HOUSE

Friday, April 10, 1981

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

Prayer by Father Raymond Boulanger of St. John’s Catholic Church, Brunswick.

The journal of yesterday was read and approved.

Papers from the Senate RESOLVED, Appropriating Funds for the Lump Sum Settlement in the Case of the Estate of Edward M. Robinson v. State of Maine (Emergency) (S. P. 556) (L. D. 1528) came from the Senate referred to the Committee on Appropriations and Financial Affairs and ordered printed.

In the House, referred to the Committee on Appropriations and Financial Affairs in concurrence.

Reports of Committees

Leave to withdraw

Report of the Committee on Fisheries and Wildlife reporting ‘‘Leave to withdraw’’ on Bill ‘‘An Act to Provide for a Closed Season on Black Bear from the First Monday of Thanksgiving to July 1st’’ (S. P. 25) (L. D. 22).

Came from the Senate with the Report read and accepted.

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

Non- Concurrent Matter

Bill ‘‘An Act to Clarify and Make Corrections in the Liquor Laws’’ (Emergency) (H. P. 689) (L. D. 772) which was passed to be engrossed in the House on April 7, 1981.

Came from the Senate with the Majority Report of the same number in non-concurrence.

In the House: On motion of Mr. Cox of Brewer, the House voted to recede and concur.

Non-Concurrent Matter

Bill ‘‘An Act to Exempt Illegal Possession of Liquor from the Maine Juvenile Code’’ (H. P. 875) (L. D. 1044) on which the Minority ‘‘Ought to Pass’’ Report of the Committee on Judiciary was read and the bill passed to be engrossed in the House on April 8, 1981.

Came from the Senate with the Majority‘‘Ought Not to Pass’’ Report of the Committee on Judiciary read and accepted in non-concurrence.

In the House: On motion of Mr. Conary of Oakland, the House voted to Insist and ask for a Committee of Conference.

Non-Concurrent Matter

Bill ‘‘An Act to Allow Voter Registration and Party Enrollment on the Same Form’’ (H. P. 529) (L. D. 580) on which the Majority ‘‘Ought to Pass’’ report of the Committee on Election Laws was read and accepted and the bill passed to be engrossed in the House on April 7, 1981.

Came from the Senate with the Majority ‘‘Ought Not to Pass’’ Report of the Committee on Election Laws read and accepted in non-concurrence.

In the House: On motion of Ms. Benoit of South Portland, the House voted to adhere.

Non-Concurrent Matter

Bill ‘‘An Act to Amend the Eating, Lodging and Recreational Place Licensing Law’’ (H. P. 520) (L. D. 74) which was passed to be engrossed as amended by Committee Amendment ‘‘A’’ (H-152) in the House on April 2, 1981.

Came from the Senate passed to be engrossed as amended by Committee Amendment ‘‘A’’ (H-152) as amended by Senate Amendment ‘‘B’’ (S-107) thereto in non-concurrence.

In the House: The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mrs. MacBride.

Mrs. MacBRIDE: Mr. Speaker, I move that we recede and concur and speak to my motion.

The SPEAKER: The gentleman from Presque Isle, Mrs. MacBride, moves that the House recede and concur.

The gentleman may proceed.

Mrs. MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: After weeks of a great deal of work, finally the members of the Restaurant Association, the members of the Innkeepers Association, the Department of Human Services and the Health and Institutional Services Committee all agree on this licensing law in its amended version.

I am going to support this amended bill, and I hope you will too.

Thereupon, the House voted to recede and concur.

Non-Concurrent Matter

Bill ‘‘An Act to Allocate Moneys for the Administrative Expenses of the State Lottery Commission for the Fiscal Years Ending June 30, 1982 and June 30, 1983’’ (Emergency) (H. P. 330) (L. D. 766) which was passed to be enacted in the House on April 7, 1981.

Came from the Senate, Failing of Passage to Be Engrossed in non-concurrence.

In the House: The House voted to insist.

Orders

On motion of Representative Nadeau of Lewiston the following Joint Order (H. P. 1386) (Cosponsors: Representatives Benoit of South Portland and Boisvert of Lewiston)

WHEREAS, there are numerous errors and inconsistencies in the Maine election laws, Revised Statutes, Title 21; and

WHEREAS, these errors and inconsistencies contribute to time-consuming and expensive efforts at legal clarification and court action; and

WHEREAS, these errors and inconsistencies are cause for embarrassment and for confused administration of the election laws; now, therefore, be it,

ORDERED, the Senate concurring, subject to the Legislative Council’s review and determine whether, if corrected, that the Joint Standing Committee on Election Laws shall study the election laws to determine what errors and inconsistencies exist and how the election laws should be recodified; 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 110th Legislative; 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 and 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.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker and Members of the House: I move the indefinite postponement of this order.

