

# 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 7, 1979

Senate called to Order by the President.

Prayer by Reverend Walter G. Hartley, Central District Superintendent of United Methodist Churches.

Reverend HARTLEY: Let us all be in the spirit of prayer! O God we ask your blessings upon our lives this morning, you have given us rest through the night, and you have brought us to a new day, even as you keep us through the night hours, may we entrust our lives and our actions to you through the day.

As the members of this Senate, gather here from day to day, we ask that you will grant them wisdom and insight, enable them to see clearly the true needs of the people of our state, and to provide for those needs, whether the issue may be popular or not. Give them strength not to bargain away their true convictions, in exchange for a personal concern.

We ask too that you will guide the families of these men and women, through the long hours of separation and pressures of the day. Pour out your love upon them all, and give them understanding: give us all a sensitivity to the needs of those we love, but also to the needs of people everywhere.

Bless, we pray, the Governor of our state and all others who have been entrusted with authority. Grant this, O God, that we may give to you glory and honor. Amen.

Reading of the Journal of yesterday.

Out of Order and Under Suspension of the Rules, on Motion by Senator Perkins of Hancock, the Senate voted to consider the following:

#### Order

An Expression of Legislative Sentiment recognizing that:

The Eagles of George Stevens Academy have won the State Class C Basketball Championship for the academic year 1979... (S. P. 336) is presented by Senator Perkins of Hancock, cosponsored by Representatives Bowden of Brooklin and Bordeaux of Mt. Desert.

Which was Read.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President, Ladies and Gentlemen of the Senate. I have the pleasure today of hosting our George Stevens Academy Basketball Team, Managers, and Cheerleaders, who have won against all odds and heights, not only did they win the Eastern Maine Title, but the State Title as well, and were awarded the Sportsmanship Award, which is a fine example of their character. It is said "it is not whether you win or lose, it is how you play the game." They have won in all areas. They have made us proud and I think they will you too.

(Off Record Remarks)

Which was Passed.

Sent down forthwith for concurrence.

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

Senator Conley of Cumberland 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.

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

Bill, "An Act to Repeal Mandatory Public Meetings by the State Liquor Commission." (S. P. 289) (L. D. 848)

In the Senate, March 1, Referred to the Committee on State 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.

#### Non-concurrent Matter

Bill, "An Act to Require Motorcycle Operators and Passengers and Motor Driven Cycle Operators and Passengers to Wear Helmets if they are Minors." (H. P. 114) (L. D. 123)

In the House, February 23, Passed to be Engrossed as amended by House Amendment "A" (H-40).

In the Senate, February 28, Bill and Papers, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Emerson.

Senator EMERSON: Mr. President, I move that we Insist and ask for a Committee of Conference with the House.

The PRESIDENT: The Senator from Penobscot Senator Emerson, now moves that the Senate Insist and ask for a Committee of Conference with the House.

Is this the pleasure of the Senate?

The Motion does prevail.

#### Non-concurrent Matter

Joint Resolution Making Application to Congress Calling a Constitutional Convention to Propose an Amendment to the Federal Constitution to Require, with Certain Exceptions, that the Federal Budget be Balanced. (S. P. 327) (L. D. 963)

In the Senate March 6, 1979, Referred to the Committee on Judiciary and Ordered Printed.

"Pursuant to Joint Rule 35, this matter cannot be entertained by the House of Representatives. (see my on the record remarks of March 5, 1979) — John L. Martin, Speaker."

On Motion by Senator Katz of Kennebec, Tabled, pending Consideration.

#### Joint Order

An Expression of Legislative Sentiment recognizing that:

The Vickettes of East Grand High School in Danforth have won the Class D girls' basketball championship of the State of Maine... (H. P. 860) Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

#### House Papers

Bill, "An Act to Establish a Demonstration Project to Create a Grant and Loan Program to Assist Older Citizens in Purchasing Medically Prescribed Eyeglasses, Dentures and Hearing Aids." (H. P. 683) (L. D. 907)

Comes from the House, referred to the Committee on Aging, Retirement and Veterans and Ordered Printed.

