaries." (S. P. 219)

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

Sent down for concurrence.

Senator McBreairty of Aroostook, Cosponsor: Senator O'Leary of Oxford presented, Bill, "An Act to Increase State Retirement for the Net Costs of Local General Assistance." (S. P. 216)

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

Sent down for concurrence.

Senator Gill of Cumberland, Cosponsor: Senator Carpenter of Aroostook presented, Bill, "An Act to Insure Parental Participation in a Minor's Decision to have an Abortion." (S. P. 220)

Senator Gill of Cumberland presented Bill, "An Act to Assure Notice and Hearing Prior to Appointment of a Special Guardian." (S. P. 215)

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

Sent down for concurrence.

Senator O'Leary of Oxford presents Bill, "An Act to Limit the Number and Location of Agency Stores under the Statutes Relating to Alcoholic Beverages." (S. P. 217)

Which were referred to the Committee on Legal Affairs and ordered Printed.

Sent down for concurrence.

Senator Huber of Cumberland presented, Bill, "An Act to Allow Item by Item Referendums on Proposed Town Charter Amendments Presented by a Municipal Charter Review Commission." (S. P. 221)

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

Sent down for concurrence.

Senator Ault of Kennebec presented, RESOLVE, Authorizing the Transfer of 10 Acres of State-owned Land on Cony Road to Kennebec County for a New Correctional Facility." (S. P. 281)

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

Sent down for concurrence.

#### Committee Reports

##### House

##### Leave to Withdraw

The Committee on Aging, Retirement and Veterans on, Bill, "An Act to Increase to \$150 the Retirement Allowance for Qualified Teachers who Began to Teach in the Public Schools before July 1, 1947." (H. P. 20) (L. D. 37)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Health and Institutional Services on, Bill, "An Act to Eliminate Mandatory Silver Nitrate Drops in Eyes of Newborns." (H. P. 175) (L. D. 219)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on State Government on 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)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report read and Accepted.

The Committee on State Government on, 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)

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 — As Amended

The Committee on Health and Institutional Services on, Bill, "An Act to Prohibit Smoking at Public Meetings." (H. P. 5) (L. D. 11)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-26).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amend-

ment "A" as amended by House amendment "A" (H-29) thereto.

Which Report was Read.

On Motion by Senator Pierce of Kennebec. Tabled for 1 Legislative Day. Pending Acceptance

#### Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Relating to Avoidance of Contracts Made on the Lord's Day." (H. P. 136) (L. D. 146)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-24).

Signed:

Senators:

COLLINS of Knox  
 DEVOE of Penobscot  
 TRAFTON of Androscoggin

Representatives:

HOBBINS of Saco  
 SEWALL of Newcastle  
 SILSBY of Ellsworth  
 JOYCE of Portland  
 GRAY of Rockland  
 SIMON of Lewiston  
 STETSON of Wiscasset  
 HUGHES of Auburn

The Minority of the same Committee on the same subject matter Reported that the same Ought Not to Pass.

Signed:

Representatives:

LAFFIN of Westbrook  
 CARRIER of Westbrook

Comes from the House, the Majority Report Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A".

Which Reports were Read

The Majority Ought to Pass Report of the Committee, Accepted, the Bill Read Once, Committee Amendment "A" Read and Adopted, in concurrence. The Bill, as amended, tomorrow assigned for second reading.

#### Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Relating to the Liability of Parents for Damage by Children." (H. P. 4) (L. D. 10)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-23)

Signed:

Senators:

COLLINS of Knox  
 DEVOE of Penobscot  
 TRAFTON of Androscoggin

Representatives:

LAFFIN of Westbrook  
 CARRIER of Westbrook  
 SILSBY of Ellsworth  
 STETSON of Wiscasset  
 SEWALL of Newcastle  
 HOBBINS of Saco  
 HUGHES of Auburn  
 GRAY of Rockland  
 SIMON of Lewiston

The Minority of the same Committee on the same subject matter Reported that the same Ought Not to Pass.

Signed:

Representative:

JOYCE of Portland

Comes from the House, the Majority Report Read and Accepted, and the Bill Passed to be Engrossed as amended by Committee Amendment "A".

Which Reports were Read. The Majority Ought to Pass Report of the Committee, Accepted.

The Bill Read Once, Committee Amendment "A" Read and Adopted, in concurrence. The Bill, as amended, tomorrow assigned for Second Reading.

On Motion by Senator Redmond of Somerset.

the Senate voted to Reconsider its action of earlier in today's session whereby. Bill, "An Act to Authorize Municipalities of Under 2,500 Inhabitants to Permit Persons other than Arborists to Remove Trees within Municipal Boundaries. (S. P. 219), was referred to the Committee on Agriculture.

The Senator has the floor.

Senator REDMOND: I move that this be referred to the Committee on Local and County Government.

The PRESIDENT PRO-TEM: The Senator from Somerset Senator Redmond, now moves that (S. P. 219) be referred to the Committee on Local and County Government.

On Motion by Senator Pierce of Kennebec, Tabled for 1 Legislative Day, Pending the Motion by Senator Redmond of Somerset.

#### **Second Readers**

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

##### **House**

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

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)

Bill, "An Act to Allow Prison Inmates to Attend the Funeral of a Brother or Sister." (H. P. 100) (L. D. 148)

Which were Read a Second Time and Passed to be Engrossed, in concurrence.

#### **Orders of the Day**

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

The Adjournment Order having been returned from the House, Read and Passed, in concurrence.

On Motion by Senator Pierce of Kennebec, Adjourned until Tuesday, February 20th at 10 o'clock in the morning.