

# 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

Friday, March 7, 1980

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

Prayer by the Reverend Dr. Peter L. Misner of Winthrop and Wayne United Methodist Church, Winthrop.

Rev. MISNER: Let us pray! Almighty God, our heavenly Father, in the midst of this day's work we pause to reflect upon the privilege and responsibility you have laid on this body of representatives of the people of the State of Maine. You have called the members of this House to serve with good judgment, with clear vision, as they consider the needs of all our people. We give you thanks for that; yet, we recognize before you that this treasure of decision and responsibility is held in earthen vessels. By ourselves we have neither great wisdom or great strength. Therefore, we ask that your guidance may illumine the places where shadows cloud understanding. Grant the members of this House to walk with inner light among shades of gray to make sound decisions on behalf of all of our people. We pray the leaders of our state, with honorable industry, sound learning and pure manners will save us from discord and confusion, that the laborers of this time may provide a climate in which justice and peace may prevail and receive at the day's closing the satisfactions of work well done. Amen.

The journal of yesterday was read and approved.

## Messages and Documents

The following Communication: (S. P. 783)

March 5, 1980

Honorable Samuel W. Collins, Jr.

Honorable Barry J. Hobbins

Chairmen

Judiciary Committee

State House

Augusta, ME 04333

Please be advised that Governor Joseph E. Brennan is nominating Judge John L. Batherson of Rumford for reappointment to the District Court.

Pursuant to Title 4 MRSA Section 157, this nomination will require review by the Joint Standing Committee on the Judiciary and confirmation by the Senate.

Sincerely,

S/JOSEPH SEWALL

President of the Senate

S/JOHN MARTIN

Speaker of the House

Came from the Senate, read and referred to the Committee on Judiciary.

Was read and referred to the Committee on Judiciary in concurrence.

The following Communication: (S. P. 784)

March 5, 1980

Honorable Samuel W. Collins, Jr.

Honorable Barry J. Hobbins

Chairmen

Judiciary Committee

State House

Augusta, ME 04333

Please be advised that Governor Joseph E. Brennan is nominating Charles D. Devoe of Union to serve as a Commissioner of the Workers' Compensation Commission.

Pursuant to Title 39 MRSA Section 91, this nomination is subject to review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/JOSEPH SEWALL

President of the Senate

S/JOHN MARTIN

Speaker of the House

Came from the Senate, read and referred to the Committee on Judiciary.

Was read and referred to the Committee on

Judiciary in concurrence.

## Petitions, Bills and Resolves

## Requiring Reference

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

## Appropriations and Financial Affairs

Bill "An Act to Authorize Bond Issues in the Amount of \$4,000,000 in each of 3 Years for Court Facilities Improvements" (H. P. 1916) (Presented by Mr. Davis of Monmouth) (Cosponsors: Mr. Cloutier of South Portland, Mr. Marshall of Millinocket and Mrs. Berube of Lewiston) (Governor's and Chief Justice's Bill)

Bill "An Act to Reduce the Cost to Counties of Supreme Judicial and Superior Courts" (H. P. 1920) (Presented by Mr. Gillis of Calais) (Cosponsors: Mr. Davis of Monmouth, Mr. Brenerman of Portland and Mrs. Berube of Lewiston) (Chief Justice's Bill)

(Ordered Printed)

Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

## Judiciary

Bill "An Act to Authorize Deductions from the Term of Imprisonment of Certain Persons Serving a Split Sentence" (Emergency) (H. P. 1917) (Presented by Mr. Hobbins of Saco) (Governor's Bill)

(Ordered Printed)

Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

## Special Sentiment Calendar

In accordance with House Rule 56, the following items (Expressions of Legislative Sentiment) Recognizing,

The Buckfield High School Girls' Basketball Team, coached by Ron Thompson, winners of the 1979-80 Maine Class D Girls' Basketball Championship, (H. P. 1914) by Mr. Immonen of West Paris. (Cosponsors: Miss Brown of Bethel and Senator Sutton of Oxford)

The Buckfield Bucks, coached by Rodney Millett, winners of the 1979-80 State Class D Boys' Basketball Championship, (H. P. 1915) by Mr. Immonen of West Paris. (Cosponsors: Miss Brown of Bethel and Senator Sutton of Oxford)

Caroline E. Nason, daughter of Donald and Nancy Grape of Auburn, a district winner and representative to the 1980 Maine High School Oratorical Contest; (H. P. 1919) by Mr. Hughes of Auburn. (Cosponsors: Mr. Brodeur of Auburn and Senator Trafton of Androscoggin)

There being no objections, these expressions of Legislative Sentiment are considered passed.

