

# 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 15, 1981

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

Prayer by the Reverend Addison Steeves of the First Universalist Church, Auburn.

The journal of yesterday was read and approved.

**Papers from the Senate**

Bill "An Act Concerning the Uniform Processing of Employer Contributions into the Retirement System" (S. P. 101) (L. D. 210)

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

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

Bill "An Act to Make Funding of the 'Local Government Fund' Part of the Appropriations Process" (S. P. 90) (L. D. 206)

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

In the House, was referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act to Conform the Maine Consumer Credit Code to the Federal Truth-in-Lending Simplification and Reform Act" (S. P. 94) (L. D. 213)

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 to Establish a Presidential Primary" (S. P. 91) (L. D. 207)

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

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

Bill "An Act to Revise the Law Concerning Discharges into Certain Lakes" (S. P. 102) (L. D. 215)

Bill "An Act to Adopt a Lead Emission Standard under the Laws for Protection and Improvement of Air" (S. P. 103) (L. D. 216)

Bill "An Act to Undedicate Funds Received from Public Reserved Lands" (S. P. 92) (L. D. 208)

Bill "An Act to Repeal the Authority of the Bureau of Public Lands to Lease Timber Management Rights to Organized Towns" (S. P. 96) (L. D. 212)

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

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

Bill "An Act to Clarify a Sentencing Disposition of Juvenile Offenders" (S. P. 93) (L. D. 209)

Bill "An Act to Conform Confidentiality Requirements of the Maine Committee on Aging with the 1978 Older Americans Act" (S. P. 98) (L. D. 217)

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 Abolish the State Lottery" (S. P. 99) (L. D. 214)

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 Reimburse Certain Licensed

Drivers who Paid a \$16 Fee During the Transition to the New License Fee System under the Motor Vehicle Laws" (S. P. 95) (L. D. 211)

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

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

**Messages and Documents**

The following Communication: (S. P. 109)

**State of Maine****Director of Legislative Research  
Augusta**

January 13, 1981

The Honorable May M. Ross

Secretary of the Senate

110th Maine Legislature

State House

Augusta, Maine 04333

Dear May:

Following is the report of the Director of Legislative Research pursuant to Title 3, section 164, subsection 10 of the Maine Revised Statutes Annotated.

On December 3, 1980, the Maine Legislature convened in the first regular session of the 110th Legislature. This session marked the first time in the State's history that the Legislature convened in regular session during the month of December. This unprecedented event led to an earlier organization of the Legislature and the enactment of one bill.

For citation purposes, the legislation passed during this session will be included in the laws of 1981. However, in the future, if laws are enacted at a December session, I recommend that the biennial system of citing laws be discarded in favor of a system that references the specific Legislature and year of enactment. For example, 110th L.P.L. 1980 c. 1. Such a system would pinpoint the Legislature and year of enactment instead of referencing the biennium of enactment as is the case currently. This may be helpful in understanding this change should it become necessary.

The Legislature as the law-making branch of State Government, has continued its republican program for statutes in order to keep the law as nearly complete and current for public use as possible in the least costly manner. Since 1973, 11 volumes of the Maine Revised Statutes Annotated which had become outdated with additions and deletions have been republished. The updating program should be continued and it is therefore recommended, within the limits of available funds, that at least 4 more outdated volumes of the statutes be republished over the coming biennium with an ultimate goal, upon completion of the republication of all volumes, of enacting the updated set into positive law.

The Maine Rules of Court have been deleted from Volume 8 of the Maine Revised Statutes Annotated to reduce the size of that volume and to prevent needlessly duplicating the annual desk copy of the rules which has gained widespread acceptance as a source for such information.

In order to fulfill the State's need to maintain a supply of statutes for sale and loan at the State Law Library, legislation will be introduced for a bulk purchase of additional volumes of the statutes to make up, in conjunction with republished volumes on hand, 50 complete sets of the Maine Revised Statutes Annotated. Passage of this legislation at a cost of \$10,237.50 is recommended as the least costly way of replenishing supplies to meet this need.

This office should continue its review of computer technology as applied to the legislative process in order to be ready to install an appropriate in-house system when conditions are most favorable. Unfortunately, all aspects of this technological development are not to the Legislature's advantage. Therefore, it is strongly recommended that we continue our current approach in developing a cost-effective, integrated system that is unrestricted, re-

liable and can be installed in steps at times that are least disruptive to the legislative process.

