

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 14, 1981

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

Prayer by the Reverend David Glusker of the Green Street United Methodist Church, Augusta.

The journal of yesterday was read and approved.

Papers from the Senate

Bill "An Act Concerning Cruelty to Animals" (S. P. 86) (L. D. 183)

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

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

Bill "An Act to Amend the Maine Business Corporation Act" (S. P. 83) (L. D.)

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

In the House, was referred to the Committee on Business Legislation in concurrence.

Bill "An Act Requiring the Reporting of Reyes Syndrome by Persons Examining or Treating the Disease" (S. P. 88) (L. D. 185)

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

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

Bill "An Act to Amend the Short Form Deeds Act" (S. P. 84) (L. D. 181)

Bill "An Act to Require Restitution by a Criminal Offender to his Victim and to Require Payment of Prosecution and Court Costs" (S. P. 87) (L. D. 184)

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

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

Bill "An Act to Require Liquor Inspectors to be Uniformed before Entering any Licensed Premise" (S. P. 89) (L. D. 186)

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

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

Bill "An Act to Prevent Part-time Deputy Sheriffs from Serving as Selectmen" (S. P. 85) (L. D. 182)

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

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

RESOLVE, Designating the Scenic Overlook on Interstate 95 in T1-R6 WEL as "The Albert J. 'Allie' Cole Memorial Scenic Overlook" (S. P. 82) (L. D. 179)

Comes from the Senate referred to the Committee on Transportation and ordered printed.

In the House, was referred to the Committee on Transportation in concurrence.

**Non-Concurrent Matter
Tabled and Assigned**

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) (L. D. 132) which was referred to the Committee on State Government in the House on January 8, 1981.

Came from the Senate referred to the Committee on Education in non-concurrence.

In the House: On motion of Mr. Connolly of Portland, tabled pending further consideration and tomorrow assigned.

Messages and Documents

The following Communication: (S. P. 104)

State of Maine
Senate Chamber
President's Office
Augusta

January 12, 1981

Honorable Howard M. Troitzky
Honorable Laurence E. Connolly, Jr.
Chairmen, Joint Standing
Committee on Education

State House
Augusta, ME 04333

Please be advised that Governor Joseph E. Brennan is nominating Maurice Keene of Auburn for appointment to the University of Maine Board of Trustees.

Pursuant to Title 20 MRSA Section 2251, this nomination will require review by the Joint Standing Committee on Education 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 Education.

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

Petitions, Bills and Resolves**Requiring Reference**

The following Bills and Resolves 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 Permit the Employees of the Franklin County Community Action Council to Withdraw from the Maine State Retirement System" (H. P. 213) (Presented by Mr. Armstrong of Wilton)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act to Provide for Filing of Certain Security Interests, under the Uniform Commercial Code, in Municipalities" (H. P. 214) (Presented by Mr. Peterson of Caribou) (Cosponsor: Senator McBreairey of Aroostook)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act to Clarify Residence for Educational Purposes" (H. P. 215) (Presented by Mr. Kelleher of Bangor)

Bill "An Act to Provide for a Course in Consumer Economics in Public High School" (H. P. 216) (Presented by Mr. Paradis of Augusta) (Cosponsors: Mrs. Thompson of South Portland and Mr. Matthews of Caribou)

Bill "An Act to Make Corrections and Clarifications in the Education Laws" (Emergency) (H. P. 220) (Presented by Mr. Connolly of Portland) (Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act to Provide a Special Muzzle-loading Hunting Season" (H. P. 218) (Presented by Mr. Boyce of Auburn)

Bill "An Act to Prohibit Taking Antlerless Deer in Certain Municipalities and Townships" (H. P. 217) (Presented by Mr. Jacques of Waterville)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act to Promote Alcohol and Drug Abuse Education and Rehabilitation" (H. P.

