

# 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

March 5, 1979

Senate called to Order by the President.

Prayer by the Honorable Samuel W. Collins, Jr., of Rockland.

Senator COLLINS: We the people of planet earth, with respect for the dignity of each human life, with concern for future generations, with appreciation of our spiritual values, with recognition of the limit of our resources and with need for adequate food, air, water, shelter, health, protection, justice and self fulfillment; hereby declare our interdependence and resolve to work together in brotherhood and in harmony, with our environment, to enhance the quality of life everywhere. Amen.

Reading of the Journal of yesterday.

**Papers from the House  
Non-concurrent Matter**

Bill, "An Act to Permit Hotel or Motel Managers to Eject Disruptive or Destructive Persons from their Premise and to Require these Persons to Assume Responsibility for any Damages Caused." (S. P. 33) (L. D. 21)

In the Senate, February 27, Passed to be Engrossed as amended by Committee Amendment "A" (S-18)

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" and House Amendment "A" (H-47), in non-concurrence.

On Motion by Senator Hichens of York, tabled until later in today's session, pending Consideration.

**Non-concurrent Matter**

Bill, "An Act to Enable the Ocean Park Association to Qualify for Tax Exempt Status under the United States Internal Revenue Code." (Emergency) (S. P. 291) (L. D. 853)

In the Senate March 1, Referred to the Committee on Local and County Government.

Comes from the House, Referred to the Committee on Legal Affairs, in non-concurrence.

The PRESIDENT: Is it the pleasure of the Senate to Recede and Concur with the House? The motion prevailed.

**Joint Orders**

An Expression of Legislative Sentiment recognizing that:

The Buckfield High School Girls' Basketball Team has won the 1979 Western Maine Class D Girls' Basketball Championship... (H. P. 720)

Comes from the House, Read and Passed.

An Expression of Legislative Sentiment recognizing that:

Harold Hutchins of Kingfield is retiring after 36 years as Town Treasurer... (H. P. 721)

Comes from the House, Read and Passed.

An Expression of Legislative Sentiment recognizing that:

Arthur and Hattie Cousins of Sedgwick, celebrated their 50th wedding anniversary on February 19, 1979... (H. P. 722)

Comes from the House, Read and Passed.

Which were Read and Passed, in concurrence.

**Joint Order**

Ordered, the Senate concurring, that Constitutional Resolution, Proposing an Amendment to the Constitution of Maine Repealing the Offices of Judges of Probate and Registers of Probate as Constitutional Officers, H. P. 197, L. D. 246, be recalled from the legislative files to the House.

(H. P. 718)

Comes from the House, Read and Passed. Which was Read.

The PRESIDENT: The Chair would advise the Senate, that in accordance with Joint Rule # 4, it is necessary to have a two-thirds vote of those Senators present and voting.

The Chair will order a Division.

Will all those Senators in favor of Passing this Joint Order, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

25 Senators having voted in the affirmative and 1 Senator in the negative, and 25 being more than two-thirds of the members present and voting, this Joint Order is Passed, in concurrence.

**House Papers**

Bill, "An Act to Amend the Statutes Relating to Airmobiles." (H. P. 663) (L. D. 838)

Comes 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 Bear Hunting with Dogs." (H. P. 664) (L. D. 824)

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 Concerning Writ of Possession." (H. P. 669) (L. D. 829)

Bill, "An Act to Facilitate the Enforcement of Child Support Obligations and Make Statutory Changes Consistent with the Administrative Procedure Act." (H. P. 668) (L. D. 828)

Bill, "An Act Concerning Governmental Documents and Records of the Juvenile and Criminal Justice System." (H. P. 667) (L. D. 827)

Bill, "An Act Concerning Family Violence." (H. P. 665) (L. D. 825)

Bill, "An Act Relating to Personnel Records of Employees of Political Subdivision of the State." (H. P. 666) (L. D. 826)

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 Concerning the Issuance of Work Permits and Charging of Fees." (H. P. 670) (L. D. 830)

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 Equalizing the Retail Prices of Alcoholic Beverages throughout the State." (H. P. 674) (L. D. 834)

Bill, "An Act to Amend the Laws Relating to Games of Chance." (H. P. 672) (L. D. 833)

Bill, "An Act to Permit the Sale of Dessert Wine at Retail Stores." (H. P. 671) (L. D. 831)

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 Permit the Lucerne-in-Maine Village Corporation to Revise its Charter." (H. P. 675) (L. D. 835)

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

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

Bill, "An Act to Revise the Charter of the York Sewer District." (H. P. 676) (L. D. 832)

Comes from the House, referred to the Com-

mittee on Public Utilities and Ordered Printed. Which was referred to the Committee on Public Utilities and Ordered Printed, in concurrence.

