

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

Monday, January 12, 1981

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

Prayer by the Reverend Gary Vencill of the North Auburn Methodist Church, Auburn, and the Calvary Methodist Church, Lewiston.

The members stood at attention during the playing of the National Anthem by the Cony High School Band of Augusta.

The journal of the previous session was read and approved.

Papers from the Senate

The following Joint Order: (S.P. 78)

ORDERED, the House concurring, that State House Room 334, presently assigned to the Joint Standing Committee on State Government, also be authorized when not in use by that committee, to be used for Senate Democratic Caucuses.

Came from the Senate read and passed.

In the House, was read and passed in concurrence.

Bill, "An Act Concerning Appointments to the Maine Veterans Home Board of Trustees" (S.P. 73) (L.D. 110)

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

In the House, referred to the Committee on Aging, Retirement and Veterans in concurrence.

Bill, "An Act to Amend the Maine Nonprofit Corporation Act" (S.P. 72) (L.D. 109)

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.

Bill, "An Act Providing for a Period of Silence in Public Schools" (S.P. 70) (L.D. 107)

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 Creating Security Requirements for Pharmacy Areas" (S.P. 68) (L.D. 105)

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

In the House, on motion of Mr. Brannigan of Portland, was referred to the Committee on Business Legislation in non-concurrence and sent up for concurrence.

Bill, "An Act Concerning the Assignment of Rights of Recovery" (S.P. 71) (L.D. 108)

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 Exempt Certain Aquaculture Workers Under the Workers' Compensation Laws" (S.P. 74) (L.D. 111)

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 Index the Income Eligibility Levels Under the Elderly Householders Tax and Rent Refund Program" (S.P. 75) (L.D. 112)

Bill, "An Act to Eliminate County Commissioner Hearings for Tax Abatements" (S.P. 76) (L.D. 113)

Bill, "An Act to Require Certain Notification in the Case of Tax Liens and Mortgages" (S.P.

69) (L.D. 106)

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

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

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:

Aging, Retirement and Veterans

Bill, "An Act Concerning Information Provided to Veterans by the Bureau of Vital Statistics" (H.P. 161) (Presented by Mr. Conary of Oakland) (Cosponsor: Mr. Brown of Livermore Falls)

(Ordered Printed)

Sent up for concurrence.

Appropriations and Financial Affairs

Bill, "An Act to Appropriate \$2,500 to the Sanford Parks and Recreation Department to Host the 1981 New England Babe Ruth Baseball Tournament" (H.P. 162) (Presented by Mr. Tuttle of Sanford) (Cosponsors: Mr. Paul of Sanford and Senator Wood of York)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill, "An Act to Set Standards for Reinsuring Powers of Domestic Assessment Mutual Companies" (H.P. 163) (Presented by Mr. Gwadosky of Fairfield) (Submitted by the Department of Business Regulation pursuant to Joint Rule 24)

Bill, "An Act to Increase Registration Fees under the Maine Consumer Credit Code" (H.P. 164) (Presented by Mr. Brannigan of Portland)

(Ordered Printed)

Sent up for concurrence.

Education

Bill, "An Act to Amend the Law Relating to the Licensing of Privately-owned Business, Trade and Technical Schools" (H.P. 165) (Presented by Mrs. Beaulieu of Portland) (Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24)

Bill, "An Act to Clarify the School Construction Law" (H.P. 166) (Presented by Mrs. Gowan of Standish) (Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24)

Bill, "An Act Authorizing the Town of Lincolnville to Employ a Superintendent of Schools and Supervising Principal" (H.P. 167) (Presented by Mrs. Hutchings of Lincolnville)

Bill, "An Act to Amend the Law Relating to the Regulation of Privately Owned Correspondence Schools" (H.P. 168) (Presented by Ms. Brown of Gorham) (Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Election Laws

Bill, "An Act to Permit Additional Polling Places in Municipalities with Large Fluctuations in Voter Turnout" (H.P. 169) (Presented by Mr. Davies of Orono)

Bill, "An Act to Permit Persons who Register Voters on Election Day to Vote by Absentee Ballot" (H.P. 170) (Presented by Mr. Brenerman of Portland) (Cosponsors: Mr. Manning of Portland, Mr. Nadeau of Lewiston and Mr. Diamond of Bangor)

(Ordered Printed)

Sent up for concurrence.

