

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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Nelson, N.; Paul, Pearson, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Simon, Smith, Stetson, Strout, Studley, Torrey, Twitchell, Wentworth, Whittmore.

NAY — Bachrach, Baker, Barry, Beaulieu, Benoit, Birt, Brenerman, Brodeur, Brown, A.; Brown, D.; Chonko, Churchill, Cloutier, Connolly, Cox, Curtis, Davies, Dellert, Doukas, Dow, Dutremble, D.; Elias, Gowen, Gwadosky, Hall, Hanson, Hobbins, Howe, Hughes, Kane, Kany, Laffin, Leonard, Locke, Lougee, Lowe, MacBride, Mahany, Marshall, Master-ton, Matthews, McHenry, McKean, Michael, Mitchell, Nadeau, Nelson, M.; Norris, Paradis, Payne, Post, Prescott, Reeves, P.; Rolde, Silsby, Small, Soulas, Tarbell, Tierney, Tozier, Tuttle, Violette, Vose, Wood, Wyman, The Speaker.

ABSENT — Berube, Bunker, Carroll, Drinkwater, Dudley, Dutremble, L.; Fowle, Gray, Hickey, Huber, Immonen, Jacques, E.; Jacques, P.; Maxwell, McMahon, Sprowl, Stover, Theriault, Vincent.

PAIRED — Brannigan - Leighton.

Yes, 64; No, 66; Absent, 19; Paired, 2.

The **SPEAKER**: Sixty-four having voted in the affirmative and sixty-six in the negative, with nineteen being absent and two paired, the motion does not prevail.

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

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

Bill, "An Act to Merge the Septage and Hazardous Waste Law into the Solid Waste Law and to Conform them with the Requirements of the Federal Resource Recovery and Conservation Act" (H. P. 1139) (L. D. 1518) — In House, Passed to be Engrossed as Amended by House Amendment "A" (H-318) on May 4, 1979. — In Senate, Passed to be Engrossed as Amended by House Amendment "A" (H-318) as Amended by Senate Amendment "A" (S-180) thereto.

Tabled—May 18, 1979 by Mr. Tierney of Lisbon.

Pending—Further Consideration.

On motion of Mr. Blodgett of Waldoboro, the House voted to recede and concur.

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

HOUSE DIVIDED REPORT — Majority (7) "Ought to Pass" as Amended by Committee Amendment "A" (H-450) — Minority (6) "Ought Not to Pass" — Committee on Labor on Bill, "An Act Amending the Claim Period Provision of the Workers' Compensation Act" (H. P. 706) (L. D. 881)

Tabled—May 18, 1979 by Mr. Tierney of Lisbon.

Pending—Motion of Mr. Wyman of Pittsfield to Accept the Majority "Ought to Pass" Report.

On motion of Mr. Wyman of Pittsfield, tabled pending his motion to accept the Majority "Ought to Pass" Report and tomorrow assigned.

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

An Act Prohibiting a Bank Holding Company from Owning More Than One Type of Financial Institution (S. P. 91) (L. D. 177)

Tabled—May 18, 1979 by Mr. D. Dutremble of Biddeford.

Pending—Passage to be Enacted.

On motion of Mr. D. Dutremble of Biddeford, tabled pending passage to be enacted and tomorrow assigned.

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

"An Act to Prohibit the Practice of a Mandatory Retirement Age" (S. P. 260) (L. D. 790) (C. "A" S-162)

Tabled—May 18, 1979 by Mr. Stetson of Wiscasset.

Pending—Passage to be Enacted.

The **SPEAKER**: The Chair recognizes the gentleman from Wiscasset, Mr. Stetson.

Mr. **STETSON**: Mr. Speaker, I move the indefinite postponement, and unless somebody moves to table, I promise to argue for 47 minutes.

Whereupon, on motion of Mr. Garsoe of Cumberland, tabled pending the motion of Mr. Stetson of Wiscasset to indefinitely postpone and tomorrow assigned.

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

An Act to Establish Assessments Upon Certain Public Utilities and to Authorize Use of the Funds Generated by Those Assessments to Pay Certain Expenses of the Public Utilities Commission (H. P. 380) (L. D. 487) (C. "A" H-321)

Tabled—May 18, 1979 by Mr. Davies of Orono.

Pending—Passage to be Enacted.

