

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

Volume II

First Regular Session

May 7, 1979 to June 15, 1979

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First Confirmation Session

August 3, 1979

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October 4-5, 1979

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December 7, 1979

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agement Council" (H. P. 1245) (L. D. 1490) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-405) Report of the Committee on Marine Resources was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-405) in the House on May 16, 1979.

Came from the Senate with the Minority "Ought Not to Pass" Report of the Committee on Marine Resources read and accepted in non-concurrence.

In the House: On motion of Mr. Fowlie of Rockland, the House voted to adhere.

Non-Concurrent Matter

Bill, "An Act to Increase the Fee for Tagging Wild Game to \$1" (S. P. 277) (L. D. 843) on which the Majority "Ought Not to Pass" Report of the Committee on Fisheries and Wildlife was read and accepted in the House on May 16, 1979.

Came from the Senate with that Body having adhered to its former action whereby the Minority "Ought to Pass" as amended by Committee Amendment "A" (S-179) Report of the Committee on Fisheries and Wildlife was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-179) in non-concurrence.

In the House: On motion of Mr. Dow of West Gardiner, the House voted to adhere.

Messages and Documents

The following Communication: (S. P. 560)

State of Maine
SENATE CHAMBER
President's Office
Augusta, Maine 04333

May 16, 1979

Honorable John D. Chapman
Honorable Robert S. Howe
Chairmen, Business Legislation Committee
State House
Augusta, Maine 04333

Please be advised that with the advice and consent of the Governor Joseph E. Brennan, Commissioner Gordon Weil is nominating H. Donald DeMatteis for the position of Superintendent of the Bureau of Banking.

Pursuant to Title 9-B, M.R.S.A., Section 211, this nomination will require review by the Joint Standing Committee on Business Legislation and confirmation by the Senate.

Sincerely,
S/JOSEPH SEWALL
President of the Senate
S/JOHN MARTIN
Speaker of the House

Came from the Senate Read and Referred to the Committee on Business Legislation.

In the House, was Read and referred to the Committee on Business Legislation in concurrence.

The following Communication:
COMMITTEE ON AGING, RETIREMENT
AND VETERANS

May 16, 1979

The Honorable John L. Martin
Speaker of the House of Representatives
State House
Augusta, Maine 04333

Dear Speaker Martin:

The Committee on Aging, Retirement and Veterans is pleased to report that it has completed all business placed before it by the First Regular Session of the 109th legislature.

| | |
|--------------------------|----|
| Total Bills Received | 51 |
| Unanimous Reports | 40 |
| Leave to Withdraw | 19 |
| Ought to Pass | 10 |
| Ought to Pass as Amended | 10 |
| Ought Not to Pass | 1 |
| Divided Reports | 11 |

Respectfully,
S/Rep. MERLE NELSON
House Chairwoman

The Communication was read and ordered placed on file.

The SPEAKER: The Chair would like to thank the gentlewoman from Portland, Mrs. Nelson, and members of that committee for being the first committee to finish all their work.

Orders

An Expression of Legislative Sentiment (H. P. 1415) recognizing that:

John A. Hill, retired businessman and beloved "oldest citizen" of Wells, will celebrate his 99th birthday on July 9, 1979

The Order was read and passed and sent up for concurrence.

House Reports of Committees

Ought Not to Pass — Initiated Bill

Mr. Jackson from the Committee on Business Legislation on Bill "An Act to Repeal the Forced Deposit Law" (I.B. 1) (L. D. 1412) reporting "Ought Not to Pass"

Pursuant to Joint Rule 22, placed in the Legislative Files without further legislative action and set up for concurrence.

Mr. Jackson of Yarmouth was granted unanimous consent to address the House.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to give you a little bit of background on this, so you will be able to reply to your constituents in regard to it and then I think I will also give you a couple of my own personal opinions.

This bill comes out of the referendum petitions that were circulated and it came to the Business Legislation Committee.

