

# 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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**First Special Session**

October 4-5, 1979

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December 7, 1979

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The following paper appearing on Supplement No. 9 was taken up out of order by unanimous consent:

**Leave to Withdraw**

Report of the Committee on Labor reporting "Leave to Withdraw" on Bill "An Act to Require that Public School Employees Receive the Minimum Wage" (S. P. 353) (L. D. 1101)

Came from the Senate with the Report read and accepted.

In the House, the Report read and accepted in concurrence.

The following Communication, appearing on Supplement No. 10 was taken up out of order by unanimous consent:

The following Communication:  
**COMMITTEE ON HEALTH & INSTITUTIONAL SERVICES**

June 8, 1979

The Honorable John Martin  
Speaker of the House  
State House  
Augusta, Maine 04333  
Dear Speaker Martin:

The Committee on Health and Institutional Services is pleased to report that it has completed all business placed before it by the first regular session of the 109th Maine Legislature.

Total Number of Bills Received in Committee	89
Unanimous Reports	
Ought to Pass	15
Ought to Pass as Amended	28
Ought to Pass in New Draft	0
Ought Not to Pass	3
Leave to Withdraw	24
Divided Reports	24
Total Number of Amendments	81
Total Number of New Drafts	1
Bills Carried-Over to the 2nd regular session of the 109th Legislature	1

Sincerely,  
S/ Representative SANDRA K. PRESCOTT  
Chairman

The Communication was read and ordered placed on file.

On motion of Mr. Davies of Orono, the House reconsidered its action of earlier in the day whereby it voted to adhere on Bill "An Act to Prohibit Unreasonable and Unjust Fuel Charges from Being Passed on to Consumers," House Paper 1333, L. D. 1580.

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

Mr. DAVIES: Mr. Speaker and Members of the House: I gave my word to members of this body and the other body that we would not fight this matter, we would not send it back to the Senate. Therefore, I move that we recede and concur.

The SPEAKER: The gentleman from Orono, Mr. Davies moves that the House recede and concur.

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

Mr. McKEAN: Mr. Speaker, I didn't give my word. I am with the people at home and not with Maine Public Service or Central Maine Power.

I would ask for a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one-fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Orono, Mr. Davies, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

**ROLL CALL**

YEA — Alopis, Austin, Benoit, Berube, Birt, Bordeaux, Boudreau, Bowden, Brannigan, Brodeur, Brown, K. L.; Bunker, Call, Carter, F.; Cunningham, Damren, Davies, Davis, Dexter, Doukas, Dow, Dutremble, D.; Fenslund, Fillmore, Garsoe, Gavett, Gillis, Gould, Higgins, Huber, Hunter, Hutchings, Immonen, Jalbert, Joyce, Kiesman, Lancaster, Leighton, Leonard, Lewis, Locke, Lougee, Lowe, Lund, Mahany, Marshall, Masterman, Masterton, Matthews, McPherson, McSweeney, Mitchell, Morton, Nadeau, Nelson, A.; Norris, Paradis, Payne, Peterson, Prescott, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Soulas, Sprowl, Stetson, Stover, Strout, Tarbell, Tierney, Torrey, Vincent, Vose, Whittemore.

NAY — Bachrach, Baker, Barry, Beaulieu, Blodgett, Brenerman, Brown, A.; Brown, K. C.; Carrier, Carter, D.; Chonko, Cloutier, Conary, Connolly, Curtis, Dellert, Diamond, Drinkwater, Dutremble, L.; Elias, Fowlie, Gowen, Gwadosky, Hall, Hanson, Hickey, Hobbins, Hughes, Jackson, Jacques, E.; Jacques, P.; Kane, Kany, Kelleher, LaPlante, Lizotte, MacBride, Martin, A.; Maxwell, McHenry, McKean, Nelson, M.; Nelson, N.; Paul, Pearson, Reeves, P.; Rolde, Simon, Smith, Studley, Theriault, Tozier, Tuttle, Twitchell, Violette, Wentworth, Wood, Wyman.

ABSENT — Berry, Brown, D.; Carroll, Churchill, Cox, Dudley, Gray, Howe, Laffin, McMahon, Michael, Peltier, Post.  
Yes, 78; No, 59; Absent, 13.

