

# 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 29, 1979

Senate called to Order by the President.

Prayer by Mr. Julius Sussman of Augusta.  
Mr. SUSSMAN: We thank thee, O Lord God, King of the Universe for the privilege of meeting here this morning, communing with Thee. Almighty God, as we pray to Thee, Thy blessing we invite, as we struggle and strive for a better life, protect us by thy might. We ask the nations to see God's truth, for leadership, guidance, light, tolerance, reverence, unity, faith, and trust in Thy great might, and peace to all humanity. Our President has led the way for Begin Sadat, Vance and others, for worldwide peace, we pray. God bless you all, our Senate friends; may you legislate from day to day, with wisdom, compassion, courage to continue in every way; may we live to make a better world, in harmony with our fellow man, under Fatherhood of God and Brotherhood of man, grant us peace O Lord, Amen.

Reading of the Journal of yesterday.

Papers from the House  
Joint Orders

An Expression of Legislative Sentiment Recognizing that:

Sergeant John E. Whitmore, Detective Richard W. Olson and Officer Chris A. Murphy, of the Portland Police Department were awarded a Departmental Citation on January 26, 1979, for outstanding police service in the apprehension of two suspects in a conspiracy to commit robbery... (H. P. 1220)

An Expression of Legislative Sentiment recognizing that:

Officer Chris A. Murphy of the Patrol Division of the Portland Police Department was awarded a Department Citation on January 26, 1979, for outstanding Police service relating to the arrest of three armed robbery suspects... (H. P. 1221)

An Expression of Legislative Sentiment recognizing that:

Sergeant Francis E. Bachelder of the Patrol Division of the Portland Police Department was awarded a Departmental Citation on January 26, 1979, for outstanding police service relating to the apprehension of three suspects wanted for various major crimes... (H. P. 1222)

An Expression of Legislative Sentiment recognizing that:

Detective Michael J. Russo of the Criminal Investigation Division of the Portland Police Department was awarded a Departmental Citation on January 26, 1979, for outstanding service to the City of Portland... (H. P. 1223)

An Expression of Legislative Sentiment recognizing that:

Detective Richard E. Porter of the Criminal Investigation Division of the Portland Police Department was awarded a Departmental Citation on January 26, 1979, for outstanding service to the City of Portland... (H. P. 1224)

An Expression of Legislative Sentiment recognizing that:

Lieutenant Daniel F. Quirk of the Patrol Division of the Portland Police Department was awarded a Departmental Citation on January 26, 1979, for outstanding police service to the City of Portland... (H. P. 1225)

An Expression of Legislative Sentiment recognizing that:

Officer Franklin L. Noiles, Jr., of the Patrol Division of the Portland Police Department was awarded a Departmental Citation on January 26, 1979, for outstanding police service to the City of Portland... (H. P. 1226)

An Expression of Legislative Sentiment recognizing that:

Security Chief William J. Martin, Officer Ralph H. Amoroso and Officer William J. Randall of the Department of Public Safety were

awarded a Departmental Citation on January 25, 1979, for outstanding service to the City of Portland... (H. P. 1227)

An Expression of Legislative Sentiment recognizing that:

Captain Donald Brown and Firefighter Philip E. Tinkham of the Portland Fire Department were awarded a Departmental Citation on January 26, 1979, for outstanding police service to the City of Portland... (H. P. 1228)

An Expression of Legislative Sentiment recognizing that:

Sergeant George D. Pride, Officer Terry P. Dow and Officer Robert H. Elder, Jr., of the Patrol Division of the Portland Police Department were awarded a Departmental Citation on January 25, 1979, for outstanding police service to the City of Portland... (H. P. 1229)

An Expression of Legislative Sentiment recognizing that:

Sunday, March 25, 1979, marks the 70th Wedding Anniversary of Mr. and Mrs. George L. Murray, prominent citizens of Newport... (H. P. 1232)

An Expression of Legislative Sentiment recognizing that:

Sergeant Francis E. Bachelder and Officer Chris A. Murphy of the Patrol Division of the Portland Police Department were awarded a Departmental Citation on January 25, 1979, for outstanding police service in their attempt to avert a potential fire tragedy... (H. P. 1250)

Came from the House, Read and Passed.  
Which were Read.

