

# 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

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**Senate Confirmation Session**

June 14, 1978

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**First Special Session**

September 6, 1978 — September 15, 1978

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**Second Special Session**

October 18, 1978

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**Third Special Session**

December 6, 1978

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APPENDIX

**SENATE**

February 28, 1978

Senate called to Order by the President.  
Prayer by the Honorable Theodore S. Curtis, Jr. of Orono.

Honorable Mr. CURTIS: Let us pray. Dear Lord on this beautiful day may we have an appreciation for the wonders of Your world. From the sea, fields, and the forest, and their produce that provides our substance to the people in Your imagine who inhabit Your earth and try to do Your work. Amen

Reading of the Journal of yesterday.

(Off Record Remarks)

**Papers from the House  
Non-concurrent Matter**

Bill, "An Act to Revise the Salaries of Certain County Officers." (H. P. 1942) (L. D. 2108)  
In the Senate, February 23, 1978 Passed to be Engrossed as amended by Committee Amendment "A" (H-1030) as amended by Senate Amendment "A" (S-472) thereto, in non-concurrence.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "A" and House Amendments "B" (H-1094) and "C" (H-1095) thereto, in non-concurrence.

On Motion of Mr. Jackson of Cumberland, the Senate voted to Recede and Concur.

(Off Record Remarks)

**Communications**

Committee on Performance Audit  
The Honorable Joseph Sewall  
President of the Senate  
State House  
Augusta, Maine 04330  
Dear President Sewall:

The Committee on Performance Audit is pleased to report that it has completed all business placed before it by the second regular session of the 108th Maine Legislature.

Total Bills Received	1
Unanimous Reports	1
Leave to Withdraw	0
Ought Not to Pass	0
Ought to Pass	0
Ought to Pass in New Draft	1
Ought to Pass as Amended	0
Divided Reports	0
Total Number of Amendments	0
Total Number of Redrafts	0

Respectfully,

Signed:

**RICHARD MORRELL**  
Senate Chairman

Which was Read and Ordered Placed on file.

**Orders**

Expressions of Legislative Sentiment recognizing that:

Honorable Earl Wing, of Kingfield, a former member of the Legislature, a former Franklin County Attorney and Municipal and Probate Judge, has celebrated the 90th anniversary of his birth, (S. P. 713) is presented by Senator Redmond from Penobscot Cosponsored by Representative Dexter from Kingfield.

The Katahdin High School Basketball Team has won the Eastern Maine Class C Championship for 1978, (S. P. 714) is presented by Senator Pray from Penobscot Cosponsored by Representative Birt from East Millinocket and Representative Lougee from Island Falls

The Mexico High School Pintos are the Western Maine Boys Basketball Class B Champions for 1978, (S. P. 715) is presented by Senator O'Leary from Oxford Cosponsored by Representative Brown from Mexico

The Dixfield High School Cougarettes are the Girls Basketball Class C Western Maine Champions, for 1978, (S. P. 716) is presented by Sen-

ator O'Leary from Oxford Cosponsored by Representative Rollins from Dixfield

The Jay High School Tigers are the Western Maine Class C Boys Basketball Champions for 1978, (S. P. 717) is presented by Senator O'Leary from Oxford Cosponsored by Representative Maxwell from Jay  
Which were Read and Passed.  
Sent down for concurrence.

**Committee Reports**

**House**

**Leave to Withdraw**

The Committee on Health and Institutional Services on, Bill, "An Act to Clarify the Rights and Responsibilities of Institutions to Provide Medical Care." (H. P. 1992) (L. D. 2067)

Reported that the same be granted Leave to Withdraw,

Comes from the House, the Report Read and Accepted.

Which Report was Read and Accepted, in concurrence.

**Ought to Pass — As Amended**

The Committee on Natural Resources on, Bill, "An Act to Clarify the Investigation Powers of the Department of Environmental Protection under the Oil Conveyance Program." (H. P. 1959) (L. D. 2041)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-1070).

Comes from the House, the Bill Passed to be Engrossed as amended by House Amendment "A" (H-1093).

Which Report was Read.

On Motion of Mr. Speers of Kennebec, Tabled for One Legislative Day, pending Acceptance of the Committee Report.

