

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 3, 1980

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

Prayer by the Reverend Clayton Alward of the North Monmouth Pentecostal Assembly.

Rev. ALWARD: Our gracious, heavenly Father, we thank you this morning for this privilege we have, calling on Thine name. Confronting thee with our difficulties this day, we ask you to favor this big congregation of people, Lord, that you might favor us with wisdom and knowledge; favor us, Lord, this day, we pray, with great progress. We will be grateful to thank you for it; in Jesus wonderful name we pray. Amen.

The journal of yesterday was read and approved.

Papers from the Senate Later Today Assigned

The following Joint Order: (S. P. 669) ORDERED, the House concurring, that the Joint Standing Committee on Aging, Retirement and Veterans be directed to report out a bill dealing with cost-of-living increases for state employees.

Came from the Senate read and passed.

In the House, the Order was read.

On motion of Mr. Morton of Farmington, tabled pending passage in concurrence and later today assigned.

Messages and Documents

The following Communication:

MAINE ADVISORY COUNCIL ON VOCATIONAL EDUCATION

Box 17
1 Memorial Circle
Augusta, Maine

December 31, 1979

To Members of the House of Representatives
The Maine Advisory Council on Vocational Education (MACVE) is pleased to forward to the members of the House of Representatives a copy of its Tenth Annual Report.

MACVE is a policy advisory body to the State Board of Education. It is mandated by Public Law 94-482, The Educational Amendments of 1976. Each year, the Annual Report is the vehicle which carries the recommendations to the State Board.

The Annual Report was presented to the State Board in December of this year.

MACVE members are dedicated to helping Maine improve vocational education in order to develop Maine's best natural resources — its people.

Sincerely,
S/CHRISTINE SZIGETI-JOHNSON
Executive Director

The Communication was read and with accompanying Report ordered placed on file.

Petitions, Bills and Resolves Requiring Reference

The following Bills and Resolves, approved for introduction by the Legislative Council pursuant to Joint Rule 26, were received and referred to the following Committees:

Education

Bill "An Act Relating to Maine Education Advisory Organizations" (H. P. 1646) (Presented by Mr. Garsoe of Cumberland)

RESOLVE, Appropriating Funds to Camden Community School, Inc. (H. P. 1645) (Presented by Mr. Sprowl of Hope) (Cosponsor: Mrs. Post of Owl's Head)

(Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act Amending the Requirement of Announcing Political Disclaimers" (Emergency) (H. P. 1647) (Presented by Mr. Kelleher of Bangor)

(Ordered Printed)

Sent up for concurrence.

Later Today Assigned

Bill "An Act Relating to State Monitoring and Disclosure of Nuclear Power Radiation" (H. P. 1654) (Presented by Mr. Tarbell of Bangor)

Committee on Health and Institutional Services was suggested.

On motion of Mrs. Prescott of Hampden, tabled pending reference and later today assigned.

Judiciary

Bill "An Act to Increase the Limit on Compensation for Assistant District Attorneys in Prosecutorial District Number 7" (H. P. 1648) (Presented by Mr. Nelson of Roque Bluffs)

(Ordered Printed)

Sent up for concurrence. (Later Reconsidered)

Local and County Government

Bill "An Act to Prevent the Exclusion of Manufactured Housing from Maine Towns by Unduly Restrictive Police Power Ordinances" (H. P. 1649) (Presented by Mr. Drinkwater of Belfast)

Bill "An Act to Authorize a Bond Issue for Franklin County for the Construction of a New Detention Facility" (H. P. 1650) (Presented by Mr. Morton of Farmington)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act to Authorize the Town of East Millinocket to Purchase the Assets of Northern Water Company" (Emergency) (H. P. 1651) (Presented by Mr. Birt of East Millinocket)

Bill "An Act to Authorize the Public Utilities Commission to Establish an Electrical Family Farm Rate" (H. P. 1652) (Presented by Mr. McKean of Limestone)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act Broadening the Elderly Tax and Rent Refund Act to Include Persons who are Currently Married as well as Unmarried under the Eligibility Standards" (H. P. 1653) (Presented by Mrs. Kany of Waterville) (Cosponsors: Mr. Hickey of Augusta and Mrs. Nelson of Portland)

(Ordered Printed)

Sent up for concurrence.

