

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 2 to April 3, 1980

THIRD SPECIAL SESSION

May 22, 1980

THIRD CONFIRMATION SESSION

July 17, 1980

FOURTH CONFIRMATION SESSION

July 24, 1980

FIFTH CONFIRMATION SESSION

September 12, 1980

**REPORT, HEARING TRANSCRIPT AND
RELATED MEMORANDA OF THE JOINT
SELECT COMMITTEE ON INDIAN LAND
CLAIMS**

HOUSE

Thursday, January 24, 1980

The House met according to adjournment and was called to order by the Speaker.

Prayer by Father Robert Newland of St. Mark's Episcopal Church, Augusta.

Father NEWLAND: O God, you made us in your own image and redeemed us through Jesus, your son. Look with compassion on the whole human family. Take away the arrogance and hatred which often infect our hearts, break down the walls that separate us. Unite us in bonds of love and work through our struggle and confusion to accomplish your purposes on earth, that in your good time all nations and races may serve you in harmony around your heavenly throne.

O God, the fountain of wisdom, whose will is good and gracious and whose law is truth, we beseech you so to guide and bless our representatives in the legislature of this state that they may enact such law as shall please thee, to the glory of thy name and the welfare of this people, through Jesus Christ, our Lord. Amen.

The journal of yesterday was read and approved.

Papers from the Senate

The following Joint Orders, Expressions of Legislative Sentiment recognizing that:

Brenda Lesieur of Brunswick has achieved the rank of First Class in Cadet Girl Scout Troop 475 (S. P. 714)

Kimberly Hanson of Brunswick has achieved the rank of First Class in Cadet Girl Scout Troop 475 (S. P. 715)

Jane Schneidewind of Brunswick has achieved the rank of First Class in Cadet Girl Scout Troop 475 (S. P. 716)

Barbara Brosnan of Brunswick has achieved the rank of First Class in Cadet Girl Scout Troop 475 (S. P. 717)

Came from the Senate read and passed.

In the House, the Orders were read and passed in concurrence.

The Following Joint Order: (S. P. 710)

ORDERED, the House concurring, that, pursuant to Joint Rule 37, two-thirds of the members of both Houses concurring, "An Act to Remove Moose River from the Maine Forestry District" may be introduced during the Second Regular Session of the 109th Legislature.

Came from the Senate read and passed.

In the House, the Order was read.

The SPEAKER: The Chair recognizes the gentleman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: During the last session, the Taxation Committee and this legislature had several bills that would remove individual communities from the Maine Forestry District. The issue is a relatively complicated one and one that the Taxation Committee felt we were not able to come up with a solution that would both provide forest fire protection to the unorganized territories and to some of the other organized communities and, at the same time, not provide a drain of millions of dollars on the General Fund.

We had asked for a study, but that study was not approved and I would urge you to vote against this particular order. I know if this one is passed, there will be several others and we will be in a less likely position to deal with the issue.

This issue has been before us last year, they died on the Appropriations Table, and it is the same type of bill that all of us had last year. So I would ask you to simply vote against this order.

The SPEAKER: The pending question is on passage. This requires a two-thirds vote of all the members present and voting. All those in favor of this order receiving passage in concurrence will vote yes; those opposed will vote no.

A vote of the House was taken.

28 having voted in the affirmative and 80 having voted in the negative, the order failed of passage.

Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following Joint Order: (S. P. 718)

ORDERED, the House concurring, that, when the Senate and House adjourn on Friday, January 25, 1980, they adjourn to Monday, February 4, 1980, at 12 o'clock noon.

Came from the Senate read and passed.

In the House, the Order was read.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would urge the House this morning to reject this joint order from the other body. Arguments were presented at our respective caucuses yesterday trying to encourage the membership to recess because of lack of work available for the members of this session of the legislature.

As I understand it, and I have a weekly report sheet here, there are 106 bills now in the hands of our respective committees. We are going to have approximately 225 to 230 bills presented to this legislature for the entire session. I think it would be remiss for us to recess.

For the brief number of years that I have served in this body, sessions begin slowly, to say the least. There was a limited number of bills allowed in by leadership. We are not going to have over 250 bills. There are 106 bills now in committees and I think we would be stepping backwards and not stepping forward in terms of trying to have a productive session. It is slow and it is frustrating, but it is going to be even more frustrating when we are here for an additional 8 or 10 days at a tremendous cost to the taxpayers.

Work is being done every single day by committees. It is slow, and it takes time for the committees to grind it out, but I don't think there is argument enough for us to recess for four or five days. And I am really surprised at leadership, who want things to move quickly in here, to be urging this House to recess; it is counterproductive, it is costly to the taxpayers and there is no time saving at all in it. If leadership could indicate to you and I, as rank and file members, that there would be an effort instead of us going 35 or 40 days, by this recess we would only be in here for 15 or 20 more.