The Legislative Council voted unanimously today that it will no longer be necessary to send the joint orders through both bodies, as they must ultimately come to the council for approval of the fiscal cost to conduct the study. However, the council is very well aware of the problems that have existed in the past concerning committees and their desire for some say as to which orders are funded. The council is working on a policy which will allow the committees to help set priorities for the bills they think should be studied, and we will get back to you quickly on that process, and it is for this reason that I move the indefinite postponement of this particular order.

Thereupon, the Order was indefinitely postponed.

On motion of Representative McSweeney of Old Orchard Beach, it was ORDERED, that Representative Patrick E. Paradies of Augusta be excused April 10 for Legislative Business.

Special Sentiment Calendar

In accordance with House Rule 56, the following items (Expressions of Legislative Sentiment): Recognizing: Claude L. Allen, Jr., beloved headmaster of Hebron Academy; (H. P. 1335) by Representative Bell of Paris (Cosponsors: Senators Sutphen of Oxford and Traffic of Androscoggin and Representative Lewis of Auburn)

There being no objections, these items were considered passed or adopted in concurrence and sent up for concurrence.

House Reports of Committees

Leave to withdraw

Representative MacEachern from the Committee on Fisheries and Wildlife on Bill ‘‘An Act Prohibiting the Trapping of Bear’’ (H. P. 408) (L. D. 435) reporting ‘‘Leave to Withdraw’’

Representative Hayden from the Committee on Taxation on Bill ‘‘An Act to Provide for a Graduated Exemption from Sales Tax on Sale of Gasohol and to Encourage State Use of Gasohol’’ (H. P. 404) (L. D. 447) reporting ‘‘Leave to Withdraw’’

Representative Day from the Committee on Taxation on Bill ‘‘An Act to Require the Notification of a Municipality when Property in that Municipality Changes Hands’’ (H. P. 888) (L. D. 1057) reporting ‘‘Leave to Withdraw’’

Representative Royer from the Committee on Energy and Natural Resources on Bill ‘‘An Act Relating to Silviculture’’ (H. P. 794) (L. D. 948) reporting ‘‘Leave to Withdraw’’

Representative Masterman from the Committee on Taxation on Bill ‘‘An Act to Grant a Tax Exemption for Energy Generating Systems’’ (H. P. 768) (L. D. 928) reporting ‘‘Leave to Withdraw’’.

Reports were read and accepted and sent up for concurrence.

Dividend Report

Majority Report of the Committee on Health and Institutional Services reporting ‘‘Ought to Pass’’ as amended by Committee Amendment ‘‘A’’ (H-194) on Bill ‘‘An Act Relating to Radiological Exposure’’ (H. P. 555) (L. D. 631)

Report was signed by the following members:

Senators:

BUSTIN of Kennebec

Representatives:

PRESCOTT of Hampden

BRODEUR of Auburn

KETOVER of Portland

RICHARD of Madrid

MacBRIEDE of Presque Isle

McCOLLISTER of Canton

MANNING of Portland

Minority Report of the same Committee re-
porting "Ought Not to Pass" on same Bill. Report was signed by the following members:

Senators:  
GILL of Cumberland  
HICHIENS of York  
— of the Senate.

Representatives:  
BOYCE of Auburn  
HOLLOWAY of Edgecomb  
RANDALL of East Machias  
— of the House.

Reports were read.

On motion of Mrs. Prescott of Hampden, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment was proposed by the Clerk and adopted and the Bill 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:

(S. P. 366) (L. D. 1085) Bill "An Act to Permit the City of Bangor to Increase the Number of Members on the Bangor School Committee" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-104)

(S. P. 337) (L. D. 965) Bill "An Act to Authorize a Bond Issue for Somerset County to Renovate the Existing Somerset County Detention Facility" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-104)

No objections being noted, the above items were ordered to appear on the Consent Calendar of April 13, under the 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:

(S. P. 310) (L. D. 896) Bill "An Act Relating to the Costs of Transporting Persons to Hospitals for the Mentally Ill" (C. "A" S-102)


No objections being noted at the end of the Second Legislative Day, the Senate Papers were passed to be engrossed as amended in concurrence.