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

Bill, "An Act Relating to Funding and Support for Alcoholism Treatment and Rehabilitation Centers." (H. P. 723) (L. D. 910)

Committee on Appropriations and Financial Affairs 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 Creating a Workers' Compensation Insurance Fund." (H. P. 689) (L. D. 908)

Bill, "An Act Concerning Traditional Methods of Construction Under the Manufactured Housing Statutes." (H. P. 724) (L. D. 911)

Bill, "An Act to Require the Payment of Interest or Payment Services on Escrow Accounts Used for Paying Municipal Taxes." (H. P. 725) (L. D. 912)

Bill, "An Act Relating to a Compensation for Minors Delivering Newspaper Supplements." (H. P. 729) (L. D. 916)

Bill, "An Act to Amend the Standard Nonforfeiture Law." (H. P. 726) (L. D. 913)

Bill, "An Act to Require Annual Cost Containment Plans from Health Insurers." (H. P. 727) (L. D. 914)

Bill, "An Act to Amend the Standard Valuation Law." (H. P. 728) (L. D. 915)

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 Require Each Town in a School Administrative District to Vote on the District's Budget at a Town Meeting." (H. P. 731) (L. D. 918)

Bill, "An Act to Update the Insured Value Factor in the Computation of Legal Tuition Fees under the Education Statutes." (H. P. 732) (L. D. 919)

Bill, "An Act Relating to the Administration of School Dental Health Programs." (H. P. 733) (L. D. 920)

Bill, "An Act Authorizing the State Board of Education to Receive the Advice of Students." (H. P. 730) (L. D. 917)

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 Require that Certain Information be Provided by Insulation Installers." (H. P. 698) (L. D. 909)

Bill, "An Act to Create a Lake Restoration Fund." (H. P. 734) (L. D. 921)

Bill, "An Act to Forbid the Use of Pesticides Containing Dioxin." (H. P. 735) (L. D. 922)

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

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

Bill, "An Act to Remove Weight Restrictions on Black Bass." (H. P. 736) (L. D. 923)

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

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

Bill, "An Act Concerning the Coordination of Health Services Funded Through the State and Federal Funds." (H. P. 737) (L. D. 924)

Bill, "An Act Requiring Consumer Majorities on the Boards of Health Care Facilities." (H. P. 736) (L. D. 925)

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 to Require Good Cause for Winter Evictions." (H. P. 739) (L. D. 926)

Bill, "An Act to Clarify Judicial Discretion Under Warranty of Habitability." (H. P. 740) (L. D. 927)

Come from the House, referred to the Com-

mittee on Judiciary and Ordered Printed.

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

(Off Record Remarks)

**Communications**  
State of Maine  
HOUSE OF REPRESENTATIVES

March 6, 1979

The Honorable May M. Ross  
Secretary of the Senate  
109th Legislature  
Augusta, Maine 04333  
Dear Madam Secretary:

The House voted today to Adhere to its action whereby it Indefinitely Postponed Bill "An Act Relating to Payment for Sales in Retail Stores under the Liquor Laws" (H. P. 6) (L. D. 12).

Respectfully,  
EDWIN H. PERT  
Clerk of the House

Which was Read and Ordered Placed on file.

Office of  
Secretary of State  
February 7 1979

The Honorable John L. Martin  
Speaker of the House of Representatives  
of the One Hundred and Ninth Legislature

I have the honor to transmit herewith the budget estimates of expenses of the sixteen counties within the State for the years 1979-1980, the same having been filed in this office according to the provisions of Title 30, Sections 252 and 253, of the Revised Statutes, as amended in 1972.

Sincerely,  
RODNEY S. QUINN  
Secretary of State  
(H. P. 870)

Comes from the House, Read and Referred to the Committee on Local and County Government.

Which was Read and Referred to the Committee on Local and County Government, in concurrence.

**Senate Papers**

Senator Clark of Cumberland presented, Bill, "An Act to Reclassify Certain Surface Waters and Revise Water Quality Standards." (S. P. 337)

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

Sent down for concurrence.

Senator O'Leary of Oxford presented, Bill, "An Act Relating to Cost Reimbursement of Boarding Care Facilities under the Human Services Laws." (S. P. 339)

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

Sent down for concurrence.

Senator Chapman of Sagadahoc presented, Bill, "An Act to Clarify the Liability of Employers Under the Workers' Compensation Act." (S. P. 338)

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

Sent down for concurrence.

**Committee Reports**  
House

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 Concerning State Retirement Benefits for Police Officers and Firefighters." (Emergency) (H. P. 205) (L. D. 253)

**Leave to Withdraw**

The Committee on Public Utilities on, Bill, "An Act to Authorize the Public Utilities Com-

mission to Prescribe or Adopt Safety Standards for the Storage and Transportation of Liquefied Petroleum and other Gas by Pipeline." (H. P. 193) (L. D. 242)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Report was Read and Accepted, in concurrence.