Let me tell you something, all the work gets done the last four or five days, and it doesn't matter if we recess for three weeks, we are going to go 50 days before we complete our business. That is the nature of the animal that we are associated with.

Mr. Speaker, I ask for a roll call when the vote is taken, and I urge the membership not to support this motion. It is not going to speed up the session, it is going to delay it even more.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: It is on very rare occasions that I even think of disagreeing with my former seatmate, the Representative from Bangor, Mr. Kelleher.

We are now in the plans of finishing the federal budget, which I don't see any reason why we should be looking at it anyway—all I want to do is get down in the Appropriation's Room and just sign a jacket and that is the end of it. We can't raise it.

We have no work to do, and I agree on one thing with the gentleman from Bangor—I don't want to wait until the last second of the legislature before we come up with a budget.

Now, I am looking at this budget here and, believe me, it is going to take us a little more than 20 minutes before we remedy it. I don't believe some of the things I am reading in it. I haven't had a chance to study it, and I intend to

take it home and study it at home. My idea would be that we could meet for three days. I want to have early meetings, bring our own lunches or have our lunches brought into the committee room and work and come out with a budget.

I know, probably because of having been here a little longer, just what happens the last three or four days. We sure have done away with evening meetings, and that is a godsend. If I catch the piano on the third floor, I am going to put an axe to it. That will help things along also.

We rush through and rush through and rush through legislation without even looking at it. A session like this is a money session and a windup—it all winds up with a dollar bill. I would like to have the Appropriations Committee report out the bill that they are going to have to report out as quickly as they can so you can have an opportunity to debate it, to amend it and finally to do what you want to with it—pass it or not pass it.

I think it is imperative, because we do not have anything to do, I am aware we are going to be here 37 other days, but I am also aware of one thing, when I get on the elevator at nine minutes past nine, like I did Friday because we skidded all the way from Lewiston, and I meet people with their hats and coats on and ask them where they are going—we are going home, the session's over.

If you want to hear things, you wind up in the hospital. That is why I wasn't here the first days of the session—that is where you hear some news. And I am going to tell you one thing right now, we have averaged 12½ minutes a session since we have been here and I can tell you, the people are not too happy; \$25,000 a day is \$25,000 a day, and it is a lot of money.

I certainly hope you don't go along with this thing here. We can do our work. Representative Kelleher will peak to be doing his work with his committee and he will do his work well. We will be back here, we will have reports of committees, we will have a chance to debate the bills and we can keep on doing our work as judiciously and as quickly as we can and then we can come up with something and probably even get out a little earlier. That would be all right with me.

I understand the Judiciary Committee is doing a fine job on the Errors and Inconsistencies Bill. That is going to require some debate. Let's leave for a week, let's come back, we will have some work to do, and then we can work in the morning and the committees will have bills to go to work on.

I certainly hope that the motion prevails and I go along with the roll call also. I am distressed that my colleague from Bangor can't see eye to eye with me. We were at odds for a little while, up until Monday, but that is all resolved now, so I don't see why we should keep on opposing one another.

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 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 Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: I expect to talk to a lot of deaf ears this morning, but I have been here a long time and I have seen the legislature run when I thought it was running smoothly, and I don't think it is being run the way it should be run.

Let me go back several years ago when we met—I am not necessarily proposing that—but we ran this legislature many years ago Tuesday, Wednesday and Thursday and Wednesday was generally hearing day, Thursday was for executive sessions. Everybody wants to go to

an executive session to have the last word, and the members of the House had a chance to do it. Now you don't know when the executive sessions are going to be; you never can get to one and this I don't exactly like.

I come from a far end of the state, quite a ways up, and I have a lot of people. I am trying to bring you their message as I get it from them. Some of them practice law, for instance. They have several bills that they would like to be heard on and they come down one day before Transportation on the motor vehicle laws, and that is on Tuesday, maybe. They have got another one before Judiciary somewhere else, and that is on Wednesday. In other words, they have got to come down and stay overnight and today people like attorneys can't afford to be away from their businesses many days; it makes it very difficult. I think if everybody in this state knew that the hearings were going to be on a certain day, my people would like that because they could come down and go to maybe more than one hearing or be heard at more than one hearing. The way it is today, the hearings are advertised in the paper, truly, but they are advertised Tuesday, Wednesday and Thursday and maybe even some on Friday a little later. Above all, we don't need to be here on Friday. If we could go back to the way, in my opinion, it should be run, Tuesday, Wednesday and Thursday, we could at least keep away from Friday.

I want to shorten this legislative session. I thought I could vote for an adjournment, but as has been pointed out by another oldtimer just a few minutes ago, there is so much work to be done that I don't think that would be practical.

