

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eighth  
Legislature***

OF THE

STATE OF MAINE

**1978**

**Second Regular Session**

January 4, 1978 — April 6, 1978

INDEX

**Senate Confirmation Session**

June 14, 1978

INDEX

**First Special Session**

September 6, 1978 — September 15, 1978

INDEX

**Second Special Session**

October 18, 1978

INDEX

**Third Special Session**

December 6, 1978

INDEX

APPENDIX

Mr. DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: I wish to pair my vote with the gentleman from Sabattus, Mr. LaPlante. If he were here, he would be voting in the negative and I in the affirmative.

The SPEAKER: The gentleman from Windham, Mr. Diamond, wishes to pair his vote with the gentleman from Sabattus, Mr. LaPlante. If the gentleman from Sabattus, Mr. LaPlante, were present and voting, he would be voting nay and if the gentleman from Windham, Mr. Diamond, were voting, he would be voting yea.

#### ROLL CALL

YEA — Aloupis, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Birt, Boudreau, A.; Boudreau, P.; Brown, K. C.; Bunker, Carey, Carter, D.; Churchill, Connors, Cox, Curran, Devoe, Dexter, Drinkwater, Durgin, Elias, Flanagan, Gill, Gillis, Gould, Greenlaw, Hall, Henderson, Hickey, Higgins, Howe, Huber, Hughes, Hutchings, Immonen, Jackson, Jacques, Jalbert, Joyce, Kany, Kilcoyne, Lewis, Littlefield, Locke, Lynch, MacEachern, Mackel, Mahany, Martin, A.; Masterman, Masterton, Maxwell, McBreairey, McPherson, Mitchell, Nelson, Nelson, M.; Nelson, N.; Norris, Palmer, Paul, Peakes, Pearson, Perkins, Peterson, Plourde, Quinn, Rollins, Sewall, Smith, Spencer, Stubbs, Tarr, Tarr, Teague, Tierney, Torrey, Trafton, Truman, Violette, Whittemore.

NAY — Berube, Biron, Blodgett, Brenerman, Brown, K. L.; Burns, Bustin, Carroll, Carter, F.; Chonko, Clark, Connolly, Cote, Cunningham, Davies, Fenslon, Fowle, Garsoe, Goodwin, H.; Goodwin, K.; Gray, Green, Hunter, Jensen, Kane, Kelleher, Kerry Laffin, Lizotte, Marshall, McHenry, McKean, McMahon, Moody, Nadeau, Najarian, Post, Prescott, Raymond, Shute, Sprowl, Stover, Strout, Talbot, Tozier, Valentine, Wilfong, Wood, Wyman.

ABSENT — Ault, Carrier, Dow, Dudley, Duremble, Hobbins, Lougee, Lunt, Mills, Peltier, Rideout, Silsby, Theriault, Twitchell, Tyndale, Mr. Speaker.

PAIRED — Burns, Diamond.

Yes, 85; No, 48; Absent, 15; Paired, 2.

The SPEAKER: Eighty-five having voted in the affirmative and forty-eight in the negative, with fifteen being absent and two paired, and eighty-five being less than two thirds of the members present and voting, the Resolution fails of final passage.

On motion of Mr. Tierney of Lisbon Falls, the House voted to insist.

On motion of Mr. Quinn of Gorham, the House voted to take from the table the first tabled and unassigned matter:

Bill, "An Act to Support Improvement of Air Passenger Services" (H. P. 2048) (L. D. 2110) — In House. Passed to be Engrossed on February 16, 1978. — In Senate. Failed of Engrossment in non-concurrence.

Tabled — February 28, 1978 by Mr. Quinn of Gorham.

Pending — Further Consideration.

On motion of Mr. Quinn of Gorham, the House voted to adhere.

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mr. Quinn of Gorham, the House voted to take from the table the second tabled and unassigned matter:

House Report — "Ought to Pass" in New Draft (H. P. 2139) (L. D. 2159) — Committee on Taxation on Bill, "An Act Relating to the Taxation of the Unorganized Territory" (H. P. 2059) (L. D. 2117)

Tabled — February 28, 1978 by Mr. Quinn of Gorham.

Pending — Acceptance of the Committee Report.

Thereupon, Report was accepted and the New Draft read once. Under suspension of the rules, the bill read the second time.

On motion of Mr. Quinn of Gorham, tabled pending passage to be engrossed and later today assigned.