As of August, 1980, the State **Manual for Legislative Drafting** was completely revised and updated. This guide to drafting is not a best seller, but for those who are called upon to do legislative drafting, it can be a very important tool. However, due to the low demand and the high cost of the publication, a limited number of copies were produced, many of which have been placed on file in the State Law Library for reference purposes. Should demand exceed current supply now held for reference, additional printing may become necessary.

Unless objection is heard, cost savings will be attempted in 2 areas over the next biennium. Although the amount to be saved cannot be projected with any degree of accuracy at this point, an attempt will be made to lower the publishing costs of both the pamphlet laws and the Laws of Maine. In the case of the pamphlet laws, it is recommended that the entire format be changed to a standard 6 x 9" publication which can be printed in its entirety locally. As to the Laws of Maine, the index is cumulative since 1964 and has become fairly extensive. It is, however, recommended that the index be printed as a soft-bound version, thus reducing the volume and cost of the bound portion of this publication. Both of these changes will not only result in some savings through the bid process, but hopefully, will also allow for more prompt delivery of the finished products.

Two other areas of major concern to this office and the Legislature should be noted. First, in order to reduce the present ever-expanding number of errors and omissions, this office maintains a computerized title and section program which enables most conflicts in pending legislation to be caught before the conflict becomes enacted into law. The success of this program depends heavily upon each standing committee, as well as the Committee on Bills in the Second Reading in each House, requiring the clearance of all conflicts listed on the title and section program before the legislation containing those conflicts receive further legislative action. Your full support will be greatly appreciated in this effort.

Second, all errors and omissions in the statutes discovered or brought to the attention of the Director since the previous Legislature will be submitted in bill form to the Judiciary Committee for clarification and correction during this session. The "Errors Bill" as it is generally known, is customarily sponsored by the committee chairman and contains no substantive matters when initially introduced. Once this bill is before the Committee, a hearing will be scheduled at which time both substantive and non-substantive amendments will be considered. It should be remembered that this bill serves a dual purpose which contributes to its unusual size and length. First, it is one of the only means of quality control the Legislature has in order to make needed corrections and clarifications of current and past errors. Also, of equal importance, the bill provides the only opportunity for needed revision work or the many housekeeping tasks to update the statutes that other states accomplish in a separate bill.

As a final note, in order to continue to promote uniformity of procedure, to avoid confusion and to permit an orderly transition from revision to revision, it is important that all bills be checked by the Office of the Director before presentation to the Legislature. Also, it would be helpful if all criticisms of the 1964 revision and of the current methods of updating statutes could be forwarded to the Director to aid in planning future republications or revisions.

Thank you for your kind attention and favorable consideration of this report.

Sincerely,

S/DAVID S. SILSBY

Director, Legislative Research

Came from the Senate read and ordered

placed on file.

In the House, the Communication was read and ordered placed on file 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:

#### Appropriations and Financial Affairs

Bill "An Act Making Appropriations and Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operation of State Government for the Fiscal Years Ending June 30, 1982, and June 30, 1983" (Emergency) (H. P. 229) (L. D. 218) (Presented by Mr. Pearson of Old Town) (Cosponsor: Senator Huber of Cumberland) (Governor's Bill)

(Ordered Printed)

Sent up for concurrence.

#### Fisheries and Wildlife

Bill "An Act to Permit Deer Hunting with Muzzle-loading Rifles" (H. P. 231) (Presented by Mrs. Reeves of Pittston)

(Ordered Printed)

Sent up for concurrence.

#### Health and Institutional Services

Bill "An Act to Require Interagency Licensing of Residential Facilities and Programs for Children" (H. P. 232) (Presented by Mrs. Mitchell of Vassalboro) (Cosponsor: Mr. Rolde of York) (Submitted by the Department of Human Services pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

#### Labor

Bill "An Act to Provide for Service Fees for Nonmembers Represented by Collective Bargaining Agents" (H. P. 233) (Presented by Mr. Tuttle of Sanford)

(Ordered Printed)

Sent up for concurrence.

