

MAINE STATE LEGISLATURE

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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

Tuesday, January 6, 1981

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

Prayer by the Reverend Russell Chase of the Monmouth United Church.

The journal of yesterday was read and approved.

Papers from the Senate

The following Joint Order: (S. P. 33)

ORDERED, the House concurring, that any tax supported public library may upon written request to the Document Clerk receive without charge copies of all printed bills, so that there may be available to the public during the legislative session a complete and convenient file of all printed bills.

Came from the Senate read and passed.

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

Labor

Bill "An Act Removing the Union Security Provision in the University of Maine Labor Relations Act and Prohibiting Certain Conditions of Employment" (S. P. 42) (L. D. 43)

Came from the Senate referred to the Committee on Labor and ordered printed.

In the House, referred to the Committee on Labor in concurrence.

Legal Affairs

Bill "An Act to Increase the Licensing Fee for Beano" (S. P. 32) (L. D. 35)

Bill "An Act to Lower Certain Distance Restrictions on Enlargement of Cemeteries and Burying Grounds" (S. P. 41) (L. D. 42)

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

In the House, referred to the Committee on Legal Affairs in concurrence.

Local and County Government

Bill "An Act to Abolish the Position of County Treasurer in Penobscot County and Replace it with a Full Time Finance Officer" (S. P. 43) (L. D. 44)

Bill "An Act to Increase the Salary of the Cumberland County Treasurer" (S. P. 44) (L. D. 45)

Came from the Senate referred to the Committee on Local and County Government and ordered printed.

In the House, referred to the Committee on Local and County Government in concurrence.

State Government

Bill "An Act to Preserve Maine's Archaeological Heritage" (S. P. 45) (L. D. 56)

Came from the Senate referred to the Committee on State Government and ordered printed.

In the House, referred to the Committee on State Government in concurrence.

Messages and Documents

The following Communication:

January 5, 1980

Hon. Edwin H. Pert
Clerk of the House
Maine House of Representatives
State House
Augusta, Maine 04330
Dear Clerk Pert:

This is to notify you that I am reappointing Rep. Edward C. Kelleher to the Maine Human Services Council for the 1981-82 term pursuant to Title 22, M.R.S.A., Section 531-4.

Sincerely,

S/JOHN L. MARTIN

Speaker of the House

Was read and ordered placed on file.

The following Communication: (S. P. 34)

State of Maine
Senate Chamber

President's Office
Augusta

December 22, 1980

Honorable David R. Ault
Honorable Judy C. Kany
Chairmen, Joint Standing
Committee on State Government
State House
Augusta, ME 04333

Please be advised that Governor Joseph E. Brennan is nominating Charles P. Harriman of Falmouth for appointment to the Maine Guarantee Authority.

Pursuant to Title 10 M.R.S.A. Section 751, this nomination will require review by the Joint Standing Committee on State Government and confirmation by the Senate.

Sincerely,

S/JOSEPH SEWALL

President of the Senate

S/JOHN L. MARTIN

Speaker of the House

Came from the Senate, read and referred to the Committee on State Government.

In the House, was read and referred to the Committee on State Government in concurrence.

State of Maine
Senate Chamber
President's Office

December 22, 1980

Honorable David R. Ault
Honorable Judy C. Kany
Chairmen, Committee on
State Government
State House
Augusta, ME 04333

Please be advised that on December 19, 1980, Governor Joseph E. Brennan nominated David W. Bustin of Augusta to serve as Commissioner of the Department of Personnel.

Pursuant to Title 5 M.R.S.A. Section 631, this appointment is subject to review by the Joint Standing Committee on State Government and confirmation by the Senate.

Sincerely,

S/JOSEPH SEWALL

President of the Senate

S/JOHN L. MARTIN

Speaker of the House

Came from the Senate, read and referred to the Committee on State Government.

In the House, was read and referred to the Committee on State government in concurrence.