**Ought to Pass in New Draft**

The Committee on Transportation on, Bill, "An Act Relating to the Maine Turnpike Authority." (H. P. 2062) (L. D. 2125)

Reported that the same Ought to Pass in New Draft under new title, "An Act to Revise the Administration and Toll System of the Maine Turnpike." (H. P. 2132) (L. D. 2157)

Comes from the House, the Bill, in New Draft, Passed to be Engrossed as amended by House Amendment "F" (H-1096).

Which Report was Read and Accepted in concurrence and the Bill, in New Draft, Read Once.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Danton.

Mr. DANTON: Mr. President and Members of the Senate: On this Bill L. D. 2125. Maybe I should ask unanimous consent to address the Senate or may I speak to the Bill?

The PRESIDENT: The Senator may speak in reference to the Bill.

Mr. DANTON: I would like to take this opportunity to commend the Committee on Transportation for the fine Bill that they worked on all summer long. And finally have reported to the Legislature to give us an opportunity to vote on.

This Bill, as many of you can remember, was debated at length last winter, and many of you perhaps can remember that I said that when the Maine Turnpike Authority 30 years ago was first authorized there was not one word of debate, and I would like today just for the record to say that with the State taking over the Turnpike that will eventually allow for the citizens and the taxpayers of Maine to be able to use the Turnpike with the three barrier system that will be placed in the next Legislature and ultimately it will serve the purpose that we all debated and hoped for last winter. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: Mr. President and Members of the Senate: It certainly gives me a

great deal of pleasure to have Senator Danton and the York County Delegation in full concurrence. As you may recall last year we were on different ends of the spectrum with respect to this particular Legislation. I too would like to commend Senator Greeley for the outstanding job that he has done in bringing all these people together. Go through many different public hearings, weighing and analyzing many different alternatives. In the interests of the people of the State of Maine and it certainly gives me a great deal of pleasure to go along with Senator Danton in the acceptance of this particular Committee Report this morning.

House Amendment "F" Read, and Adopted in concurrence.

This Bill, as amended, Tomorrow Assigned for Second Reading.

**Second Readers**

The Committee on Bills in the Second Reading reported the following:

**House**

RESOLVE, Remimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Tree Growth Tax Law. (Emergency) (H. P. 2014) (L. D. 2089)  
Which was Read a Second Time.

On Motion of Mr. Huber of Cumberland, tabled for One Legislative Day, pending Passage to be Engrossed.

RESOLVE, To Establish a Commission to Study the Continuation of Coverage under Certain Group Health Insurance Policies. (H. P. 2131) (L. D. 2156)

Which was Read a Second Time and Passed to be Engrossed, in concurrence.

Bill, "An Act to Provide Compensation and Benefits Agreed to by the State and the Maine State Troopers Association. (Emergency) (H. P. 2138) (L. D. 2165)

Which was Read a Second Time and Passed to be Engrossed, in non-concurrence, without reference to Committee.

Sent down for concurrence.

**House — As Amended**

Bill, "An Act Relating to Tuition Computation Charged by Private Schools under the Education of Exceptional Children Law." (H. P. 2028) (L. D. 2096).

Bill, "An Act to Allow Intermediate Care Facilities to be Reimbursed under the Medically Needy Program." (Emergency) (H. P. 1915) (L. D. 1976)

Bill, "An Act to Amend the Child Welfare Laws." (Emergency) (H. P. 1990) (L. D. 2065)

Bill, "An Act to Allow Nursing Homes to Provide Physical and Occupational Therapy to Residents in Need of that Care." (Emergency) (H. P. 1913) (L. D. 1974)

Bill, "An Act to Clarify Procedures for Emergency Admission to Hospitals for Mentally Ill." (H. P. 1997) (L. D. 2078)

Which were Read a Second Time and Passed to be Engrossed, as amended, in concurrence.

Bill, "An Act to Provide Municipalities with the Authority to Establish Standards for the Installation of Wood Stoves." (H. P. 2037) (L. D. 2101)

Which was Read a Second Time.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: In regard to L. D. 2101, I wonder if someone could just provide an explanation on the record to the Senate as to why this Bill is necessary and why the Home Rule Statutes of this State do not make it possible for the municipalities to take this step without special legislation.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President and Members of the Senate: What the Bill does, the Committee Amendment does is to take first the office of the State Fire Marshall shall propose standards for the installation of wood stoves and this after, I believe, a public hearing shall be