

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eighth  
Legislature***

OF THE

STATE OF MAINE

**Volume II**

**May 26, 1977 to July 25, 1977**

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**Senate Confirmation Session  
September 16, 1977**

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KJ PRINTING  
AUGUSTA, MAINE

a Multipurpose Instructional Building at Northern Maine Vocational-Technical Institute and a Building Construction Facility at Southern Maine Vocational-Technical Institute" (H. P. 1618) (L. D. 1819) (S. "A" S-218 to H. "A" H-487)

Tabled — June 16, 1977 by Mr. Quinn of Gorham.

Pending — Passage to be Enacted.

On motion of Mr. Tierney of Lisbon Falls, retabled pending passage to be enacted and specially assigned for Tuesday, June 21.

The Chair laid before the House the sixth tabled and today assigned matter:

House Report — "Leave to Withdraw" — Committee on Public Utilities on Bill, "An Act Relating to Electric Companies' Fuel Charges" (H. P. 1179) (L. D. 1407)

Tabled — June 16, 1977 by Mrs. Kany of Waterville.

Pending — Motion of Ms. Clark of Freeport to Accept the Leave to Withdraw Report.

On motion of Mr. Tierney of Lisbon Falls, retabled pending acceptance of the Committee Report and specially assigned for Monday, June 20.

The Chair laid before the House the seventh tabled and today assigned matter:

Bill, "An Act to Appropriate Money for Improvements to Airports and to Authorize General Fund Bond Issues in the Amount of \$1,200,000" (H. P. 1409) (L. D. 1684)

Tabled — June 16, 1977 by Mr. Palmer of Nobleboro.

Pending — Adoption of Committee Amendment "A" (H-591)

On motion of Mr. Strout of Corinth, retabled pending adoption of Committee Amendment "A" and specially assigned for Tuesday, June 21.

The Chair laid before the House the eighth tabled and today assigned matter:

Bill, "An Act Relating to the Powers of Plantations and their Organization" (H. P. 1396) (L. D. 1635)

Tabled — June 16, 1977 by Mrs. Post of Owls Head.

Pending — Passage to be Engrossed.

On motion of Mr. Greenlaw of Stonington, retabled pending passage to be engrossed and specially assigned for Monday, June 20.

The Chair laid before the House the ninth tabled and today assigned matter:

RESOLUTION, Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money and Retaining the Power Within the Legislature to Override such Item Vetoes (H. P. 1287) (L. D. 1520) — In House, Majority "Ought Not to Pass" Report Read and Accepted on June 13. — In Senate, Minority "Ought to Pass" Report Read and Accepted and Resolution Passed to be engrossed as Amended by Senate Amendment "A" (S-264). (House Receded and Concurred on June 16)

Tabled — June 16, 1977 by Mr. Bustin of Augusta.

Pending — Motion of the same gentleman to Reconsider Receding and Concurring.

On motion of Mr. Tierney of Lisbon Falls, retabled pending the motion of Mr. Bustin of Augusta to reconsider receding and concurring and specially assigned for Tuesday, June 21.

The Chair laid before the House the tenth tabled and today assigned matter:

Bill "An Act to Revise Certain Motor Vehicle Related Laws" (H. P. 246) (L. D. 336)

Tabled — June 16, 1977 by Mr. Jensen of Portland.

Pending — Adoption of House Amendment "A" (H-683) to Committee Amendment "A" (H-597)

On motion of Mr. Carroll of Limerick, House Amendment "A" to Committee Amendment "A" was indefinitely postponed.

The same gentleman offered House Amendment "B" to Committee Amendment "A" and moved its adoption.

House Amendment "B" to Committee Amendment "A" (H-705) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I have a real problem with this amendment and I would like to debate it for a short period of time. I will just point out the problem, and if my majority leader wants to shake his head "yes," he could table it, or if not, I will move to indefinitely postpone it, one or the other.

