

# 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**

Thursday, January 8, 1981

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

Prayer by the Reverend Clayton Alward of the North Monmouth Pentecostal Assembly.

The journal of yesterday was read and approved.

**Papers from the Senate**

Bill "An Act to Remove the Responsibility for Carrying Out Dog Licensing Laws from the Animal Husbandry Specialist" (S. P. 57) (L. D. 83)

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

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

Bill, "An Act to Amend the Manufactured Housing Act" (S. P. 63) (L. D. 90)

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

In the House, referred to the Committee on Business Legislation in concurrence. (Later Reconsidered)

Bill "An Act Repealing Formulas for Adjusting Below and Above Average Per Pupil Operating Costs used in Computing the State-local Allocation" (S. P. 59) (L. D. 85)

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 Prohibit Open Burning in Areas Determined as Urban Areas" (S. P. 58) (L. D. 84)

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 Prohibit Hunting of Bear with Bait" (S. P. 64) (L. D. 91)

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 Concerning Eye Enucleation under the Anatomical Gift Act" (S. P. 54) (L. D. 81)

Came from the Senate referred to the Committee on Health and Institutional Services and ordered printed.

In the House, referred to the Committee on Health and Institutional Services in concurrence.

Bill "An Act to Include Money in the Law Regarding the Forfeiture of Property Used or Intended for Use in Violation of the Criminal Law Relating to Drugs" (Emergency) (S. P. 55) (L. D. 88)

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

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

Bill "An Act Relating to the Period for Establishing Employer Contribution Rates under the Employment Security Law" (S. P. 61) (L. D. 87)

Bill "An Act Relating to the Special Administrative Expense Fund and Errors in Benefit Payments under the Employment Security Law" (S. P. 62) (L. D. 89)

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

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

Bill "An Act to Revise the Public Drinking Law" (S. P. 66) (L. D. 93)

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.

Bill "An Act to Repeal County Home Rule" (S. P. 60) (L. D. 86)

Bill "An Act to Increase the Percentage Retained for the County by the Register of Deeds on Real Estate Transfers" (S. P. 67) (L. D. 94)

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.

Bill "An Act to Relieve Public Housing Authorities from Excessive Utility Charges" (S. P. 48) (L. D. 57)

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

In the House, referred to the Committee on Public Utilities in concurrence.

Bill "An Act Relating to the Organization of the Department of Transportation" (S. P. 56) (L. D. 82)

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.

Bill "An Act to Encourage the Operation of Vending Facilities in Private Buildings by the Blind" (S. P. 65) (L. D. 92)

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

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

**Messages and Documents**

The following Communication: (H. P. 155)

**State of Maine****Department of Conservation**

31 December 1980

Honorable John L. Martin, Speaker

Maine House of Representatives

State House

Augusta, Maine 04333

Dear Speaker Martin

In accordance with the provisions of 12 M.R.S.A. 1601, we hereby submit our estimate, in the amount of \$3,021,390, as being the estimate of the total anticipated costs of the Maine Forestry District of the 1982 fiscal year.

Very truly yours

S/RICHARD E. BARRINGER

Commissioner

Was read and ordered placed on file.

**Petitions, Bills and Resolves****Requiring Reference**

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

**Agriculture**

Bill "An Act Concerning Identification and Testing of Equine Infectious Anemia on Horses" (H. P. 131) (Presented by Mr. Austin of Bingham)

Bill "An Act to Include Cats Under the Humane Laws" (H. P. 132) (Presented by Mr. Rolde of York)

(Ordered Printed)

Sent up for concurrence.

**Business Legislation**

Bill "An Act to Require Notification to Abutting Landowners Upon Correction or Alteration of a Prior Survey" (H. P. 133) (Presented by Mr. Paradis of Old Town)

(Ordered Printed)

Sent up for concurrence.

**Education**

Bill "An Act to Close the University of Maine on State Holidays" (H. P. 134) (Presented by Mr. Baker of Portland)

(Ordered Printed)

Sent up for concurrence.

