

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

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

Illness and Medically Needy Programs" (H. P. 1911) (L. D. 1972)

Tabled — February 17, 1978 by Mr. Goodwin of South Berwick.

Pending — Adoption of Committee Amendment "A" (H-1046)

Mr. Goodwin of South Berwick offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-1063) was read by the Clerk.

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

Mr. GOODWIN: Mr. Speaker and Members of the House: This amendment merely clarifies a couple of points in the drafting that came out wrong, reference to the wrong sections, a couple of words that were left out. It doesn't change anything substantial. It also includes a section relating to Christian Scientist sanitariums, which are also recognized under Medicaid and Medicare, something that we had talked about briefly in the committee and we just left out in the committee amendment.

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

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

The bill was assigned for second reading tomorrow.

The following paper appearing on Supplement No. 1 was taken up out of order by unanimous consent:

The following Communication:
STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE

February 21, 1978

The Honorable Members of the 108th Maine Legislature:

I am returning without my signature and approval (H. P. 1896), (L. D. 1953), "An Act to Amend the Maine Potato Branding Law. The original (L. D. 1953) which was included in my program at the request of the Department of Agriculture would have stiffened the penalty for mislabeling potatoes. However, the original bill has been gutted, and the present (L. D. 1953) is absolutely contrary to the original intent which was to improve the quality of labeling by establishing the strongest possible deterrence for those who break the law and jeopardize the reputation of the entire potato industry.

Current law provides for a fine of up to \$1,000 for the third offense for misbranding potatoes. This bill would cut that maximum fine in half, to \$500. I am told that the argument for making this change is that the maximum \$1,000 fine has only been levied in two or three instances. This is not an argument for repeal. It is an argument for maintaining current law. It just may be that now individuals are hesitant to break the law for a third time because they face a substantial fine if they do. It seems to me that a judge currently has sufficient discretion to levy a fine less than \$1,000, but he also has the ability to levy the maximum fine in the event that one or more individuals are intent on breaking the law to the detriment of the rest of the industry and its future.

As most of you know, I recently agreed to volunteer my time in order to promote Maine potatoes out of state. I was more than happy to help the potato industry in any way that I could, but I also have been acutely aware of the quality control problem that has plagued the industry recently. I am advised that many east coast metropolitan buyers are willing to pay more for potatoes from other states because of the better quality and quality control and that the long-standing excellent reputation of the Maine potato is diminishing. When I agreed to donate my time to promote Maine potatoes, I also asked for and expected industry support to stiffen the penalty for misbranding potatoes

and to tighten up the laws in any way that we could to discourage those who suffer from myopic vision to the extent that they are unwilling to recognize the disastrous consequences of not taking immediate steps to protect the quality of the product.

Any deterrent whatsoever to misbranding and mislabeling of potatoes would be welcome. Unfortunately, this bill does just the opposite, and I could not allow it to become law even if the proposed change made potential abuse only slightly more attractive or possible. I personally believe that any change whatsoever that would make the law more lenient is unwise and certainly not in the best interest of today's and tomorrow's Maine Potato Industry. Unfortunately, the mail which I have been receiving regarding my appearance on television promoting Maine potatoes has been surprisingly and predominantly negative. Many people who have written claim that they have purchased Maine potatoes at my suggestion, and they are very disappointed with the product. In fact, because of the surprising amount of criticism, I have debated about cancelling my appearance on television. My personal hope was that we could take some positive steps this session to show those who do purchase Maine potatoes that we are concerned with quality and that we are proud of what we produce. I was also hopeful that the industry would back some meaningful legislation to establish effective deterrents against those who are willing to exploit the law and foist a mislabeled or poor-quality product upon the public.

I do not enjoy having to state these views publicly, especially since there are many responsible farmers and processors who continue to be conscientious and dedicated to marketing an excellent quality product. While those people are successful and trusted because of their individual reputations, in the long run their names and their futures are also being threatened by the mislabeling and quality problems.

I am not locked in to any specific approach to establishing effective deterrents, but I was hopeful that legislation would be passed to strengthen our current laws, not weaken them as this bill would do.

For these reasons, I respectfully request that you sustain my veto of this measure.

Very truly yours,
Signed: JAMES B. LONGLEY
Governor

The Communication was read and ordered placed on file.

On motion of Mr. Mahany of Easton, tabled pending further consideration and tomorrow assigned.

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

**Passed to Be Enacted
Emergency Measure**

RESOLVE, Authorizing Cumberland County to Pay Deficits from Unappropriated Surplus (H. P. 1947) (L. D. 2026) (C. "A" H-1029)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 120 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

"An Act to Clarify the Law Concerning the Posting of Bonds by Electric Companies with the Department of Environmental Protection for Certain Licenses or Permits" (H. P. 1925) (L. D. 1986) (S. "B" S-466 to C. "A" H-986)

"An Act to Simplify the Procedure for Submission of Certain Small Claims Against the State" (H. P. 1931) (L. D. 2002) (C. "A" H-1033)

"An Act to Regulate Hazardous Materials and to Provide for a Reporting System to Hazardous Materials Emergencies" (H. P. 1958) (L. D. 2040) (C. "A" H-1025)

Finally Passed

RESOLVE, Authorizing the Commissioner of Educational and Cultural Services to Exchange Certain Lands at Southern Maine Vocational-Technical Institute (S. P. 660) (L. D. 2037) (C. "A" S-462)

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

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

Ought to Pass

Pursuant to Joint Order H.P. 1986

Mr. Stover from the Committee on Local and County Government on RESOLVE, for Laying of County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1978 (Emergency) (H. P. 2127) (L. D. 2154) reporting "Ought to Pass" — pursuant to Joint Order H. P. 1986.

Report was read and accepted, the Resolve read once and assigned for second reading tomorrow.

(Off Record Remarks)

Mr. Laffin of Westbrook was granted unanimous consent to address the House.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: It is nice that we have nice little things to say. I enjoyed that story that was just told about Representative Brennerman, but you know, I think we have a serious problem. I have stood here and I have spoken and spoken and no one seems to want to listen. Over the weekend, we had two murders in this state. I am going to bring one to your attention. A 90 year old woman was viciously murdered in this state, and I don't think that is a laughing matter. I think that somewhere along the line we have got to come to our senses and put a stop to this — a 90 year old woman. I call that very serious business.

(Off Record Remarks)

Miss Brown of Bethel was granted unanimous consent to address the House.

Miss BROWN: Mr. Speaker. I was tied up with a constituent problem with CMP earlier, and I would like to go on the record as supporting the Committee Amendment "A" on L.D. 2022 for school funding, and I will be here later this week to vote on it.

On motion of Mrs. Locke of Sebec.
Adjourned until nine-thirty tomorrow morning.