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

Senator KATZ: Mr. President and Members of the Senate, these 12 Joint Orders all honoring local heroes from the Portland Fire and Police Departments were all sponsored by a single Legislator and they come to us on the heels of other Joint Orders sponsored by the same Legislator yesterday. One certainly has got to recognize the importance of the tribute to these men, but one can only suggest that were 184 Legislators to put in 12 to 15 Joint Orders at a time, that we would be overwhelmed. I think this is something that we should discuss amongst ourselves, and try to establish some perimeters for, and may I suggest that pending the discussion, that these Joint Orders might very well be tabled.

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

Joint Resolution

A Joint Resolution In Memoriam:  
WHEREAS, the Legislature has learned with deep regret of the death of Charles R. Tarr, husband of the Hon. Gail H. Tarr of Bridgton... (H. P. 1230)

Came from the House, Read and Adopted.  
Which was Read and Adopted, in concurrence.

House Papers

Bill, "An Act to Remove the Limitation on Outside Earnings of Disability Retirement Allowance Recipients." (H. P. 1137) (L. D. 1403)

Bill, "An Act Concerning Retirement for State Prison Employees." (H. P. 1138) (L. D. 1404)

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

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

Bill, "An Act Appropriating Additional Funds to the Department of Agriculture for Enforcement of the Wood Measurement Act for the Fiscal Year Ending June 30, 1979." (H. P. 1118) (L. D. 1391)

Committee on Agriculture suggested.  
Came 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 Relating to Municipal Recreation Grants". (H. P. 1120) (L. D. 1392)

Came 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 to Require that Insurance Coverage for Outpatient Community Mental Health Services be Provided in Group Health Care Policies and Contracts". (H. P. 1121) (L. D. 1390)

Came 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 Clarify Transfers from County Jails to the Correctional Facilities". (H. P. 1123) (L. D. 1393)

Came from the House, referred to the Joint Select Committee on Correctional Institutions, and Ordered Printed.

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

Sent down for concurrence.

Bill, "An Act to Provide Funds for Side-by-Side School as a Demonstration Project for Alternative Education Programs". (Emergency) (H. P. 1125) (L. D. 1397)

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

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

Bill, "An Act to Make Substantive Changes in the Forestry Statutes". (H. P. 1126) (L. D. 1396)

Came 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 to Require that Children Receive Social Development Counseling During Divorce Proceedings". (H. P. 1141) (L. D. 1388)

Bill, "An Act to Eliminate the Boards of Visitors within the Department of Mental Health and Corrections". (H. P. 1143) (L. D. 1405)

Bill, "An Act to Conform the Health Maintenance Organization Act of 1975 to the Maine Certificate of Need Act of 1978." (H. P. 1142) (L. D. 1395)

Came 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 Adopt the Uniform Child Custody Jurisdiction Act". (H. P. 1057) (L. D. 1380)

Bill, "An Act Concerning Detentions, Public Proceedings and Recording Requirements under the Juvenile Code". (H. P. 1144) (L. D. 1406)

Bill, "An Act to Increase Fees Charged by Bail Commissioners". (H. P. 1129) (L. D. 1398)

Bill, "An Act to Require that Most Hearings and Records Concerning Juvenile Crimes be Open to the Public". (H. P. 1091) (L. D. 1383)

Came 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 Amend the Split Sentencing Provisions of the Criminal Code". (H. P. 1130) (L. D. 1399)

Committee on Judiciary suggested.

Comes from the House, referred to the Joint Select Committee on Correctional Institutions and Ordered Printed.

On Motion by Senator Pierce of Kennebec, referred to the Committee on Judiciary and Ordered Printed, in non-concurrence.

Sent down for concurrence.

Bill, "An Act Relating to Gifts in Contemplation of Death". (H. P. 1145) (L. D. 1407)

Committee on Judiciary 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 Concerning Dispute Resolution under the Municipal Public Employees Labor Relations Statutes". (H. P. 1131) (L. D. 1394)

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 Relating to the Activities of Persons in Public Employment". (H. P. 1146) (L. D. 1408)

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

On Motion by Senator Katz of Kennebec, referred to the Committee on State Government, and Ordered Printed, in non-concurrence.

Sent down for concurrence.