**Election Laws**

Bill "An Act to Permit Appointment of Deputies for the Purpose of Registering Voters Under the Election Laws" (H. P. 135) (Presented by Mr. Baker of Portland) (Cosponsors: Mr. Soulas of Bangor, Mr. Manning of Portland and Mrs. Berube of Lewiston)

(Ordered Printed)

Sent up for concurrence.

**Fisheries and Wildlife**

Bill "An Act to Provide Free Pheasant Hunting Stamps to Disabled Veterans" (H. P. 136) (Presented by Mr. Theriault of Fort Kent)

Bill "An Act to Change the Raccoon Hunting Season in Maine" (H. P. 137) (Presented by Mr. Rolde of York)

(Ordered Printed)

Sent up for concurrence.

**Health and Institutional Services**

Bill "An Act Concerning Legend Drugs" (H. P. 138) (Presented by Mr. Boyce of Auburn)

(Ordered Printed)

Sent up for concurrence.

**Business Legislation**

Bill "An Act to Increase the Compensation for the Board of Commissioners of the Profession of Pharmacy" (H. P. 139) (Presented by Mr. Boyce of Auburn)

Committee on Health and Institutional Services was suggested.

On motion of Mr. Brannigan of Portland, referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

**Tabled and Assigned**

Bill "An Act to Provide a Speedy Procedure to Authorize the Demolition of Unsafe and Irreparable Buildings and Structures" (H. P. 140) (Presented by Mrs. Beaulieu of Portland) (Cosponsor: Mr. Brenerman of Portland)

Committee on Judiciary was suggested.

On motion of Mrs. Beaulieu of Portland, tabled pending reference and assigned for Monday, January 12.

**Judiciary**

Bill "An Act Concerning the Fees Charged by Persons Involved in Probating Estates" (H. P. 141) (Presented by Mr. Racine of Biddeford)

Bill "An Act Reinstating Littering as a Criminal Offense" (H. P. 142) (Presented by Mr. Drinkwater of Belfast)

Bill "An Act Concerning the Use of Force to Protect Property" (H. P. 143) (Presented by Mr. Crowley of Stockton Springs) (Cosponsor: Mr. Stevenson of Unity)

Bill "An Act Concerning the Taking of Wood Without Permission of the Owner" (H. P. 144) (Presented by Mr. Paradis of Old Town)

Bill "An Act to Amend the Disorderly Conduct Statutes to Include Instances of Affray" (H. P. 145) (Presented by Mr. Drinkwater of Belfast)

(Ordered Printed)

Sent up for concurrence.

**Legal Affairs**

Bill "An Act to Authorize Municipal Ordinances Preventing Drinking in Public" (H. P. 146) (Presented by Mr. McSweeney of Old Orchard Beach) (Cosponsors: Mr. Stevenson of Unity, Mr. Murphy of Kennebunk and Senator Kerry of York)

(Ordered Printed)

Sent up for concurrence.

**Public Utilities**

Bill "An Act to Prohibit Telephone Charges

for Information or Directory Assistance Calls" (H. P. 147) (Presented by Mr. Baker of Portland)

Bill "An Act to Revise the Charter of the South Berwick Water District" (H. P. 148) (Presented by Mr. Studley of Berwick) (Cosponsor: Senator Hichens of York)

Bill "An Act to Amend the Charter of the York Water District" (H. P. 149) (Presented by Mr. Rolde of York)

(Ordered Printed)

Sent up for concurrence.

#### State Government

Bill "An Act to Remove the State Board of Education from the Nominating Process for the Commissioner of Educational and Cultural Services" (H. P. 150) (Presented by Mrs. Kany of Waterville) (Cosponsor: Mr. Fitzgerald of Waterville)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide that the House of Representatives be Reduced from 151 to 132 Members. (H. P. 151) (Presented by Mrs. Masterton of Cape Elizabeth)

(Ordered Printed)

Sent up for concurrence.

#### Taxation

Bill "An Act to Remove the Sales Tax from Residential Electricity" (H. P. 152) (Presented by Mr. Baker of Portland)

Bill "An Act Concerning Tax Exempt County Property" (H. P. 153) (Presented by Mr. Murphy of Kennebunk)

(Ordered Printed)

Sent up for concurrence.

