

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

Wednesday, February 27, 1980

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

Prayer by the Reverend Arthur J.V. Durbin, Retired, Presbyterian Church, Waterville.

Rev. DURBIN: Let us pray! God, give to the men and women of this House wisdom and courage that times like this demand — strong minds, great hearts, true faith, willing hands, that the lust of office does not kill but the spoils of office cannot buy. May their opinions and wills be based on the truth that comes from thee. May they be men and women that will not sway from honesty; may they hold fast at faith and honor. May they do their best and let that stand the record of their brain and hand. May they hear the words "well done" both now and in the days and years to come. Amen.

The journal of yesterday was read and approved.

Papers from the Senate

Bill "An Act to Provide Funds for Residential Energy Conservation" (S. P. 766) (L. D. 1963)

Came from the Senate referred to the Committee on Appropriations and Financial Affairs and ordered printed.

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

Mrs. KANY: Mr. Speaker and Members of the House: I do not intend to make a motion at this time on this particular bill, I just would like to make a statement that this bill does really belong in the State Government Committee. It bears no appropriation. It does not increase the bonding limit and it simply amends the Maine State Housing Authority law, but because I fear that if there were a reference between the bodies that the bill might again die, I just simply mention that I hope it does see the light of day for some time to come. I just did not want it to be a precedent that such housing authority measures go to the Appropriations Committee from now on.

Thereupon, the Bill was referred to the Committee on Appropriations and Financial Affairs in concurrence.

**Non-Concurrent Matter
Tabled and Assigned**

Bill "An Act to Provide for Licensing and Regulation of Adult Foster Homes" (H. P. 1089) (L. D. 1466) on which the "Ought to Pass" in New Draft (H. P. 1816) (L. D. 1927) Report of the Committee on Health and Institutional Services was read and accepted and the New Draft (H. P. 1816) (L. D. 1927) was passed to be engrossed in the House on February 14, 1980.

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentlewoman from Hampden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I would just like you to know that this bill is a carry-over bill which was carried over from the last session and it came out of our committee just recently with a unanimous "ought to pass". I think there are some misunderstandings on what the intent of the legislation is and I would like to have the opportunity to iron out those differences with the other body, and I would hope somebody would table it.

Thereupon, on motion of Mrs. Mitchell of Vassalboro, tabled pending further consideration and tomorrow assigned.

**Petitions, Bills and Resolves
Requiring Reference**

The following Bill was received and referred to the following Committee:

Fisheries and Wildlife

Bill "An Act to Clarify the Inland Fisheries and Wildlife Laws of Maine" (H. P. 1879) (L. D. 1962) (Presented by Mr. Dow of West Gardiner) (Governor's Bill)

(Ordered Printed)

Sent up for concurrence.

Orders

On motion of Mr. Cox of Brewer, it was ORDERED, that Representative Swift Tarbell of Bangor be excused February 26, 1980 and for the duration of his illness.

AND BE IT FURTHER ORDERED, that Representative Angela Aloupis of Bangor be excused February 27, 1980 for personal reasons.

Special Sentiment Calendar

In accordance with House Rule 56, the following Joint Orders (Expression of Legislative Sentiment) Recognizing,

The United States Olympic Team medal winners, for outstanding performances at the XIII Winter Olympic Games, held at Lake Placid, New York. (H. P. 1874) by Mr. Gwadosky of Fairfield. (Cosponsors: Mr. Elias of Madison and Mr. Tuttle of Sanford)

Herbert N. Aldrich, a long-standing community leader, who is the recipient of the Caribou Chamber of Commerce Citizenship Award for 1979 (H. P. 1875) by Mr. Peterson of Caribou. (Cosponsors: Mr. Matthews of Caribou and Senator McBreairty of Aroostook)

Schenck High School Boys' Basketball team 1980 Eastern Maine Class B champions (H. P. 1876) by Mr. Birt of East Millinocket. (Cosponsor: Senator Pray of Penobscot)

The Mt. View High School "Mustangs", 1979-80 Eastern Maine Girls Class "B" Basketball runner-up (H. P. 1877) by Mr. Tozier of Unity.