Energy and Natural Resources

Bill, "An Act to Revise the Voluntary Training and Certification Program for Installers of Solar Energy Equipment in Maine" (H.P. 171) (Presented by Mr. Nadeau of Lewiston) (Co-

sponsor: Mr. Racine of Biddeford) (Submitted by the Office of Energy Resources pursuant to Joint Rule 24) (Governor's Bill)

Bill, "An Act to Clarify Plumbing and Sub-surface Sewage Disposal Laws" (H.P. 172) (Presented by Mr. Michael of Auburn) (Submitted by the Department of Human Services pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill, "An Act to Increase the Deer Registration Fee" (H.P. 173) (Presented by Mr. Murphy of Kennebunk) (Cosponsors: Mr. Kiesman of Fryeburg and Mrs. Damren of Belgrade)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill, "An Act to Amend the Law Concerning Child Support Orders" (H.P. 174) (Presented by Ms. Benoit of South Portland)

Committee on Health and Institutional Services was suggested.

On motion of Mrs. Prescott of Hampden, was referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

Health and Institutional Services

Bill, "An Act to Amend the Statutes Relating to the Developmental Disabilities Council" (H.P. 175) (Presented by Mr. Brodeur of Auburn) (Submitted by the Department of Mental Health and Corrections pursuant to Joint Rule 24)

Bill, "An Act to Revise the Maine Medical Laboratory Act" (H.P. 176) (Presented by Mr. Brenerman of Portland) (Submitted by the Department of Human Services pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill, "An Act Requiring Imprisonment for Persons Refusing to Pay Fines" (H.P. 177) (Presented by Mr. Brown of Livermore Falls)

Bill, "An Act to Amend the Laws Relating to Examinations of Motor Vehicles by Police Officers and to Increase the Penalty for Avoiding a Police Roadblock" (H.P. 178) (Presented by Mr. Joyce of Portland) (Cosponsor: Mr. Reeves of Newport) (Submitted by the Department of Public Safety pursuant to Joint Rule 24)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Right to Privacy. (H.P. 179) (Presented by Mr. Davies of Orono) (Later Reconsidered)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill, "An Act to Provide Collective Bargaining Rights to Court Employees" (H.P. 180) (Presented by Mrs. Beaulieu of Portland) (Cosponsors: Mr. McHenry of Madawaska and Senator Pray of Penobscot)

Bill, "An Act to Protect the Right of Employees to Freely Decide Whether to Support Labor Organizations" (H.P. 181) (Presented by Mr. Leighton of Harrison)

Bill, "An Act to Protect the Right of Public Employees to Freely Decide Whether to Support Labor Organizations" (H.P. 182) (Presented by Mr. Leighton of Harrison)

Bill, "An Act to Prevent Self-insurers under the Employment Security Law from Becoming Liable for Benefits Paid to Certain Individuals" (H.P. 183) (Presented by Mr. Perkins of Brooksville)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill, "An Act to Increase the Licensing Fee

for Games of Chance" (H.P. 184) (Presented by Mr. Soulas of Bangor) (Submitted by the Department of Public Safety pursuant to Joint Rule 24)

Bill, "An Act to Revise the Law Relating to the Licensing of Private Investigators" (H.P. 185) (Presented by Mr. Gwodosky of Fairfield) (Cosponsor: Mr. Jackson of Yarmouth) (Submitted by the Department of Public Safety pursuant to Joint Rule 24) (Later Reconsidered) (Ordered Printed)

Sent up for concurrence.

Local and County Government

Bill, "An Act to Provide for the Surrender by Barnard Plantation of its Organization" (H.P. 186) (Presented by Mr. Masterman of Milo) (Ordered Printed)

Sent up for concurrence.

Marine Resources

Bill, "An Act to Require a Permit for Purse Seining on the Medomak River" (H.P. 187) (Presented by Mr. Curtis of Waldoboro) (Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill, "An Act to Provide Equitable Treatment for Elderly Maine Residents Served by New Hampshire Electric Utilities" (H.P. 188) (Presented by Mr. Rolde of York) (Cosponsors: Senator Hichens of York, Senator Wood of York and Mr. Lancaster of Kittery)

Bill, "An Act to Equalize Toll Charges For Residents of the Same Community who have different Telephone Exchanges" (H.P. 189) (Presented by Mr. Rolde of York) (Ordered Printed)

Sent up for concurrence.