The following Communication: (S. P. 36)

State of Maine
Senate Chamber
President's Office
Augusta

December 31, 1980

Honorable Dana C. Devoe
Honorable Barry J. Hobbins
Chairmen, Joint Standing
Committee on the Judiciary
State House
Augusta, ME 04333

Please be advised that Governor Joseph E. Brennan is nominating Sumner J. Goffin of Portland for reappointment as a Superior Court Justice.

Pursuant to Title 4 MRSA Section 152, this nomination will require review by the Joint Standing Committee on the Judiciary and confirmation by the Senate.

Sincerely,

S/JOSEPH SEWALL

President of the Senate

S/JOHN L. MARTIN

Speaker of the House

Came from the Senate, read and referred to the Committee on Judiciary.

In the House, was read and referred to the Committee on Judiciary in concurrence.

The following Communication: (S. P. 37)

State of Maine
Senate Chamber
President's Office
Augusta

December 23, 1980

Honorable Dana C. Devoe
Honorable Barry J. Hobbins
Chairmen, Joint Standing
Committee on the Judiciary
State House
Augusta, ME 04333

Please be advised that Governor Joseph E. Brennan is nominating Elmer H. Violette of Van Buren for reappointment as a Superior Court Justice.

Pursuant to Title 4 Title 4 MRSA 152, this nomination will require review by the Joint Standing Committee on the Judiciary and confirmation by the Senate.

Sincerely,

S/JOSEPH SEWALL

President of the Senate

S/JOHN L. MARTIN

Speaker of the House

Came from the Senate, read and referred to the Committee on Judiciary.

In the House, was read and referred to the Committee on Judiciary in concurrence.

The following Communication: (S. P. 38)

State of Maine
Senate Chamber
President's Office
Augusta

December 23, 1980

Honorable Dana C. Devoe
Honorable Barry J. Hobbins
Chairmen, Joint Standing
Committee on the Judiciary
State House
Augusta, ME 04333

Please be advised that Governor Joseph E. Brennan is nominating Harriet P. Henry of Standish for reappointment to the District Court.

Pursuant to Title 4 MRSA Section 157, this nomination will require review by the Joint Standing Committee on the Judiciary and confirmation by the Senate.

Sincerely,

S/JOSEPH SEWALL

President of the Senate

S/JOHN L. MARTIN

Speaker of the House

Came from the Senate, read and referred to the Committee on Judiciary.

In the House, was read and referred to the Committee on Judiciary in concurrence.

The following Communication: (S. P. 39)

State of Maine
Senate Chamber
President's Office
Augusta

December 23, 1980

Honorable Thomas M. Teague
Honorable Merle Nelson
Chairmen, Joint Standing Committee
on Aging, Retirement and Veterans
State House
Augusta, ME 04333

Please be advised that Governor Joseph E. Brennan is nominating Nathan W. Watson of Bath for reappointment to the Maine State Retirement System Board of Trustees.

Pursuant to Title 5 MRSA Section 1031, this nomination will require review by the Joint Standing Committee on Aging, Retirement and Veterans and confirmation by the Senate.

Sincerely,

S/JOSEPH SEWALL

President of the Senate

S/JOHN L. MARTIN

Speaker of the House

Came from the Senate, read and referred to the Committee on Aging, Retirement and Veterans.

In the House, was read and referred to the

Committee on Aging, Retirement and Veterans in concurrence.

The following Communication: (S. P. 40)
State of Maine
Senate Chamber
President's Office
Augusta

December 30, 1980

Honorable Charlotte Z. Sewall
Honorable Edith S. Beaulieu
Chairmen, Joint Standing
Committee on Labor
State House
Augusta, ME 04333

Please be advised that Governor Joseph E. Brennan is nominating Charles G. Dow of West Gardiner for appointment to the State Employees Appeals Board.

Pursuant to Title 5 M.R.S.A. Section 751, this appointment is subject to review by the Joint Standing Committee on Labor and confirmation by the Senate.