The Easton High School "Bears", 1979-80 Eastern Maine Class D boys basketball champions (H. P. 1878) by Mr. Mahany of Easton. (Cosponsor: Senator Carpenter of Aroostook)

The Dirigo High School "Cougars" winners of the 1979-80 Western Maine Class C girls basketball championship (H. P. 1880) by Mr. Rollins of Dixfield.

In Memory of,

Polydorn Komianos of Alna, a beloved teacher and concert violinist (H. P. 1881) by Mrs. Sewall of Newcastle.

There being no objections, these expressions of legislative sentiment were considered passed.

House Reports of Committees**Ought Not to Pass**

Mr. Kane from the Committee on Taxation on Bill "An Act to Exempt any Tree Growth, within 250 feet from Oceans, Lakes, Rivers or Streams in Organized Municipalities, from the Tree Growth Law" (H. P. 1666) (L. D. 1775) 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:

(S. P. 694) (L. D. 1816) Bill "An Act Relating to the Bonding of Voting Device Vendors" — Committee on Election Laws reporting "Ought to Pass" as amended by Committee Amendment "A" (S-423)

(H. P. 1818) (L. D. 1946) Bill "An Act Relating to the Powers of Hospital Administrative District No. 1 in Penobscot County" (Emergency) — Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-803)

(H. P. 831) (L. D. 1038) Bill "An Act to Provide for County Self-government" — Committee on Local and County Government reporting

"Ought to Pass" as amended by Committee Amendment "B" (H-805)

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 28, under listing of Second Day.

**Passed to Be Enacted
Emergency Measure**

An Act to Allow School Districts to Account for Federally-subsidized Pupils as Residents of the District and not of the Municipality in which they Reside (S. P. 720) (L. D. 1870) (C. "A" S-416)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, I would like a short, one minute explanation of this bill, please.

The SPEAKER: The gentleman from Farmington, Mr. Morton, has posed a question through the Chair to anyone who may care to answer.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: In response to the question, I think that the statement of fact on the legislation is pretty much self-explanatory. The bill is permissive legislation; it affects those school districts where there is a federal installation, such as Cutler Air Force Station. It would allow the school boards in those school administrative districts to count the pupils as part of the whole district rather than to count them just specifically as residents of one particular town. It is an attempt to alleviate the burden that is placed on communities that receive federal funds — I should read the statement of fact to you because I don't have my notes in front of me.

"The purpose of the legislation is to allow the school districts which consist of more than one municipality and which apportion costs on a per pupil basis to eliminate the pupils which are subsidized by the federal government from the tally of the municipality in which they reside. The subsidy goes directly to the district and reduces the local share for all students. The district may want to count the students as residents of the district as a whole and not as residents of the municipality in which they reside."

This legislation would allow the school administrators to make that determination. It doesn't require them to do it but it would allow them to make that determination.

The SPEAKER: The pending question is on passage to be enacted. This being an emergency 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 as an emergency measure will vote yes; those opposed will vote no.

A vote of the House was taken.

113 having voted in the affirmative and 2 having voted in the negative, the motion did prevail.

Signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Amend the Emergency Home Heating Act of 1979 (H. P. 1866) (L. D. 1956) (C. "A" H-802)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

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

Mrs. BERUBE: Mr. Speaker, I wonder if I could ask a question of a member of the Appropriations Committee, I see the chairman is in his seat. I probably misunderstood yesterday, did he say that only half of the \$800,000 had been expended and this was a one-month delay in order to move to find more people who might be eligible?