Bill, "An Act Pertaining to Solicitation by Law Enforcement Officers". (H. P. 1147) (L. D. 1409)

Committee on Legal Affairs 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 Relating to Telephone Company Directories". (H. P. 1134) (L. D. 1402)

Bill, "An Act to Permit Municipal Water Departments and Quasimunicipal Water Districts to Provide a Contingency Reserve". (H. P. 1132) (L. D. 1400)

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 Concerning Warning Signs Posted at Certain Railroad Grade Crossings under the Public Utilities Commission". (H. P. 1133) (L. D. 1401)

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

On Motion by Senator Katz of Kennebec, referred to the Committee on Transportation and Ordered Printed, in non-concurrence.

Sent down for concurrence.

Bill, "An Act Relating to the Maine Criminal Justice Academy". (H. P. 1135) (L. D. 1389)

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 Amend the Jobs and Investment Tax Credit Law". (H. P. 1103) (L. D. 1387)

Comes from the House, referred to the Com-

mittee on Taxation and Ordered Printed.

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

#### Communications

##### OFFICE OF

##### SECRETARY OF STATE

March 19, 1979

To the Honorable 109th Legislature of the State of Maine

Attention: House of Representatives, Clerk Pert

Info: Senate, Secretary Ross

I have the honor to transmit herewith the results of the examination by this office of the initiative petitions relating to "AN ACT to Repeal the Forced Deposit Law."

The minimum number of valid signatures required to initiate this legislation is 37,026. On February 20, 1979 our office received 1,291 petitions said to contain 45,572 signatures. After extensive review we have determined the number of valid signatures to be 38,034.

In view of the foregoing determination, I hereby certify that these petitions have met the constitutional requirements of the minimum of 37,026 valid signatures. Since the petitions have previously satisfied the constitutional requirements in all other respects, under the provision of Article IV, Part Third, Section 18, of the Constitution of Maine, I do hereby declare this initiative petition to be valid.

Respectfully,

RODNEY S. QUINN

Secretary of State

(H. P. 1113)

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

Which was Read and Ordered Placed on file, in concurrence.

#### DEPARTMENT OF STATE

March 27, 1979

To the Honorable 109th Legislature of the State of Maine

Attention: House of Representatives, Clerk Pert

I have the honor to transmit herewith an initiated bill "AN ACT to Repeal the Forced Deposit Law."

As indicated in our letter of March 19, 1979 the aforementioned bill was determined to have met the constitutional requirements under the provisions of Article IV, Part Third, Section 18, of the Constitution of Maine.

Respectfully submitted,

JAMES S. HENDERSON

Deputy Secretary of State

(H. P. 1251)

Comes from the House, Read and Ordered Placed on file, and the accompanying Bill, I. B.

1, L. D. 1412, Referred to the Committee on Business Legislation.

Which was Read and Ordered Placed on file, and the accompanying Bill, I. B. 1, L. D. 1412, Referred to the Committee on Business Legislation, in concurrence.

#### HOUSE OF REPRESENTATIVES

March 28, 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 former action on Bill "An Act Relating to Certificate of Deposit as it Applies to Survivors" (S. P. 192) (L. D. 459)

Respectfully,

EDWIN H. PERT

Clerk of the House

Which was Read and Ordered Placed on file.

#### Senate Papers

Senator Clark of Cumberland presented, Bill, "An Act to Amend the Oil Burner Men's Licensing Board's Authority to Include Regula-

tion of Oil and Solid Fuel Equipment and the Licensing of Service People". (S. P. 485)

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

Sent down for concurrence.

Senator Trotzky of Penobscot presented, Bill, "An Act to Relocate the Head of Tide on the Penobscot River for the Protection of Atlantic Salmon". (S. P. 481) (Approved by a Majority of the Legislative Council pursuant to Joint Rule 27).

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

Sent down for concurrence.

Senator Devoe of Penobscot, Cosponsors: Senator Conley of Cumberland, Senator Minkowsky of Androscoggin, Senator Teague of Somerset, presented, Bill, "An Act to Insure that Informed Consent is Obtained before an Elective Abortion is Performed". (S. P. 484)

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

Sent down for concurrence.