Tabled and Assigned  
(S. P. 274) (L. D. 783) Bill "An Act to Clarify the Application of Military Service Credits to Retirement Benefits for Employees of Local Districts under the Maine State Retirement System" (C. "A" S-99)

On the objection of Mrs. Beaulieu of Portland, was removed from the Consent Calendar Second Day.


(H. P. 288) (L. D. 888) Bill "An Act to Authorize the Town of West Bath to Regulate Ice Racing on New Meadows Lake" (C. "A" H-191)


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

Second Reader  
Tabled and Assigned

Bill "An Act to Repeal the Prohibition Against Transfer of Tobacco Control Licenses between Pharmacies" (S. P. 391) (L. D. 1149)

Was reported by the Committee on Bills in the Second Reading and read the second time. On motion of Mrs. Prescott of Hampden, tabled pending passage of the engrossed and specially assigned for Tuesday, April 14.

Passed to Be Engrossed

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1981 (Emergency) (H. P. 1333) (L. D. 1085)

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

Bill "An Act to Increase the Fees of the Bureau of Insurance" (S. P. 210) (L. D. 575)

Was reported by the Committee on Bills in the Second Reading and read the second time. Mr. Brannigan of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-196) was read by the Clerk.

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

Mr. BRANNIGAN: Mr. Speaker, Ladies and Gentlemen of the House: The fees in House "A" (S-101) was reduced from $202,000 to $200,000.

I would ask for a roll call.

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Armstrong.

Mr. ARMSTRONG: Mr. Speaker, Mr. Reiff and Mr. Jackson indicated that the commission has been underfunded for the last 11 years and that could have an element of truth to it, but do we solve all of those problems over 11 years in the 11th biennium, a more reasonable and modest fee of $202,000.

I would ask for a roll call.

The SPEAKER: The Chair recognizes the gentleman from Orono, Miss Gavett.

Miss GAVETT: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will not accept House Amendment "B," which would raise, instead of the $200,000 for the biennium, a more reasonable and modest fee of $202,000.

I would ask for a roll call.

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

Mr. JACKSON: Mr. Speaker, if the vote was taken, I would ask to question the Chair as to the authorizing expenditure of $200,000. Mr. Jackson offered a motion of Mrs. Prescott of Hampden, in the interest of one fifth of the members present and voting, that all those desiring a roll call vote 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 Yarmouth, Mr. Brannigan.

Mr. Brannigan: Mr. Speaker and Members of the House: Just to repeat briefly what was said yesterday — the insurance fees have not been raised at all in these categories for 11 years. The reason that they have been able to operate fully or otherwise those 11 years is because they weren't able to attract the number of people that they needed, the quality of people they needed, and instead of operating at their usual approximately 25 or 26 people, they were operating with 16 people. Now, because of action taken in the past legislatures in the last two or three years, they have been able to allow them to bring their staff up to where they are doing an excellent job but, of course, it is costing them money to do the right job than 15 people doing a job.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I believe that the organization that regulates insurance in the state of Maine is not an expert on insurance or the insurance commission, but I listened with great interest yesterday as the testimony from Orono made her case. I think that the insurance companies are the experts operating at and looking at very carefully is that, yes, indeed, there are many needs out there of just the simple funds, every department of state, every bureau, every agency is looking for more money and certainly all of those requests are justified and certainly we would like to be able to fund what everybody is looking for. But, frankly, we are in a situation right now where money is tight; money is tight at every level.

The gentleman from Portland, Mr. Brannigan, indicated that the commission has been underfunded for the last 11 years and that could have an element of truth to it, but do we solve all of those problems over 11 years in the 11th biennium, a more reasonable and modest fee of $202,000.

I think the gentleladies has provided us with a reasonable compromise and I hope that you support her amendment by defeating the pending motion so we can move on to House Amendment "B."

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. McHenry.

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I believe that we should accept House Amendment "A," because the Department of Insurance presently cannot hire real good agents from the insurance companies who have the best attorneys. Then we say, how come they have raised our workers' comp 25 percent? Well, they can't find them, they don't have the staff to light them, so give them the equipment.

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Armstrong.

Mr. ARMSTRONG: Mr. Speaker, Mr. Commissioner, the organization that regulates insurance is a private entity, the insurance companies, probably my standing up to defend their request for these increased fees is a little bit like an inmate at Thomaston coming up and asking for increased fees so the state can hire more wardens and guards.