The SPEAKER: Seventy-eight having voted in the affirmative and fifty-nine in the negative, with thirteen being absent, the motion does prevail.

The Chair laid before the House the following matter:

An Act to Provide a State Income Tax Credit for Installation of a Wood Stove (H. P. 851) (L. D. 1051) which was passed to be enacted in the House on June 13; in the Senate, the Bill and accompanying papers indefinitely postponed.

Tabled earlier in the day and later today assigned pending further consideration.

Thereupon, the House voted to insist.

The Chair laid before the House the following matter:

Bill "An Act to Require that Holiday Pay be Considered for the Purposes of Unemployment Compensation" (S. P. 309) (L. D. 902) — In the House, the Leave to Withdraw Report was accepted; in the Senate, adhered to its former action whereby the Bill was substituted for the Report and passed to be engrossed as amended by Senate Amendment "A" (S-161)

Tabled earlier in the day pending further consideration.

Thereupon, the House voted to adhere.

By unanimous consent, the Chair laid before the House the ninth tabled and unassigned matter:

Bill, "An Act to Require Each Primary Candidate to be a Resident of the District from which he is Running Prior to the Primaries" (H. P. 518) (L. D. 661)

Tabled—May 30, 1979 by Mr. Martin of Eagle Lake.

Pending—Adoption of Committee Amendment "A" (H-546) (Pending Ruling of the Chair)

Mr. Tierney of Lisbon Falls withdrew his request for a ruling from the Chair.

On motion of Mrs. Payne of Portland, Committee Amendment "A" was indefinitely postponed.

On motion of the same gentlewoman, the Bill and all accompanying papers were indefinitely postponed.

By unanimous consent, all matters acted upon, were ordered sent forthwith.

(Off Record Remarks)

The following paper appearing on Supplement No. 11 was taken up out of order by unanimous consent:

**Non-Concurrent Matter**

Bill "An Act to Make Corrections and Clarify the Provisions of the Inland Fisheries and Wildlife Laws" (H. P. 1564) (L. D. 1686) which was passed to be engrossed in the House on June 13, 1979.

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

In the House:

On motion of Mr. Dow of West Gardiner, the House voted to recede from its action whereby the Bill was passed to be engrossed.

The same gentleman offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-726) was read by the Clerk and adopted.

Mr. Dow of West Gardiner offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-727) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendments "A" and "B" in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following paper appearing on Supplement No. 12 was taken up out of order by unanimous consent:

The following Joint Order: (S. P. 633)  
ORDERED, the House concurring, that Bill, "An Act to Provide Personal Care Assistance Services to Enable Persons with a Severe Physical Disability to Work" (H. P. 974) (L. D. 1242), be recalled from the legislative files to the Senate.

Came from the Senate Read and Passed.

In the House, the Order was read.

The SPEAKER: This requires a two-thirds vote of all the members present and voting. All those in favor of the Order receiving passage will vote yes; those opposed will vote no.

A vote of the House was taken.

100 having voted in the affirmative and none in the negative, the Order received passage.

Mr. Hobbins of Saco was granted unanimous consent to address the House.

Mr. HOBBS: Mr. Speaker and Members of the House: I would like to read into the record a clarification of the Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of the State of Maine, L. D. 1639. This is in regard to Section 13 of the bill. I would like to read into the record the following so that the Secretary of State will know what the intent of our action was in this regard.

The term 'churches', in the new language added by this section, is intended to mean all organizations incorporated for religious purposes, which may be incorporated under Title 13, Section 901, or which have been incorporated under that section or its predecessors.

On motion of Mr. Reeves of Newport.  
Recessed until 2:30 in the afternoon.

**After Recess**

2:30 P.M.

The House was called to order by the Speaker.

The Chair laid before the House the fourth item of Unfinished Business:

Bill, "An Act Appropriating Funds to Allow Maine State Retirement Members a Cost-of-Living Increase in Benefits" (S. P. 189) (L. D. 456) — In House Passed to be Enacted on April 18, 1979. — In Senate, Bill and Accompanying Papers Indefinitely Postponed.