The SPEAKER: The gentlewoman from Lewiston, Mrs. Berube, has posed a question through the Chair to the gentleman from Old Town, Mr. Pearson, who may respond if he so desires, and the Chair recognizes that gentleman.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: In reply to the gentlelady from Lewiston, Mrs. Berube, the total cost of the original bill was \$866,250, and as of the 15th of February, which is the last time we were able to bring all the information together, we have expended \$454,400. I will let you do the math on whether that is exactly half or not, but the Governor's Office tells me, the people that are administering the program, that they want to extend the date to correspond to the deadline for the federal application for money because they are finding that the elderly people in Maine have been reluctant to apply until they were pushed to the wall and they are at the wall now and they expect them to be applying in larger numbers. Perhaps they hadn't realized the amount of inflation or the amount of the cost increase in fuel oil and are now starting to realize it in record numbers.

This is the 27th of February. The deadline for filing applications, if this is not passed, is the 29th of this month, two days from now, and hence the reason for the bill.

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

Mrs. BERUBE: Mr. Speaker and Members of the House: I suppose this is all right, but I am wondering if in one more month we will be able to find elderly to apply. I suspect that we have reached the saturation point and my concern is, are we assured that the remaining \$412,000 will be given to the elderly? Can we reach them or will this money be used to buy those agencies which are trying to find the elderly, using them for administrative costs?

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: The administrative cost of this program to date has been \$44,013, which is really quite low, extremely low. As a matter of fact, they think it is so low that that is one of the reasons why the outreach hasn't worked as well as it should have and reached as many people as it should have.

You may have noticed on your radio stations in the last several days that you will hear advertising for people, if they need the money, that the deadline is soon coming up in anticipation of the fact that we might not pass this. The administrative costs have been very reasonable, probably too reasonable, so the outreach hasn't been as good as it should have been.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I think Mr. Pearson just made a good point in that the outreach hasn't been as perfect in design as it should have been in meeting these people.

To further answer Mrs. Berube's question, there are potentially 5,000 people estimated by the administration that are eligible for this money and approximately 1,875 or 1,885 have applied and been recipients of it, so it is the feeling of the department and I think the feeling of the Appropriations Committee, in listening to the testimony that, in fact, there are a number of people out there who have been reluctant, as Mr. Pearson said, who are certainly entirely eligible for it. The monies are sufficient to cover up to the 5,000 that are anticipated. An expansion probably will make that possible for those who have been reluctant. The money, if there is any left, will not be going elsewhere.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I want to congratulate the gentleman from Old Town for his very

excellent explanation he gave us yesterday and also today.

I would just call anyone's attention to the statement of fact, particularly the second paragraph, where it says, "Whereas, federal energy assistance is not available this heating season for elderly" that is federal and I would emphasize the word 'federal', "is not available this heating season for elderly and disabled persons whose income is above 125 percent of federal poverty guidelines and below the income guidelines of Maine's Elderly Homeowners Tax and Rent Refund Act."

This is a relatively narrow segment of people who are slightly above the poverty guidelines, who we feel and did feel at the time that we put this altogether, the gentleman from Lisbon and myself and some other members who sat down until midnight or later one night last fall, that we had to make sure this particular group did get some consideration and only state funds are available for these people, federal funds are not, and that is what these state funds are for.

As the Statement of Fact also points out and has been so carefully explained, outreach to the elderly may have been inadequate and, again, the elderly are the most proud people we have in the state and they will hold off until the very last minute. This does give them the opportunity to come in a little later than we had originally planned, which was partially a political decision, frankly, at that time. The other federal money is still available up through April.

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

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I won't speak on this extensively. We debated this boondoggle extensively during the Special Session, but in the accounts I have heard on TV and on radio and the papers, the agency charged with distributing these funds seem to be saying that, amazing enough, only half of the eligible people have come forward and they cited the great pride and self-respect of Maine elderly in not coming forward and they seem to express the need to go and convince them that they ought not to have this kind of pride. I really don't think that in the final analysis, and this would take a great deal of detailed economic debate which I won't get into, that government really helps to provide people in keeping warm at all.

I am going to vote no on this and I would urge you to also.

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

A vote of the House was taken.
121 having voted in the affirmative and 9 in the negative, the Bill was passed to be enacted.