#### Transportation

Bill "An Act to Coordinate and Assign the Responsibility for Conducting Air Search and Rescue Operations in the State Arising from Aeronautical Activities" (H. P. 154) (Presented by Mr. McKean of Limestone) (Cosponsor: Mr. Strout of Corinth) (Submitted by the Department of Transportation pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

#### Special Sentiment Calendar

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

In Memory Of: David F. Martin, Sr., of Skowhegan, teacher and coach of Lawrence High School (H. P. 127) by Mr. Gwadosky of Fairfield. (Cosponsors: Senator Teague of Somerset, Mr. Walker of Skowhegan and Mr. Richard of Madison)

The Resolution was read.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Gwadosky.

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: Dave Martin was born in Waterbury, Connecticut, and graduated from Skowhegan High School; then went on to continue and graduated from Colby College. He has been a teacher at Lawrence High School since 1968, teacher and track coach, until this past weekend when a tragic car accident claimed Dave's life at the age of 38.

For anyone involved in sports, they know that Dave had some of the finest track teams in this state. He had accumulated five "Coach of the Year" track awards. He was president of the State Coaches Association. He was also instrumental in founding the Maine Chapter of the National Organization of Fellowship of Christian Athletes.

His main contribution to life, as Dave saw it, was simply to help anyone that he possibly could. When he wasn't coaching, he served as a counsel to kids on life in general.

It wasn't unusual at all for Dave to be at a track meet and run the length of the field to congratulate somebody who had just come in fourth place or fifth place. He would put his

arms around them and say, "I love ya." It wasn't so much that they won or didn't win the race, it was just because he realized that they had reached their full potential. He was always congratulating kids with a hug, saying "I love ya" and he wasn't scared to say it, and the kids would say the same thing to him because they really meant it and it made them feel good.

Before I sit down, I would just like to offer to you the words Dave's wife, Elizabeth, said, the words that she left to the kids at Lawrence that Dave left behind. "The important thing now is to continue, especially those of you involved in athletics. It is important to get on with it. Don't sit around and mourn. The only talent now is your drive."

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

In Memory of: The Honorable Elmont S. Tyndale, who served in the 100th, 101st and 104th through the 108th Legislatures; (H. P. 128) by Mr. Hanson of Kennebunkport. (Cosponsors: Senator Wood of York, Senator Dutremble of York and Mr. Murphy of Kennebunk)

The Resolution was read.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Hanson.

Mr. HANSON: Mr. Speaker, Ladies and Gentlemen of the House: Just a few short weeks ago, the State of Maine, York County and the communities of Kennebunkport, Waterboro, Lyman lost a dedicated friend in the name of Monty Tyndale. Words of appreciation have been said in the month of November in honor of Mr. Tyndale, and I would like to read to you some of the words that were said of appreciation at his funeral service, for I feel that it sums up how many of us felt about Monty.

"Our friend Monty Tyndale has received many honors and many sincere expressions of affection, respect, and appreciation from colleagues, from distinguished public officials and from those who, over the years, have been privileged to work with him and to benefit from his counsel.

"We have known Monty as a good friend and a valued member of our community. It would be impossible to mention a civic or service oriented group in our community which has not benefitted from his presence, his support, and his leadership. His encouragement often persuaded others to volunteer their time and work for needed and worthy community efforts. He was an optimistic, cheerful, energetic co-worker with us in the many voluntary civic groups to which he gave his time and attention.

"While we knew Monty as a good friend, we also admired him as a true public servant. His long career as a member of the House of Representatives provided him a vehicle for benefiting many often neglected and previously forgotten groups in our state. The families of exceptional children are in his debt, as are members of the Retired Teachers Association and all who have benefitted from the work of Child and Family Guidance, now known as the York County Counseling Service.

"Less well known are his many personal acts of kindness and concern for persons in his district who had special needs and who turned to him for guidance and support. He was a sympathetic and helpful listener. His response was prompt and practical. He pricked the conscience of others and persuaded them to do their job in behalf of many who had little power to speak for themselves. Many of his fellow citizens have more decent and appropriate lives today because he took time to know them and assist them to what was rightfully theirs.

