

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

INDEX

First Confirmation Session

August 3, 1979

INDEX

First Special Session

October 4-5, 1979

INDEX

Second Special Session

October 10-11, 1979

INDEX

Second Confirmation Session

December 7, 1979

INDEX

Mahany, Marshall, Martin, A.; Masterman, Matthews, McHenry, McKean, McMahon, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, A.; Paradis, Paul, Payne, Pearson, Peterson, Post, Rolde, Rollins, Roope, Sherburne, Simon, Small, Smith, Soulas, Stover, Studley, Tarbell, Theriault, Tierney, Torrey, Tozier, Tuttle, Twitchell, Vose, Wentworth, Wood, Wyman, The Speaker.

NAY—Baker, Beaulieu, Benoit, Brannigan, Brennerman, Brown, K. L.; Carrier, Carter, F.; Connolly, Cox, Curtis, Dutremble, D.; Fenlason, Fillmore, Gillis, Gowen, Howe, Immonen, Kane, MacBride, Masterton, Nelson, M.; Norris, Peltier, Prescott, Reeves, J.; Sewall, Sprowl, Stetson, Vincent, Violette.

ABSENT—Birt, Bunker, Chonko, Churchill, Diamond, Dow, Dudley, Higgins, Huber, Nelson, N.; Reeves, P.; Silsby, Strout, Whittemore.

Yes, 106; No, 31; Absent, 14.

The SPEAKER: One hundred six having voted in the affirmative and thirty-one in the negative, with fourteen being absent, House Amendment "A" to Committee Amendment "A" is adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

The following paper appearing on Supplement No. 19 was taken up out of order by unanimous consent:

Ought to Pass

Pursuant to Joint Order S. P. 577

Committee on Judiciary on Bill "An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency) (S. P. 581) (L. D. 1639) reporting "Ought to Pass" pursuant to Joint Order (S. P. 577)

Came from the Senate, with the Report read and accepted and the Bill Passed to be Engrossed as Amended by Senate Amendment "B" (S-328) as Amended by Senate Amendments "A" (S-332), "B" (S-334), "C" (S-335), "D" (S-336) and "E" (S-337) thereto.

In the House, the Report was read and accepted in concurrence and the Bill read once.

Senate Amendment "B" (S-328) was read by the Clerk.

Senate Amendment "A" to Senate Amendment "B" (S-332) was read by the Clerk and adopted.

Senate Amendment "B" to Senate Amendment "B" (S-334) was read by the Clerk.

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

Mr. CONNOLLY: Mr. Speaker, I move that Senate Amendment "B" to Senate Amendment "B" be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Waldoboro, Mr. Blodgett.

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you not to kill this bill but to pass it, because it is consistent with the rest of the school laws, education laws. The CST's were inadvertently left out over the years as SAD's and other school districts were developed. The legal staff would agree entirely that it is consistent with the present law.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: This particular amendment would give community school districts the power of eminent domain. Now, I don't know how most of you in this body feel about giving our governmental bodies the power of eminent domain, but I would just like to tell you that

this issue was never presented to the Education Committee when we had a bill before us, a very substantial bill, which I think Representative Tarbell questioned at final enactment, that dealt with the complete reorganization and governance of community school districts. This particular issue was never presented to the Education Committee at the hearing that we had when we dealt with our errors and inconsistencies law, the clarification bill.

The committee felt that this was a substantive change and that that issue should have a hearing unto itself and was not willing to put that matter on any of the bills we had in committee until we had a hearing on the issue. I would hope that since the issue is such a significant one, regardless of how you feel about the question of eminent domain, that you would indefinitely postpone this amendment.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I hope we will not indefinitely postpone this amendment. I am aware of occasion after occasion where through some oversight in this legislature, admittedly, we keep finding the community school districts needing to be brought into line with the powers we have routinely granted to school administrative districts and to municipalities. So, I see no threat or problem. If you find a threat or problem in the way the SAD's are operating, or your municipalities, then you can decide it here, but this, as I understand it, is merely bringing the community school districts in line with the way the others have been operating for years.

The SPEAKER: The Chair recognizes the gentlewoman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I serve on the Education Committee along with the gentleman from Portland, Mr. Connolly. When I first looked at this bill I was concerned, too, that it was a substantive change, but after realizing that the SAD's and the schools in municipalities have this power, it seemed to me that it was an error rather than a substantive change, so I would go along with this amendment.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Connolly, that Senate Amendment "B" to Senate Amendment "B" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

31 having voted in the affirmative, 82 in the negative, the motion to indefinitely postpone did not prevail.

Thereupon, Senate Amendment "B" to Senate Amendment "B" was adopted.

Senate Amendment "C" to the Senate Amendment "B" (S-335) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, I would like to pose a parliamentary inquiry. Is this particular Senate Amendment in violation of Joint Rule 4?

The SPEAKER: The Chair would answer in the affirmative.

Senate Amendment "D" to Senate Amendment "B" (S-336) was read by the Clerk and adopted.

Senate Amendment "E" to Senate Amendment "B" (S-337) was read by the Clerk and adopted.