Senator Chapman of Sagadahoc, Cosponsors: Senator Cote of Androscoggin, and Senator Emerson of Penobscot presented, Bill, "An Act to Provide for a Decision by Municipal Electors on Municipal Spending Limits". (S. P. 483)

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

Sent down for concurrence.

Senator Devoe of Penobscot presented, Bill, "An Act Concerning the Salary of Attorney General". (S. P. 482)

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

Sent down for concurrence.

#### Committee Reports

##### House

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

Bill, "An Act to Provide That There Shall be an Open Season on Deer During the Entire Month of November". (H. P. 211) (L. D. 259)

Bill, "An Act to Create the Bureau of Community Antenna Television within the Public Utilities Commission". (H. P. 350) (L. D. 466)

#### Leave to Withdraw

The Committee on Education on, Bill, "An Act to Provide Cardiopulmonary Resuscitation and Basic Life Support as Voluntary Elective Courses in High Schools in Maine". (H. P. 659) (L. D. 819)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Election Laws on, Bill, "An Act to Clarify the Procedure for Voting in a Voting Place Serving Voters from more than one Electoral District". (H. P. 295) (L. D. 391)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Public Utilities on, Bill, "An Act Relative to the Jurisdiction of the Public Utilities Commission over Non-utility Attachments to Public Utility Plant". (H. P. 163) (L. D. 195)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on State Government on, Bill, "An Act to Provide Reserve Funds to Increase Employees' Salaries". (Emergency) (H. P. 614) (L. D. 755)

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.

#### Divided Report

The Majority of the Committee on Aging, Retirement and Veterans on, Bill, "An Act to Provide Minimum Retirement Benefits for Mrs. Beatrice H. Colbath of Bangor". (H. P. 652) (L. D. 812)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

LOVELL of York  
TEAGUE of Somerset  
SILVERMAN of Washington

Representatives:

HANSON of Kennebunkport  
DELLERT of Gardiner  
CHURCHILL of Orland  
PAUL of Sanford  
THERIAULT of Rumford  
HICKEY of Augusta  
LOWE of Winterport  
STUDLEY of Berwick  
REEVES of Newport

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

Signed:

Representative:

NELSON of Portland

Comes from the House, Majority Report Read and Accepted.

Which Reports were Read.

The Majority Ought Not to Pass Report of the Committee, Accepted, in concurrence.

#### Divided Report

The Majority of the Committee on Labor on, Bill, "An Act to Allow Prorated Benefits for Times When a Person is Available for Work but Cannot Work for Important Personal Reasons". (H. P. 345) (L. D. 444)

Reported that the same Ought to Pass.

Signed:

Representatives:

McHENRY of Madawaska  
MARTIN of Brunswick  
FILLMORE of Freeport  
DEXTER of Kingfield  
WYMAN of Pittsfield  
BAKER of Portland  
TUTTLE of Sanford  
BEAULIEU of Portland

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

Signed:

Sensors:

SUTTON of Oxford  
PRAY of Penobscot  
LOVELL of York

Representatives:

CUNNINGHAM of New Gloucester  
LEWIS of Auburn

Comes from the House, the Majority Report Read and Accepted, and the Bill Passed to be Engrossed.

Which Reports were Read.

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

Senator PERKINS: Mr. President, I move that the Senate Accept the Majority Ought to Pass Report of the Committee.

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

The Majority Ought to Pass Report of the Committee, Accepted in concurrence.

The Bill Read Once and Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Labor on, Bill, "An Act to Adjust the Penalty Assessed

Against Small Employers under the Employment Security Law". (H. P. 310) (L. D. 400)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-127)

Signed:

Sensor:

PRAY of Penobscot

Representatives:

TUTTLE of Sanford  
BEAULIEU of Portland  
LEWIS of Auburn  
DEXTER of Kingfield  
FILLMORE of Freeport  
CUNNINGHAM of New Gloucester  
MARTIN of Brunswick  
BAKER of Portland  
WYMAN of Pittsfield

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

Signed:

Representative:

McHENRY of Madawaska

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 PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President I just would like to make a little comment, before I make a motion on this Bill.

Having been working under the iron fist and velvet glove of the President of the Senate and the Majority and Minority Leaders of the Senate, in the rush of things we must have inadvertently, somehow, forgot to get our signature on this particular Legislative Document. Senator Lovell and I both approve of this document and I would like to move its Acceptance.

