

# 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

The SPEAKER: Eighty having voted in the affirmative and fifty-nine in the negative, with twelve being absent, the motion does prevail.

Committee Amendment "A" (H-1107) was read by the Clerk.

On motion of Ms. Clark of Freeport, tabled pending adoption of Committee Amendment "A" and later today assigned.

#### Consent Calendar

##### First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

##### Later Today Assigned

(H. P. 1872) (L. D. 1913) Bill "An Act Concerning Filing of Claims for Occupational Deafness under the Workmen's Compensation Statutes" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1108)

On the objection of Mr. Laffin of Westbrook was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once.

Committee Amendment "A" (H-1108) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Laffin.

Mr. LAFFIN: Mr. Speaker, we have a committee amendment coming on this and I would appreciate it if someone would table it until later in the day.

On motion of Mr. Birt of East Millinocket, tabled pending adoption of Committee Amendment "A" and later today assigned.

(H. P. 2110) (L. D. 2143) Bill "An Act to Require the Judicial Department to Reimburse Counties Quarterly for the Expenses of Bailiffs and Other Court and Jury Officers" (Emergency) Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1109)

(H. P. 2067) (L. D. 2128) Bill "An Act to Readjust Disbursement of the Potato Tax Fund" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1110)

(H. P. 1952) (L. D. 2031) Bill "An Act to Establish a Uniform Confidentiality Statute for Tax Information and to Update the Maine Income Tax Law with Respect to the Internal Revenue Code" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1111)

No objections being noted, the above items were ordered to appear on the Consent Calendar of March 4, under listing of the Second Day.

#### Consent Calendar

##### Second Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the Second Day: (S. P. 638) (L. D. 1997) Bill "An Act Relating to Malpractice Insurance Companies" (C. "A" S-500)

(S. P. 676) (L. D. 2094) Bill "An Act Relating to the Classification of Drug Offenses" (C. "A" S-504)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were passed to be engrossed in concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

#### Second Reader

##### Tabled and Assigned

Bill "An Act to Provide Interpreter Service for the Hearing Impaired" (S. P. 720) (L. D. 2169)

Was reported by the Committee on Bills in the Second Reading and read the second time.

(On motion of Mr. Tablot of Portland, tabled pending passage to be engrossed and specially assigned for Monday, March 6.)

#### Passed to Be Engrossed Amended Bill

Bill "An Act to Clarify County Law Enforcement" (S. P. 671) (L. D. 2075) (S. "A" S-502) (S. "A" S-493 and S. "A" S-508)

Was reported by the Committee on Bills in the Second Reading, read the second time and the Senate Paper passed to be engrossed as amended in concurrence.

#### Passed to Be Enacted

"An Act to Revise the Salaries of Certain County Officers" (H. P. 1942) (L. D. 2108) (S. "A" S-472 to C. "A" H-1030; H. "B" H-1094 and H. "C" H-1095)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

#### Orders of the Day

The Chair laid before the House the first item of Unfinished Business:

Bill, "An Act to Revise the Laws Concerning Marine Resources" (H. P. 2146) (L. D. 2166)

Tabled — March 2 (Till Later Today) by Mr. Davies of Orono.

Pending — Passage to be engrossed.

Mrs. Post of Owls Head offered House Amendment "A" and moved it adoption.

House amendment "A" (H-1112) was read by the Clerk.

The same gentlewoman offered House Amendment "A" to House Amendment "A" and moved its adoption.

House Amendment "A" to House Amendment "A" (H-1113) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentlewoman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: This particular amendment that we are dealing with now simply maintains what is presently in the statute as far as municipalities having the right to enforce municipal ordinances. The change was made at the request of the department to clarify the fact that they would not have to be responsible for enforcing municipal ordinances and would therefore not have to put a fiscal note for four more wardens on the revision bill.

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

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

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Boudreau.

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: May I pose a question through the Chair to my good friend from Owls Head, Mrs. Post?

In Article 4, of the Bill, on Page 50 it talks about conservation programs, and if I remember, we debated a bill that was put to rest by the other body a few weeks ago dealing with the same subject and I would just like to know from her, if we would allay my fears, if this Article 4 is that exact same bill that has already gone through the legislative process?

The SPEAKER: The gentleman from Waterville, Mr. Boudreau, poses a question through the Chair to the gentlewoman from Owls Head, Mrs. Post, who may answer if she so desires. The Chair recognizes that gentlewoman.

Mrs. POST: Mr. Speaker, Men and Women of the House: Probably; if you will remember, the Marine Resources Committee itself was relatively split on the issue of clams, and I can assure you that the good gentleman from Washington County certainly would not have signed this report unanimously "Ought to Pass" had we in fact snuck in the bill that we dealt with two or three weeks ago.

Actually, what we did with the clam conservation program, you have to look at the House Amendment which you have before you today on page 6, because it affects the municipal conservation program. On page 50, that wording is the exact wording as in the present statute and we did that because when we signed out the committee report on the issue of the municipal

clam program had not yet been decided.

The House Amendment also deals with municipal conservation programs and what we did with the House Amendment, which has the approval of all the Marine Resources Committee members, was to take the present intent and the regulations and the authorities as is presently in the municipal conservation program, rewrote them to conform with the rest of the statute revision. There are no substantial changes of anything more than wording as far as how the State of Maine will relate to its municipalities in the management of their shellfish.

Thereupon, the Bill was passed to be engrossed as amended by House Amendment "A" as amended by House Amended "A" thereto and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

An Act to Amend the Child Welfare Laws (Emergency) (H. P. 1990) (L. D. 2065) (C. "A" H-1065)

Tabled — March 2, 1978 by Mrs. Goodwin of South Berwick.

Pending — Passage to be Enacted.

On motion of Mr. Goodwin of South Berwick, under suspension of the rules, the House reconsidered its action whereby this Bill was passed to be engrossed.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-1114) was read by the Clerk.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: This amendment just puts back in a couple of words that were left out in the Committee Amendment's draft, "licensed or," I would have put it in the Errors and Inconsistencies, but I felt we did have time to do this and let it run through. I move that we adopt it.

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

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

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker and Members of the House: I just happened to look at this bill this morning. I have the same concern, as I usually have had, that in this particular Section 3891-B which authorizes, we give authorization to certain people to do certain things. I do have great reservations about it, especially in the part about one and two under that section, under 3891-C, not 38891-B. The fact is, ladies and gentlemen, that this particular bill gives the right on a short-term emergency, after trying to notify the parents about their child, to give emergency services without the consent of the parent.

I have never approved any bill in here without the consent of the parent, mainly because the parents are liable, whether there is consent or not, if anything goes wrong.

It also stresses in here an approach which I have never seen before and under number two it says "short-term emergency services shall not be provided to any child who expresses a clear desire not to receive such services." Well, I think that it is a great insult and really against the tradition of the difference between the parent and child to put the desires and to put the decision of the child in front of the one of the adult parent. I think that this is a very