On this amendment, House Amendment "B", on the second page, Section 16A, there is a little section in there that puts off for one more year motorcycle drivers' education training. Now, for those of you who have been around for awhile, let me give you a quick history of this. In the 106th, I introduced a bill to establish — I think I will sit down and see if my majority leader would like to table this.

Thereupon, on motion of Mr. Tierney of Lisbon Falls, tabled pending adoption of House Amendment "B" to Committee Amendment "A" and specially assigned for Monday, June 20.

The Chair laid before the House the eleventh tabled and today assigned matter:

Bill, "An Act to Clarify and Modify Causes for a 7-Day Notice of Termination of Tenancy at Will" (H. P. 988) (L. D. 1199) (C. "A" H-536)

Tabled — June 16, 1977 by Mr. Palmer of Nobleboro.

Pending — Passage to be Engrossed.

On motion of Mr. Tarbell of Bangor, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

House Amendment "A" to Committee Amendment "A" (H-684) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Green.

Mr. GREEN: Mr. Speaker, I would just like to ask a question through the Chair to the good sponsor of this, if he could please just very briefly explain it.

The SPEAKER: The gentleman from Auburn, Mr. Green, has posed a question through the Chair to the sponsor, who may respond if he so desires.

The Chair recognizes the gentleman from Bangor, Mr. Tarbell.

Mr. TARBELL: Mr. Speaker, the amendment will simply say that in the event that a tenant is 14 days in arrears on rent, what triggers 7-day notice to evict by a landlord, if within that 7-day period of time the tenant pays his rent, the 7-day notice of eviction to kick the tenant out is void. In other words, my amendment would give a tenant, within that 7-day notice period, time to cure by paying his rent and then everybody goes home.

Thereupon, House Amendment "A" to Committee Amendment "A" was adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended and sent up for concurrence.

The Chair laid before the House the following matter:

Bill, "An Act to Amend the Powers and Duties of the Maine Committee on Aging" (H. P. 229) (L. D. 292) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Mr. Burns of Anson offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-701) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" and sent up for concurrence.

The Chair laid before the House the following matter:

"An Act to Amend the Maine Income Tax Law" (H. P. 1514) (L. D. 1749) (H. "B" H-527) which was tabled earlier in the day and later today assigned pending passage to be enacted.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, I do not want to overburden the Chairman of the Taxation Committee with an explanation. I have had my questions answered and I am perfectly satisfied to have the bill be enacted; however, if he wants to make a brief explanation, it is fine with me.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

(Off Record Remarks)

The following papers from the Seante were taken up out of order by unanimous consent:

The following Joint Order: (S. P. 559)

ORDERED, the House concurring, that notwithstanding Joint Rule 19, the following bills may be retained by the committee to which they have been referred during the course of the interim between the first and second regular session of this Legislature and may be considered by the respective committees during that time under the supervision of the Legislative Council and shall be reported to the appropriate House on the first day of the second regular session:

**State Government** (H. P. 671, L. D. 729)

"An Act to Establish and Apply a Policy on the Classification of Major Policy-influencing Positions Below the Head of State Departments and Agencies;

**Marine Resources** (H. P. 1321, L. D. 1640)

"An Act to Revise the Laws Concerning Marine Resources;

**Health and Institutional Services** (H. P. 724, L. D. 1202)

"An Act Establishing a Maine Certificate of Need Program;

(S. P. 384, L. D. 1358) "An Act Relating to Certificate of Need;

(H. P. 1471, L. D. 1721) "An Act to Require the Department of Human Services to License and Make Direct Reimbursements to Free-standing Health Clinics."

Came from the Senate read and passed.

In the House, the Order was read.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I made a few comments on this prior to recessing relative to some thoughts I have on this. I think we are embarking, to me personally, on probably what is an improper direction to go at the present time without having made a real study of how we are going to handle bills that are referred from the first session to the second session. I personally have always disagreed with short-term solutions to long-range problems.