The PRESIDENT: The Senator from Oxford, Senator Sutton, now moves that the Senate Accept the Majority Ought to Pass as amended, Report of the Committee.

The Majority, Ought to Pass, as amended, Report of the Committee, Accepted, in concurrence.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President and Members of the Senate. I would just like to point out this is twice today that the Senator from Oxford, and myself have unanimously agreed, at least the Senators in this Chamber have unanimously agreed on some good Labor legislation.

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

Reported that the same Ought to Pass.

Signed:

Sensors:

FARLEY of York  
COTE of Androscoggin

Representatives:

STOVER of West Bath  
CALL of Lewiston  
BROWN of Gorham  
SOULAS of Bangor  
MAXWELL of Jay  
McSWEENEY of Old Orchard Beach  
DELLERT of Gardiner  
GAVETT of Orono  
VIOLETTE of Van Buren

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

Signed:

Sensor:

SHUTE of Waldo

Representative:

DUDLEY of Enfield

Comes from the House, the Majority Report Read and Accepted and the Bill Passed to be Engrossed.

Which Reports were Read.

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

Senator SHUTE: Mr. President, I move that the Senate Accept the Minority Ought Not to Pass Report and would ask that this be Tabled 1 day.

On Motion by Senator Katz of Kennebec, Tabled for 1 Legislative Day, pending the Motion by the Senator from Waldo, Senator Shute.

#### 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 Permit Independents to Vote in Party Primaries". (S. P. 245) (L. D. 694)

#### Leave to Withdraw

Senator Redmond for the Committee on Fisheries and Wildlife on, Bill, "An Act to Require Traps in the Unorganized Territories to be Visited Once Every 24 Hours". (S. P. 200) (L. D. 496)

Reported that the same be granted Leave to Withdraw.

Senator Ault for the Committee on State Government on, Bill, "An Act to Create a Tourism Advisory Council to Study Maine's Tourism Industry". (S. P. 314) (L. D. 944)

Reported that the same be granted Leave to Withdraw.

Which Reports were Read and Accepted.

Sent down for concurrence.

#### Ought to Pass

Senator Silverman for the Committee on Aging, Retirement and Veterans on, Bill, "An Act to Eliminate the Dependency Disqualification for Persons Receiving Survivor's Benefits from the State Retirement System". (S. P. 203) (L. D. 535)

Reported that the same Ought to Pass.

Senator Chapman for the Committee on Business Legislation on, Bill, "An Act Relating to the Limitation on the Amount of Dependents Group Life Insurance Which May be Issued". (S. P. 45) (L. D. 76)

Reported that the same Ought to Pass.

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

#### Second Readers

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

#### House

Bill, "An Act to Facilitate the Treatment of Minors for Alcohol and Drug Abuse Problems". (H. P. 592) (L. D. 736)

Bill, "An Act to Exempt Part-time Musicians from the Unemployment Compensation Tax". (H. P. 311) (L. D. 407)

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

#### House — As Amended

Bill, "An Act Relating to Revisions of the Occupational Safety and Health Statute and to Conform the Occupational Safety and Health Rules and Regulations to Federal Requirements". (H. P. 309) (L. D. 427)

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

#### Senate

Bill, "An Act Authorizing the Public Utilities Commission to use a Modified Procedure in Uncontested Cases Relating to the Assignment and Transfer of Contract Carrier Permits". (S.

P. 112) (L. D. 215)

Bill, "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency) (S. P. 401) (L. D. 1161)

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

Sent down for concurrence.

On Motion by Senator Collins of Knox, the Senate voted to reconsider its action whereby Bill, "An Act to Make Corrections of Errors, and Inconsistencies in the Laws of Maine" (S. P. 401) (L. D. 1161) was Passed to be Engrossed.

On Motion by Senator Collins of Knox, Tabled for 1 Legislative Day, pending. Passage to be Engrossed.

#### Senate — As Amended

Bill, "An Act Concerning Telecommunications for the Deaf" (Emergency) (S. P. 152) (L. D. 329)

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

Sent down for concurrence.

