

# 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

“E” H-1016; Conference Committee “A” S-528)

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.

By unanimous consent, the preceding Enactors, except for the tabled matter, were ordered sent forthwith to the Senate.

#### Orders of the Day

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

Bill, “An Act Relating to the Taxation of the Unorganized Territory” (Emergency) (H. P. 2139) (L. D. 2159)

Tabled — March 13, 1978 by Mr. Palmer of Nobleboro.

Pending — Passage to be Engrossed.

On motion of Mr. Carey of Waterville, retabled pending passage to be engrossed and later today assigned.

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

Senate Divided Report — Majority (9) “Ought to Pass” Pursuant to Joint Order (S. P. 700) on Resolve, Directing the Commissioner of Marine Resources to Notify Municipalities of the Minimum Size Limitation Provision of the Municipal Shellfish Conservation Program (Emergency) (S. P. 736) (L. D. 2186) — Minority (2) “Ought to Pass” Pursuant to Joint Order (S. P. 700) on Bill “An Act to Establish a Two-Inch Minimum Size for Soft Shell Clams” (S. P. 737) (L. D. 2187) — Reports of the Committee on Marine Resources Pursuant to Joint Order (S. P. 700) — In Senate Majority “Ought to Pass” Report read and accepted and the Resolve passed to be engrossed.

Tabled — March 13, 1978 by Mr. Blodgett of Waldoboro.

Pending — Motion of Mrs. Post of Owls Head to Reconsider Failing to Accept the Majority “Ought to Pass” Report. (L. D. 2186) (Roll Call Ordered)

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentlewoman from Owls Head, Mrs. Post, that the House reconsider its action whereby it failed to accept the Majority “Ought to Pass” Report in concurrence. All those in favor of reconsideration will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Austin, Bachrach, Beaulieu, Bennett, Berry, Berube, Biron, Blodgett, Boudreau, A.; Brennerman, Bunker, Burns, Bustin, Carey, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Clark, Cox, Cunningham, Davies, Dexter, Diamond, Dow, Drinkwater, Durgin, Dutremble, Elias, Flanagan, Fowlie, Garsoe, Goodwin, K.; Gray, Hobbins, Howe, Huber, Hutchings, Jackson, Jalbert, Jensen, Joyce, Kerry, Kilcoyne, LaPlante, Lewis, Littlefield, Lizotte, Locke, Lynch, MacEachern, Mackel, Martin, A.; Masterman, Maxwell, McHenry, McKean, McPherson, Mitchell, Morton, Nadeau, Nelson, N.; Paul, Peltier, Peterson, Plourde, Post, Quinn, Raymond, Rollins, Sewall, Shute, Sprowl, Stubbs, Talbot, Tierney, Tozier, Trafton, Truman, Twitchell, Violette, Whittemore, Wilfong.

NAY — Bagley, Benoit, Birt, Brown, K. L.; Brown, K. C.; Connors, Connolly, Cote, Curran, Dudley, Fenlason, Gill, Gillis, Goodwin, H.; Gould, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hughes, Hunter, Immonen, Jacques, Kane, Kany, Kelleher, Laffin, Marshall, Masterton, McMahon, Najarian, Pearson, Perkins, Prescott, Silsby, Smith, Stover, Strout, Teague, Torrey, Valentine, Wood, Wyman.

ABSENT — Ault, Boudreau, P.; Carrier, Devoe, Lougee, Lunt, Mahany, McBreaity, Mills, Moody, Nelson, M.; Norris, Palmer, Peakes, Rideout, Spencer, Tarbell, Tarr, Tyn-

dale, Theriault.

Yes, 85; No, 45; Absent, 20.

The SPEAKER: Eighty-five having voted in the affirmative and forty-five in the negative, with twenty being absent, the motion does prevail.

Thereupon, on motion of Mr. Nelson of Rogue Bluffs, the Bill and all accompanying papers were indefinitely postponed in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter:

“An Act Relating to Post-graduate Education in the Field of Medicine, Dentistry, Optometry and Veterinary Medicine” (S. P. 932) (L. D. 2177) which was tabled earlier in the day and later today assigned pending passage to be enacted.