I think we could do several things this afternoon, and I realize probably the problems that are involved in any action. We could table this order until the first of the week. I realize that what the problems might be with this. I still believe that the solution to this is that these bills probably should be withdrawn and new bills introduced at the first of the session. These bills could be brought in at the start of the session. They don't necessarily have to go to public hearing; it is felt that the public hearing effort had been made before.

I am sure that probably every one of these bills will come in in a new draft. When we come

in here, are we going to have copies of the bills available? This is also a question, and there are several questions in my mind, but the major point is that when a body adjourns sine die, that the legislation that is presently before them is automatically dead. I don't think the Constitutional Amendment setting up the second annual session, possibly it didn't address this, I think it was the feeling, at least my own when they did pass it, that they allowed four provisions for bills to be brought into the second session, and I don't feel that this process falls without the scope of any of them.

I would prefer that this either be tabled until Monday and a more thorough look could be accomplished on this and some direction developed, maybe by the Legislative Council, as to a proper procedure for referring bills from one session to the next, if this is going to be the procedure that is done, or the other action is that I will vote against the order.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I certainly have not served in this legislative body as long as the good gentleman from East Millinocket, Mr. Birt, but if memory serves me correctly, I think that the 106th Legislature used a very similar procedure where bills came out of committee during the regular session and were recommended that they be referred to the first special session or any special session of the legislature. Of course, at that time, we were not in annual sessions and the session that took place in the second year of the biennium was, in fact, a special session. The reason I stand to make that point is that it does not seem to me that there is a drastic change from procedures that have taken place in the past, with the exception that these bills that are being referred to the second regular session of this legislature are coming through in a joint order as opposed to having a specific recommendation by the committee.

With reference to one bill on here that deals with the Committee on Marine Resources, it seems to me as an illustration why I think this is a good procedure. The bill, as the gentlewoman from Owls Head, Mrs. Post, indicated, was not completed, and I think it will give the committee time to consider a complete change to the Marine Resources statute, which I think we all would agree is very important.

I think this is a good procedure, and I would very much encourage you to vote for the order.

The SPEAKER: The Chair will order a vote. All those in favor of this Order receiving passage in concurrence will vote yes; those opposed will vote no.

A vote of the House was taken.

71 having voted in the affirmative and 8 having voted in the negative, the motion did prevail.

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The following Joint Order: (S. P. 558)

ORDERED, the House concurring, that the following be recalled from the Governor's Office to the Senate: Bill, "An Act to Repeal Certain Laws Relating to Domestic Relations." (H. P. 1627, L. D. 1830)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

Reference was made to (H. P. 723) (L. D. 856) Bill "An Act to Provide for Legislative Confirmation of Gubernatorial Nominations for Chairmen of the Maine Human Services Council and the Maine Committee on Aging"

In reference to the action of the House on Thursday, June 16, whereby it Insisted and Joined in a Committee of Conference, the Chair appointed the following Conferees on the part of the House:

Messrs. CURRAN of South Portland  
GOODWIN of South Berwick  
SILSBY of Ellsworth

Reference was made to (S. P. 464) (L. D. 1607) Bill "An Act to Make Possible Property Tax Valuation Assistance to Local Officials"

In reference to the action of the House on Friday, June 17, whereby it Insisted and Joined in a Committee of Conference, the Chair appointed the following Conferees on the part of the House:

Mr. CAREY of Waterville  
Mrs. POST of Owls Head  
Mr. TEAGUE of Fairfield

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Reference was made to (H. P. 1128) (L. D. 1345) Bill "An Act to Amend the Membership and the Legislative Mandate of the Capitol Planning Commission"

In reference to the action of the House on Thursday, June 16, whereby it Insisted and asked for a Committee of Conference, the Chair appointed the following Conferees on the part of the House:

Messrs. CURRAN of South Portland  
DIAMOND of Windham  
Mrs. MASTERTON of Cape Elizabeth

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(Off Record Remarks)

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On motion of Mr. Fenlason of Danforth,  
Adjourned until Monday, June 20, at nine-thirty in the morning.