

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eighth  
Legislature***

OF THE

STATE OF MAINE

**1978**

**Second Regular Session**

January 4, 1978 — April 6, 1978

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**Senate Confirmation Session**

June 14, 1978

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**First Special Session**

September 6, 1978 — September 15, 1978

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**Second Special Session**

October 18, 1978

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**Third Special Session**

December 6, 1978

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APPENDIX

**Leave to Withdraw**  
(Held over from First Regular Session)  
Reported from the Committee Pursuant to  
Joint Order (S.P. 559)

Mr. Goodwin from the Committee on Health and Institutional Services on Bill "An Act Establishing a Maine Certificate of Need Program" (H. P. 724) (L. D. 1202) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

**Recommitted to Committee on Marine Resources**

(Held over from First Regular Session)  
Reported from the Committee Pursuant to  
Joint Order (S.P. 559)

Mrs. Post from the Committee on Marine Resources on Bill "An Act to Revise the Laws Concerning Marine Resources" (H. P. 1321) (L. D. 1640) reporting "Ought to Pass"

Report was read.

The SPEAKER: The Chair recognizes the gentleman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, I move this bill be recommitted to the Committee on Marine Resources.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: At the end of the last session, I objected to some of the processes that were being developed in referring bills from one session to the next. The constitutional provision that established the annual sessions did not provide for bills being carried from one session to the next. I think this is the first case. The other two bills were indefinitely postponed. I think this will be the first case where you will have an actual example of a bill which was referred from one session of the legislature to the second session. I think we are making a mistake going in that direction, because once we have established this precedent it will open the door to other bills being referred from one session to the next and we will find that actually the second session will be a continuation of the first session. The United States Congress uses that type of operation, but my understanding of the constitutional amendment when they established this was not intended to be. The particular areas where bills would be allowed into the second session specifically are spelled out in the Constitution.

I think this and two accompanying bills, some other disposition should be made of them. I am not altogether sure what should be done, but I think I will make the motion to indefinitely postpone and recommend that leadership authorize the Marine Resources Committee to report out a bill but start with a new piece of legislation so that we won't set the precedent that bills can be carried from one session to the next.

The SPEAKER: The Chair would advise the gentleman that the motion to indefinitely postpone is not in order at this time since the motion has been made to recommit to committee.

The Chair would also advise the gentleman from East Millinocket, Mr. Birt, that there is an Attorney General's opinion which allows the legislature to carry over from one session to the other.

Thereupon, the Bill was recommitted to the Committee on Marine Resources and sent up for concurrence.

**Recommitted to Committee on State Government**

Mr. Curran from the Committee on State Government on Bill "An Act to Establish and Apply a Policy on the Classification of Major Policy-influencing Positions Below the Head of State Department and Agencies" (H. P. 671) (L. D. 729) reporting "Ought to Pass"

Report was read.

On motion of Mr. Curran of South Portland,

the bill and accompanying papers were recommended to the Committee on State Government and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

**Divided Report**  
(Held over from First Regular Session)  
Reported from the Committee Pursuant to  
Joint Order (H. P. 1823)

Majority Report of the Committee on Marine Resources reporting "Ought to Pass" as Amended by Committee Amendment "B" (H-949) on Bill "An Act to Clarify and Limit the Authority on Municipalities to Establish Shellfish Conservation Programs and to License and Regulate the Taking of Shellfish" (H. P. 715) (L. D. 851)

Report was signed by the following members:

Mr. Chapman of Sagadahoc, Mr. Levine of Kennebec, Mr. Hewes of Cumberland — of the Senate.

Mrs. Post of Owl's Head, Mr. Mills of Eastport, Mr. Blodgett of Waldoboro, Mr. Fowlie of Rockland, Mr. Bunker of Gouldsboro — of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Mr. Greenlaw of Stonington, Mr. Nelson of Roque Bluffs, Mr. Connors of Franklin, Mr. Tyndale of Kennebunkport — of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, I move this Bill be recommitted to the Committee on Marine Resources.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, I would request that my name be added to the Minority "Ought Not to Pass" Report.