On motion of Mr. Pearson of Old Town, under suspension of the rules, the House reconsidered its action of earlier in the day whereby Bill "An Act to Increase the Limit on Compensation for Assistant District Attorneys in Prosecutorial District Number 7 (H. P. 1648) was referred to the Committee on Judiciary.

On further motion of the same gentleman, tabled pending reference and specially assigned for Monday, January 7.

By unanimous consent, all matters previously acted upon were ordered sent forthwith to the Senate.

Orders

An Expression of Legislative Sentiment (H. P. 1583) recognizing that: Mrs. Elizabeth M. Garand, of Kennebunkport will celebrate her 100th birthday on January 6, 1980

Presented by Mr. Hanson of Kennebunkport.

The Order was read and passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Later Today Assigned

On motion of Mr. Hickey of Augusta, the following Joint Order: (H. P. 1587) ORDERED,

the Senate concurring, that, pursuant to Joint Rule 37, two-thirds of the members of both Houses concurring, "An Act Appropriating Funds to Allow Maine State Retirement System Members a Cost-of-Living Increase," may be introduced during the Second Regular Session of the 109th Legislature.

The Order was Read.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Hickey.

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: In the 109th Legislature, several bills were presented providing assistance to the state retirees. As the closing days of the session approached, it became apparent that these bills were doomed to defeat due to the other money commitments.

At that time, opinions were expressed saying these problems would be resolved in the Special Session. However, two retirement bills were submitted to the Special Session before cloture and rejected at the hearing before the Legislative Council.

I am presenting today's Order with the hopeful feeling that the members of the House of Representatives will recognize the crisis facing our 14,000 state retirees. They, too, are victims of today's economy and deserving of our support. They have paid their dues and in their working days served the state productively. Unfortunately, at their ages it is impossible to find work to augment their income and each passing day finds it more difficult to exist within our spiraling cost of living.

I ask your support in passing this Order permitting a bill to be submitted that will improve the living standards of our retirees.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: It seems that we have a slight juxtaposition in our calendar today. I would call your attention to Item 1-1, which has been tabled until later in today's session. Leadership agreed that legislation should be allowed in through the two-thirds route on the floor to deal with this problem of retiree's cost of living increases. In fact, the statute implies that we will address ourselves to this every year.

The vehicle, however, I believe, is very important and we are suggesting that the least partisan route be taken and thus I call your attention to Item 1-1, which the gentleman from Farmington is intending to amend here today. So, I would hope that we could consider these two vehicles in that light equally and would hope that someone would table until later in today's session the Order introduced by the gentleman from Augusta.

The SPEAKER: The Chair recognizes the gentleman from Lisbon Falls, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I, too, would like to proceed in as non-partisan manner as possible on that marvelous Item 1-1 on today's calendar, which was sponsored by the Senator from Kennebec, Senator Katz; the Senator from Kennebec, Senator Ault and the Senator from Kennebec, Senator Teague; and the Senator from Kennebec, Senator Pierce. I also agree with him that we should probably try to seek a bipartisan approach to this problem and I agree with him and I do hope that someone would make that motion.

Thereupon, on motion of Mrs. Mitchell of Vassalboro, tabled pending passage and later today assigned.

Second Reader Recommitted

Bill "An Act to Improve Private Remedies for Violations of the Antitrust Laws" (H. P. 1077) (L. D. 1330)

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

On motion of Mr. Howe of So. Portland, re-committed to the Committee on Business Leg-

isolation and sent up for concurrence.

By unanimous consent, ordered sent forth-with.