On motion of Mr. Davies of Orono, under suspension of the rules, the House reconsidered its action whereby the 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-470) was read by the Clerk.

The **SPEAKER**: The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. **DAVIES**: Mr. Speaker, I see my good friend Mr. Garsoe over in the far corner making eyes like he wants to know what is going on. For all of this effort that I have had to go through backing up this bill, the purpose of this amendment is to make sure that the legislature has approval of the assessments that would be covered by this bill, just as they would approve the Public Utilities budget otherwise, so that the legislature can be fully assured that the money is going to be spent in a way that they consider appropriate.

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 passed to be engrossed as amended in non-concurrence and sent up for concurrence.

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

Bill, "An Act to Clarify the Provisions Relating to Hearings on Juvenile Crimes and to Establish an Experimental Program for Education and Counseling of Juveniles" (H. P. 1375) (L. D. 1601)

Tabled—May 18, 1979 by Mrs. Mitchell of Vassalboro.

Pending—Passage to be Engrossed.

Mrs. Payne of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-477) was read by the Clerk.

The **SPEAKER**: The Chair recognizes the gentleman from Portland, Mrs. Payne.

Mrs. **PAYNE**: Mr. Speaker, Ladies and Gentlemen of the House: This amendment corrects errors in the bill, making sure that the juvenile is found guilty before the records are opened and that the program is offered after a second offense, not a first offense. It also prevents release of the juvenile's name if parents, for reasons approved by the courts, find undue hardship in completing the counseling program that they agreed to attend.

Thereupon, House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" and sent up for concurrence.

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

"An Act to Establish a Marijuana Therapeutic Research Program" (H. P. 523) (L. D. 665) (C. "A" H-332)

Tabled—May 18, 1979 by Mrs. MacBride of Presque Isle.

Pending—Passage to be Enacted.

The **SPEAKER**: The Chair recognizes the gentleman from Harrison, Mr. Leighton.

Mr. **LEIGHTON**: Mr. Speaker, Ladies and Gentlemen of the House: Last Friday, Representative Wood and Representative McMahon raised questions about, I believe it is Section 2408 and 2308, I don't have the amendment in front of me, which is the confidentiality section of the bill, and I didn't have the answers. So Representative MacBride tabled it for one day.

After that, I went to the Legislative Assistant who drafted the bill, and he informed me that this was the confidentiality section of the bill, which is designed to preserve the doctor-patient relationship, and that he had taken it word for word from the New Mexico bill.

Nonetheless, we decided that we would take the opportunity to make doubly sure that we had done the job right, so we went down to the Attorney General's Office and asked him to look over that section, and all the rest of the bill, for that matter, and to let us know that we were on good, firm ground and satisfied the legitimate concerns of everyone.

So, in that regard, I would, at this time, ask someone to table this for two legislative days.

Thereupon, on motion of Mr. Davies of Orono, tabled pending passage to be enacted and specially assigned for Wednesday, May 23.

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

"An Act to Reimburse Municipalities for Expenses Incurred in Enforcing Statutes, Ordinances and Regulations Relating to the Operation or Use of Motor Vehicles, Streets and Highways" (S. P. 183) (L. D. 413) (C. "A" S-137)

Tabled—May 18, 1979 by Mr. Carroll of Lime- rick.

Pending—Passage to be Enacted.

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

Bill Held

An Act Relating to Arbitration Under the State Employees Labor Relations Act (H. P. 142) (L. D. 162) — In House, Passed to be Enacted on May 18, 1979.

HELD at the request of Mr. Tarbell of Bangor.

The **SPEAKER**: The Chair recognizes the gentleman from Bangor, Mr. Tarbell.

Mr. **TARBELL**: Mr. Speaker, I move that we reconsider whereby this Bill was passed to be enacted.

On motion of the same gentleman, tabled pending his motion to reconsider and tomorrow assigned.

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

Mr. **SIMON**: Mr. Speaker, is the House in possession of L. D. 1500?

The **SPEAKER**: The Chair would answer in the affirmative. Bill "An Act Concerning Preservation Interests Under the Property Laws Pertaining to Preserving or Restoring Historic Property," House Paper 1212, L. D. 1500, is in the possession of the House.

Mr. **SIMON**: Mr. Speaker, I move that the House reconsider its action whereby the Minority "Ought Not to Pass" Report was accepted.

I don't desire to debate it, but I would like the