219) (Presented by Mr. Rolde of York)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Ensure Notification of Families and Guardians of Patients at State Mental Health Institutes" (H. P. 221) (Presented by Mrs. Prescott of Hampden) (Submitted by the Department of Mental Health and Corrections pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act to Amend the Lien Law for Sewer Districts" (Emergency) (H. P. 222) (Presented by Mrs. Kany of Waterville) (Cosponsors: Mr. Jacques of Waterville and Mr. Conary of Oakland)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act to Clarify and Make Corrections in the Personnel Laws" (H. P. 223) (Presented by Mrs. Kany of Waterville) (Submitted by the Department of Personnel pursuant to Joint Rule 24)

Bill "An Act to Establish a Maine Set-aside Program under the State Purchasing Law to Expand Work Opportunities for Multiple Handicapped Citizens" (H. P. 224) (Presented by Mr. Diamond of Windham) (Cosponsors: Mr. Clark of Millinocket, Mr. Michaud of East Millinocket and Mr. Lisnik of Presque Isle) (Submitted by the Department of Human Services pursuant to Joint Rule 24)

RESOLVE, Authorizing the Commissioner of Mental Health and Corrections to Convey Land at the Augusta Mental Health Institute to the Augusta Sanitary District (H. P. 225) (Presented by Mr. Hickey of Augusta)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act Relating to Sales Tax Exemption on New and Used Farm Machinery and Equipment" (H. P. 226) (Presented by Mr. Sherburne of Dexter) (Cosponsor: Mrs. Locke of Sebek)

Bill "An Act to Allow Municipalities the Option of Charging Reasonable Service Charges on Certain Tax Exempt Property" (H. P. 227) (Presented by Mr. Brennerman of Portland) (Cosponsors: Miss Aloupis of Bangor, Mr. Gillis of Calais, and Mr. Murphy of Kennebunk)

(Ordered Printed)

Sent up for concurrence.

Transportation

RESOLVE, Designating a Certain Bridge being Constructed Across the Androscoggin River as the "James B. Longley Memorial Bridge" (H. P. 228) (Presented by Mr. Telow of Lewiston) (Cosponsors: Mrs. Berube of Lewiston, Mr. Boyce of Auburn and Mr. Pouliot of Lewiston)

(Ordered Printed)

Sent up for concurrence.

Special Sentiment Calendar

In accordance with House Rule 56, the following items (Expression of Legislative Sentiments):

In Memory Of:

Dr. Roger L. Grindle, Professor of History at the University of Maine at Fort Kent and member of the Maine State Museum Commission, (H. P. 207) by Mr. Theriault of Fort Kent. (Cosponsors: Mr. Crowley of Stockton Springs, Mr. McHenry of Madawaska and Senator Violette of Aroostook)

Recognizing:

Jim Dasch of Caribou, who competed in the National Amateur Athletic Union 1980 Junior

Olympics in Cheyenne, Wyoming; (H. P. 208) by Mr. Lisnik of Presque Isle. (Cosponsors: Mr. Matthews of Caribou and Mr. Peterson of Caribou)

Bob Conner on Being Selected by the Maine Council of Safety Supervisors as the Maine Driver of the Year; (H. P. 209) by Mr. Higgins of Scarborough.

Michele Hallett of Mars Hill, who competed in the National Amateur Athletic Union 1980 Junior Olympics in Cheyenne, Wyoming; (H. P. 210) by Mr. Lisnik of Presque Isle. (Cosponsors: Mr. Smith of Mars Hill)

Rosanna Prest of Mars Hill, who competed in the National Amateur Athletic Union 1980 Junior Olympics in Cheyenne, Wyoming; (H. P. 211) by Mr. Lisnik of Presque Isle. (Cosponsor: Mr. Smith of Mars Hill) Paul Plissey of Presque Isle, who competed in the National Amateur Athletic Union 1980 Junior Olympics in Cheyenne, Wyoming; (H. P. 212) by Mr. Lisnik of Presque Isle. (Cosponsor: Mr. MacBride of Presque Isle)

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

Consent Calendar Second Day

In accordance with House Rule 49, the following item appeared on the Consent Calendar for the Second Day:

(S. P. 18) (L. D. 16) Bill "An Act to Amend the Law Relating to Engineers to Provide for a Biennial Publication of a Roster of Registered Professional Engineers"

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was passed to be engrossed in concurrence.

At this point, a message came from the Senate, borne by Senator Collins of Knox of that branch, proposing a Convention of both branches of the Legislature to be held at 11:00 a.m. for the purpose of extending to The Honorable Edmund S. Muskie, Secretary of State of these United States, an invitation to attend the Convention and make such communication as he may be pleased to make.

Thereupon, the House voted to concur in the proposal for a Joint Convention to be held at 11:00 a.m., and the Speaker appointed Mrs. Mitchell of Vassalboro to convey this message to the Senate.

Subsequently, Mrs. Mitchell of Vassalboro reported that she had delivered the message with which she was charged.

(Off Record Remarks)

At this point, the House recessed to the sound of the gong.

After Recess 11:30 A.M.

The House was called to order by the Speaker.

