

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

Wednesday, January 7, 1981

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

Prayer by Father Valmount Gilbert of St. Augustine's Catholic Church, Augusta.

The journal of yesterday was read and approved.

Papers from the Senate

Bill "An Act to Require Teacher Evaluation by Persons Outside the School Administrative District" (S. P. 50) (L. D. 59)

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

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

Bill "An Act to Reduce the Minimum Size for Exempt Lots Subdivided Under the Land Use Regulation Law" (S. P. 51) (L. D. 60)

Came from the Senate referred to the Committee on Energy and Natural Resources and ordered printed.

In the House, referred to the Committee on Energy and Natural Resources in concurrence.

Bill "An Act to Provide for a Special Hunting Season on Bear During the 2nd Week in November" (S. P. 52) (L. D. 61)

Bill "An Act to Establish and Limit Deer Hunting to a Northern and a Southern Zone" (S. P. 49) (L. D. 58)

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

In the House, referred to the Committee on Fisheries and Wildlife in concurrence.

Bill "An Act to Require Employee Organizations, Unions and Bargaining Agents in the Private Sector to Negotiate on Behalf of Retired Employees" (S. P. 53) (L. D. 62)

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

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

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 Relating to Dog Licensing Funds" (H. P. 94) (Presented by Mr. Lancaster of Kittery) (Cosponsors: Mr. Rolde of York and Mrs. Hutchings of Lincolnville)

(Ordered Printed)

Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act Making Additional Appropriations from the General Fund for the Current Fiscal Year Ending June 30, 1981, and Changing Certain Provisions of the Law Necessary to the Proper Operation of State Government" (Emergency) (H. P. 91) (L. D. 63) (Presented by Mr. Pearson of Old Town) (Cosponsor: Senator Huber of Cumberland) (Submitted by the Department of Finance and Administration pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act to Eliminate Rule-Making Authority under the Bottle Bill and to Repeal Changes made in the Bottle Bill since it was Approved by the Voters" (H. P. 95) (Presented by Mr. Jacques of Waterville)

Bill "An Act to Remove the Sunset Provision on the Regulation of Business Between Motion Picture Distributors and Exhibitors" (H. P. 96) (Presented by Mr. Jacques of Waterville)

Bill "An Act Concerning the Selection of At-

torneys to Conduct Real Estate Title Searches" (H. P. 97) (Presented by Mr. Jackson of Yarmouth)

Bill "An Act to Increase the Licensing Fees for Chiropractors" (H. P. 98) (Presented by Mr. Michael of Auburn) (Cosponsor: Mr. Soulas of Bangor)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act to Remove Restrictions Preventing the Spouse of a Teacher from Serving on a School Board" (H. P. 99) (Presented by Mr. Pearson of Old Town)

Bill "An Act to Require School Districts to Account for Federally Subsidized Pupils as Residents of the District" (H. P. 100) (Presented by Mr. Vose of Eastport)

(Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act to Prohibit Campaigning Within 250 Feet of Voter Registration on Election Day" (H. P. 101) (Presented by Mr. Davies of Orono)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act Defining Responsibility over Septic Systems in Municipalities having a Sanitary District" (H. P. 102) (Presented by Mr. Murphy of Kennebunk)

Committee on Energy and Natural Resources was suggested.

(On motion of Mr. Davies of Orono, tabled pending reference and tomorrow assigned).

Fisheries and Wildlife

Bill "An Act Relating to the Raising of Wild Waterfowl in Captivity" (H. P. 103) (Presented by Mr. Jacques of Waterville) (Cosponsor: Mrs. Mitchell of Vassalboro)

Bill "An Act to Set the Length Limit on Salmon in East Grand Lake at 16 Inches" (H. P. 104) (Presented by Mr. Jacques of Waterville)

Bill "An Act to Permit Deer Hunting with Muzzle-loading Rifles" (H. P. 105) (Presented by Mr. Rolde of York)

Bill "An Act Requiring Traps, Except Water Sets and Killer Types, Under the Fish and Game Laws, to be Checked Every 24 Hours in Unorganized or Deorganized Places" (H. P. 106) (Presented by Mr. Jacques of Waterville)

(Ordered Printed)

Sent up for concurrence.

Later Today Assigned

Bill "An Act to Amend the Subsidized Adoption Law" (H. P. 107) (Presented by Mr. Kelleher of Bangor) (Cosponsor: Mr. Tarbell of Bangor) (Submitted by the Department of Human Services pursuant to Joint Rule 24)

Committee on Judiciary was suggested.

(On motion of Mr. Brodeur of Auburn, tabled pending reference and later today assigned).

Legal Affairs

Bill "An Act to Remove Location Restrictions on Burial Sites" (H. P. 108) (Presented by Mr. Rolde of York)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act to Prohibit Fingerprinting by Merchants in Negotiation of Checks" (H. P. 109) (Presented by Mrs. Beaulieu of Portland) (Cosponsor: Mr. Hanson of Kennebunkport)

Committee on Legal Affairs was suggested.

(On motion of Mr. Brannigan of Portland, tabled pending reference and tomorrow assigned).

Local and County Government

Bill "An Act Requiring Certain County Officials to Make Monthly Payments of Fees and Charges to the County Treasurer" (H. P. 110) (Presented by Mr. Lancaster of Kittery) (Cosponsors: Mr. Hanson of Kennebunkport and Mr. Gillis of Calais)

(Ordered Printed)

Sent up for concurrence.