**Ought to Pass**

The Committee on Health and Institutional Services on, Bill, "An Act Relating to the Fiscal Year of Hospital Administrative District No. 4 in Piscataquis, Somerset and Penobscot Counties." (Emergency) (H. P. 337) (L. D. 436)

Reported that the same Ought to Pass.

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

The Committee on Legal Affairs on, Bill, "An Act to Specifically Define what Constitutes a Law Enforcement Officer's Signal to a Motorist to Stop." (H. P. 189) (L. D. 239)

Reported that the same Ought to Pass.

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

The Committee on Legal Affairs on, Bill, "An Act to Allow the Trustees of the Portland Ministry at Large to seek Changes in its Articles of Incorporation." (Emergency) (H. P. 253) (L. D. 298)

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.

**Ought to Pass — As Amended**

The Committee on Health and Institutional Services on, Bill, "An Act to Authorize the Lease of Mental Health and Corrections' Facilities by other Agencies." (H. P. 179) (L. D. 220)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-50).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

The Committee on Legal Affairs on, Bill, "An Act Relating to Eating, Lodging and Recreational Places Licensing Law." (H. P. 9) (L. D. 18)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-51).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

Which Reports were Read and Accepted in concurrence, and the Bills Read Once, Committee Amendments "A" were Read and Adopted in concurrence, and the Bills, as amended, Tomorrow Assigned for Second Reading.

(Off Record Remarks)

On Motion by Senator Carpenter of Aroostook, the Senate voted to reconsider its action of earlier in today's session, whereby, Bill, "An Act to Establish a Demonstration Project to Create a Grant and Loan Program to Assist Older Citizens in Purchasing Medically Prescribed Eyeglasses, Dentures, and Hearing Aids." (H. P. 683) (L. D. 907) was referred to the Committee on Aging, Retirement and Veterans.

On Motion by Senator Gill of Cumberland, referred to the Committee on Health and Institutional Services, and Ordered Printed, in non-concurrence.

Sent down for concurrence.

**Divided Report**

The Majority of the Committee on Labor on, Bill, "An Act to Exempt Small Businessmen from the Workers' Compensation Law." (H. P. 25) (L. D. 42)

Reported that the same Ought Not to Pass.

Signed:

Sensor:

SUTTON of Oxford  
LOVELL of York

Representatives:

MARTIN of Brunswick  
BEAULIEU of Portland  
TUTTLE of Sanford  
WYMAN of Pittsfield  
McHENRY of Madawaska  
LEWIS of Auburn  
BAKER of Portland  
CUNNINGHAM of New Gloucester

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-49)

Signed:

Representatives:

DEXTER of Kingfield  
FILLMORE of Freeport

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.

**Divided Report**

The Majority of the Committee on State Government on, Bill, "An Act to Provide for an Advisory Referendum on Reducing the Number of Members of the Maine House of Representatives from 151 to 99 Members." (H. P. 256) (L. D. 301)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

AULT of Kennebec  
MARTIN of Aroostook

Representatives:

LANCASTER of Kittery  
DAMREN of Belgrade  
PARADIS of Augusta  
BACHRACH of Brunswick  
REEVES of Pittston

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-52).

Signed:

Sensor:

SUTTON of Oxford

Representatives:

KANY of Waterville  
LUND of Augusta  
CONARY of Oakland  
BARRY of Fort Kent  
MASTERTON of Cape Elizabeth

Comes from the House, Bill and Papers, Indefinitely Postponed.

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

Sent down for concurrence.

**Divided Report**

The Majority of the Committee on State Government on, RESOLUTION, Proposing an Amendment to the Constitution to Provide for the Convening of the Legislature in January Instead of in December. (H. P. 1) (L. D. 7)

Reported that the same Ought to Pass.

Signed:

Sensors:

AULT of Kennebec  
SUTTON of Oxford

Representatives:

LANCASTER of Kittery  
LUND of Augusta  
BACHRACH of Brunswick  
DAMREN of Belgrade  
CONARY of Oakland

The Minority of the same Committee on the

same subject matter Reported that the same Ought Not to Pass.

Signed:

Senators:

MARTIN of Aroostook

Representatives:

REEVES of Pittston

BARRY of Fort Kent

KANY of Waterville

MASTERTON of Cape Elizabeth

PARADIS of Augusta

Comes from the House, Bill and Papers, Indefinitely Postponed.