The SPEAKER: The Chair is pleased at this time to introduce Jane Muskie, would she please stand to accept the greetings of the House. (Applause, the members rising)

Also, the Chair is pleased to recognize Martha, who is in the gallery with her mother, and Steve, of course, who is down here as a photographer. Would Martha please stand to accept the greetings of the House. (Applause, the members rising)

Also, I would like to introduce the two sisters of Secretary Muskie who are here, Irene and Lucy. Would they please stand to accept the greetings of the House, and her husband Henry. (Applause, the members rising)

At this point, the Senate entered the Hall of the House and a Joint Convention was formed.

In Convention

The President of the Senate, Joseph Sewall, in the Chair.

On motion of Senator Collins of Knox, it was ORDERED, that a Committee be appointed to wait upon The Honorable Edmund S. Muskie, Secretary of State of these United States, and inform him that the two branches of the Legislature are in Convention assembled, ready to receive such communication as he may be pleased to make.

The Chairman appointed:

Senators:

COLLINS of Knox
CONLEY of Cumberland
BUSTIN of Kennebec

Representatives:

JALBERT of Lewiston
MITCHELL of Vassalboro
DIAMOND of Windham
HIGGINS of Scarborough
TARBELL of Bangor
JACQUES of Waterville
KANY of Waterville
FITZGERALD of Waterville
ERWIN of Rumford

Senator Collins, for the Committee, reported that the Committee had delivered the message with which it was charged.

Whereupon, The Honorable Edmund S. Muskie entered the Convention Hall amid prolonged applause, the audience rising.

PRESIDENT SEWALL: In deference to their longstanding personal and political relationship, the Chair will now ask Speaker John Martin to introduce our honored guest.

SPEAKER MARTIN: Thank you, Mr. President. Mr. Secretary, Mr. President, Members of the House and Senate, Friends and Family of Secretary Muskie:

It is my pleasure this morning to be able to present to you one of Maine's most honored and distinguished sons. His public life has taken him from Rumford and Waterville to a seat of national power in Washington. He is recognized as a world leader, a man of stature, dignity and integrity. He served as a State Representative, as Governor, as United States Senator and now as this nation's Secretary of State. He has been a vice-presidential candidate and a candidate for the presidency of the United States, and during that process earned a reputation as a statesman and the people of Maine are proud of him and his accomplishments.

It is fitting that Ed Muskie should return to Maine to end his career of public service. It is fitting that he should return to this chamber in which he began that career 34 years ago.

Maine has been the beneficiary of his leadership, but Maine is also the heritage which instilled downeast values and common sense in Ed Muskie, qualities which have set him apart and distinguished him from others. He has brought to Maine and to the United States a quality of leadership and representation in Congress that others could only have hoped to achieve. Ed Muskie is a man in whom rests the trust and respect of this nation and the heartfelt love of the people of Maine.

Ladies and gentlemen, the Secretary of State of the United States, Edmund S. Muskie. (Applause, the audience rising)

Secretary Muskie then addressed the Convention as follows:

Mr. President, Mr. Speaker, Members of the House and Senate, and my friends:

It is good to be back in God's country.

I apologize to the President of the Senate and Speaker of the House for having forgotten my monkey suit. I note that it is coming back in fashion in Washington. It has been in fashion here in the legislature for all these years. I remember paying some \$300 for mine to be inaugurated as governor; haven't worn it since. I don't think it would fit any longer. And, in any case, it's not my duty this year to wear one in Washington.

I bring a message first from the President. Early this morning, after we had discussed the overnight developments in Iran, he asked me to bring to the people of Maine, for whom he has

great affection, his best wishes. He also wanted me to congratulate the people of Maine on the quality of our political activities which, he says, from his point of view has produced impressive results. I know those are heartfelt good wishes that he sent, and I hope I have conveyed them adequately.

I have tried to think back the last time that I had an opportunity to speak to a joint convention. I have had many opportunities, through the courtesy of your invitations, to speak to the House and Senate separately, but I think this is the first time that I have had an opportunity to speak to a joint convention since I was Governor. And I think my memory is reasonably clear that I asked for that opportunity in order to express some rather vigorous views about the legislature's shortcomings in respect to the budget—so I have been involved in the same business for a long time.

It is good to be among so many people who have won elections, and particularly so many Democrats who have won elections. It was here in this room that I began my public life after winning my very first election. It is good of you to invite me back so that I can say goodbye to public life in this same room.