Sincerely,
S/JOSEPH SEWALL
President of the Senate
S/JOHN L. MARTIN
Speaker of the House

Comes from the Senate, read and referred to the Committee on Labor.

In the House, read and referred to the Committee on Labor in concurrence.

The following Communication: (S. P. 46)
State of Maine
State Treasurer
Augusta
289-2771

December 8, 1980

Members of the Maine Senate
and House of Representatives
State House
Augusta, Maine 04333
Ladies and Gentlemen:

I am forwarding herewith in accordance with Article V, Part Fourth of the Maine Constitution and Title 5, Chapter 7 of the Maine Revised Statutes two letters from Charles E. Downing Co. stating that I have been bonded in the amount of \$500,000.

Very truly yours,
S/SAMUEL SHAPIRO
Treasurer of State of Maine

Come from the Senate, read and with accompanying papers ordered placed on file.

In the House, was read and with accompanying papers ordered placed on file in concurrence.

The following Communication: (S. P. 47)
State of Maine
Office of the Governor
Augusta

December 29, 1980

The Honorable Senate and
House of Representatives
of the 109th Legislature:

Enclosed please find two bonds for Samuel D. Shapiro, Treasurer of the State of Maine, as required by Article V, Part 4, Section 2 of the Maine Constitution. These bonds have been examined by me and are in the requisite amount of \$500,000.

Yours very truly,
S/JOSEPH E. BRENNAN
Governor

Come from the Senate, read and with accompanying papers placed on file with the State Auditor.

In the House, was read and with accompanying papers placed on file with the State Auditor in concurrence.

The following Communication: (H. P. 88)
State of Maine
Office of the Governor
Augusta

January 5, 1981

To the President of the Senate and to the Speaker of the House of Representatives of the One Hundred and Tenth 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.

Forest Fire Protection	\$2,721,390
Land Use Regulation Commission	333,351
Secretary of State	2,400
Property Tax Assessment	312,112
County Reimbursement for Services	1,400,000
Education	2,386,888
Human Services - General Assistance	210,000

Total \$7,366,141

The Municipal Cost Components for 1981, computed for services and reimbursements to be rendered in FY 1982, 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

Was read and ordered placed on file and sent up for concurrence.

The following Communication:
State of Maine
House of Representatives
Augusta

Report of Committee on Elections - Election in District 91-2.

The Committee on Elections to which was referred the report of the Commission on Governmental Ethics and Election Practices on the appeal of Nancy Boothby, House District 91-2, have had the same under consideration and beg leave to report that: the Democratic challenger, Nancy Boothby, no longer wishes to contest the results of the election, and therefore the Committee recommends that Mr. Livesay retain the seat in the House which was conditionally assigned on December 3.

S/DONALD V. CARTER
S/SWIFT TARBELL
S/DARRYL N. BROWN
S/BARRY J. HOBBS
S/PATRICK T. JACKSON, Jr.
S/GEORGE A. CARROLL
S/BONNIE POST

The Communication was read and ordered placed on file.

Thereupon, the gentleman from Brunswick, Mr. Livesay, was permanently seated as a member of the House of Representatives of the 110th Legislature.

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:

Aging, Retirement and Veterans

Bill "An Act to Provide Free Access for Disabled Veterans to State Parks, Camping Areas and Beaches" (H. P. 51) (Presented by Mr. Weymouth of West Gardiner)
(Ordered Printed)
Sent up for concurrence.

Agriculture

Bill "An Act Relating to the Licensing of Dealers in Certain Agricultural Commodities" (H. P. 50) (Presented by Mr. Sherburne of Dexter) (Cosponsors: Mr. Hall of Dover-Foxcroft, Senator Hichens of York and Mr. Richard of Madison) (Was submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24)
(Ordered Printed)
Sent up for concurrence.