#### Enactors

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

An Act to Define Employer's Rights after Failure to File a Separation Report in Unemployment Compensation Cases. (H. P. 307) (L. D. 402)

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

An Act to Clarify the Ability of the State Auditor to Seek the Advice of the Attorney General. (H. P. 196) (L. D. 245)

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

Senator AULT: Mr. President, I move Indefinite Postponement of this Bill and all of its accompanying papers.

The PRESIDENT: The Senator from Kennebec, Senator Ault, now moves that L. D. 245 and its accompanying papers be Indefinitely Postponed.

On Motion by Senator Perkins of Hancock, Tabled for 1 Legislative Day, pending the Motion by Senator Ault of Kennebec.

#### Orders of the Day

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

Bill, "An Act Concerning Certain Allocations from the General Highway Fund for the Repair of Certain Bridges in Baxter State Park" (Emergency) (H. P. 134) (L. D. 145)

Tabled—March 27, 1979 by Senator Pierce of Kennebec.

Pending—Passage to be Engrossed.

On Motion by Senator Katz of Kennebec, Retabled for 3 Legislative Days.

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

Bill, "An Act to Increase the Legally Authorized Length of a Combination Tractor-trailer Operating Upon the Roadways of the State of Maine" (H. P. 328) (L. D. 383)

Tabled—March 28, 1979 by Senator Hichens of York

Pending—Assignment for Second Reading

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

Senator HICHENS: Mr. President, I now move that the Bill and all of its accompanying papers be Indefinitely Postponed.

The PRESIDENT: The Senator from York, Senator Hichens, now moves that L. D. 383 together with its accompanying papers be Indefinitely Postponed.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Oxford, Senator O'Leary.

Senator O'LEARY: Mr. President, I would

ask for a Division, on the Motion and I would like to briefly explain what is happening in this Bill.

We are talking about adding an additional 3½ feet to the cab, not to the box. The amendment that is before you H-124 clarifies that part of the law that says 45 feet.

In the Statement of Fact, it is pretty clear what this Bill is all about. It is to authorize the use and operation of the standard size conventional twin axle tractors, in order to operate within the law, now they are not conventional, they are special built and it does cause an additional expense to the purchasers of these cabs.

Additionally this extra length will provide greatest stability and roadability, in the handling of the unit and at the same time the distribution of the load by moving the fifth wheel back, will help with our break down of our highways and so I think that it is a good Bill, and I hope that you will vote to keep this Bill alive.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate.

I would hope that you would support the Motion to Indefinitely Postpone this Bill, as projected by Senator Hichens of York.

Yes, we are speaking of the cab, increasing its length three and a half feet, but I am concerned with the overall length of the box and cab, which brings it up to 60 feet. I am also concerned, Mr. President, with the other section of the Bill which is under Section B which says, if a unit was used exclusively for transportation of tree length logs they may extend beyond the 60 foot limit by 8½ feet provided that not more than 25% of the length of the logs shall extend beyond the body of this vehicle combination, which then brings it to 68½ feet.

My major concern, Mr. President, and Members of the Senate was for the safety of the people of the State of Maine.

Since there has been such a howling cry about the deterioration of our Secondary Roads, that are utilized by these large trucks, all I can see is an additional expense, to the taxpayers in the State of Maine for rebuilding these roads.

You may remember that 2 years ago, we had quite a controversy about the pulp trucks, the new modern pulp trucks which were costing anywhere from 48 to 60 thousand dollars, and the so-called proper distribution of weight; but the truck weight itself was almost ½ the amount of the truck load which meant that in order to qualify so the roads in the State of Maine could handle that particular load of wood that they would have to carry only ½ the amount of a load of wood on that particular truck to the pulp mills. There is a very serious inconsistency between the trucking industry and the pulp industry, relevant to that particular aspect using the same roads in the State of Maine.

Now if we were to say that these large trailer trucks with the 45 foot box and the balance being the cab itself were to be kept on I-95 or on the turnpike, I do not think that many of us would have much objection. But where the taxpayers of the State of Maine have to pick up the additional costs and since the Department of Transportation has projected that they are in dire need of more money. In fact this morning there was a proposal of changing the gasoline tax, or the excise tax or the sales tax, which more or less proves the fact that they are in dire need of money for maybe, I say, primary road reconstruction or repair. I think that we are moving in the wrong direction by allowing this increase in length.