Signed by the Speaker and sent to the Senate.
By unanimous consent, ordered sent forthwith to the Senate.

Passed to Be Enacted

An Act to Establish Time Limitations for Applications for Attendance at Certain Approved Secondary Schools under the Education Laws (H. P. 1662) (L. D. 1771) (C. "A" H-794)

An Act to Amend the Lobbyist Disclosure Law (H. P. 1855) (L. D. 1955)

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 Authorize Cutting of Trees on State Park Lands" (H. P. 1623) (L. D. 1733)

—In House, House Insisted on Passage to be Engrossed as Amended by House Amendment "A" (H-783)

—In Senate, Passed to be Engrossed as Amended by House Amendment "A" (H-783)

as Amended by Senate Amendment "A" (S-421) thereto.

Tabled—February 26, 1980 by Mr. Hall of Sangerville.

Pending—Further Consideration.

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I have now been satisfied from all sides and I would move that we recede and concur.

Mrs. Hutchings of Lincolnville requested a roll call.

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. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The Chair recognizes the gentleman from Fryeburg, Mr. Kiesman.

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: As you remember, we thrashed this bill around, I guess you could say that we slashed at it pretty well as it has been traveling its tortuous way through the House and the other body.

This is a bill that came before the Energy and Natural Resources Committee, of which I am a member, and I took exception to it as it was presented. We were not able to get it into a posture that was acceptable to me or a great number of members of my committee or even in this body, but I think now it is in a posture that we can accept. It does address and take care of two problems that exist in the Park Department the need to be taken care of. It does put on the safeguards that I was concerned about to where we are not going to get our parks stripped or any improper cutting taking place. The Senate Amendment ties the knot up real tight and I am satisfied with this and I hope you will let it go on through.

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

ROLL CALL

YEA — Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Birt, Blodgett, Boudreau, Bowden, Brannigan, Breneman, Brodeur, Brown, K.L.; Brown, K.C.; Bunker, Call, Carrier, Carroll, Carter, D.; Chonko, Churchill, Cloutier, Conary, Connolly, Cox, Curtis, Davies, Davis, Dellert, Diamond, Doukas, Dow, Diamond, Doukas, Dow, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fillmore, Fowlie, Garsoe, Gavett, Gillis, Gowen, Gray, Gwadosky, Hall, Hickey, Higgins, Hobbins, Huber, Hughes, Jackson, Jacques, P.; Joyce, Kane, Kany, Kelleher, Kiesman, Lancaster, LaPlante, Leighton, Locke, MacBride, MacEachern, Mahany, Marshall, Masterman, Matthews, McHenry, McKean, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, A.; Nelson, M.; Nelson, N.; Paradis, E.; Paradis, P.; Paul, Payne, Post, Prescott, Reeves, J.; Reeves, P.; Rolde, Rollins, Roope, Sherburne, Simon, Small, Soulas, Stover, Strout, Studley, Tierney, Torrey, Tuttle, Twitchell, Vincent, Violette, Vose, Wentworth, Whittemore, Wood, Wyman, The Speaker.

NAY — Austin, Bordeaux, Brown, A.; Brown, D.; Carter, F.; Cunningham, Damren, Dexter, Drinkwater, Hanson, Hunter, Hutchings, Immonen, Leonard, Lewis, Lougee, Lowe, Martin, A.; Pearson, Peltier, Peterson, Sewall, Smith, Sprowl, Stetson, Tozier.

ABSENT — Aloupis, Dudley, Howe, Jacques, E.; Jalbert, Laffin, Lizotte, Lund, Masterton, Maxwell, McMahon, Norris, Silsby, Tarbell, Theriault.

Yes, 110; No, 26; Absent, 15.

The SPEAKER: One hundred and ten having voted in the affirmative and twenty-six in the negative, with fifteen being absent, the motion does prevail.