Mr. Marshall of Millinocket offered House Amendment "A" to Senate Amendment "B" and moved its adoption.

House Amendment "A" to Senate Amendment "B" (H-685) was read by the Clerk.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: If you look at the Statement of Fact on this, under filing number H-685, "The purpose of this amendment is to

see that all law enforcement personnel of the Department of Public Safety have the necessary safety equipment when stopping vehicles for violation of the law. Currently, they don't and I believe they should in that this is inconsistent with our enforcement laws.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair, particularly to anyone in the Transportation Committee that dealt with this particular section of our transportation motor vehicle laws and just ask what kind of a change this really represents in those laws that they really dealt with very carefully in the session?

The SPEAKER: The gentleman from Bangor, Mr. Tarbell, poses a question to any member of the Transportation Committee who may respond if they so desire.

The Chair recognizes the gentleman from Bangor, Mr. Tarbell.

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: If somebody can pick this up and take a look at it, it has got a filing number H-685. It regards blue lights. There were several bills on blue lights. I don't think this is identical to any of those, so I am not questioning it under that provision, but I am asking whether or not this is consistent with the policy that the transportation committee has attempted to maintain during the course of the session.

The SPEAKER: The gentleman from Bangor, Mr. Tarbell, poses a question to any member of the Transportation Committee who may respond if they so desire.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I looked that amendment over carefully. I think the one thing that did bother me to start with was the fact, is this going to require those vehicles used by the Department of Public Safety in undercover work, who are not actually in the job of stopping vehicles on the road, is this going to cause them to have to have the blue lights affixed to their car? I think this is the problem that I had with it. However, the way it is worded, "lights used," I can assume from that that if the vehicle is going to use the lights to stop another vehicle, then they should be blue. In that particular light, I see nothing in here that is any different from what we have had in the past.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker Men and Women of the House: The Judiciary Committee met on four or five different occasions to ask members of the House and Senate to submit particular amendments to our committee. I have looked at this amendment and I think it raises some substantive issues, some factual questions, and I move for its indefinite postponement.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: If you will notice, this amendment has been on your desks for a couple of days. I tried to get this into committee on time and missed the deadline by one hour. I did bring it over to Senator Collins and have him take a look at it and solicit his opinions on it. He saw no problems with it. Because we couldn't get it on at that point in time, before the committee on the errors and inconsistencies bill, he suggested I offer it as a House Amendment to Committee Amendment "B", which I did at this time.

I don't think we have not dealt with this subject this year. I don't see anything inconsistent with it. I think it is only a logical step in the requirement that these people pursue their duties with which they are charged. The statement of

fact is very simple, and if you will look at the amendment, if you have it on you, it is only a one-page amendment. It just includes the law enforcement personnel of the Department of Public Safety and does change the indication to wildlife wardens from game wardens, which I think is consistent with departmental policy. I ask for a division.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I didn't really mean to cause alarm over this. I just know that the Transportation Committee has worked on this particular issue, they did establish a policy, I do appreciate Mr. McKean rising to my question and I think he answered the question satisfactorily and it satisfies me and I would be in favor of this particular amendment on that basis.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: This bill would put blue lights in the liquor inspectors' cars. That bill has been around here longer than I have. I think if anybody wants to put blue lights, red lights or green lights on liquor inspectors, I think they should do what they have done over the past several years, right up an L. D. and give it a public hearing.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: One thing to point out, we accepted Amendment "A" to "B", which amends on the Coastal Patrol Warden, puts the new name on the wardens. Mr. Marshall's amendment uses the old name, so it would have to be corrected to bring it back into the amendment we have already put on. They are changing the name of the warden service to the Coastal Patrol and his amendment uses the old name.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: It is my belief that the liquor enforcement people come under the Department of Alcoholic Beverages and not the Department of Public Safety. If that is so, then they are not included in this piece of legislation.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Saco, Mr. Hobbins, that House Amendment "A" to Senate Amendment "B" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

81 having voted in the affirmative and 28 having voted in the negative, the motion did prevail.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, I would like to pose a question regarding Senate Amendment "B" before it is enacted so it will be in the record when it is looked back on.

I have a question in regard to Senate Amendment "B" in the errors and inconsistency bill, Page 18, Section 3732, MRSA, 7169 polygraph. I would like assurance that this amendment does not allow or encourage the use of polygraphs or PSE data as evidence in criminal, civil or administrative proceedings.

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

Mr. HOWE: Mr. Speaker and Members of the House: This is an amendment which I submitted to the Committee on Judiciary at the request of the office of the Attorney General. The answer to the gentleman's question is that this amendment is not in any way intended to encourage the use of the results of polygraphs or similar devices in either criminal or civil or administrative proceedings, not is it intended to change the present state of the law with

regard to the admissibility of such material.

Thereupon, on motion of Mrs. Mitchell of Vassalboro, tabled pending adoption of Senate Amendment "B" as amended by Senate Amendment "A" "B" "D" and "E" thereto.