I do think, though, we would be doing a justice to the people, bringing government closer to them, if we could go to a three or four day week. I would prefer a three day week, but I would buy a four day week. But first of all, we should have the hearings on a certain day and have a sense of direction so that some of us people who are maybe a little senile now would know where things are going and what we are doing. It is too fast for us and we can't keep up with what room what hearing is in and all this kind of thing, and this is going to happen to some of you young people when you get my age, you are going to get that way too, regrettably.

I hope with my small vocabulary that I have brought you a message from an oldtimer, that I don't think to adjourn is the proper thing to do. I do think it would be proper to shorten the days that we meet each week.

The SPEAKER: A roll call has been ordered. The pending question is on passage in concurrence. All those in favor of this Order receiving passage in concurrence will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from Portland, Mr. Brannigan.

Mr. BRANNIGAN: Mr. Speaker, I would like to pair my vote with the gentlewoman from Bethel, Miss Brown. If she were here, she would be voting yes; if I were voting, I would be voting no.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Ms. Brown.

Ms. BROWN: Mr. Speaker, I would like to pair my vote with the gentleman from Bangor, Mr. Tarbell. If he were here he would be voting yea; if I were voting, I would be voting nay.

ROLL CALL

YE — Barry, Beaulieu, Benoit, Berube, Bordeaux, Boudreau, Bowden, Brennerman, Brodeur, Brown, D.; Brown, K.C.; Bunker, Call, Carrier, Carroll, Carter, F.; Chonko, Churchill, Cloutier, Conary, Curtis, Damren, Davies, Davis, Dellert, Dexter, Diamond, Doukas, Dow, Drinkwater, Dudley, Duteuble, D.; Elias, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gowen, Gwadosky, Hanson, Higgins, Hobbins, Hunter, Hutchings, Immonen, Jackson, Jacques, P.; Jalbert, Kane, Kany, Kiesman, Laffin, Lancaster, LaPlante, Leighton,

Lewis, Lizotte, Locke, Lowe, Lund, MacBride, Mahany, Marshall, Masterton, Matthews, McHenry, McKean, McMahon, McPherson, McSweeney, Morton, Nadeau, Nelson, A.; Paradis, F.; Paradis, P.; Paul, Pearson, Peltier, Peterson, Post, Prescott, Reeves, J.; Rolde, Rollins, Sewall, Sherburne, Silsby, Simon, Small, Soulas, Stetson, Stover, Strout, Studley, Theriault, Tierney, Torrey, Tozier, Tuttle, Violette, Wentworth, Whitemore, Wood, The Speaker.

NAY — Aloupis, Bachrach, Baker, Berry, Carter, D.; Connolly, Cox, Cunningham, Fowle, Hall, Hickey, Huber, Jacques, E.; Kelleher, Leonard, Lougee, MacEachern, Masterman, Maxwell, Nelson, N.; Reeves, P.; Roope, Smith, Sprowl, Twitchell, Vincent, Vose.

ABSENT — Austin, Birt, Blodgett, Dutremble, L.; Gray, Howe, Hughes, Joyce, Martin, A.; Michael, Mitchell, Nelson, M.; Norris, Payne, Wyman.

PAIRED — Brannigan-Brown, K.L.; Brown, A.-Tarbell.

Yes, 105; No, 27; Absent, 15; Paired, 4.

The SPEAKER: One hundred five having voted in the affirmative and twenty-seven in the negative, with fifteen being absent and four paired, the Order receives passage in concurrence.

Bill "An Act to Increase Real Estate Broker and Salesman License and Examination Fees" (S. P. 705) (L. D. 1841)

Bill "An Act to Increase License and Examination Fees for Barbers" (S. P. 706) (L. D. 1842)

Bill "An Act to Amend the Pay Schedule of Physicians to Include Actuaries" (S. P. 707) (L. D. 1843)

Bill "An Act Relating to the Qualifications for the Licensing of Auctioneers" (S. P. 708) (L. D. 1844)

Came from the Senate referred to the Committee on Business Legislation and ordered printed.

In the House, were referred to the Committee on Business Legislation in concurrence.

Bill "An Act to Aid Recovery of Medicaid Funds" (S. P. 709) (L. D. 1845)

Came from the Senate referred to the Committee on Health and Institutional Services and ordered printed.

In the House, was referred to the Committee on Health and Institutional Services in concurrence.

Bill "An Act to Amend the Charter of the Amroostock-Prestile Treatment District" (Emergency) (S. P. 704) (L. D. 1840)

Came from the Senate referred to the Committee on Public Utilities and ordered printed.

In the House, was referred to the Committee on Public Utilities in concurrence.

Non-Concurrent Matter

Bill "An Act Relating to Agricultural Development" (H. P. 1719) (L. D. 1830) which was referred to the Committee on State Government in the House on January 18, 1980.