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

An Act Relating to Maine Educational Advisory Organizations (H. P. 1646) (L. D. 1756)

—In House, Passed to be Enacted on February 25, 1980.

Tabled—February 27, 1980 by Mr. Masterman of Milo.

Pending—Motion of Mr. Tierney of Lisbon to Reconsider Passage to be Enacted.

Mr. Marshall of Millinocket requested a roll call vote.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. LaPlante.

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: We had a comment yesterday that we have said so much about so little, and every phone call I make, I find so much that we have said so little about. I talked to the original first vice president of the Maine School Board Association and when we talked about the tax status, apparently in 1978 or 1977 they were putting funds aside for a building. Therefore, there is money going into the budget for a building and it may be a tax issue, so we should keep that in mind.

Second, I talked to individuals who have retired from Maine State Retirement and Social Security and they said, "We were upset when we were paying both retirement but, believe me, right now I can walk down the street with my head held high because I am getting an extra \$300 a month and I don't have to apply for food stamps and I don't have to apply for a lot of other benefits that other people have to ask for. They said that they are proud right now that they are getting both retirements.

I think we need a copy of their budget to insure ourselves of the tax status for properties and I think it would be very helpful to answer the questions that are unanswered.

I really hope that you do reconsider this bill.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I am amazed that my good friend from Sabattus can, with a straight face, get up here and bring up the property tax issue again. If one thing has been determined by all the talk that has gone on is that this bill in no way changes the property tax status, absolutely does not. I believe it has been conceded that they are properly tax exempt and this bill in no way changes it.

The fact that the gentleman wants to substitute his judgment for that of the employees of this organization as to whether or not they should indeed pay two pension systems I don't think should carry any weight in this body whatsoever. So, I hope now we can vote not to reconsider and let this momentous bill go on its way.

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 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 pending question is on the motion of the gentleman from Lisbon Falls, Mr. Tierney, that the House reconsider its action whereby the Bill was passed to be enacted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Baker, Benoit, Berry, Berube, Blodgett, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, K.C.; Carroll, Carter,

D.; Chonko, Cloutier, Connolly, Cox, Curtis, Davies, Dexter, Diamond, Doukas, Dow, Du-tremble, D.; Elias, Fowle, Gwadosky, Hall, Hobbins, Hughes, Jacques, P.; Joyce, Kane, Kany, Kiesman, LaPlante, Locke, MacEa-cheron, Mahany, McHenry, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Paul, Pearson, Post, Prescott, Reeves, P.; Simon, Soulas, Tierney, Tozier, Tuttle, Vincent, Violette, Vose, Wentworth, Wood, Wyman, The Speaker.

NAY — Austin, Barry, Beaulieu, Birt, Bor-deaux, Boudreau, Bowden, Brown, D.; Brown, K.L.; Bunker, Call, Carrier, Carter F.; Churchill, Conary, Cunningham, Damren, Davis, Dellert, Drinkwater, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gowen, Gray, Hanson, Hickey, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Kelleher, Lancaster, Leighton, Leonard, Lewis, Lougee, Lowe, MacBride, Marshall, Martin, A.; Masterman, Matthews, McPherson, Morton, Nelson, A.; Paradis, E.; Paradis, P.; Payne, Peltier, Peterson, Reeves, J.; Rolde, Rollins, Roope, Sewall, Sherburne, Small, Smith, Sprowl, Stetson, Stover, Strout, Studley, Torrey, Twitchell, Whittemore.

ABSENT — Aloupis, Dudley, Dutremble, L.; Howe, Jacques, E.; Jalbert, Laffin, Lizotte, Lund, Masterton, Maxwell, McMahon, Norris, Silsby, Tarbell, Theriault.

Yes, 64; No, 71; Absent, 16.

The SPEAKER: Sixty-four having voted in the affirmative and seventy-one in the negative, with sixteen being absent, the motion to reconsider does not prevail.

(Off Record Remarks)

On motion of Mrs. Martin of Brunswick, adjourned until ten o'clock tomorrow morning.