"While most of us knew Monty best in his public life, some of us knew him rather intimately in his home and shared with him his daily trust in God's care, his deep appreciation of everyone who tended him through a long illness. We saw his quiet courage, his patience, his love of music, particularly the hymns that

spoke his faith. He was quietly appreciative every day of the beauty of field and woods he could see from his window. He believed that God's care was never absent from him and he deepened the faith of those of us who were privileged to share with him his prayers and sacraments.

"A grateful community has bestowed on him many honors. One of the most deserved was the recent decision by the Trustees of the University of New England to confer on him the degree 'Dr. of Humane Letters'. The citation accompanying that degree reads in part: 'You have proven to be a true friend of education; the young men and women who have benefitted from the educational opportunities which would not have existed without your efforts are forever in your debt'."

Yes, Monty was a true friend to those who knew him. To this I would like to add, Monty, the strife is over; the battle you have won.

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

Recognizing: Principal Stasio, and the staff and students of Wells High School, for bringing the parents of Mexico exchange student Pat Velasco to Wells for homecoming; (H. P. 129) by Mrs. Wentworth of Wells, (Cosponsor: Senator Hichens of York)

The Order was read.

The SPEAKER: The Chair recognizes the gentleman from Wells, Mrs. Wentworth.

Mrs. WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I am very proud of the students at Wells. It is their custom on homecoming day to present the parents with flowers. Two weeks before the game, they were warned by the coach to be sure their parents were there. Going back to the locker room, they found Pat Velasco, an exchange student from Mexico, in tears because he hadn't seen his family for three months and knew they couldn't come. Within that two-week period, the students, plus the staff, obtained visas, passage, and brought his parents to Wells for the weekend.

Thereupon, the Order received passage and was sent up for concurrence.

Recognizing: Mrs. Diane Carney and the York County Corps De Ballet, for their most professional performances of the Nutcracker, free of charge, to York County audiences; (H. P. 130) by Mrs. Wentworth of Wells. (Cosponsors: Senator Hichens of York and Mr. Rolde of York)

The Order was read.

The SPEAKER: The Chair recognizes the gentleman from Wells, Mrs. Wentworth.

Mrs. WENTWORTH: Mr. Speaker and Members of the House: Again, I am proud of the people in our county. Mrs. Carney is a new resident, coming from the New Orleans Ballet. She auditioned from Portland to Manchester, New Hampshire, to Kittery, Maine, and had 83, under 16, students plus 30 adults in the most professional performance of the Nutcracker I had seen in two months' time. Everything was free, seven performances were provided to full houses. Costumes were all made and free, and her husband did all the theatrical sets.

Thereupon, the Order received passage and was sent up for concurrence.

#### Orders of the Day

The following paper appearing on Supplement No. 1 was taken up out of order by unanimous consent:

The following Joint Order: (S. P. 77)

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Monday, January 12, 1981, at four o'clock in the afternoon.

Came from the Senate read and passed.

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

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

Bill "An Act Defining Responsibility over Septic Systems in Municipalities having a Sanitary District" (H. P. 102) (Committee on Energy and Natural Resources suggested)

Tabled—January 7, 1981, by Mr. Davies of Orono.

Pending—Reference.

Thereupon, the Bill was referred to the Committee on Energy and Natural Resources, ordered printed and sent up for concurrence.

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

Bill "An Act to Prohibit Fingerprinting by Merchants in Negotiation of Checks" (H. P. 109) (Committee on Legal Affairs suggested)

Tabled—January 7, 1981, by Mr. Brannigan of Portland.

Pending—Reference.

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

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

Bill "An Act to Abolish the Present Structure of the Public Utilities Commission" (H. P. 114) (Committee on State Government suggested)

Tabled—January 7, 1981, by Mr. Davies of Orono.

Pending—Reference.

On motion of Mr. Diamond of Windham, tabled pending reference and assigned for Monday, January 12.