(Off Record Remarks)

The following paper from the Senate was taken up out of order by unanimous consent:

From the Senate: the following Order:
ORDERED, the House concurring, that when the Senate and House adjourn they adjourn to Wednesday, June 13, 1979, at 8:30 o'clock in the morning. (S. P. 623)

Came from the Senate, read and passed.
In the House, was read and passed in concurrence.

The following papers appearing on Supplement No. 14 were taken up out of order by unanimous consent:

The following Joint Orders, Expressions of Legislative Sentiment:

(H. P. 1535) the Oak Hill High School Boys' baseball team, coached by Bill Fairchild, won the Mountain Valley Conference Division III Championship for 1979.

Presented by Mr. LaPlante of Sabattus.
The Order was read and passed and sent up for concurrence.

(H. P. 1536) the Oak Hill High School Boys' Tennis Team, coached by Jim Ford, won the Mountain Valley Conference Championship for 1979.

Presented by Mr. LaPlante of Sabattus.
The Order was read and passed and sent up for concurrence.

(H. P. 1537) Mark Johnson of Wales is Valedictorian of the Class of 1979 at Oak Hill High School.

Presented by Mr. LaPlante of Sabattus.
The Order was read and passed and sent up for concurrence.

(H. P. 1538) Amy Black of Litchfield is salutatorian of the Class of 1979 at Oak Hill High School.

Presented by Mr. LaPlante of Sabattus.
The Order was read and passed and sent up for concurrence.

(H. P. 1539) Bob Barrieault won 3rd place in the shotput and 4th place in the javelin, for Oak Hill High School, at the 1979 Class "C" Track meet.

Presented by Mr. LaPlante of Sabattus.
The Order was read and passed and sent up for concurrence.

(H. P. 1540) Central High School Girl's Softball Team is the Eastern Maine Class C Champion for 1979.

Presented by Mr. LaPlante of Sabattus.
The Order was read and passed and sent up for concurrence.

(H. P. 1541) Drummond Earley Jr., son of Drummond and Joy Earley of Hudson received high honors for 4 years and is Salutatorian of the Class of 1979 at Central High School.

Presented by Mr. Strout of Corinth.
The Order was read and passed and sent up for concurrence.

(H. P. 1542) Melody F. Blackwell, daughter of Delvin and Joan Blackwell of East Corinth, received High Honors for 4 years and is the Valedictorian of the Class of 1979 at Central High School.

Presented by Mr. Strout of Corinth.
The Order was read and passed and sent up for concurrence.

By unanimous consent, the preceding orders were ordered sent forthwith to the Senate.

The following paper appearing on Supplement No. 15 was taken up out of order by unanimous consent:

Tabled Unassigned

On motion of Mr. Blodgett of Waldoboro, the following Joint Order: (H. P. 1554)

WHEREAS, important resources are becoming increasingly scarce and expensive; and WHEREAS, encouraging less wasteful and more direct means of providing essential commodities, such as food and fuel, which are now imported, will be of benefit to the economy and welfare of the people of the State; and

WHEREAS, appropriate technology conserves energy, minimizes environmental harm and utilizes resources within the State to promote self-sufficiency; now, therefore, be it

ORDERED, the Senate concurring, subject to the Legislative Council's review and determinations hereinafter provided, that the Joint Standing Committee on Energy and Natural Resources, shall study the State's policy on appropriate technology, including research, experimentation, dissemination of information and marketing of the products of appropriate technology; and be it further

ORDERED, that the committee report its findings and recommendations, together with all necessary implementing legislation in accordance with the Joint Rules, to the Legislative Council for submission in final form at the Second Regular Session of the 109th Legislature; and be it further

ORDERED, that the Legislative Council, before implementing this study and determining an appropriate level of funding, shall first ensure that this directive can be accomplished within the limits of available resources, that it is combined with other initiatives similar in scope to avoid duplication and that its purpose is within the best interests of the State; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to members of the committee.

The Order was read.
On motion of Mrs. Mitchell of Vassalboro, tabled unassigned pending passage.

The following paper appearing on Supplement No. 16 was taken up out of order by unanimous consent:

Tabled Unassigned

On motion of Mrs. Post of Owl's Head, the following Joint Order: (H. P. 1550)

WHEREAS, there are introduced in each session of the Legislature bills seeking to allow various towns to leave the Maine Forestry District; and

WHEREAS, a principal impetus for leaving the district is a 4¼ mill assessment on a town's state valuation imposed on member towns; and

WHEREAS, the relation between the 4¼ mill assessment and the actual cost of providing forest fire protection is unclear and hence the need for and level of the assessment is difficult to justify; and

WHEREAS, if too many towns leave the forestry district, its funding may be in danger; and

WHEREAS, the method of determining state assistance to towns outside the forestry district imposes a burden on towns, if a fire occurs, that has greatly increased with the increase in the state valuation, now, therefore, be it

ORDERED, subject to the Legislative Council's recommendations, that the Joint Standing Committee on Taxation shall study state assistance to municipalities for forest fires both in and out of the forestry district, the use of the state valuation in determining assistance and assessment levels and the organization and financing of the Maine Forestry District, including the methods of entering and leaving the district and the sources of its funding; and be it further

ORDERED, that the committee report its