Bill, "An Act to Establish Maine Cultural Heritage Week." (H. P. 677) (L. D. 836)

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 Concerning Vehicles Following a Fire Truck Returning from a Fire." (H. P. 678) (L. D. 837)

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.

**Review Report—Committee on Taxation**

The Committee on Taxation In Accordance with 1 MRSA, sections 2602 and 2603, asks leave to report that:

Bill, "An Act to Amend Certain Property Tax Exemptions and to Require Continuing Periodic Review of Tax Exemptions." (H. P. 768) (L. D. 855)

Be referred to the Committee on Taxation for Public Hearing and printed pursuant to Joint Rule 17.

Comes from the House, the Report Read and Accepted and the Bill Referred to the Committee on Taxation.

Which Report was Read and Accepted, in concurrence and the Bill Referred to the Committee on Taxation, in concurrence.

**Communications  
SENATE CHAMBER  
President's Office**

March 2, 1979

Honorable Barbara A. Gill

Honorable Sandra Prescott

Chairmen, Health and Institutional Services Committee

State House

Augusta, Maine 04333

Please be advised that Governor Joseph E. Brennan is nominating Michael R. Petit of Portland to serve as Commissioner of the Department of Human Services.

Pursuant to Title 22, MRSA, Section 1, this nomination requires review by the Joint Standing Committee on Health and Institutional Services and confirmation by the Senate.

Sincerely,

S/JOSEPH SEWALL

President of the Senate

S/JOHN MARTIN

Speaker of the House

(S. P. 326)

Which was Read and Referred to the Committee on Health and Institutional Services.

Sent down for concurrence.

**Senate Papers**

Senator Chapman of Sagadahoc, Cosponsors: Senator Collins of Knox, Senator Gill of Cumberland, Senator Ault of Kennebec presented the following Joint Resolution and moved its Adoption:

**STATE OF MAINE**

IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND SEVENTY-NINE

JOINT RESOLUTION MAKING APPLICATION TO CONGRESS CALLING A CONSTITUTIONAL CONVENTION TO PROPOSE AN AMENDMENT TO THE FEDERAL CONSTITUTION TO REQUIRE, WITH CERTAIN EXCEP-

(S. P. 327)

Senator Najarian of Cumberland, Cosponsor:  
Senator Silverman of Washington presented,  
Bill, "An Act to Provide Assistance to Certain  
Elderly Persons Needing Dentures." (S. P.

The Committee on Taxation on, Bill, "An Act to Remove the Fire Protection Tax Assessment Limit on Township 17, R. 4 and Township 17, R. 5 in Aroostook County." (H. P. 22) (L. D. 39)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Transportation on, Bill, "An Act to Authorize Constables to Use Blue Lights on Their Vehicles." (H. P. 535) (L. D. 656)

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.

#### Senate

##### Leave to Withdraw

Senator Collins for the Committee on Judiciary on, Bill, "An Act to Establish an Office of Public Defender." (S. P. 184) (L. D. 414)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.

Sent down for concurrence.

##### Ought to Pass

Senator Chapman for the Committee on Business Legislation on, Bill, "An Act to Increase the Certification Fees for Geologists." (S. P. 133) (L. D. 310)

Reported that the same Ought to Pass.

Senator Clark for the Committee on Business Legislation on, Bill, "An Act Concerning the Maine Property Insurance Cancellation Control Act and to Make Nonpayment to an Agent Equivalent to Non-Payment to the Insurer." (S. P. 171) (L. D. 371)

Reported that the same Ought to Pass.

Senator Devoe for the Committee on Judiciary on, Bill, "An Act Increasing the Number of Laymen on the Judicial Council." (S. P. 191) (L. D. 458)

Reported that the same Ought to Pass.

Which Reports were Read and Accepted and the Bills Read Once and Tomorrow Assigned for Second Reading.

##### Ought to Pass — As Amended

Senator Shute for the Committee on Marine Resources on, Bill, "An Act to Increase the Compensation for Atlantic Sea Run Salmon Commission Members to \$50 a Day." (S. P. 120) (L. D. 229)

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

Which Report was Read and Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as amended, Tomorrow Assigned for Second Reading.

#### Second Readers

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

##### House — As Amended

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

Bill, "An Act to Dissolve Membership of the Towns of Hope and Appleton From the Community School District." (Emergency) (H. P. 97) (L. D. 124)

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

#### Senate

Bill, "An Act to Increase Penalties for Violation of the Statutes Concerning Minimum Wages." (S. P. 82) (L. D. 155)

Which was Read a Second Time and Passed to be Engrossed.

Sent down for concurrence.

