

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 3, 1980 to May 1, 1981

KJ PRINTING
AUGUSTA, MAINE

HOUSE

Monday, January 5, 1981

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

Prayer by the Reverend Millett E. Cummings of the Bethel United Methodist Church. The members stood at attention during the Pledge of Allegiance.

The journal of the previous session was read and approved.

At this point, the Speaker announced the presence in the Hall of the House of Representative-elect Neil Rolde from York. The Speaker asked the gentlewoman from Vassalboro Mrs. Mitchell to escort the Representative-elect to the Office of the Governor where the Governor would enable him to receive and subscribe the oath necessary to qualify him to enter upon his official duties.

Subsequently, Mrs. Mitchell reported that the necessary oath had been taken by the Representative to qualify him to enter upon his official duties.

At this point, the Speaker announced that Mr. Rolde of York was assigned Seat 25 and assigned to the Committees on Audit and Program Review and Education.

Messages and Documents

The following Communication: (H. P. 48)

State of Maine**Department of Conservation**

December 18, 1980

Joseph E. Brennan
Governor
Richard E. Barringer
Commissioner
The Honorable John L. Martin
Speaker of the House
State House
Augusta, Maine
The Honorable Joseph Sewall
President of the Senate
State House
Augusta, Maine 04333
Dear Speaker Martin and President Sewall:
As provided by 12 M.R.S.A. Section 685-A, Subsection 8, any amendments to the Land Use Regulation Commission's land use standards must be submitted to the Legislature. On behalf of the Commission, I am submitting to you amendments which the Commission adopted this past June. If the Legislature chooses to take no action, these amendments will remain in effect as adopted. Attached to this letter is a document showing each of the amendments, as well as a complete set of the Commission's revised standards which incorporate these amendments. Many of the changes are relatively minor. To facilitate legislative review, I have also attached a summary of the major changes. Prior to Commission adoption, all of these amendments to the standards were the subject of a full public hearing held in May 1980. The Commission responded to the oral and written comments made during that hearing process with appropriate changes to the proposed amendments.

Given our experience in dealing with these revised standards since they went into effect in July, we strongly believe that they are more effective in protecting the environment, while minimizing burdens on landowners, than were the standards prior to amendment. The Commission and its staff are committed to an ongoing process of reviewing and improving these standards in order to assure that they are fully responsive to LURC's statutory mandate. I will be happy to meet with the appropriate legislative committee and/or yourselves to further explain these amendments. Thank you for your consideration.

Sincerely,
S/JEFFERY R. PIDOT

Director

The Communication was read and with accompanying Report referred to the Committee on Energy and Natural Resources, and sent up for concurrence.

The following Communication:

December 12, 1980

Mr. Ed Pert
State House
Augusta, ME 04330
Clerk of the House
Dear Mr. Pert:

Enclosed please find the annual report on the operation of the State Government Internship Program as required by the Maine State Statutes, Chapter 14, paragraph 294.

Sincerely,

S/KATHRYN H. GODWIN, Director
Bureau of Public Administration

Was read and with accompanying Report ordered placed on file.

The Following Communication:

State of Maine
House of Representatives
Speakers' Office
Augusta, Maine

December 8, 1980

Hon. Edwin H. Pert
Clerk of the House
Maine House of Representatives
State House
Augusta, Maine 04333
Dear Clerk Pert:

This is to notify you that I am appointing Representative Bonnie Post to serve on the Commission on Interstate Cooperation for the 1981-82 term.

Sincerely,

S/JOHN L. MARTIN
Speaker of the House

Was read and ordered placed on file.

**Petitions, Bills and Resolves
Requiring Reference**

The following Bills were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Agriculture

Bill "An Act Concerning Damage Done to Sheep by Dogs or Wild Animals" (H. P. 37) (Presented by Mr. Drinkwater of Belfast) (Ordered Printed)
Sent up for concurrence.

Education

Bill "An Act to Encourage the University of Maine Law School to Offer Extension and Evening Programs for Part-time Students" (H. P. 38) (Presented by Mr. Boyce of Auburn) (Ordered Printed)
Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act to Repeal the Prohibition on Importing Live Bait" (H. P. 39) (Presented by Mr. Paradis of Old Town) (By Request) (Ordered Printed)
Sent up for concurrence.

Health and Institutional Services

Bill "An Act Relating to Immunization of Children Prior to Entering School" (H. P. 41) (Presented by Mr. Connolly of Portland) (Cosponsors: Mr. Boyce of Auburn, Mrs. Nelson of Portland, and Senator Wood of York) (Submitted by the Department of Human Services pursuant to Joint Rule 24) (Ordered Printed)
Sent up for concurrence.

Judiciary

Bill "An Act to Increase and to Make Mandatory the Fines for Litter" (H. P. 40) (Presented by Mr. Paradis of Augusta) (By Request)

(Ordered Printed)

Sent up for concurrence.

Local and County Government

Bill "An Act to Provide for the Surrender by Grand Falls Plantation of its Organization" (Emergency) (H. P. 42) (Presented by Mr. Paradis of Old Town) (Ordered Printed)
Sent up for concurrence.