Orders of the Day

On motion of Mr. Tierney of Lisbon Falls, the House voted to take from the table the first tabled and unassigned matter:

Bill "An Act to Amend Certain Provisions of the Labor Laws" (H. P. 1621) (L. D. 1731) (Committee on Labor suggested)

Tabled—January 2, 1980 by Mr. Tierney of Lisbon.

Pending—Reference.

On motion of Mr. Tierney of Lisbon Falls, the Bill was indefinitely postponed.

Bills Recalled from Governor

(Pursuant to Joint Order — House Paper 1609) An Act Relating to the vocational-technical Institutes (Emergency) (H. P. 1393) (L. D. 1613) (S. "B" S-386; H. "A" H-426) — In House, Passed to be Enacted on June 15, 1979. — In Senate, Passed to be Enacted on June 15, 1979.

On motion of Mr. Connolly of Portland, the House reconsidered its action whereby the Bill was passed to be enacted.

On further motion of the same gentleman, the Bill was recommitted to the Committee on Education in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forth-with to the Senate.

(Pursuant to Joint Order — House Paper 1610) An Act to Provide for County Self-government (H. P. 831) (L. D. 1038) (H. "A" H-701 to C. "A" H-659) — In House, Passed to be Enacted on June 13, 1979. — In Senate, Passed to be Enacted on June 13, 1979.

On motion of Mr. LaPlante of Sabattus, the House reconsidered its action whereby the Bill was passed to be enacted.

On further motion of the same gentleman, the Bill was recommitted to the Committee on Local and County Government in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forth-with to the Senate.

(Pursuant to Joint Order — House Paper 1611) An Act to Clarify the Education Law (Emergency) (H. P. 1534) (L. D. 1683) (H. "A" H-711; H. "B" H-728) — In House, Passed to be Enacted on June 15, 1979. — In Senate, Passed to be Enacted on June 15, 1979.

On motion of Mr. Connolly of Portland, the House reconsidered its action whereby the Bill was passed to be enacted.

On further motion of the same gentleman, the Bill was recommitted to the Committee on Education in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forth-with to the Senate.

(Off Record Remarks)

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

From the Senate: The following Joint Order: (S. P. 670)

ORDERED, the House concurring, that when the House and Senate adjourn to Monday, January 7, at twelve o'clock noon.

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

Order Out of Order

On motion of Mr. Tierney of Lisbon, the following Order: (Cosponsor: Mr. Garsoe of Cumberland)

ORDERED, that the sum of \$3,000 be allocated from the Legislative Account to the House Committee on Elections to determine legal questions relating to the election and seating of Members of the Legislature.

The Order was received out of order by unanimous consent and read.

The SPEAKER: The Chair recognizes the gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, could we get a little explanation of this \$3,000 expenditure, please?

The SPEAKER: The Chair recognizes the gentleman from Lisbon Falls, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: The Order is cosponsored by my good friend from Cumberland, Mr. Garsoe, and he and I and the rest of leadership have discussed in some detail the questions of the pending issue which we referred to the Committee on Elections yesterday. We felt that the committee should be given some budget. It is a very complicated, very confusing legal question without precedent in Maine dealing with the residency of a person since the advent of the single member districts. We would hope we would be able to put the issue to rest not just in the case of the Biddeford seat, but also to put it to rest for future purposes as well. Hopefully, we can get some precedence which will guide future legislatures, and that is why we felt some modest appropriation would be necessary.

Thereupon, the Order received passage.

The Chair laid before the House the following matter:

Bill "An Act Relating to State Monitoring and Disclosure of Nuclear Power Radiation" (H. P. 1654) which was tabled earlier in the day pending reference.

On motion of Mrs. Prescott of Hampden, the Bill was referred to the Committee on Energy and Natural Resources, ordered printed and sent up for concurrence.

By unanimous consent, ordered sent forth-with to the Senate.

On motion of Mr. Violette of Van Buren, adjourned until Monday, January 7, at twelve o'clock noon.