

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

Monday, January 7, 1980

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

Prayer by the Reverend William Fisher of the Congregational Church of Bingham.

Rev. FISHER: Father, by the hands of these Thy legislators in the great State of Maine, bless the contributions they make to the lives of the people of this state. Enter into their hearts and give them peace, into their heads and give them wisdom, into their tongues and give them kind language, one to the other. Enter, Father, into their councils and give them kindness, into their committees and give them understanding, into their caucuses and give them love. Most of all, Father, forgive them for the mistakes which they surely will make in this session. We pray this in Thy Holy Name. Amen.

The members stood at attention during the playing of the National Anthem by the Medomak Valley High School Band of Waldoboro.

The journal of the previous session was read and approved.

Papers from the Senate

The following Joint Order, an Expression of Legislative Sentiment recognizing that: Eliza Nichols, Orono's eldest citizen, will celebrate her 101st birthday on January 28, 1980 - (S. P. 668)

Came from the Senate read and passed.

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

Non-Concurrent Matter

Bill "An Act to Prohibit Radar Detectors" (H. P. 1634) (L. D. 1754) which was referred to the Committee on Legal Affairs in the House on January 2, 1980.

Came from the Senate with the Bill Indefinitely Postponed in non-concurrence.

In the House:

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

Mr. TIERNEY: Mr. Speaker, in keeping with the final admonition given to us this morning in the prayer, I move that the House adhere.

The SPEAKER: The gentleman from Lisbon Falls, Mr. Tierney, moves that the House adhere.

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

Mr. DOUKAS: Mr. Speaker, I move that the House recede and concur.

The SPEAKER: The gentleman from Portland, Mr. Doukas, moves that the House recede and concur.

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

Mr. TIERNEY: Mr. Speaker, I request a division.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Doukas, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Tierney of Lisbon Falls requested a roll call vote.

The SPEAKER: 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 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 Lisbon Falls, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that we would vote against the pending motion and join with the gentledady from Vassalboro and myself and vote no.

There are several issues involved. The first

and the most fundamental issue is whether we are going to start killing bills before they have a public hearing, before the public has a right to come in and discuss a question in detail. I think that would be a very, very bad precedent.

The Governor has felt this of such importance to place it on his call as an emergency matter and to place it before us for our consideration. On that reason and that reason alone, I feel that we should be voting no, against the motion to recede and concur.

More substantively, ladies and gentlemen, it is clearly relevant to the purpose for which we have been called into session, and that is to deal with emergency problems, especially relating to the energy question. I have spoken with several members of the State Police Department this morning. They have informed me that the most flagrant abuse of our 55 mile an hour speed limit is by those individuals who use the radar detectors and that they can only be determined and eventually apprehended by aircraft and that has become a very serious problem. So, if we want to be completely hypocritical, I suppose you can vote with the good gentleman from Portland, Mr. Doukas.

These radar devices are manufactured for the sole purpose of violating the law and to help people violate the law. It is a crime in this state to have burgular equipment, and it should be a crime in this state, in my personal opinion, to have devices which aid and assist people to flagrantly abuse not only the statutes but also what is obviously our national energy policy.

I hope you will join with me and vote no.

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to digress a moment if I may. Two years ago, this House made a mistake; two years ago we had this very same bill in front of us. The House didn't make the mistake—I am sorry—the other body made the mistake—we passed it and it was killed at the other end of the hall.

Now, the reason we had the bill is because it doesn't take but about two weeks for everybody who has a fuzz-buster in this state to find out what the new frequency for the radar set is that the police are using. We had the problem two years ago, we killed the bill. They went out and spent \$47,000 for new radar sets. We could have done the same job here for \$300. It doesn't make good sense. Now we are right back in the exact same situation that we were in two years ago. They are going to have to do one of two things—either you outlaw the fuzz-busters or you go out and buy another \$47,000 worth of new crystals for the radar sets and the new units, put them on a new frequency so two weeks later they can go out and find the frequency and do the same thing again. It is a never ending problem.

We have a chance today to help ourselves and I wish you would vote with our good Majority Leader.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Portland, Mr. Doukas, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Austin, Barry, Bordeaux, Bunker, Call, Carter, F.; Churchill, Conary, Connolly, Cunningham, Damren, Davies, Davis, Dexter, Doukas, Drinkwater, Dudley, Fenlason, Garsoe, Gavett, Gillis, Gray, Hunter, Hutchings, Kiesman, Lancaster, Leighton, Lewis, Lougee, Lund, MacBride, MacEachern, Masterman, McHenry, McMahon, Nelson, A.; Payne, Pearson, Peltier, Peterson, Reeves, J.; Reeves, P.; Rollins, Roope, Sewall, Sherburne, Smith, Sprowl, Stetson, Stover, Torrey, Wentworth.