Which Reports were Read.

The PRESIDENT: The Chair recognizes the Senator for Kennebec Senator Ault.

Senator AULT: Mr. President, I move acceptance of the Ought to Pass Report.

The PRESIDENT: The Senator from Kennebec, Senator Ault, now moves that the Senate Accept the Majority Ought to Pass Report, of the Committee.

The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator MARTIN: Mr. President, and Ladies and Gentlemen of the Senate: Those of us who were here during the 108th Legislature will remember, very vividly L. D. 1259 Resolution Proposing an Amendment to the Constitution to Require the Convening of the Legislature in December rather than in January. This was passed obviously by both bodies by an overwhelming vote, it was passed in this body by a vote of 20 to 6. It was then sent last November to the public and obviously was passed into law and the Constitution was changed.

I would just first request a Division, and then would say that since this Legislature has not had time to try this new concept, I think, we should at least give it a try, and take care of this Bill prospectively and would hope you would not support the pending motion.

The PRESIDENT: Is the Senate ready for the question? A Division has been requested.

Will all those Senators in favor of Accepting the Majority Ought to Pass Report of the Committee, please rise in their places to be counted.

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

16 Senators having voted in the affirmative and 12 Senators in the negative, the Motion to Accept the Ought to Pass Report, in non-concurrence, does prevail.

The Bill Read Once, and Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on State Government on, RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Purposes for the Meeting of the First Regular Session of the Legislature during December to Election of Constitutional Officers and Legislative Officers and to Provide for Senate Apportionment in 1983. (H. P. 288) (L. D. 348)

Reported that the same Ought Not to Pass.

Signed:

Senators:

AULT of Kennebec

SUTTON of Oxford

MARTIN of Aroostook

Representatives:

LANCASTER of Kittery

KANY of Waterville

BACHRACH of Brunswick

PARADIS of Augusta

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

Representatives:

REEVES of Pittston

BARRY of Fort Kent

CONARY of Oakland

DAMREN of Belgrade

LUND of Augusta

MASTERTON of Cape Elizabeth

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

Which Reports were Read.

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

Senator KATZ: Mr. President, may I direct an inquiry through the Chair to any member of the Committee. As I understand these two amendments before us, the one that we had just acted on said that we made a mistake last year and we ought to rectify it, the one in front of us right now seems to say that if we made a mistake last year it was in making it too broad and if it is going to remain on the books we ought to narrow it a little bit. If my interpretation is correct, might it not be well to keep both of them alive, until the Legislature decides which way it is going to go because a Constitutional Amendment requires a two-thirds vote, and both of these may have rough sledding and we might be better off if we had the alternatives in front of us?

The PRESIDENT: The Senator from Kennebec, Senator Katz has posed a rhetorical question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator MARTIN: Mr. President, it may be wise if the good leader would table this item.

On Motion by Senator Ault of Kennebec, Tabled 1 Legislative Day, pending Acceptance of Either Committee Report.

#### Senate

##### Ought to Pass

Senator Emerson for the Committee on Local and County Government on, Bill, "An Act Relating to the Court of Probate of Aroostook County." (S. P. 144) (L. D. 320)

Reported that the same Ought to Pass.

On Motion by Senator Emerson of Penobscot, Tabled 1 Legislative Day, pending Acceptance of the Committee Report.

#### Second Readers

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

#### Senate

Bill, "An Act Concerning the Uniform Processing of Employer Contributions into the Retirement System." (S. P. 108) (L. D. 213)

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 Relating to the Small Grants Program for Municipal Conservation Commissions. (H. P. 266) (L. D. 343)

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 Conley of Cumberland moved the Senate reconsider its action of earlier in today's session whereby Bill, "An Act to Require Motorcycle Operators and Passengers and Motor Driven Cycle Operators and Passengers to Wear Helmets if they are Minors." (H. P. 114) (L. D. 123) whereby it voted to Insist and Ask for a Committee of Conference.

The PRESIDENT: The Chair recognizes the Senator from Oxford Senator O'Leary.

Senator O'LEARY: Mr. President, I would oppose the motion, and would just state that if there is any credibility left in our committee process that you respect the motion by our good Chairman. I would ask for a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Cumberland Senator Conley, that the Senate Reconsider its action,

please rise in their places to be counted.

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

4 Senators having voted in the affirmative, and 26 Senators in the negative, the Motion to Reconsider does not Prevail.

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