In 1947, of course, things were much different, particularly for those few of us who were brave enough or crazy enough to call ourselves Democrats. Not that we were treated badly; we were usually allowed to speak before we were outvoted.

Today in Maine each party must listen to the other, and sometimes you must actually wait until the vote is counted before you know the result—a great difference than 34 years ago. I think both parties are healthier for it. Politics is more enjoyable and the people are better served.

This is the first legislature for some of you, I assume, as I look at the faces in this room. You are at the beginning of your political careers. When I began my own, I had no suspicion it would lead as far as it has or that it would consume the years that it has.

Perhaps some of you will seek other opportunities for service—I hope so. Perhaps some of you will have the great good fortune to gain attention for your ideas, for your skills and talents, at the right time.

Perhaps your neighbors will ask more of you; And after more than three decades, you might look back and wonder whatever happened to that law practice you had committed your heart and soul to so many years before.

It is not in my nature to look back. I do not expect to be my own biographer, and I will resist the temptation today to give you a long speech about how things were. Politics is too lively for that. If we spent our time reminiscing, and I am tempted, none of you would be here and neither would I.

We are here because we are concerned about our present circumstances and we are worried about the future—a concern which unites us despite our differences about the scope of our problems and the best solutions. I can assure you, I will continue to be part of that debate.

I am reminded of that old Maine joke which I have used so often about a man in Kennebunk who was asked if he had lived in town all his life. "Not yet," he said. I feel that way about public life. I cannot imagine retiring to the front porch. If it came to that, I might just run for the legislature again—not because I would have time on my hands, but because this really is where the action is.

The quality of public service is defined at least as much by what you say and do here as by what happens in Washington. Ey and large, you have met most of the people who voted for you. They believe they know you; they want you to represent them fairly and work hard for their interests.

They also know you will not always agree with each of them. But they have a sense of what you believe and they trust your judgment.

And two years from now, you will get together again with your constituents and discuss your performance. They will feel free to challenge your record, to demand explanations, and to re-examine your vision of the future, and on election day, they will make a judgment.

I can tell you from personal experience that this kind of politics is not the most comfortable of occupations nor the most secure, but it is a most extraordinary one. It is not really a job, although for me—and John Martin—it has been a career, and who we are as individuals is not the crucial factor.

Politics is really the institutional expression of the people's need for safety, social order and opportunity. A politician never runs out of work because people never stop dreaming, and the world never runs out of problems.

As Secretary of State, I have come to learn that at any given moment, two thirds of the people of this planet are asleep, but one third are awake creating problems for me.

And the judgment of our success or failure as politicians will be made only in part in our success as legislators, or ombudsmen, or vote-getters. Certainly our ideas and our ability to express them in practical ways for the common good will be important to history. But equally important will be our stewardship of the institutions of politics themselves.

My generation is ending its stewardship. I will leave it to history to judge our work. I can guarantee that we leave you no shortage of challenges.

By many measures our lives are better today than 20 years ago. Since 1960, by the government's measure, we have lifted 25 million Americans out of poverty. Our economy has tripled in size. Personal income has risen by two thirds, after taxes, after inflation. In 20 years, we have added 37 million jobs to the economy. Abroad the drive toward nationalism has created an explosion of new nations in the past 20 years. In 1960, there were 99 members of the United Nations. Last year we welcomed our 154th member—you will never guess the name—St. Vincent.

Yet, public confidence in our government and social institutions is in decline. Last November, only 53 per cent—barely half of eligible voters—bothered to go to the polls. Twenty years ago, that number was more than 63 per cent. One contributor to this decline has been the very bigness of modern society. When we talk of an economy heading toward three trillion dollars, and budgets of six hundred, seven hundred, and soon eight hundred billion dollars, the sums become meaningless. The bigness of things increases our feelings of remoteness and tempts us to believe our institutions are irrelevant to our daily lives.

Inflation, with its potential for destroying individual hopes, has lately escaped our best efforts to control.

Vietnam, Watergate, Koreagate, Abscam, all contribute to the problem. We are inaugurating our fourth President in six years.

The increasing economic strength of our allies, the need for resources so unevenly distributed around the globe, civil strife, military conflict, the movement of millions of refugees in a desperate search for life and livelihood, all these problems weigh on our freedom of action.

I am leaving the job of Secretary of State after a little more than eight months. It was not enough, but as Bob Strauss likes to say—better to have been a has been than a never was. I don't think you could conceive of a job more challenging, more broadening, nor more stimulating. It is the best job I have ever had.