## House Reports of Committees

## Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act to Create a Woodcock Hunting Stamp" (H. P. 1834) (L. D. 1938) Report was signed by the following members:

Signed:

Messrs. PIERCE of Kennebec  
REDMOND of Somerset  
USHER of Cumberland

— of the Senate.

Messrs. PETERSON of Caribou  
VOSE of Eastport  
MacEACHERN of Lincoln  
TOZIER of Unity  
MASTERMAN of Milo  
PAUL of Sanford  
JACQUES of Waterville

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Report was signed by the following members:

Messrs. GILLIS of Calais

DOW of West Gardiner  
CHURCHILL of Orland

— of the House.

Reports were read.

On motion of Mr. MacEachern of Lincoln, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

## Divided Report

Majority Report of the Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-838) on RESOLVE, Appropriating Funds to Camden Community School, Inc. (H. P. 1645) (L. D. 1755)

Report was signed by the following members:

Signed:

Mr. TROTZKY of Penobscot

— of the Senate.

Mrs. LOCKE of Sebec  
LEWIS of Auburn  
BEAULIEU of Portland

Messrs. ROLDE of York  
BIRT of East Millinocket  
CONNOLLY of Portland

Mrs. GOWEN of Standish

— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Resolve.

Report was signed by the following members:

Signed:

Mr. MINKOWSKY of Androscoggin

Mrs. GILL of Cumberland

— of the Senate.

Messrs. FENLASON of Danforth

DAVIS of Monmouth

LEIGHTON of Harrison

— of the House.

Reports were read.

On motion of Mr. Connolly of Portland, the Majority "Ought to Pass" Report was accepted and the Resolve read once. Committee Amendment "A" (H-838) was read by the Clerk and adopted and the Resolve assigned for second reading the next legislative day.

## Consent Calendar

## First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(H. P. 1690) (L. D. 1800) Bill "An Act to Establish Visible Emissions Standards and to Adopt and Revise Certain Definitions under the Environmental Laws" — Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-846)

(H. P. 1766) (L. D. 1889) Bill "An Act Relating to the Reorganization of the Board of Trustees of the State Employees Group Accident and Sickness or Health Insurance Plan" — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-850)

No objections being noted, the above items were ordered to appear on the Consent Calendar of March 10, under listing of Second Day.

## Consent Calendar

## Second Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the Second Day:

(H. P. 1754) (L. D. 1881) Bill "An Act to Appropriate Funds for an Increase in Board Rates for Foster Parents and Clothing Allowances for Children under the Care or Custody of the Department of Human Services" (C. "A" H-837)

On the objection of Mr. Brodeur of Auburn, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-837) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

(H. P. 1680) (L. D. 1789) Bill "An Act to Expand the State's Tourism Promotion Effort" (C. "A" H-836)

No objections having been noted at the end of the Second Legislative Day, the House Papers were passed to be engrossed and sent up for concurrence.

#### Passed to Be Engrossed

Bill "An Act Providing for Administrative Modifications to Property Tax Laws Administered by the Bureau of Taxation" (S. P. 779) (L. D. 1970)

Was reported by the Committee on Bills in the Second Reading, read the second time, and the Senate Paper was passed to be engrossed in concurrence.

#### Amended Bills

Bill "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency) (S. P. 770) (L. D. 1964) (S. "A" S-426)

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

Mr. Hobbins of Saco offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-847) was read by the Clerk and adopted.

Mr. Norris of Brewer offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-844) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I don't pretend to know an awful lot about House Amendment "B" and I think just for the help of all those people who have amendments here, it might be easier if they would just simply explain them as to what they do and that will save people like me getting up and asking questions, if you would just briefly describe, if you could, the amendment for us. I would pose that question to Mr. Norris, please.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: This corrects an inconsistency in Maine State law that would allow the federal hospital at Togus to take involuntary patients. Under the present inconsistency between the two laws, it is impossible to do that and this deals basically with alcoholism. We have no place in the state to deal with veterans who are suffering from this disease, and this would allow a judge to actually commit an active alcoholic who would be dangerous to himself or somebody else to the federal hospital at Togus.