The SPEAKER: The Chair recognizes the gentleman from Blue Hill, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: For the purpose of clarification, the term “clinical education sites,” as mentioned in L. D. 2177, Subsection 3 and 2277 is intended to include both clinical clerkship sites and preceptorship sites. Clinical clerkships usually means an on-location teaching environment in conjunction with residency training, while preceptorships usually mean anything from a one to one training site between a physician and medical student to a training site in a rural health clinic or hospital without a residency program.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: Just a couple of comments before I go along with the passage of this. This is a long ways from the bill that I would hope for. I am not satisfied with it in many ways, but I think it is the best bill that can be worked out now.

I think it is a rather punitive bill on the students of the State of Maine to ask them to pay back a large part of the cost of their medical education and to pay back if they do not come into the State of Maine or if they do not go into the particular programs or areas that are specified by the commission that is adopted.

Not having a medical school in the State of Maine but having other graduate areas of education and students being able to go there at a lower cost than the total cost of their education, but having to be faced with the payback provisions that are involved in this bill, I think we are not being completely fair with the students of the State of Maine. I am sorry that it is in there; I wish it could be done differently, but I think under the circumstances, it is the best that can be done and I would hope that the bill does receive passage.

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

By unanimous consent, ordered sent forthwith.

The chair laid before the House the following matter:

Bill “An Act to Conform State Statutes to the Maine Administrative Procedure Act” (Emergency) (H. P. 2107) (L. D. 2145) which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment “A” (H-1146).

Mr. Curran of South Portland offered House Amendment “A” to Committee Amendment “A” and moved its adoption.

House Amendment “A” to Committee Amendment “A” (H-1150) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Curran.

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: What this amendment addresses is the effective date of this particular L. D. In our getting this out to the floor, we

had, in the early stages of the committee, taken off the emergency preamble and it is rather tentative as to when this body will adjourn and it may create a conflict in administrative law if there is a two or three day lapse in the effective date of this bill, so it is complying with the effective date of the APA law that we passed last year, setting it at July 1, 1978. Once that had been established, then it was no longer necessary to include the current year funding needs, so the current year funding needs have been taken off. This is what the amendment does, and I urge its adoption.

Thereupon, House Amendment “A” to Committee Amendment “A” was adopted.

Committee Amendment “A” as amended by House Amendment “A” thereto was adopted.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed and sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Quinn of Gorham, the House voted to take from the table the first tabled and unassigned matter:

House Report — “Ought to Pass” — Committee on Education on Bill “An Act to Clarify the Education Laws” (H. P. 2018) (L. D. 2093)

Tabled — February 28, 1978, by Mr. Quinn of Gorham.

Pending — Motion of the same gentleman to accept the Committee Report.

Thereupon, the Report was accepted and the Bill read once. Under suspension of the rules, the Bill was read the second time.

Mr. Lynch of Livermore Falls offered House Amendment “A” and moved its adoption.

House Amendment “A” (H-1148) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: This takes care of errors that were in the education laws. They are essentially changes in chapter numbers. We have removed such things as maintenance of effort because it no longer exists. We have removed reference to the uniform property tax which was repealed. We have changed state aid with state participation to read “local leeway.” We have taken care of allowing private academies that have an exclusive contract with local school administrative units for the provision of secondary education shall be treated as a public school unit for the computation of special education tuition rates. This takes care of the academies, Lee, Thornton, MCI, Foxcroft, Fryeburg and Washington.

I think this does nothing but correct errors. If there are any questions, I will be glad to answer them.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I would like to pose a question to the Chairman of the Education Committee if I could. Several weeks ago, he indicated to the House that that committee would be addressing the issue of cost sharing in the SAD’s, and I was under the impression it would be addressed in this bill. Do you have a vehicle in your committee to deal with that particular issue?

The SPEAKER: The gentleman from Stonington, Mr. Greenlaw, has posed a question through the Chair to the gentleman from Livermore Falls, Mr. Lynch, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: That was a thorny issue. We had a constitutional question, and in order to resolve that problem, we are going to have to go the constitutional route. That bill will be forthcoming. I would expect, by tomorrow.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Masterman.