Taxation

Bill, "An Act to Establish an Income Tax Credit for Home Based Care Expenses Provided by Families" (H.P. 190) (Presented by Mr. Brennerman of Portland) (Cosponsors: Mrs. Prescott of Hampden, Senator Brown of Washington and Senator Gill of Cumberland)

Bill, "An Act to Grant a Sales and Use Tax Exemption for Wind Energy Equipment" (H.P. 191) (Presented by Mr. Hanson of Kennebunkport)

Bill, "An Act to Exempt Certain Farm Structures from Municipal Assessments" (H.P. 192) (Presented by Mr. Sherburne of Dexter) (Cosponsor: Mr. Drinkwater of Belfast) (Ordered Printed)

Sent up for concurrence.

Transportation

Bill, "An Act Pertaining to Public Safety on Public Ways" (H.P. 193) (Presented by Mr. McKean of Limestone) (Cosponsor: Mr. Strout of Corinth) (Submitted by the Department of Public Safety 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 Fred W. Moholland of Princeton be excused January 12, 13, 14 & 15 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Swift Tarbell be excused January 7 and 8 for Health Reasons.

Special Sentiment Calendar

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

In Memory of:

Joseph Saxl, Superintendent of Bangor Mental Health Institute (S.P. 79)

Maynard E. House of North Turner, a former postmaster, public servant and active participant in civic affairs; (H.P. 160) by Mr. Calla-

han of Mechanic Falls. (Cosponsor: Senator Ault of Kennebec)

Recognizing:

The Cony High School Field Hockey team and Coach Sue Zimmerman, Winners of the Eastern Maine Field Hockey Championship for 1979-80 (H.P. 156) by Ms. Lund of Augusta. (Cosponsors: Mr. Paradis of Augusta and Mr. Hickey of Augusta)

Mark Bouchard, Valedictorian, Class of 1980, Caribou High School and son of Mr. and Mrs. Robert P. Bouchard of Caribou; (H.P. 157) by Mr. Peterson of Caribou. (Cosponsors: Mr. Matthews of Caribou and Senator McBreaity of Aroostook)

Peggy Cyr, Salutatorian, Class of 1980, Caribou High School and daughter of Mr. and Mrs. Irvin Cyr of Caribou; (H.P. 158) by Mr. Peterson of Caribou. (Cosponsors: Mr. Matthews of Caribou and Senator McBreaity of Aroostook)

John Stewart of Cumberland, member of Boy Scout Troop 58, upon attaining the high rank of Eagle Scout; (H.P. 159) by Mr. Dillenback of Cumberland. (Cosponsor: Mr. Jackson of Yarmouth)

There being no objections, these items were considered adopted or passed.

Orders of the Day

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

Bill, "An Act to Provide a Speedy Procedure to Authorize the Demolition of Unsafe and Irreparable Buildings and Structures" (H.P. 140) (Committee on Judiciary suggested)

Tabled—January 8, 1981, by Mrs. Beaulieu of Portland

Pending—Reference

On motion of Mr. Cox of Brewer, was referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

The Chair laid before the House the second 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 8, 1981, by Mr. Diamond of Windham

Pending—Reference

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

The Chair laid before the House the third 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 8, 1981, by Mr. Kane of South Portland

Pending—Reference

Thereupon, the Bill was referred to the Committee on Taxation and sent up for concurrence.

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

Bill, "An Act to Amend the Manufactured Housing Act" (S.P. 63) (L.D. 90) In Senate, referred to Committee on Business Legislation.

Tabled—January 8, 1981, by Mrs. Kany of Waterville.

Pending—Motion of the same gentlewoman to reconsider reference to the Committee on Business Legislation in concurrence.

Thereupon, the House reconsidered its action whereby the Bill was referred to the Committee on Business Legislation in concurrence.

The Bill was referred to the Committee on Business Legislation in concurrence.

Mr. Cox of Brewer moved that the House reconsider its action of earlier in the day whereby Bill, "An Act to Revise the Law Relating to the Licensing of Private Investigators," House

Paper 185, was referred to the Committee on Legal Affairs.

On motion of the same gentleman, tabled pending his motion to reconsider and tomorrow assigned.

On motion of Mrs. Kany of Waterville, the House reconsidered its action of earlier in the day whereby Resolution Proposing an Amendment to the Constitution of Maine to Establish a Right to Privacy, House Paper 179, was referred to the Committee on Judiciary.

On further motion of the same gentlewoman, the Resolution was referred to the Committee on State Government, ordered printed and sent up for concurrence.

(Off Record Remarks)

On motion of Mrs. Mitchell of Vassalboro, Adjourned until ten o'clock tomorrow morning.