The Chair laid before the House the fourth 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 7, 1981, by Mrs. Post of Owl's Head.

Pending—Reference.

On motion of Mr. Kane of South Portland, tabled pending reference and assigned for Monday, January 12.

Mrs. Kany of Waterville moved that the House reconsider its action of earlier in the day whereby Bill "An Act to Amend the Manufactured Housing Act," Senate Paper 63, L. D. 90, was referred to the Committee on Business Legislation in concurrence.

On further motion of the same gentlewoman, tabled pending her motion to reconsider and assigned for Monday, January 12.

Mr. Hobbins of Saco was granted unanimous consent to address the House.

Mr. HOBBS: Mr. Speaker, Men and Women of the House: Like many of us involved in politics and public life, we are contacted by the media often. The media calls us to get our comments in regards to events and issues that confront our state and nation.

Early last Wednesday morning, on December 31, I was lying in bed reflecting on the last day of the year, thinking about how 1980 was a good year and how it affected my life. The phone rang. I stumbled out of bed, went to the phone, and there was a reporter on the line, like so many other times when you wake up in the morning, wanting some comments. My first reaction was that this reporter must be doing a 1980 wrap-up story about the political events that occurred during that year. However, I soon learned that this reporter was calling for another reason. He informed in an unemotional, businesslike voice that he wanted my reaction to Judge Danton's death. My reaction to what, I said. He repeated his statement apologetically, finally realizing that I did not know that Judge Danton had passed away two hours previous.

How could this be, I said to myself, and said

to this reporter—how could this be, in a disbelieving voice. He was so much alive the day before in court, and when he phoned me about legislation that afternoon.

News of Judge Danton's death came as a shock to me and to all because of its suddenness, because of the type of person Judge Danton was. A sickly feeling came to my stomach as I searched for a few words to tell this reporter. I managed to compose myself, make a brief statement, and excuse myself from the conversation.

I sat down at the kitchen table and began to search for a few words to describe Judge Nick, as he was called by many who knew him. The words compassionate, kind, honest, gentle, patient, modest, understanding, caring, judicious, loving, sensible, intelligent, diplomatic, soft spoken, fair-minded, all of these words are reflective of the kind of person Judge Danton was.

Judge Danton's life was a success story; as one editorial phrased it, a Horatio Alger success story. He grew up in a cold water flat in Biddeford, Maine, during those times when times were tough, during the Depression, and earned his first money as a shoeshine boy. He was one of eight children born to William and Demetra Daoutakas, who had immigrated from Greece.

Yes, the Judge came up the hard way and he was proud of it. He worked hard. He used his G.I. Bill to get through law school, and when he passed the Bar exam, he did so with the highest grade of anyone who took it.

Besides law and his family, Judge Danton had another love, politics. He served three terms in the Maine Legislature, from 1963 to 1969, and served as House Chair of the Judiciary Committee. He was described, by anyone who served with him, as an excellent legislator.

Governor Curtis appointed Nick Danton to a District Court Judgeship in 1971. It was easy to recognize why Governor Curtis appointed Judge Danton. Nick Danton possessed that undefinable and indefinable quality demanded of the best who serve in that position—judicial temperament.

By nature, Judge Danton was hard working and a diplomatic individual, and this set, I think, the personal values that he showed throughout his life as a businessman, a politician and as a judge.

From a personal standpoint, you can talk to any young lawyer in the State of Maine and ask those young lawyers how he treated them before the Bar, and they will tell you that he took them under his wing, showed them the ropes and treated them with respect, which respect we all had for him.

The State of Maine in general, my community specifically, and the Greek-American community of which Judge Danton was a part, will miss this solid citizen.

Yes, indeed, the world will miss the former shoeshine boy who rose to head Maine's largest court system—I know I will.

I ask all of you to join with me in a moment of silence in respect of Judge Nicholas W. Danton.

The SPEAKER: The Chair thanks the gentleman from Saco, Mr. Hobbins.

#### (Off Record Remarks)

On motion of Mr. Joyce of Portland,  
Adjourned until Monday, January 12, 1981, at four o'clock in the afternoon.