It says in the statement put out by the industry apparently, we in Maine need this law only to stay competitive with the trucking industry.

I do not think that many other states have the same problem with deterioration of roads that we have here in the State of Maine with the sea-

sons we have, where very serious breaking of these roads is materializing at the present time.

Again the Federal Law comes in to play in the second paragraph. They say that we need this Bill in order that we may be able to better and more evenly distribute weight and loads throughout the tractor trailer length that will fill the intent of the Federal Bridge formula. Again, the Federal Government comes into play telling us in the State of Maine what we must or must not do, and I resent that very sincerely. If the Federal Government wants to come in and put their money in and assist us in redeveloping or rebuilding many of the bridges which are deteriorating, that is fine, but when they start using us as a ploy to justify the increase in the truck lengths then I object to this.

I think it is about time, Mr. President and Members of the Senate, that we prevent these Highway Freight Trains from expanding as they have over the years, either they are looking to increase the box limit from 45 to 48 feet or the cab length by 3½ feet, the next time round if they do succeed in putting this bill through to 60 feet, they will come back and try to increase the length of the box itself to maybe 48 or 50 feet. There is no end to this entire matter.

I am more concerned with the safety and well being of the people in the State of Maine than I am concerned with the trucking industry.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Emerson.

Senator EMERSON: I would like to point out that in Section B, this proposed law, no way changes Section B. Right now the logs may protrude 8½ feet beyond the truck and in the future if this law is passed it will still be 8½ feet.

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

Senator O'LEARY: I would just remind the good Senator from Androscoggin, Senator Minkowsky, that if he would check the Legislative Record, go back to the 101 and 102 that I have consistently voted against double bottoms, heavier trucks, truck weights, and I was a little concerned, at first, when I started voting for this piece of Legislation, but I am convinced in my own mind, it would be moving in the direction that you want to move in, that it will help us with our highways, this distribution of the weight, will preserve our highways and not run them down.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President and Ladies and Gentlemen of the Senate, I talked at length last evening with a local trucker/mover on the impact of this particular Bill. I again want to emphasize as it has just been emphasized that this Bill does not increase the weight limits one bit.

Throughout most of the states in this country apparently, especially in the west and the mid-west where it is readily understandable, much longer length of truck vehicles is permitted, even much longer than this Bill will permit. For any movements throughout the country, when you get back to the east coast, they are going to be over length and it does cause problems for these movers of furniture and truckers.

Maine is a rural state, and granted the roads could be a lot better, but the vast majority of the trucking of this nature is going to be over the Interstate system and the turnpike. A lot of the terminals are located very near to these systems. They obviously have to get off and on to some secondary roads to get to their terminals where the freight is unloaded and broken down, but with the weight being the same we really are not increasing the problem of deterioration of our roads. So I think I want to stress

that.

As far as coming in, in the future, and increasing the length of the box, which increases the weight potential perhaps; we can address that, that is an issue that we can be alert to and prevent.

This Bill would allow for more dimension for tractors, which would permit more fuel efficient engines, and in many ways I see this can be helpful in the fuel energy crunch that we have. I would urge that the Senate not vote for this motion and also direct their attention to the committee report which was heavily Majority Ought to Pass.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Usher.

Senator USHER: Mr. President and Members of the Senate. I think that this is a very helpful bill to the trucking industry of Maine. They contribute a lot to the economy in Maine. Very simply, this permits them to buy a different style of cab, it does not add to the weight and this new style cab would be very safe for the drivers. Presently they are confined to a certain style and it would be a lot easier for them to handle the long hours that they have to put on the Maine roads. So I would hope that the Senate would vote against the pending motion.

The PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

Will all those Senators in favor the the Motion to Indefinitely Postpone this Bill, please rise in their places to be counted.

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

5 Senators having voted in the affirmative and 20 Senators in the negative, the Motion to Indefinitely Postpone does not prevail.

The Bill, as amended, Tomorrow Assigned for Second Reading.

#### (Off Record Remarks)

The President laid before the Senate the third tabled and specially assigned matter:

Bill, "An Act to Permit the Publication of the Names of Juveniles in Connection with Arrests and Court Appearances." (H. P. 18) (L. D. 35)

Tabled—March 28, 1979 by Senator Collins of Knox.