Public Utilities

Bill "An Act to Dissolve the Howland Water and Sewer District" (H. P. 43) (Presented by Mr. Dudley of Enfield) (Ordered Printed)
Sent up for concurrence.

State Government

Bill "An Act to Require Legislative Confirmation of State Housing Authority Commissioners" (H. P. 44) (Presented by Mrs. Kany of Waterville) (Cosponsor: Mr. Paradis of Augusta) (Ordered Printed)
Sent up for concurrence.

Transportation

Bill "An Act to Provide for the Use of Flashing White Lights on Ambulances" (H. P. 45) (Presented by Mr. Brown of Livermore Falls) (Cosponsor: Mr. Diamond of Waterville)
Bill "An Act to Create a Point Credit System for Violation-free Drivers Under the Motor Vehicle Laws" (H. P. 46) (Presented by Mr. Paradis of Augusta) (By Request) (Ordered Printed)
Sent up for concurrence.

The following papers appearing on Supplement No. 1 were taken up out of order by unanimous consent.

The following Bills were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Business Legislation

Bill "An Act to Regulate Variable Rate Consumer Credit Transactions under the Consumer Credit Code" (H. P. 34) (L. D. 39) (Presented by Mr. Gwadosky of Fairfield) (Cosponsor: Mr. Jackson of Yarmouth) (Submitted by the Department of Business Regulation pursuant to Joint Rule 24) (Ordered Printed)
Sent up for concurrence.

Election Laws

Bill "An Act to Prohibit Voter Registration on Election Day with Certain Exceptions" (H. P. 35) (L. D. 40) (Presented by Mrs. Wentworth of Wells) (Cosponsor: Mr. Murphy of Kennebunk and Ms. Brown of Gorham) (Ordered Printed)
Sent up for concurrence.

Judiciary

Bill "An Act to Amend the Maine Juvenile Code Concerning Emancipation" (H. P. 31) (L. D. 36) (Presented by Mr. Hobbins of Saco) (Submitted by the Department of Human Services pursuant to Joint Rule 24)

Bill "An Act to Make Confidential Certain Documents of the Maine Human Rights Commission" (H. P. 33) (L. D. 38) (Presented by Mr. Davies of Orono) (Cosponsor: Mrs. Masterton of Cape Elizabeth) (Submitted by the Human Rights Commission pursuant to Joint Rule 24) (Ordered Printed)
Sent up for concurrence.

Public Utilities

Bill "An Act to Place Sewer Utilities under the Regulation of the Public Utilities Commission" (Emergency) (H. P. 36) (L. D. 41) (Presented by Mrs. Wentworth of Wells) (Cosponsors: Mr. Lancaster of Kittery and Mr.

Kelleher of Bangor)
(Ordered Printed)
Sent up for concurrence.

Transportation

Bill "An Act to Modify Certain Rules of the Road to Conform with the Uniform Vehicle Code" (H. P. 32) (L. D. 37) (Presented by Mr. Carroll of Limerick) (Submitted by the Department of Transportation pursuant to Joint Rule 24)

(Ordered Printed)
Sent up for concurrence.

Orders

On motion of Mr. McSweeney of Old Orchard Beach, it was

ORDERED, that Representative Sharon B. Benoit be excused January 5, 6, 7 and 8 for personal reasons.

AND BE IT FURTHER ORDERED that Representative Harriet A. Ketover be excused for the duration of her illness.

Special Sentiment Calendar

In accordance with House Rule 56, the following item (Expression of Legislative Sentiment):

In Memory of the Honorable Robert B. Dow, Sr., prominent Norway attorney and member of the 88th thru 92nd Maine Legislatures (H. P. 47) by Miss Bell of Paris (Cosponsor Mr. Twitchell of Norway)

The Resolution was read.

The SPEAKER: The Chair recognizes the gentlewoman from Paris, Miss Bell.

Miss BELL: Mr. Speaker and Members of the House: On behalf of Mr. Twitchell of Norway and myself, I would like to recognize Mr. Dow as a long-time resident and lawyer of Norway. He died at the age of 82. He is highly respected in the legal community after serving 47 years.

He had two terms in the House of Representatives and three terms in the Maine Senate. He will be sadly missed in our area.

Thereupon, the Resolution was adopted and sent up for concurrence.

Orders of the Day

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

Bill, "An Act to Clarify the Definition of Resident Individual in the Income Tax Law" (H. P. 21) (L. D. 14) (Committee on Taxation suggested)

Tabled—December 4, 1980 by Mrs. Mitchell of Vassalboro.

Pending—Reference.

On motion of Mr. Kane of South Portland, retabled pending reference and tomorrow assigned.

At this point, the Speaker announced the presence in the Hall of the House of Representative Louis Jalbert of Lewiston, who was sworn in on December 24, 1980.

The Speaker announced that Mr. Jalbert of Lewiston was assigned Seat 78 and assigned to the Committee on Appropriations and Financial Affairs.