Thereupon, House Amendment "B" was adopted.

Mr. Wood of Sanford offered House Amendment "E" and moved its adoption.

House Amendment "E" (H-849) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Wood.

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: This amendment relates to a law that the Committee on Agriculture discussed and passed last year to do with equalizing the fees between unproductive and productive dogs. At that time, we did not intend for this to be put into the bill. I would say that we never intended for it to be in the Errors and Inconsistencies and I am not sure why it is there and I would like to remove it.

What this does is allow if a person does not have a certificate, they can give sworn testimony that their dog is neutered and that will be acceptable.

I don't think there is enough evidence to justify this type of amendment at this point. At some point in the next session, we might want to clarify it, but at this point, I don't think it is an error and inconsistency; therefore, this

amendment removes that alleged error or inconsistency.

Thereupon, House Amendment "E" was adopted.

Mrs. Post of Owl's Head offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-848) was read by the Clerk.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: In certain areas of our coastline, the Maine State Legislature has limited the number of traps that you can have on a trawl to three, and the enforcement policy of Marine Resources has consistently been that even though you can only have three traps on a particular trawl, you are able to have more than one warp and a buoy, have one on each end.

In taking a close look at the statute when the issue was raised to us the other day, it seemed as though that technically might not read that way and this would simply bring the statute in line with the original intent of the legislation and the enforcement policy of the Department of Marine Resources.

Thereupon, House Amendment "D" was adopted.

Mr. Wood of Sanford offered House Amendment "F" and moved its adoption.

House Amendment "F" (H-851) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Wood.

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: I am presenting this amendment on behalf of Representative LaPlante who is not here today and asked me to present it.

The Statement of Fact fairly well outlines what the amendment is supposed to do. It takes care of the problem of hauling wood over roads that have got posted weight limits. It is my understanding that the Department of Transportation might be taking care of this and maybe someone from that committee would like to clarify the issue.

Thereupon, on motion of Mr. Hobbins of Saco, House Amendment "F" was indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, in regard to the amendment that we just disposed of, I am sure if anyone has a problem with the delivery of wood and are in need of deliveries, this can be worked out with the Department of Transportation, just as we worked out the delivery of grain and dairy products.

We do not intend that this legislation shall impugn upon anybody's needs.

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

Mr. HOBBS: Mr. Speaker and Members of the House: I would like to just clarify the reasons why I indefinitely postponed the last amendment and made that motion.

After reviewing the amendment, it appeared that this was a substantive change, which is not an error or inconsistency in the present law. This motion on my behalf in no way is any intention to hinder anything that can be done procedurally through the Department of Transportation.

Thereupon, the Bill was passed to be engrossed as amended by Senate Amendment "A" and House Amendment "B", "C", "D" and "E" in non-concurrence and sent up for concurrence.

Bill "An Act to Amend the Health Facilities Information Disclosure Act" (Emergency) (S. P. 732) (L. D. 1912) (C. "A" S-427)

Was reported by the Committee on Bills in the Second Reading, read the second time, and the Senate Papers were passed to be engrossed as amended in concurrence.

#### Passed to Be Enacted

An Act to Adjust the Administration of the Abandoned Property Law (S. P. 735) (L. D. 1914) (C. "A" S-424)

An Act Concerning the Incorporation of the Mission Congregational Church (H. P. 1791) (L. D. 1909)

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.

#### Orders of the Day

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

Bill "An Act to Amend the Kennebunk, Kennebunkport and Wells Water District Charter to Include the Town of Ogunquit" (H. P. 1821) (L. D. 1949) (C. "A" H-824)

Tabled—March 5, 1980 by Mrs. Wentworth of Wells.

Pending—Passage to be Engrossed.

On motion of Mr. Davies of Orono, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-841) was read by the Clerk and 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 by House Amendment "A" thereto and sent up for concurrence.

#### (Off Record Remarks)

On motion of Mr. Connolly of Portland, adjourned until Monday, March 10, at ten o'clock in the morning.