

# 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

rence.

#### Communications

Committee on Health & Institutional Services  
The Honorable Joseph Sewall  
President of the Senate  
State House Augusta, Maine 04333  
Dear President Sewall:

The Committee on Health and Institutional Services is pleased to report that it has completed all business placed before it by the second regular session of the 108th Maine Legislature.

Total Number of Bills	
Received in Committee	15
Unanimous Reports	13
Ought To Pass	1
Ought To Pass As Amended	7
Ought To Pass In New Draft	1
Ought Not To Pass	1
Leave To Withdraw	3
Divided Reports	2
Total Number of Amendments	10
Total Number of New Drafts	1

Sincerely yours,

Signed:

OLYMPIA J. SNOWE  
Senate Chairperson

Which was Read and Ordered Placed on File.

March 14, 1978

Honorable May M. Ross  
Secretary of the Senate  
Augusta, Maine 04333  
Dear Madam Secretary:

The House today Failed to Recede and Concur on Resolution, Proposing An Amendment to the Constitution to Grant to the Supreme Judicial Court the Power to Remove a Judicial Officer from Office (H. P. 1886) (L. D. 1943)

Respectfully,

Signed:

EDWIN H. PERT  
Clerk of the House

Which was Read and Ordered Placed on File.

#### Orders

Expressions of Legislative Sentiment recognizing that:

The Rams of Cony High School, coached by David Pound, have won the State Eastern Maine Class A Boys' Basketball Championship for 1978, (S. P. 741) is presented by Senator Katz of Kennebec. Cosponsored by: Representatives: Kane, Bustin and Hickey of Augusta

The Blue Blazers of Westbrook High School have won the 1978 Western Maine Class A Girls Basketball Championship, (S. P. 742) is presented by Senator Usher of Cumberland, Cosponsored by: Representatives: Carrier and Laffin of Westbrook

The superintendent and Staff of Bangor Mental Health Institute have, through hard work and unselfish dedication to its patients, acquired for BMHI a full, two-year unrestricted accreditation. (S. P. 743) is presented by Senator Pray of Penobscot, Cosponsored by: Representatives: Prescott of Hampden and Norris of Brewer.

Which were Read and Passed  
Sent down for concurrence.

#### Committee Reports House

The following Ought Not to Pass report shall be placed in the Legislative Files without action pursuant to Rule 20 of the Joint Rules:

Bill, "An Act to Require the State to Assume all Administrative Costs for the Food Stamp Program. (H. P. 1972) (L. D. 2057)

#### Ought to Pass

The Committee on Local and County Government on,

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Cumberland County for the Year 1978. (Emergency) (H. P. 2242) (L. D. 2194)

Reports that the same Ought to Pass pursuant to Joint Order H. P. 1986.

Comes from the House, the Resolve Passed to be Engrossed.

Which Report was Read and Accepted.  
The Resolve Read Once.

On Motion of Mr. Jackson of Cumberland and under suspension of the rules, the Resolve Read a Second Time.

Which was Passed to be Engrossed in concurrence.

The Committee on Education on,  
Bill, "An Act to Clarify the Education Laws." (H. P. 2018) (L. D. 2093)

Reports that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed as amended by House Amendment "A" (H-1148).

Which Report was Read and Accepted.  
The Bill Read Once.

The House Amendment "A" was Read and Adopted in concurrence.

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

#### Ought to Pass - As Amended

The Committee on Appropriations and Financial Affairs on,

Bill, "An Act to Abolish the Mental Health and Mental Retardation Improvement Fund and Make Appropriation from the General Fund to Continue Existing Programs." (H. P. 2010) (L. D. 2085)

Reports that the same Ought to Pass as amended by Committee Amendment "A" (H-1147).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A"

Which Report was read and Accepted.

The Bill Read Once

Committee Amendment "A" Read and Adopted in concurrence

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

The Committee on State Government on,  
Bill, "An Act to Conform State Statutes to the Maine Administrative Procedure Act." (Emergency) (H. P. 2107) (L. D. 2145)

Reports that the same Ought to Pass as amended by Committee Amendment "A" (H-1146).

Comes from the House, the Bill Passed to be Engrossed as amended by House Amendment "A" (H-1150) thereto.

Which Report was Read and Accepted.

The Bill Read Once.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I would like to pose a question through the Chair to the good Senator from Aroostook, Senator Collins, with respect to this Bill. I have been looking at the Bill for the last few days and it is very comprehensive. I understand the first 65 pages but I wonder if he could explain pages 66 through 142 for me.

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

Mr. COLLINS: Thank you very much. I would be delighted to.

I am sure that all of you are aware that the last session passed the administrative procedures act and it was scheduled to be enforced on July 1st of this year. The Committee on State Government has worked, I think, a total of 127 hours going through 166 pages and we have had a great deal of fun and games trying to resolve all the intricacies of State Government and all the various departments. I know that you do not expect the proper response from me. I would say that if you do not pass this amendment, you will be in worse shape then if you did. This does take into consideration some departments of state government who have special circumstances and tries to make those circumstances work within the framework of the Law. I am sure that you know that the Bills thrust is to make all rules

and regulations that is done through the state government to be done on the uniform basis, and it provides for procedures for appeal to the Administrative Court, for revocation of license. And for further appeal to Superior Court and Supreme Court. I think that you will be happy to know that there is a provision in the amendment that provides that there is an extension of time for rules in effect prior to July 1, 1978. It does extend that date to July 1, 1979. So there is some additional time provided for all of the agencies and boards and departments to properly work their rule making procedures into the new law which will come into place July 1st.

I would suggest to you that if you are thinking of any amendments that this Bill is so big that it has to be hand engrossed, and it will require at least three to four Legislative days to have this consummated. So if you have any problems with it, I would suggest that you talk to me later in the day. We do have a staff person available for some technical answers and would be happy to try to respond to your concerns.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Martin.

Mr. MARTIN: Mr. President, if the Senator from Cumberland, Senator Conley, would like to meet with me in his office later on I would be more than happy to explain it to him and also he probably should call off the breakfast tomorrow morning.

Committee Amendment "A" Read.

House Amendment "A" Read and Adopted.  
Committee Amendment "A", as amended,  
Adopted in concurrence.

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

#### Enactors

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

"An Act to Post-graduate Education in the Field of Medicine, Dentistry, Optometry and Veterinary Medicine." (S. P. 732) (L. D. 2177)

On Motion of Mr. Huber of Cumberland, Tabled for One Legislative Day, Pending Passage to be Enacted.

"An Act to Empower the Oil Burner Men's Licensing Board to Inspect and Approve Coal and Wood Fuel Central Heating Equipment." (H. P. 2184) (L. D. 2176)

"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." (H. P. 1952) (L. D. 2031)

"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. 2051) (L. D. 2111)

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

Out of Order and under suspension of the rules, the Senate voted to consider the following:

Committee on State Government

March 14, 1978

Honorable Joseph Sewall  
President of the Senate  
State House  
Augusta, Maine 04333  
Dear President Sewall:

It is with pleasure that I report to you that the Committee on State Government has completed all business placed before it by the Second Regular Session of the 108th Legislature.

Total Number of Bills	26
Unanimous Reports	23
Leave to Withdraw	3
Ought Not to Pass	2
Ought to Pass	2