Came from the Senate referred to the Committee on Agriculture in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, I move that we recede and concur. I make this motion very reluctantly. The bill entitled, "An Act Relating to Agricultural Development," is a bill which deals with more than just the Department of Agriculture. It is a major reorganization bill in which, upon reading, you will note that certain duties of the state are being sought to be transferred to the Department of Environmental Protection. For instance, it deals with abandoned dams, water levels and many things outside of the normal jurisdiction of what one usually thinks of as agriculture.

I do make the motion just because I understand that the Agriculture Committee of the legislature does not have many matters before it and they are greatly interested in this topic, as are other committees. I feel that they would devote a significant amount of time to the bill and that the State Government Committee, which normally deals with reorganization bills, can have some input at the hearing and the working session level.

Also, the Committee on Audit and Program Review has been performing many functions with which it is charged as far as looking into the programs of the Department of Agriculture. It is, indeed, the committees feelings that it, too, would like very much to participate in the hearings and work sessions.

With that in mind, and with the understanding of the legislature that this would not be a precedent, I do so make that motion.

The SPEAKER: The Chair recognizes the gentleman from Easton, Mr. Mahany.

Mr. MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: I thank the gentlewoman from Waterville, Mrs. Kany, for her willingness to concede.

Thereupon, the House voted to recede and concur.

Petitions, Bills and Resolves Requiring Reference

The following Bills were received and referred to the following Committees:

Agriculture

Bill "An Act to Revise and Strengthen the Bee Industry Law" (H. P. 1745) (Presented by Mrs. Damren of Belgrade) (Cosponsor: Mr. Rollins of Dixfield) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26.)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Allow Reasonable Attorney's Fees as a Remedy in an Action under the Maine Human Rights Act" (H. P. 1746) (Presented by Ms. Benoit of South Portland) (Governor's Bill)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act Relating to Group Self-insurers under the Workers' Compensation Act" (H. P. 1747) (Presented by Mr. Wyman of Pittsfield) (Cosponsors: Miss Brown of Bethel, Miss Aloupis of Bangor and Mr. Gwadosky of Fairfield) (Governor's Bill)

Committee on Labor was suggested.

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

Public Utilities

Bill "An Act to Clarify the Obligations of Certain Public Utilities Regarding Assessments to Defray Expenses of the Public Utilities Commission" (H. P. 1748) (Presented by Mr. Davies of Orono) (Cosponsor: Mr. Kane of South Portland) (Governor's Bill)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Clarify the Law Concerning Income Taxation of Servicemen who are Maine Residents" (H. P. 1749) (Presented by Mr. Cox of Brewer) (Governor's Bill)

Bill "An Act Relating to Interest on Supplemental Assessments under the Tax Laws" (H. P. 1750) (Presented by Mr. LaPlante of Sabattus) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27.)

Bill "An Act Providing for Administrative Changes in the Maine Revised Statutes Relat-

ing to Taxation" (H. P. 1751) (Presented by Mr. Cox of Brewer) (Governor's Bill)
(Ordered Printed)
Sent up for concurrence.

Transportation

Bill "An Act to Revise the Local Registration Program to Authorize the New Registration of Trucks Weighing more than 6,000 Pounds" (H. P. 1752) (Presented by Mr. MacEachern of Lincoln) (Cosponsors: Mr. Elias of Madison and Mr. Tozier of Unity) (Governor's Bill)
(Ordered Printed)
Sent up for concurrence.

Orders

On motion of Mr. Cox of Brewer, it was ORDERED, that Representative Elizabeth Mitchell of Vassalboro be excused January 24 and 25 1980 for Legislative Business.

House Reports of Committees

Ought Not to Pass

Mr. Davies from the Committee on Public Utilities on Bill "An Act Amending the Charter of the Paris Utility District" (H. P. 1601) (L. D. 1712) reporting "Ought Not to Pass"

Was placed in the Legislative Files without further action pursuant to Joint Rule 22, 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. 1605) (L. D. 1716) Bill "An Act Clarifying the Authority of Municipalities to Acquire and Operate Water Systems" (Emergency)—Committee on Public Utilities reporting "Ought to Pass"

(H. P. 1596) (L. D. 1707) Bill "An Act to Amend the Charter of the Harrison Water District"—Committee on Public Utilities reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of January 25, under listing of Second Day.

Passed to Be Engrossed

Bill "An Act to Expand the State's Program to Promote Apprenticeships" (H. P. 1617) (L. D. 1727)

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

Second Reader

Tabled and Assigned

Bill "An Act to Provide for Per Diem Compensation for Active Retired Judges" (Emergency) (H. P. 1636) (L. D. 1745)

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

On motion of Mr. Leighton of Harrison, tabled pending passage to be engrossed and tomorrow assigned.

(Off Record Remarks)

On motion of Mr. Dudley of Enfield, adjourned until nine o'clock tomorrow morning.