The bill is very simple. It would repeal MRSA, Section 28. We had the hearing, it is the first one that we passed out on a number of bottle bills, it is a unanimous "Ought Not to Pass" from the Business Legislation Committee. The sponsors of the bill, or I should say the people who worked on the referendum, namely, Mrs. Marks, and various other people, came to the committee and tried to tell us that this wasn't really a repeal bill, that this was to allow us to pass new bottle legislation that would liberalize and solve some of the problems in the bottle law. There is no present way that this could be done because of the Constitution of this State.

What we ran into was a problem here that any changes in the bottle law that we pass will have to go on the ballot along with this in November, and if we make any changes, it will be on the ballot. There is one way that we can make some changes, and that would be emergency legislation and the committee, at this point, does hold a number of bottle bills, which we will be having a working session on Monday, and at that time we may be putting together some emergency legislation to address some of the problems that the retailers and the people of Maine are having with the present bottle bill.

The committee felt at this point there was absolutely no way this could be worked on and, therefore, we passed the unanimous "Ought Not to Pass" on it.

My own opinion here, I would like to give you a couple of figures. You can go to the Secretary of State's Office and you can get a complete report on the referendum and the money that was raised and used. The money that was raised on the referendum was \$21,268.32. It is interesting to note that that was raised chiefly from 11 distributors who contributed \$20,468. If you want to go further and look at what these 11 distributors distributed, it was pretty much the same product. There were a couple that varied but generally they were distributing the same product from the same brewer.

It is also interesting to notice that the coordinator for this campaign, Mrs. Marks, received in compensation, pay and expenses \$8,119, and

there were 19 poll workers collecting signatures who received an average of between \$30 and \$36 a piece for a total of \$568.

In my opinion, I think this is a very fine example of an abort referendum. I think certain interests and a fairly narrow segment of interests contributed money, they ran their campaign, they got their signatures, they paid their poll workers and they bought themselves a referendum.

We will see the referendum in November and I hope very much that the referendum is defeated.

Leave to Withdraw

Mr. Twitchell from the Committee on Taxation on Bill "An Act to Impose a Tax on Timber at Harvest to Provide for Reimbursement to Communities for Loss from the Tree Growth Tax Law" (H. P. 1270) (L. D. 1523) reporting "Leave to Withdraw"

The Report was read and accepted and sent up for concurrence.

Mr. Simon from the Committee on Judiciary on Bill "An Act to Establish an Office of Mediation in the Area of Domestic Relations" (H. P. 1211) (L. D. 1541) reporting "Leave to Withdraw"

The Report was read.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Simon.

Mr. SIMON: Mr. Speaker, Ladies and Gentlemen of the House: Speaking for myself and at least a minority on the Judiciary Committee, I would like to make the following statement with respect to this item.

We believe that this is a good idea in general. We support ongoing programs of this nature and we believe the idea deserves further consideration, but we were faced with a situation where the bill came to us too late in the session for us to do it justice, and therefore its sponsors graciously consent to take a "Leave to Withdraw"

Thereupon, the Report was accepted and sent up for concurrence.

Mr. Carrier from the Committee on Judiciary on Bill "An Act Relating to Criminal History Record Information" (H. P. 544) (L. D. 675) reporting "Leave to Withdraw"

Mr. Gray from the Committee on Judiciary on Bill "An Act Concerning Police Records" (H. P. 500) (L. D. 607) reporting "Leave to Withdraw"

The Reports were read and accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Provide Mandatory Penalties for Drunken Driving" (H. P. 43) (L. D. 54)

Report was signed by the following members:

Mr. COLLINS of Knox
Mrs. TRAFTON of Androscoggin
Mr. DEVOE of Penobscot
— of the Senate.

Mr. HOBBS of Saco
Mrs. SEWALL of Newcastle
Messrs. JOYCE of Portland
STETSON of Wiscasset
CARRIER of Westbrook
SIMON of Lewiston
— of the House.

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Report was signed by the following members:

Messrs. LAFFIN of Westbrook
GRAY of Rockland
SILSBY of Ellsworth
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Joyce.