The SPEAKER: The record will so indicate.

Thereupon, the Bill was recommitted to the Committee on Marine Resources and sent up for concurrence.

On motion of Mr. Burns of Anson, the House reconsidered its action of earlier in the day whereby Bill "An Act to Prohibit Child Pornography," House Paper 1937, L. D. 2017, was referred to the Committee on Judiciary.

On further motion of the same gentleman, referred to the Committee on Legal Affairs and sent up for concurrence.

By unanimous consent, all matters acted upon were ordered sent forthwith to the Senate.

**Off Record Remarks**

The following papers from the Senate appearing on Supplement No. 1 were taken up out of order by unanimous consent:

The following Joint Order: (S. P. 646)

ORDERED, the House concurring, that the Secretary of the Senate and Clerk of the House be directed to furnish each morning to each member of the Senate and the House, a copy of a newspaper published in the State of Maine, chosen by the member during the Second Regular Session of the Legislature.

Came from the Senate, read and passed and ordered sent forthwith. In the House, the Order was read and passed in concurrence.

The following Joint Order: (S. P. 647)

ORDERED, the House concurring, that the Secretary of the Senate and the Clerk of the House, respectively, be authorized to furnish to the Superintendent of Public Printing, postage on all correspondence relative to advertising committee hearings, same to be charged to legislative expense.

Came from the Senate, read and passed and

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

The following Joint Order: (S. P. 648)

ORDERED, the House concurring, that there be paid to the members of the Senate and House as advances on account of compensation established by statute, the amount of Two Hundred and Fifty Dollars (\$250) weekly, payable bi-weekly, according to lists certified to the State Controller by the President of the Senate and Speaker of the House, respectively.

Came from the Senate, read and passed and ordered sent forthwith. In the House, the Order was read and passed in concurrence.

The following Joint Order: (S. P. 649)

ORDERED, the House concurring, that there be prepared, after adjournment of the present session, by the Legislative Information Officer, a Register of all the Bills and Resolves considered by both branches of the Legislature, showing the history and final disposition of each Bill and Resolve and that there be printed 600 copies of the same. The Legislative Information Officer shall mail a copy of the Register to each member and officer of the Legislature and the State Law and Legislative Reference Library shall receive such number of copies as may be required.

Came from the Senate, read and passed and ordered sent forthwith. In the House, the Order was read and passed in concurrence.

The following Joint Order: (S. P. 650)

ORDERED, the House concurring, that three hundred twenty-five (325) copies of the Legislative Record for the session of 1978 be printed, one copy for each of the members of the Senate, House of Representatives, the Secretary of the Senate and Clerk of the House, and the remainder to be deposited with the State Law Librarian for exchange and library use; and be it further.

ORDERED, that suitable index be prepared for such Legislative Record, under the direction of the Director of Legislative Research.

Came from the Senate, read and passed and ordered sent forthwith. In the House, the Order was read and passed in concurrence.

The following Joint Order: (S. P. 651)

ORDERED, the House concurring, that the Clerk of the House and the Secretary of the Senate be authorized to furnish 100 13¢ postage stamps for each member of the House and Senate for the purpose of distributing various reports of the Departments of State and other public documents such as they may desire to mail to the citizens of the State.

Came from the Senate, read and passed and ordered sent forthwith. In the House, the Order was read and passed in concurrence.

**Off Record Remarks)**

On motion of Mr. Lunt of Presque Isle, processed until two-thirty in the afternoon.

**After Recess**  
2:00 P. M.

The House was called to order by the Speaker.

The following papers from the Senate appearing on Supplement No. 2 were taken up out of order by unanimous consent:

Bill "An Act to Enable the Purchase and Administering of Barbiturates for the Euthanasia of Pets and Animals" (S. P. 617) (L. D. 1905)  
Came from the Senate, referred to the Committee on Agriculture, ordered printed and ordered sent forthwith.

In the House, referred to the Committee on Agriculture in concurrence.

Bill "An Act to Restore Notice to Policyholders of Right to a Hearing upon Nonrenewal of