Business Legislation

Bill "An Act to Amend the Maine Insurance Guaranty Association Act to Increase Liability of Association Member Companies" (H. P. 52) (Presented by Mr. Brannigan of Portland) (Submitted by the Department of Business Regulation pursuant to Joint Rule 24)

Bill "An Act to Require that Barber Shops Post Their Prices" (H. P. 53) (Presented by Mr. Smith of Island Falls)
(Ordered Printed)
Sent up for concurrence.

Education

Bill "An Act to Require Instruction in the Public Schools on the Ill Effects of Alcohol, Tobacco and other Substances" (H. P. 54) (Presented by Mr. Dexter of Kingfield)

Bill "An Act to Require the State to Pay its Share of School Funding on the First Day of Each Month" (H. P. 55) (Presented by Mr. Brown of Livermore Falls)
(Ordered Printed)
Sent up for concurrence.

Election Laws

Bill "An Act Concerning the Inspection of Ballots on Municipal Questions" (H. P. 56) (Presented by Mrs. Berube of Lewiston)

Bill "An Act to Repeal the Statute Dealing with Failure to File Campaign Finance Reports on Time" (H. P. 57) (Presented by Mr. Smith of Island Falls)
(Ordered Printed)
Sent up for concurrence.

Energy and Natural Resources

Bill "An Act to Exempt Certain Site Evaluations from License Fees Requirements" (H. P. 58) (Presented by Mr. Brown of Livermore Falls)
(Ordered Printed)
Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act to Change the Name of Roadside Menagerie to Wildlife Exhibit under the Inland Fisheries and Wildlife Laws" (H. P. 59) (Presented by Mrs. Erwin of Rumbold)

Bill "An Act Concerning Fishing by Persons Confined to Wheelchairs" (H. P. 60) (Presented by Mr. Dexter of Kingfield)

Bill "An Act to Provide that the First Week of Deer Hunting Season in the Northern Zone shall be for Resident Hunters Only" (H. P. 61) (Presented by Mr. Smith of Island Falls)
(Ordered Printed)
Sent up for concurrence.

Health and Institutional Services

Bill "An Act to Amend the Eating, Lodging and Recreational Place Licensing Law" (H. P. 62) (Presented by Mr. Brodeur of Auburn) (Submitted by the Department of Human Services pursuant to Joint Rule 24)

Bill "An Act Redesignating the Bureau of Resource Development as the Bureau of Social Services, and the Bureau of Social Welfare as the Bureau of Income Maintenance" (H. P. 64) (Presented by Mr. Brodeur of Auburn) (Submitted by the Department of Human Services pursuant to Joint Rule 24)

Bill "An Act Relating to Conflict of Interest under the Medicaid Program" (H. P. 65) (Presented by Mrs. Prescott of Hampden) (Submitted by the Department of Human Services pursuant to Joint Rule 24)

Bill "An Act to Increase the Eating, Lodging and Recreational Place Licensing Fee" (H. P. 63) (Presented by Mrs. Prescott of Hampden) (Submitted by the Department of Human Services pursuant to Joint Rule 24)
(Ordered Printed)
Sent up for concurrence.

Judiciary

Bill "An Act to Amend the Motor Vehicle

Statutes to Allow the Secretary of State to Enter into the Nonresident Violator Compact" (Emergency) (H. P. 66) (Presented by Mr. McSweeney of Old Orchard Beach) (Submitted by the Department of Public Safety pursuant to Joint Rule 24)

Bill "An Act to Prohibit the Sale and Use of Drug Paraphernalia" (H. P. 67) (Presented by Mr. Paradis of Old Town) (Cosponsors: Mr. Matthews of Caribou, Mrs. Prescott of Hampden and Mr. Brown of Livermore Falls)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act to Exempt Small Businessmen from the Workers' Compensation Law" (H. P. 68) (Presented by Mr. Dexter of Kingfield)

Bill "An Act Relating to Safety and Health Regulation of Compressed Air Work, Public Sector Farm Workers and Variance Procedures" (H. P. 69) (Presented by Mrs. Beaulieu of Portland) (Submitted by the Department of Manpower Affairs pursuant to Joint Rule 24)

Bill "An Act to Permit School Bus Drivers to be Eligible for Unemployment compensation" (H. P. 70) (Presented by Mr. Twitchell of Norway)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Establish Guidelines for the Refusal of Concealed Weapon Permits" (H. P. 71) (Presented by Mr. McKean of Limestone)

(Ordered Printed)

Sent up for concurrence.