#### Enactors

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

An Act to Revise the Statute Relating to the Removal of Dangerous Buildings. (H. P. 103) (L. D. 113)

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

RESOLVE, Authorizing the Bureau of Public Lands to Convey by Sale to the Town of Dennyville the State's Interest in Certain Real Property in Edmunds, Washington County. (H. P. 72) (L. D. 81)

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

#### Emergency

An Act to Increase Certain Fees for Pharmaceutical Providers. (S. P. 57) (L. D. 90)

This being an emergency measure and having received the affirmative votes of 28 members of the Senate, with 1 Senator voting in the negative, 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

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

Bill, "An Act Relating to Payment for Sales in Retail Stores under the Liquor Laws." (H. P. 6) (L. D. 12)

Tabled — March 2, 1979 by Senator Collins of Knox

Pending — Motion of Senator Carpenter of Aroostook to Reconsider

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. Speaker, Ladies and Gentlemen of the Senate: Just to briefly refresh your memory, this is a Bill, we have debated a couple of times in this session. Which, in its present form, would allow retail sales of beer and wine, in stores at the age of 16, as opposed to the present age of 17.

In its amended form, the Bill would also move the age of the supervisor from the present age of 18 to a proposed age of 20.

I maintain the Bill is a bad Bill. I talked this weekend to store owners, Ma and Pa Grocery Store Owners if you will, in my area, who aren't very excited about the Bill. They see the potential for a lot of damage with their young store clerks.

I do a Radio Show every Sunday night, and it so happens the moderator of the show, the fellow who interviewed me was a 16 year old high school sophomore. I asked his opinion of the Bill, last night. He said, "I would not want the pressure on my back, I would not want to have my sophomore, junior and senior friends coming in and asking me or having me sell them alcoholic beverages."

The other side of the Bill, that I do not care for, is the one that takes two (2) years from 18 to 20. We have in my area in my town alone, we have at least three (3) stores, I know of, where at least part of the time, there is an 18 year old family member, who supervises the store, in two (2) cases it is 18 and in one (1) case it is 19, I believe. All three (3) of these people would be out of business. All three (3) of these stores would have to go hire somebody at the age of 20, I suppose if this Bill goes into effect, may be the present supervisors will be old enough to continue to serve.

You are going to be putting some people out of work, if you pass this present Bill, so I would hope you would all join with me this morning and vote No on the pending motion.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: Mr. President, Members of the Senate: I was not here when the Bill, was debated the other day, I hope I will not repeat

some of the statements which were made.

I would like to bring to your attention, the Bill itself, where it says "for the purpose of receiving payment at checkout counters for the sale of malt liquor, table wine in retail stores. The employee receiving the payment maybe a minor, provided in any event an employee who is 18 years of age or older is present in the retail store, in a supervisory capacity."

The purpose of this Bill, is to permit persons, who are minors, to ring up sales of malt liquor, and table wine at supermarkets checkout counters providing there is a supervisor age 18 or older present in the retail store. Most of the arguments, which I have heard in both bodies, are for the protection of the papa and mama stores, according to the statement of fact, it is for the supermarket checkouts, this Bill has been presented.

One of the lobbyists this morning, was talking as representing Shaws, which is one of the largest supermarkets. Yet we get the arguments, most of them, for the papa and mama stores, I do not think the papa and mama stores are that much concerned. I would go along with the statements made by the good Senator from Aroostook, Senator Carpenter, that they are more concerned with the responsibility it puts on their shoulders.

It also states the person 18 or older, now as amended, 20 or older, has to be present in the Shaws Store. Up here in Augusta, that man or woman, could be present and yet be in the far corner of the store far away from the take-out counters.

I believe this again puts a great responsibility on them, and upon the young person 16 years old, who has some of his friends come along, says well the manager is not around, let us through. That peer pressure put upon them, is a great responsibility, I do not think they should have to bear.

Again I would reiterate, since I have been in the Legislature, the age was 21 for adult age, at that time, there was a Bill in to let minors 19 be take-out checkers; when the law became 18 for adults, it went down to 17 for take-out checkers; now they want to make it 16, I think we should stop it right now.

The PRESIDENT: A Roll Call has been requested.

Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The pending question before the Senate is the Motion by the Senator from Aroostook, Senator Carpenter, that the Senate Reconsider its action whereby this Bill was Indefinitely Postponed.

A Yes vote will be in favor of Reconsideration.

A No vote will be opposed.

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

#### ROLL CALL

YEA — Ault, Collins, Conley, Devoe, Farley, Gill, Huber, Katz, Lovell, Martin, O'Leary, Pierce, Pray, Sutton, Usher.

NAY — Carpenter, Chapman, Clark, Cote, Emerson, Hichens, McBrearty, Najarian, Perkins, Shute, Silverman, Teague, Trafton, Trotsky.