The following paper appearing on Supplement No. 2 was taken up out of order by unanimous consent:

The following Communication:
**Commission on Governmental
Ethics and Election Practices
State House Station 101
Office of the Secretary of State
Augusta**

December 29, 1980

Honorable Edwin H. Pert, Clerk
Maine House of Representatives
State House

Augusta, Maine 04333

Dear Mr. Pert:

In accordance with 21 M.R.S.A. section 1423-3-

A, the Commission on Governmental Ethics and Election Practices herewith submits the enclosed copy of the findings of fact and opinion relating to the November 4, 1980 election for House District 91-2.

Sincerely,

S/JANICE T. WELCH
Assistant to the Commission

Was read and referred to the House Committee on Elections.

The following papers appearing on Supplement No. 3 were taken up out of order by unanimous consent:

The following Communication:

**State of Maine
Department of Finance
and Administration
Bureau of Accounts and Control
State House
Augusta**

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

In accordance with Title 5, MRSA, section 1547 the accompanying Financial Report of the State of Maine is submitted for the fiscal year ended June 30, 1980.

The statements present the financial position of the various funds of the State, their resources and expenditures for the fiscal year then ended. Comparative budgetary data as well as footnotes and statistical information have been included in this report to promote a better understanding of the State's finances.

Questions or comments about this report are always welcome.

DONALD A. BROWN

State Controller

The Communication was read and ordered placed on file.

Orders

On motion of Mr. McSweeney of Old Orchard Beach, it was

ORDERED, that Representative Fred W. Moholland of Princeton be excused January 5, 6, 7 & 8 for personal reasons.

Special Sentiment Calendar

The following item:

In Memory of Hon. Kenneth A. Mills, of Eastport, a member of the 102nd and the 104th through 108th Legislatures; (H. P. 49) by Mr. Vose of Eastport) (Cosponsors: Senator Brown of Washington, Mr. Moholland of Princeton and Mr. Gillis of Calais)

The Resolution was read.

The SPEAKER: The Chair would ask the gentlewoman from Vassalboro, Mrs. Mitchell, to approach the rostrum for the purpose of acting as Speaker Pro Tem.

Whereupon, Mrs. Mitchell of Vassalboro assumed the Chair as Speaker Pro Tem and Speaker Martin occupied his seat on the floor of the House.

The SPEAKER pro tem: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Madam Speaker, Members of the House: It was with great sadness this morning that I and members of this body learned of the death of Ken Mills as the result of a tragic fire. It is with sadness and some nostalgia that we remember him.

Ken and I arrived at the Maine Legislature together in 1965. I, as he would say, was almost too young to be here, not long out of college, and Ken was already the loveable old curmudgeon we all remember. He taught me much about what it really means to be a legislator, because Ken was truly a representative of the people.

For Ken, Washington County and his constituents came first. For those of you who remember how he fought for Eastport and for Washington County, when you were against him, you knew you might as well give up be-

cause you were going to lose. He was a relentless fighter in the efforts to better the conditions and lives of the citizens in this economically depressed area of Maine. His unselfish contribution of his time and energy will live long after he is gone.

Besides Washington County, Ken had two great loves—the Maine Legislature and his wife, Irene. When Irene died a few years ago, a part of Ken died with her.

Despite his own problems, Ken always had time to lend a sympathetic ear to his friends, neighbors and colleagues. He loved to share the benefits of his experience as a law enforcement officer in Massachusetts and wisdom with those of us who hadn't been around quite as long as he. Even after he retired from the Maine Legislature, he still called us. Not long ago he called my office to keep in touch with all of us and took an active interest in the problems facing our state and, in particular, those that faced Eastport and the surrounding area.

Many of us here have our own memories of Ken, and each of us will mourn him in our own way, but the best tribute we can pay him is to emulate the kind of dedicated and caring legislator that he personified.

There is no one to whom we can more fittingly say: "Well done, thou good and faithful servant."

At this point, Mr. Martin of Eagle Lake resumed the Chair and Mrs. Mitchell of Vassalboro returned to her seat on the floor.

Mr. MARTIN: The Chair thanks the gentlewoman from Vassalboro, Mrs. Mitchell, for acting as Speaker pro tem.

The Chair recognizes the gentleman from Calais, Mr. Gillis.

Mr. GILLIS: Mr. Speaker and Members of the House: As Chairman of the Washington County delegation, I thank you for the kind words regarding our mutual friend and colleague, Ken Mills.

As an individual, I met Ken Mills for the first time my first term here in the 108th Legislature. As you pointed out your experience with Ken your first term here, I, too, came under Ken's tutoring, so to speak. He showed me the ropes and the ways to go about things. Despite that grizzly exterior, under that exterior laid the heart of a pussycat.

The State of Maine can ill afford to lose public servants such as Ken Mills, but far more important, Washington County can ill afford it, and the City of Eastport. He was eternally involved in the problems of the county, the problems of Eastport and the people down in that area.

In respect to Ken, and repeating the words of our Speaker, all I can think of to say right now is "A job well done."

Thereupon, the Resolution was adopted and sent up for concurrence.

On motion of Mr. Pearson of Old Town,

Adjourned until ten o'clock tomorrow morning in memory of The Honorable Kenneth A. Mills of Eastport.