Pending—Adoption of Senate Amendment.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: I ask Leave of the Senate to Withdraw the Amendment that I offered yesterday.

The PRESIDENT: Senator Collins of Knox, now requests Leave of the Senate to Withdraw his Amendment which was offered yesterday.

Is it the pleasure of the Senate to grant this leave?

It is a vote.

Senator COLLINS: I now offer Senate Amendment "A" to L. D. 35 (S-67) and move its Adoption.

The PRESIDENT: The Senator from Knox, Senator Collins, now offers Senate Amendment "A" to L. D. 35 and moves its Adoption.

Senate Amendment "A" (S-67) Read and Adopted. The Bill, as amended, Passed to be Engrossed, in nonconcurrence.

Sent down for concurrence.

The President laid before the Senate the Fourth tabled and specially assigned matter:

Bill "An Act to Clarify the Application of Military Service Credits to Retirement Benefits for Policemen, Firemen, Local District Employees, Sheriffs and Full-time Deputy Sheriffs." (S. P. 147) (L. D. 324)

Tabled—March 28, 1979 by Senator Teague of Somerset.

Pending—Passage to be Engrossed.

The PRESIDENT: The Chair recognizes the

Senator from Penobscot, Senator Pray.

Senator PRAY: I would like to move that the Senate Suspend its Rules.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now moves that the Senate Suspend its Rules.

Is this the pleasure of the Senate?

It is a vote.

Senator PRAY: Mr. President, I move that the Senate Reconsider whereby it Adopted Committee Amendment "A".

The PRESIDENT: The Senator from Penobscot, Senator Pray, now moves that the Senate Reconsider its action whereby it Adopted Committee Amendment "A" to L. D. 324.

Is this the pleasure of the Senate?

It is a vote.

Senator PRAY: Mr. President I would like to offer Senate Amendment (S-68) and move its adoption.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now offers Senate Amendment (S-68).

#### (Senate at Ease)

Senate called to Order by the President.

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

Senator PRAY: I move that this be tabled pending Adoption of the Senate Amendment "A".

The PRESIDENT: The Senator from Penobscot, Senator Pray now moves that L. D. 324 be tabled pending adoption of Senate Amendment.

On Motion by Senator Pierce of Kennebec, Tabled for 1 Legislative Day, pending Adoption of Senate Amendment "A".

The President laid before the Senate the Fifth tabled and specially assigned matter:

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)

Tabled—March 28, 1979 by Senator Pierce of Kennebec.

Pending—Motion of Senator Ault of Kennebec to Reconsider Failure of Final Passage.

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

Senator AULT: Mr. President, I request leave of the Senate to Withdraw my Motion to Reconsider.

The PRESIDENT: The Senator from Kennebec, Senator Ault, requests Leave of the Senate to Withdraw his Motion to Reconsider.

Is it the pleasure of the Senate to grant this Leave?

It is a vote.

Sent down for concurrence.

On Motion by Senator Huber of Cumberland, the Senate voted to reconsider it's action of earlier in today's session whereby Bill, "An Act Relating to Municipal Recreation Grants" (H. P. 1120) (L. D. 1392) was referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

On Motion by Senator Huber of Cumberland, referred to the Committee on Energy and Natural Resources, and Ordered Printed, in nonconcurrence.

Sent down for concurrence.

On Motion by Senator Pierce of Kennebec, the Senate voted to remove from the unassigned table: An Expression of Legislative Sentiment recognizing that: Sunday, March 25, 1979 marks the 70th Wedding Anniversary of Mr. and Mrs. George L. Murray, prominent citizens of Newport. (H. P. 1232)

The PRESIDENT: The Chair recognizes the

Senator from Penobscot, Senator Emerson.

Senator EMERSON: Mr. President, this is a matter in which I have some interest. If you folks will look at this, you'll notice it probably hasn't anything to do with fire, in fact, I doubt if there is much fire left. We would like to have this so we could present this thing Saturday, and I would appreciate it if you could take it off the table now and send it on it's way.

Which was Passed, in concurrence.

On Motion by Senator Pierce of Kennebec, adjourned until 12 noon tomorrow.