The following paper appearing on Supplement No. 3 was taken up out of order by unanimous consent:

#### Passed to Be Enacted

"An Act to Revise the Laws Concerning Marine Resources" (H. P. 2146) (L. D. 2166) (S. "B" S-525 and H. "A" H-1113 o H. "A" H-1112)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I would like, before we enact this bill today, to make a very brief statement for the record, because I think it is important for the future of the industry that something is written in the record and I do not believe up to this point that anything of substance about the reasons why the changes before us has been debated.

The bill which is before the House today for final enactment is a complete revision of the statutes relating to Marine Resources. I have long believed it is a mistake for Legislation of this magnitude and importance to be enacted without some debate or some statement in the record for future legislatures, the courts and, most importantly, the citizens of this state to make reference to. The Marine Resources statutes have not suffered from a general revision since they were first written, as far as I can tell, although they were subjected to a substantial revision in 1954.

The Department of Marine Resources, in 1975, set as a goal the complete revision of its statutes, and three years later, we have finally reached that goal.

This past fall, the Commissioner of Marine Resources, Vinal Look, Chief Coastal Warden, Donald McIntosh, of the Department of Marine Resources, Edward Bradley and Leslie McCrae of the Attorney General's Office, Johnathan Hull of the Legislative Assistant's Office, the senator from Sagadahoc, Senator Chapman, the gentlewoman from Owls Head, Mrs. Post, the gentleman from Yarmouth, Mr. Jackson, and myself spent better than two months attempting to hammer out a consensus on the redraft of our Marine Resources statutes. It was long and tedious work; there was lots of give and take on both sides. The intent was not to substantially change the content to the statutes, and although there have been some minor changes made, we believe that members of the fishing industry are aware of the changes we have made.

The proposed redraft of the statutes were taken to the Marine Resources Committee. There was a full public hearing on the redraft and there have been a number of working sessions on this draft. It seems to me that the problems we have had been resolved, and the result is something that we hope will serve the fishing industry for many years to come.

As one member of that committee I would like to add something that I think is of substantial concern to the legislature and to the industry. We have not placed any minimum fines in the statutes for violation of our Marine Resource Conservation Laws. I would like to indicate that there is, I think a legitimate and substantial feeling amongst members of the fishing industry that the fines which the courts are imposing today upon violation of our conservation statutes are not substantial enough. I, as one member of the committee, who perhaps would have liked to see a minimum fine on the general penalty law included in this draft but agreed not to do so, would like to indicate to not only the Judiciary but also to the district attorney's offices of this state that I think there is legitimate need for more substantial fines to be imposed for legitimate inf-

rctions of our conservation laws.

As I indicated, Mr. Speaker, men and women of the House, there has been a tremendous amount of work go into the revision of these statutes. I think it is something that we can be proud of, and I would hope that we would unanimously support final enactment of this bill.

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

By unanimous consent, ordered sent forthwith to the Senate.

#### (Off Record Remarks)

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Gray.

Mr. GRAY: Mr. Speaker, Ladies and Gentlemen of the House: I move we reconsider our action whereby we insisted on L. D. 1943.

The SPEAKER: The gentleman from Rockland, Mr. Gray, moves that we reconsider our action of earlier in the day whereby the House voted to insist on Resolution Proposing an Amendment to the Constitution to Grant to the Supreme Judicial Court the Power to Remove a Judicial Officer from Office, House Paper 1886, L. D. 1943.

The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to vote against the motion to reconsider.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Gray.

Mr. GRAY: Mr. Speaker, Men and Women of the House: This is an obvious attempt to lobby at least eight individuals in this House, and with only seven days left, I would hope that we could move to adhere.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher;

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Vote no. It has got to go over their anyway, and I am sure we are going to see it again, so let's get it down to the Senate and we will take our chances.

The SPEAKER: The pending question is on the motion of the gentleman from Rockland, Mr. Gray, that the House reconsider its action whereby it voted to insist on L. D. 1943. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

19 having voted in the affirmative and 72 having voted in the negative, the motion did not prevail.

On motion of Mr. Jackson of Yarmouth, Recessed until three-thirty in the afternoon.

#### After Recess 3:30 P.M.

The House was called to order by the Speaker.

The Chair laid before the House the following matter:

Bill "An Act to Authorize Bond Issue in the Amount of \$2,100,000 to Establish a Dormitory at Northern Maine Vocational-Technical Institute" (H. P. 2183) (L. D. 2175) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Mr. Birt of East Millinocket offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-1143) was read by the Clerk and 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 Relating to the Taxation of the Unorganized Territory" (H. P. 2139) (L. D. 2159) which was tabled earlier in the day and later today assigned pending passage to be engrossed.