Local and County Government

Bill "An Act to Change the Method of Apportioning County Sheriffs Among Unorganized Territories" (H. P. 72) (Presented by Mr. Martin of Eagle Lake)

(Ordered Printed)

Sent up for concurrence.

Marine Resources

Bill "An Act to Clarify Certain Provisions of the Marine Resources Laws" (Emergency) (H. P. 73) (Presented by Mr. Fowlie of Rockland) (Submitted by the Department of Marine Resources pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act Relating to Bids for Public Utility Construction Projects" (H. P. 74) (Presented by Mr. Callahan of Mechanic Falls)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act Relating to the Protection of Underground Facilities under the Local Highway Law" (H. P. 75) (Presented by Mr. Callahan of Mechanic Falls)

Committee on Public Utilities was suggested.

(On motion of Mr. Carroll of Limerick, tabled pending reference and tomorrow assigned).

State Government

Bill "An Act to Establish the Salary Range for the Director of the Office of Energy Resources" (Emergency) (H. P. 76) (Presented by Mrs. Kany of Waterville) (Governor's Bill)

Bill "An Act to Establish a Standard of Type for Governmental Use to Assure Readability of Published Information" (H. P. 77) (Presented by Ms. Brown of Gorham)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Exempt Regional Planning Commissions from Real and Personal Prop-

erty Taxes" (H. P. 78) (Presented by Mr. Peterson of Caribou)

Bill "An Act to Provide a Sales Tax, Trade-in Credit for Loaders and Chainsaws Used to Harvest Lumber" (H. P. 79) (Presented by Mr. Dexter of Kingfield)

Bill, "An Act to Provide for a Refund of the Sales Tax on Logging Equipment" (H. P. 80) (Presented by Mr. Dexter of Kingfield)

Bill, "An Act Relating to Appeals by Taxpayers from Municipal Assessment" (H. P. 81) (Presented by Mrs. Berube of Lewiston)

Bill, "An Act to Increase the Standard Interest Provision for the Tax Laws from 9% to 12% Per Year" (H. P. 82) (Presented by Mr. Twitchell of Norway) (Submitted by the Department of Finance and Administration pursuant to Joint Rule 24)

Bill, "An Act to Increase the Household Income Eligibility for a Couple Under the Elderly Householders Tax and Rent Refund Act" (H. P. 83) (Presented by Mrs. Berube of Lewiston)

Bill, "An Act to Permit a Trade-in Credit Under the Sales Tax Statutes for Utility Tractors" (H. P. 84) (Presented by Mr. McPherson of Eliot)

Bill, "An Act to Provide a Limited Exemption from Maine Income Taxes on Interest Earned on Accounts in Maine Financial Institutions and on Certain Dividends" (H. P. 86) (Presented by Mr. Nelson of New Sweden)

Bill, "An Act to Repeal the Law Requiring a Taxable Year of April to April for Real Estate Taxes which are Prorated between Seller and Purchaser of Real Estate" (H. P. 87) (Presented by Ms. Brown of Gorham)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill, "An Act to Exempt Skidders from the Registration Requirement of the Motor Vehicle Laws for Limited Travel" (H. P. 85) (Presented by Mr. MacEachern of Lincoln)

(Ordered Printed)

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—January 5, 1981 by Mr. Kane of So. Portland.

Pending—Reference.

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

(Off Record Remarks)

On motion of Mr. Rolde of York, adjourned until ten o'clock tomorrow morning.