NAY — Bachrach, Baker, Beaulieu, Berube, Boldgett, Bowden, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, K.C.; Carter, D.;

Chonko, Cox, Curtis, Dellert, Diamond, Dow, Dutremble, D.; Dutremble, L.; Elias, Fillmore, Fowle, Gowen, Gwadosky, Hall, Hanson, Hickey, Higgins, Huber, Hughes, Immonen, Jacques, P.; Joyce, Kany, Kelleher, LaPlante, Lowe, Mahany, Martin, A.; Matthews, McKean, McPherson, McSweeney, Mitchell, Morton, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, E.; Paradis, P.; Paul, Post, Prescott, Rolde, Simon, Soulas, Studley, Tarbell, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wood, Mr. Speaker.

ABSENT — Benoit, Berry, Birt, Boudreau, Brown, D.; Brown, K.L.; Carrier, Carroll, Cloutier, Hobbins, Howe, Jackson, Jacques, E.; Jalbert, Kane, Laffin, Leonard, Lizotte, Locke, Marshall, Masterton, Maxwell, Michael, Silsby, Small, Strout, Whittemore, Wyman.

Yes, 53; No, 70; Absent, 28.

The SPEAKER: Fifty three having voted in the affirmative and seventy in the negative, with twenty eight being absent, the motion does not prevail.

Thereupon, on motion of Mr. Tierney of Lisbon Falls, the House voted to adhere.

By unanimous consent, ordered sent forthwith to the Senate.

Messages and Documents

The following Communication:

State of Maine

DEPARTMENT OF FINANCE
AND ADMINISTRATION

Bureau of Accounts and Control

November 20, 1979

Governor Joseph E. Brennan,
Members of the Legislature
and Other Citizens of Maine

The accompanying statements present the financial position of the various funds of our State Government at June 30, 1979, and their resources and expenditures for the fiscal year then ended. Comparative prior year and budgetary data as well as footnotes, statistical information and an outline of the State's budget and accounting procedures have been included in this report to promote a better understanding of the State's finances.

This report reflects the recommendations of the National Council on Governmental Accounting's March 1979 restatement of the principles of Governmental Accounting, Auditing and Financial Reporting. Accordingly, modest changes in statement format and terminology have been made in relation to the prior year presentation. The new classification of "Governmental Funds" is defined to include the State's General Fund and Highway and Other Dedicated Funds (formerly reported in the aggregate as "Operating Funds") as well as the Proceeds of Bonds Funds and Debt Service Fund.

I am pleased to announce that the U.S. Department of Treasury has certified Maine as being in full compliance with the audit requirements of the Revenue Sharing Act based on our prior years' audited reports. Audit services covering the quadrennial period ending June 30, 1982 will be provided by Ernst and Whinney.

Questions or comments about the State of Maine's finances are always welcome.

Respectfully submitted,

S/ RICHARD A. DIEFFENBACH
State Controller

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

The following Communication:

BUREAU OF TAXATION

To the Members of the 109th Legislature:

The accompanying report of State-owned delinquent tax lands is submitted in accordance with the provisions of Title 36 M.R.S.A., section 1283.

A similar report was submitted to the 108th Legislature. The report listed a total of three parcels or interests at that time owned by the State on account of tax delinquency. The 108th

Legislature authorized such property to be disposed of by the State Tax Assessor, either by sale to designated persons or by sale to the highest bidder. The following action has been taken on the three parcels or interests which the State Tax Assessor was authorized to dispose of by sale.

Sold to designated persons.....	1
Sold to highest bidder.....	2
Total received from authorized disposal of three parcels or interests	

..... \$1,562.45
The current report includes five parcels or interests acquired through liens maturing since the last session of the Legislature. Review has been made of each parcel on the basis of the descriptive material and recommendations included in the present report are made.

In the case of each parcel, this report shows the entire amount of tax, interests and costs that would have accrued had the property remained in taxation to date. This tax amount is given as an indication of the total amount of tax liability that should be considered outstanding in the case of each parcel.

Respectfully submitted,
S/ R.L. HALPERIN
State Tax Assessor

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

The following Communication: (H. P. 1664)
State of Maine
OFFICE OF THE GOVERNOR
Augusta, Maine

January 4, 1980

To the President of the Senate and to the Speaker of the House of Representatives of the One Hundred and Ninth Legislature of the State of Maine:

SUBJECT: Unorganized Territory Educational and Services Tax

The following list of Municipal Cost Components is submitted in accordance with 36 M.R.S.A., Section 1604.

Public Safety	\$ 150,000
Forest Fire Protection	1,567,539
Land Use Regulation Commission	300,000
Secretary of State	3,000
Property Tax Assessment	259,880
County Reimbursement for Services	
	1,235,685
Education	2,318,253
Human Services -	
General Assistance	175,000

Total \$6,009,357

The Municipal Cost Components for 1980, computed for services and reimbursements to be rendered in FY 1981, was provided me by the Bureau of the Budget, Department of Finance and Administration, based on data it received from State agencies.