ABSENT — Danton, Minkowsky, Redmond. A Roll Call was had.

15 Senators having voted in the affirmative and 14 Senators in the negative, with 3 Senators being absent, the Motion to Reconsider does prevail.

The PRESIDENT: Is it now the pleasure of the Senate that this Bill, be Passed to be Engrossed, as amended?

The Chair recognizes the Senator from Washington, Senator Silverman.

Senator SILVERMAN: Mr. President, I would like a Division on that, and would speak.

The PRESIDENT: The Senator has the floor.

Senator SILVERMAN: Mr. President and Members of the Senate: This is a very simple Bill, but behind it is a class reaction, which I do not think the Senate should be involved with.

When I ran down here, to be a member of the Senate, many people said one thing. They said, "A \$1,000. worth of lobbyists fees, and you can get anything you want here."

I hope today does make that statement correct or incorrect, because one thing is for certain, we are saying here today a minor is able to take on the responsibility to sell liquor which is a violation if sold to another minor. If that is the type of laws we are going to pass in the Senate, I think we should take a second look as far as being proud of ourselves.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from York Senator HICHENS.

Senator HICHENS: I request a Roll Call.

The PRESIDENT: A Roll Call has been requested.

Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The Chair recognizes the Senator from York, Senator FARLEY.

Senator FARLEY: I would request that the Secretary read the Committee Report.

The Committee Report was Read.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator KATZ.

Senator KATZ: Mr. President, speaking as the Senator from Kennebec. I spent three (3) years of my life, as a National Vice-Chairman of a Task Force on Alcohol. We listened to every bit of advice and evidence that we could get from the National and International Experts.

We came to the conclusion, most of the laws passed by State Legislators, did not make any sense, but there was a real, real driving push, on the part of State Legislators, to do something, about the problem of alcohol abuse.

In some states it is against the Law to drink sitting down, in some states it is against the Law to drink standing up. There is absolutely no demonstrable relationship, between the instances of alcohol abuse in the state, and the age of the person who presses the cash register at the checkout counter, that is a fact, the rest is emotion.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is Engrossment of L. D. 12.

A Yes vote will be in favor of Passing this Bill, as amended, to be Engrossed.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Ault, Collins, Conley, Cote, Devoe, Farley, Gill, Huber, Katz, Lovell, Martin, O'Leary, Pierce, Pray, Sutton, Usher.

NAY — Carpenter, Chapman, Clark, Emerson, Hichens, McBreairty, Najarian, Perkins, Shute, Silverman, Teague, Trafton, Trotzky.

ABSENT — Danton, Minkowsky, Redmond.

A Roll Call was had.

16 Senators having voted in the affirmative and 13 Senators in the negative, with 3 Senators being absent, the Bill was Passed to be Engrossed, as amended, in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the Second Tabled and specially assigned matter: Bill, "An Act Amending the Sardine Tax

Law." (H. P. 128) (L. D. 133)

Tabled—March 2, 1979 by Senator Katz of Kennebec

Pending—Enactment

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator SHUTE.

Senator SHUTE: Last Friday, the Senator from Kennebec, Senator Katz, asked what this Bill did? At that time, I did not realize it was a Marine Resources Bill, for he asked the Taxation Committee to explain it.

What the Bill, does is just makes some changes in the Sardine Tax Council Law. It does not reflect any change in the Revenue of the Sardine Tax. It only reflects some changes in the industries, such as changing the number of council members from, rather having 8 council members, they have changed it to 7 through 9. Which of course over the years, there were thirty (30) Sardine Factories in the state and now there are only eight (8). So we thought it might be proper that all eight (8) factories be represented on the council.

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

The Chair would direct the Senate's attention to Bill, "An Act to Permit Hotel or Motel Managers to Eject Disruptive or Destructive Persons from their Premises and to Require these Persons to Assume Responsibility for any Damages Caused." (S. P. 33) (L. D. 21), tabled earlier in today's session.

The Senator from York, Senator Hichens, moves that the Senate Recede and Concur with the House.

Is this the pleasure of the Senate?

The Motion Prevailed.

On Motion by Senator Katz of Kennebec, the Senate voted to take from the Unassigned Table:

HOUSE REPORTS — from the Committee on Labor — Bill, "An Act to Require Personnel Files to Include Medical Records and Nurses' Station Notes." (H. P. 139) (L. D. 158) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (H. P. 41); Minority Report — Ought Not to Pass

Tabled—March 2, 1979 by Senator Katz of Kennebec

Pending—Acceptance of Either Report.

On Motion by Senator Katz of Kennebec, Tabled for 3 Legislative Days, pending Acceptance of Either Committee Report.

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

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