Marine Resources

Bill "An Act to Increase Funding of the Maine Lobster Advisory Council" (H. P. 111) (Presented by Mr. Connors of Franklin)

Bill "An Act to Allow the Commissioner of Marine Resources to Lease Rights to Undedicated Alewife Fisheries" (H. P. 112) (Presented by Mr. Jackson of Yarmouth) (Cosponsors: Mr. Swazey of Bucksport and Mrs. Holloway of Edgecomb) (Governor's Bill)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act to Change the Name of the Kennebunk Sewer District to the Kennebunk Sanitary District" (H. P. 113) (Presented by Mr. Murphy of Kennebunk)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act to Abolish the Present Structure of the Public Utilities Commission" (H. P. 114)

(Presented by Mr. Jacques of Waterville) Committee on State Government was suggested.

(On motion of Mr. Davies of Orono, tabled pending reference and tomorrow assigned).

Taxation

Bill "An Act to Prevent Electric Companies from Collecting More in Sales Tax than They Pay to the State" (H. P. 115) (Presented by Mr. Jacques of Waterville)

Bill "An Act to Exempt Certain Supplies and Equipment Used in Aquaculture from the Sales Tax" (H. P. 116) (Presented by Mrs. Holloway of Edgecomb)

(Ordered Printed)

Sent up for concurrence.

Marine Resources

Bill "An Act to Increase the Rate of Tax and Amend the Membership Requirements of the Sardine Council under the Sardine Tax Law" (H. P. 117) (Presented by Mr. Vose of Eastport)

Committee on Taxation was suggested.

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

Taxation cont'd.

Bill "An Act Providing for Administrative Changes in the Tax Law" (H. P. 118) (Presented by Mrs. Post of Owl's Head) (Submitted by the Department of Finance and Administration pursuant to Joint Rule 24)

Bill "An Act to Provide Reimbursement of Sales Tax on Depreciable Machinery and Equipment Used in Aquaculture" (H. P. 119) (Presented by Mrs. Holloway of Edgecomb)

Bill "An Act to Provide that the Amount of Federal Excise Tax on the Sale of Tires not be Included in Calculating the State Sales Tax" (H. P. 120) (Presented by Mr. Peterson of Caribou) (Cosponsor: Mrs. Berube of Lewiston)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act to Create a Special Moped License for Persons 16 Years and Over" (H. P. 121) (Presented by Mr. Jacques of Waterville)

Bill "An Act to Increase the Minimum Age for Motor Vehicle Operators to 16" (H. P. 122)

(Presented by Mr. Walker of Skowhegan)

Bill "An Act to Establish a Sign on the Maine Turnpike for York Beach Region" (H. P. 123)

(Presented by Mr. Rolde of York)

(Ordered Printed)

Sent up for concurrence.

Study Report

Committee on Audit and Program Review

Mrs. Berube from the Committee on Audit and Program Review to which was referred the study and review of the Maine Sunset Law, pursuant to Title 3, Section 505, have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Law" (H. P. 89) (L. D. 64) be referred to this Committee for public hearing and printed pursuant to Joint Rule 17.

Report was read and accepted, the Bill referred to the Committee on Audit and Program Review for public hearing and printed pursuant to Joint Rule 17 and sent up for concurrence.

Special Sentiment Calendar

In accordance with House Rule 56, the following items (Expressions of Legislative Sentiment):

In Memory of:

The Honorable Nicholas W. Danton, Chief Judge of the District Court and member of the 102nd — 104th Legislatures; (H. P. 90) by Mr. Hobbins of Saco. (Cosponsors: Senator Kerry of York, Senator Dutremble of York and Mr. McSweeney of Old Orchard Beach)

Florence Steward Jameison, longtime resident of Millinocket; (H. P. 124) by Mr. Clark of Millinocket. (Cosponsor: Mr. Michaud of East Millinocket)

Recognizing:

Keith Fuller, Sanford High School football player, who was selected to the Class AA All State team (H. P. 92) by Mr. Tuttle of Sanford. (Cosponsors: Mr. Paul of Sanford and Senator Wood of York)

Richard Wilkins, Sanford High School football player, who was selected to the Class AA All State team (H. P. 93) by Mr. Tuttle of Sanford. (Cosponsors: Mr. Paul of Sanford and Senator Wood of York)

Lynne Hitchcock, Valedictorian, Class of 1980, Washburn High School and daughter of Mr. and Mrs. Preston Hitchcock of Washburn; (H. P. 125) by Mr. Peterson of Caribou. (Cosponsor: Senator McBreairty of Aroostook)

Lori Blackstone, Salutatorian, Class of 1980, Washburn High School and daughter of Mr. and Mrs. Wendall Blackstone of Perham; (H. P. 126) by Mr. Peterson of Caribou (Cosponsor: Senator McBreairty of Aroostook)

There being no objections, these Expressions of Legislative Sentiment were considered passed or adopted.

Orders of the Day

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

Bill, "An Act Relating to the Protection of Underground Facilities under the Local Highway Law" (H. P. 75) (Committee on Public Utilities suggested)

Tabled — January 6, 1981 by Mr. Carroll of Limerick.

Pending — Reference.

On motion of Mr. Davies of Orono, was referred to the Committee on Transportation, ordered printed and sent up for concurrence.

The Chair laid before the House the second 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 6, 1981 by Mr. Brennerman of Portland.

Pending — Reference.

On motion of Mrs. Post of Owl's Head, retabled pending reference and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act to Amend the Subsidized Adoption Law" (H. P. 107) which was tabled earlier in the day and later today assigned.

Thereupon, the Bill was referred to the Committee on Judiciary, Ordered Printed and sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Tuttle of Sanford, Adjourned until ten o'clock tomorrow morning.