Respectfully,
S/ JOSEPH E. BRENNAN
Governor

The Communication was read and ordered placed on file.

Petitions, Bills and Resolves Requiring Reference

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

Business Legislation

Bill "An Act to Amend the Maine Consumer Credit Code to Apply to Arrangers of Credit and to Revise Provisions Relating to Agricultural Loans, Residences, Security and Fines" (H. P. 1657) (Presented by Mr. Paradis of Augusta) (Cosponsor: Mr. Gwadosky of Fairfield) (Governor's Bill)

Bill "An Act Concerning Mobile Barber Shops" (H. P. 1658) (Presented by Mr. Dexter of Kingfield) (Approved for introduction by Legislative Council pursuant to Joint Rule 26.) (Ordered Printed)

Sent up for concurrence.

Later Today Assigned

Bill "An Act to Define 'Expended for Charitable Purposes' in the Charitable Solicitations

Act" (Emergency) (H. P. 1659) (Presented by Mrs. Nelson of Portland) (Cosponsors: Mr. Jackson of Yarmouth and Mr. Garsoe of Cumberland) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26.)

Committee on Business Legislation was suggested.

On motion of Mr. Violette of Van Buren, tabled pending reference and later today assigned.

Education

Bill "An Act to Establish Time Limitations for Applications for Attendance at Certain Approved Secondary Schools under the Education Laws" (H. P. 1662) (Presented by Mr. Davis of Monmouth) (Governor's Bill)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act Concerning Right of Access, Performance Standards, Public Farm Workers, Supervisory Salaries and Firemen's Wages Under the Labor Laws" (H. P. 1663) (Presented by Mrs. Prescott of Hampden) (Governor's Bill)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act to Increase the Debt Limit of the Kingfield Water District from \$80,000 to \$350,000" (H. P. 1660) (Presented by Mr. Dexter of Kingfield) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26.)

(Ordered Printed)

Sent up for concurrence.

Later Today Assigned

Bill "An Act Concerning Harness Racing in the State of Maine" (H. P. 1661) (Presented by Mr. Higgins of Scarborough) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Committee on Taxation was suggested.

On motion of Mrs. Post of Owl's Head, tabled pending reference and later today assigned.

Orders

On Motion of Mr. MacEachern of Lincoln, the following Joint Order: (H. P. 1655) (Cosponsor: Mr. Fenlason of Danforth)

Ordered, the Senate concurring, that the Legislative Finance Officer be authorized and directed to pay each member of the Legislature prior to February 1, 1980, a \$200 allowance for constituent services as authorized in the Maine Revised Statutes, Title 3, section 2.

Was read and passed and sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 1656) recognizing that: Claude Dumond has served the past 25 years as Municipal Manager of the Town of Fort Kent and through his outstanding loyal and devoted service has contributed immeasurably to that community

Presented by Mr. Barry of Fort Kent.

Was read and passed and sent up for concurrence.

Orders of the Day

The following matters, in the consideration of which the House was engaged at the time of adjournment on Thursday, January 3, 1980, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

The Chair laid before the House the first item of Unfinished Business:

JOINT ORDER — Relative to Joint Standing Committee on Aging, Retirement and Veterans be directed to report out a bill with cost-of-living increases for state employees (S. P. 669) — In Senate, read and passed.

Tabled — January 3, 1980 (Till Later Today) by Mr. Morton of Farmington.

Pending — Passage in concurrence.

On motion of Mr. Tierney of Lisbon Falls, tabled pending passage in concurrence and tomorrow assigned.

The Chair laid before the House the second item of Unfinished Business:

JOINT ORDER — Relative to introducing legislation, "An Act Appropriating Funds to Allow Maine State Retirement System Members a Cost-of-Living Increase" (H. P. 1587) Read in House January 3, 1980.

Tabled — January 3, 1980 (Till Later Today) by Mrs. Mitchell of Vassalboro.

Pending — Passage.

On motion of Mr. Tierney of Lisbon Falls, tabled pending passage and tomorrow assigned.

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

Bill, "An Act to Increase the Limit on Compensation for Assistant District Attorneys in Prosecutorial District Number 7" (H. P. 1648) (Committee on Judiciary suggested)

Tabled — January 3, 1980 by Mr. Pearson of Old Town.

Pending — Reference.

On motion of Mr. Pearson of Old Town, the Bill was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Define 'Expended for Charitable Purposes' in the Charitable Solicitations Act" (Emergency) (H. P. 1659) which was tabled earlier in the day and later today assigned, pending reference.

On motion of Mr. Violette of Van Buren, the Bill was referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act Concerning Harness Racing in the State of Maine" (H. P. 1661) which was tabled earlier in the day and later today assigned pending reference.

On motion of Mrs. Post of Owl's Head, the Bill was referred to the Committee on Agriculture, ordered printed and sent up for concurrence.

All matters acted upon were ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Mrs. Kany of Waterville, adjourned until ten o'clock tomorrow morning.