One quickly gets a sense of just how small the planet is, just how interdependent are its nations, just how intimately connected our future is with the hopes and dreams of our neighbors.

I have found that at base, the solutions to our global problems are not so different from the solutions to our problems here at home, and not

so different from the goals I have worked for as a legislator, as a governor, senator, and now as Secretary of State.

Let me leave you with just three observations gained from these experiences:

First, any government which strays too far from the aspirations of its people is doomed. What form the government takes is less important in the long run than its sensitivity to the needs of its people. Iran, Zimbabwe, Poland, for example, three remarkably different cultures on three different continents—in each we see the fundamental drive for opportunity and self-determination and the consequences when that drive is denied. So far here at home, our institutions have been resilient enough to allow for peaceful change; that is their genius. Your task is to make certain they continue to work, and work well.

Second, security is the proper business of government. By security I mean not only security from external threats but from poverty, hunger and disease. Any government, here or abroad, which places its emphasis exclusively on responding to either threat courts human suffering and possible collapse. We must make balanced choices between defense and human needs, and failure to do so fills even today's papers with headlines from around the world.

And finally we must arrive at a greater appreciation of the human and physical resources of our planet. There are 16 million people on the move right now in places like Afghanistan, Somalia, and Indochina—homeless, hungry, desperately searching for life, and leaving conditions which they found unacceptable. We must help them in their search. We must close the gap between the wealth which resources bring and the desperation which war and scarcity create. Doing so will require more disciplined use of resources and a better global mechanism for sharing.

So you have no shortage of problems to address. Your task is hitting the right solutions.

I am reminded of a story I first told here 33 years ago. For those of you who always suspected me of telling old jokes, here is documented evidence.

It seems that four hunters went down to Merymeeting Bay to get a few ducks—in season, of course. One of the gentlemen was very fond of his bottle, and he took his favorite bottle along that day and imbibed so generously enroute to the hunting lodge that when he reached it he was pretty groggy. As a matter of fact, he could hardly stand on his feet. The other three hunters were concerned. They thought it was dangerous to take him along with them. So they stuck him behind a blind on shore with his bottle and gun, and they took a boat out onto the bay. They hunted all day without a sign of a duck. Toward late afternoon, finally, across the horizon came a single, lonely duck. Each of the three raised his gun and fired. Each missed. Suddenly, from behind the blind came a shot and the duck fluttered and fell. The three were astonished. They could not imagine who had fired the lucky shot, remembering the condition of their companion. They hurried ashore, went behind the blind and saw their companion swaying back and forth, his smoking gun in one hand and a bottle in the other. They said, "Jack, how did you do it?" "Nothing to it. When a fellow fires at a flock that big, he is bound to get one."

Well, I hope in the last 34 years we have hit at least one and that you will do better.

I think this is the first prepared speech I have had to present to members of the House and Senate in many years. This is not a very complicated one, but I wanted to be sure to say what I regard as some fundamentals.

It is time I end with just a brief, personal reaction to all of this. I gather that you may have concluded from what I have already said that I have no regrets about having become involved—almost accidentally—in a life in politics, and I do not. I am not entirely sure about

my feelings as I approach private life. I am quite sure I will make more money, but since that was never an objective in the first place, I am not sure that is going to be all that satisfying. So how I combine all of the activities I have been offered to produce as much stimulation, challenge and continued growth in my life is the challenge I face. But the thing that I like best about politics is that it forces you to grow, to expand your view of the world, to expand your understanding of its problems, to develop your abilities to deal with the world in which you live, to form judgments and to prepare yourself for ever-increasing responsibilities.

I am sure that opportunity for growth exists in other activities in and out of public life, but I for one in politics have reached this point in my 66th year, after 34 years in public life, with no desire to retire. And that, I think, is a product of what involvement in politics, with all that means in terms of associating with like-minded and like-motivated people, and to the people whom you serve, that is what I get out of politics—I commend it to anyone who wants a life of adventure, a life of potential achievement broader than one's own selfish interests, an opportunity to build something for the future of this country and this world. So I bless the life I have had, bless the Lord for giving it to me, and I thank all of you, and those who preceded you, who have made my life what it is. Thank you very, very much.

At the conclusion of Secretary of State Muskie's address, he withdrew amid prolonged applause, the audience rising.

The purpose for which the Convention was assembled having been accomplished, the Chairman declared the same dissolved and the Senate retired to its chamber amid applause of the House, the members rising.

In the House

The House was called to order by the Speaker.

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