

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Ninth  
Legislature***

OF THE

**STATE OF MAINE**

**Volume I**

**FIRST REGULAR SESSION**

**January 3, 1979 to May 4, 1979**

Committee on Transportation was suggested.

On motion of Mr. Carroll of Limerick, the Bill was referred to the Committee on Public Utilities, ordered printed and sent up for concurrence.

#### Transportation cont'd.

Bill "An Act Concerning 8-Year Semitrailer Registration" (Emergency) (H. P. 578) (Presented by Mr. Strout of Corinth)

#### Orders

An Expression of Legislative Sentiment (H. P. 552) recognizing that:

Jeffrey Scott of Whiting and Loring Totman of Bucks Harbor have achieved the high honor and distinction of becoming Eagle Scouts.

Presented by Mr. Nelson of Roque Bluffs.

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

#### House Reports of Committees Ought Not to Pass

Mr. Lougee from the Committee on Transportation on Bill "An Act Concerning Fees for Special License Plates" (H. P. 89) (L. D. 101) reporting "Ought Not to Pass"

Was placed in the Legislative Files without further action pursuant to Joint Rule 22, and sent up for concurrence.

#### Leave to Withdraw

Mr. Wood from the Committee on Agriculture on Bill "An Act to Amend the Law Relating to the Licensing of Dogs" (H. P. 151) (L. D. 183) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

#### Referred to Committee on Local and County Government

Mr. Howe from the Committee on Business Legislation on Bill "An Act Extending Reimbursement to Municipal Clerks and Municipalities for Revenue Loss Due to Amendment of the Uniform Commercial Code" (Emergency) (H. P. 335) (L. D. 434) reporting that it be referred to the Committee on Local and County Government.

Report was read and accepted and the Bill referred to the Committee on Local and County Government and sent up for concurrence.

#### Consent Calendar First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(H. P. 103) (L. D. 113) Bill "An Act to Revise the Statute Relating to the Removal of Dangerous Buildings" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-36)

(S. P. 73) (L. D. 127) Bill "An Act to Amend the Procedure of the State Board of Arbitration and Conciliation" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-11)

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 23, under listing of Second Day.

#### Consent Calendar Second Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the Second Day:

(H. P. 160) (L. D. 188) Bill "An Act Relating to Transfer of the Planning and Development Functions of the Urban Renewal Authority of the City of Bangor"

(H. P. 329) (L. D. 366) Bill "An Act to Dissolve the Proprietors of the Centre Meeting-House in Farmington"

No objections having been noted at the end of the Second Legislative Day, the House Papers were passed to be engrossed and sent up for

concurrence.

#### Second Reader Tabled and Assigned

Bill "An Act to Require Motorcycle Operators and Passengers and Motor Driven Cycle Operators and Passengers to Wear Helmets if they are Minors" (H. P. 114) (L. D. 123)

Was reported by the Committee on Bills in the Second Reading and read the second time.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. McKean.

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I am having an amendment prepared to make this bill a little more palatable. I would hope, since the amendment is not on the floor yet, that someone would table the bill for one legislative day.

Whereupon, on motion of Mr. Davies of Orono, tabled pending passage to be engrossed and tomorrow assigned.

#### Passed to Be Engrossed Amended Bill

Bill "An Act Amending the Sardine Tax Law" (H. P. 128) (L. D. 133) (H. "A" H-35 to C. "A" H-34)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed as amended and sent up for concurrence.

#### Passed to Be Enacted Emergency Measure

An Act to Clarify the Definition of Intermittent State Employees (H. P. 130) (L. D. 141)

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. 127 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.

An Act to Strengthen and Streamline the Habitual Offender Law (S. P. 9) (L. D. 16) (C. "A" S-8; S. "A" S-9)

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. 127 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 Duties of the Maine Insurance Advisory Board (S. P. 65) (L. D. 106)

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

An Act to Allow Prison Inmates to Attend the Funeral of a Brother or Sister (H. P. 100) (L. D. 148)

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

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Laffin.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I move that this pitiful bill be indefinitely postponed.

The SPEAKER: The gentleman from Westbrook, Mr. Laffin, moves that this bill and all its accompanying papers be indefinitely postponed.

The Chair recognizes the gentlewoman from Hampden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to oppose the motion of the gentleman from Westbrook, Mr. Laffin, to indefinitely postpone this bill. We have debated it. This bill is 20 years old. This is the first time that the warden from the State Prison has come to the Maine Legislature

and asked us to amend a law, and I would like you to go along with the unanimous committee report and move this bill on its way.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Westbrook, Mr. Laffin, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

15 having voted in the affirmative and 101 having voted in the negative, the motion did not prevail.

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

An Act to Amend the Maine State Apprenticeship Council to State Apprenticeship and Training Council to Conform with Federal Recommendations under the Labor Laws (H. P. 140) (L. D. 160)

An Act to Repeal Certain Requirements for Filing, Recording, Registers, Rosters and Binding and Provisions Concerning Administrative Assistant to the Chief Justice (H. P. 61) (L. D. 69) (C. "A" H-19, S. "A" S-10)

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

#### Orders of the Day

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

Bill "An Act to Increase the Handling Charge for Returnable Beverage Containers from 1c to 3c and to Provide for Prompt Reimbursement of this Charge to Dealers and Redemption Centers" (H. P. 454) (Committee on Business Legislation suggested)

Tabled—February 21, 1979 by Mr. Tierney of Lisbon.

Pending—Reference.

On motion of Mr. Mahany of Easton, the bill was referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

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

An Act Empowering Retired Justices of the Supreme Judicial Court and District Court Judges to Sit in Superior Court and Administrative Court Judges to Sit in District Court. (Emergency) (S. P. 55) (L. D. 89)

Tabled—February 21, 1979 by Mr. Hobbins of Saco.

Pending—Passage to be enacted.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker and Members of the House: This is a bill which I am against. I talked about it a little bit last week, and I would like to tell you a few more reasons why I am against it and why this should not pass.

I do not agree with the second and third sections of the bill whereby you take somebody from a lower court and elevate them to the superior court or you take the administrative judges and put them in district court.

I am of the profound philosophy that justice starts at the courthouse. Like many others, I have reservations as to whether it does or not, but I think that it should. Because some of these judges have been appointed at different times, their qualifications can be questioned; and truly, if you take a judge from a lower court and put him in a higher court without the proper procedures, I don't think you are getting the best. I think that it can work to your detriment whether you are the plaintiff or the defendant.

I think this bill actually takes the power away from the executive department and gives it to one man, the judge of the judicial court, to fill in wherever he believes it is needed.

I am sure that there is a cost involved here.