I do, however, note that the insurance industry that is paying these fees, of course anyone can argue, and rightly so, that all fees end up
spiraling down to the consumer at some point in time, but the insurance companies, agents, and adjustors charged that are paying these fees, as I understand it, are unanimous or 99.9 percent unanimous in their feeling that the insurance companies need these fees to properly operate and to properly protect the public, to properly insure free and fair competition among the various insurance companies.

Many of you are well aware that more and more people are relying on the Bureau of Insurance when they feel they are unjustly used by an insurance company, when their claims aren’t paid, aren’t paid promptly or aren’t paid what they feel is fairly. So, I do know in the area of consumer protection, the Bureau of Insurance is being asked more and more daily to defend the average fellow on the street against the insurance company A and insurance company B. Many times it was found that there was misunderstanding and the blame lies nowhere, but I thank you for the insurance industry, anybody that you can trust, your local insurance agent, adjustor, insurance company, the people who are, in fact, regulated by the Bureau of Insurance, you will find that they are unanimous in support for these increased fees for the Bureau of Insurance.

The SPEAKER: The Chair recognizes the gentleman from Orono, Miss Gavett.

Miss GAVETT: Mr. Speaker, Ladies and Gentlemen of the House: If we don’t accept House Amendment “A” as it was, we could go on to my amendment. House Amendment “B.” I think it is a fair compromise.

House Amendment “A” is asking for an additional $500,000 for the biennium, and I would point out to you that their entire budget for 1980 was $891,000. I think an increase of $500,000 is just too much. My amendment would increase it by $200,000, and I do want to point out again that in the long run, those of you who are covered by insurance and pay for insurance would be paying extra premiums because of these fees. I would hope you would defeat House Amendment “A.”

The SPEAKER: The pending question before the House is the adoption of House Amendment “A.”

The Chair recognizes the gentleman from Harrison, Mr. Leighton.

Mr. LEIGHTON: Mr. Speaker. I would like to pair my vote with the gentleman from Lee­ wiston, Mr. Jalbert. If he were here, he would be voting yes and I would be voting no.

ROLL CALL


PAIRED — Jalbert, Leighton.

Yes. 80; No. 45. Absent, 14. Paired, 2.

The SPEAKER: Eighty having voted in the affirmative and fifty-five in the negative, with fourteen being absent and two paired, House Amendment “A” is adopted.

The Bill was passed to be engrossed as amended by House Amendment “A” in non­ concurrence and sent up for concurrence.

Passed to Be Enacted

Emergency Measure

An Act to Permit the Town of Orono to Withdraw from the Group Life Insurance Plan under the Maine State Retirement System (H. P. 540) (L. D. 618) (C. “A” H-165)

Was reported by the Committee on En­ grossed Bills as truly and strictly engrossed. This being an emergency measure and a two­ thirds vote of all the members elected to the House being necessary, a total was taken. 131 voted in favor of same and 2 against, and ac­ cordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Establish a Maine Guarantee Au­ thority Reserve Fund (H. P. 944) (L. D. 1120) (C. “A” H-162)

Wase reported by the Committee on En­ grossed Bills as truly and strictly engrossed. This being an emergency measure and a two­ thirds vote of all the members elected to the House being necessary, a total was taken. 126 voted in favor of same and 8 against, and ac­ cordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Authorizing Mid-State Business School to Confer Associate Degrees (S. P. 208) (L. D. 573) (C. “A” S-88)

An Act Relating to the Licensing of Hearing Aid Dealers and Fitters (H. P. 632) (L. D. 713) (C. “A” H-164)

Were reported by the Committee on En­ grossed 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:

An Act to Amend the Purposes for Special Marine Resources Licenses to Include Educational Institutions (Emergency) (H. P. 799) (L. D. 953) (S. A “S-89; C. “A” H-138)

Tabled — April 8 by Representative Fowtie of Rockland.

Pending — Passage to Be Enacted.

The SPEAKER: The pending question is on passage to be enacted. This being an emer­ gency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

A vote of the House was taken.

126 having voted in the affirmative and none in the negative, the Bill was passed to be en­ acted, signed by the Speaker, and sent to the Senate.

(Off Record Remarks)

On motion of Mr. Matthews of Caribou. Adjourned until Monday, April 13th at ten o’clock in the morning.