#### Legal Affairs

Bill "An Act to Repeal Provisions for Premiums and Rebates under the Liquor Laws" (H. P. 234) (Presented by Mr. Reeves of Newport)

(Ordered Printed)

Sent up for concurrence.

#### Public Utilities

Bill "An Act to Amend the Waldoboro Sewer District Charter" (H. P. 235) (Presented by Mr. Curtis of Waldoboro)

Bill "An Act to Provide for the Termination of Cable Television Permits Issued Prior to July 1, 1965 without Fixed Termination Dates" (H. P. 236) (Presented by Mr. Peterson of Caribou)

(Ordered Printed)

Sent up for concurrence.

#### State Government

Bill "An Act to Establish a Kennebec River Future Commission" (H. P. 237) (Presented by Mrs. Kany of Waterville) (Cosponsors: Mr. Austin of Bingham, Mr. Jacques of Waterville and Ms. Lund of Augusta)

(Ordered Printed)

Sent up for concurrence.

#### Taxation

Bill "An Act Concerning the Sales Tax Assessed on the Purchase of Replacement Aircraft" (H. P. 238) (Presented by Mr. Perkins of Brooksville)

Bill "An Act Relating to Trade-in Credit for Special Mobile Equipment in the Sales and Use Tax Law" (H. P. 239) (Presented by Mr. Callahan of Mechanic Falls)

Bill "An Act to Enable Taxpayers to Donate a Portion of their State Income Tax Refund to Nongame Management Projects through a Tax

Return Checkoff" (H. P. 240) (Presented by Mr. Richard of Madison)

(Ordered Printed)

Sent up for concurrence.

#### Orders

On motion of Mr. McSweeney of Old Orchard, it was

ORDERED, that Representative Harold Hanson of Kennebunkport be excused January 19, 20 and 21 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Edwin C. Randall of East Machias be excused for the week of January 19 for personal reasons.

#### Special Sentiment Calendar

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

Recognizing:

Sally A. Perkins of Kennebunk, who competed in the National Amateur Athletic Union 1980 Junior Olympics in Cheyenne, Wyoming; (H. P. 230) by Mr. Murphy of Kennebunk.

There being no objections, this item was considered passed.

#### House Reports of Committees

##### Leave to Withdraw

Mr. Soule from the Committee on Judiciary on Bill "An Act to Increase and to Make Mandatory the Fines for Litter" (H. P. 40) (L. D. 53) reporting "Leave to Withdraw"

Report was read and accepted and 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 Remove the State Board of Education from the Nominating Process for the Commissioner of Educational & Cultural Services" (H. P. 150) (L. D. 132)

—In House, Referred to Committee on State Government on January 8.

—In Senate, Referred to the Committee on Education in non-concurrence.

Tabled—January 14, 1981 by Mr. Connolly of Portland.

Pending—Further Consideration.

Mr. Connolly of Portland moved that the House adhere.

Whereupon, Mr. Murphy of Kennebunk moved that the House recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Brown.

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I certainly agree with the motion made by my good friend from Kennebunk, Mr. Murphy. We are dealing here with a bill that obviously belongs in the Education Committee. I say that not after doing a little bit of research myself.

In trying to determine where bills belong, one first looks at the title, and if in this case it deals with education; certainly it belongs in Education. But I went a little further than that. I referred to the manual that all of us have access to — the Operating Procedures on Joint Standing Committees and Joint Select Committees, and I would like to quote from that manual.

"It is inherent in the committees' responsibilities to the people that it inquire into the condition and administration of the laws relating to the subject before it and to investigate the conduct and look to the responsibility of all public officers and employees concerned, standing ready to suggest such measures as will correct abuses, protect the public interest and promote the public welfare."

Ladies and gentlemen, the Commissioner of Education is obviously the single-most important position in determining the future of education in our state. The methods that lead to that appointment can have a lasting effect not only in the selection process but also the future

policies of the department.

This bill is an education bill, obviously, and obviously belongs in the Education Committee, and I urge you to go along with the motion to recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker and Members of the House: This is a crazy fight; we should not be having this kind of a fight at this stage in the session.

You can make legitimate arguments for referring this bill to the Committee on State Government, and you can make an equally legitimate argument for referring this bill to the Committee on Education.

The thing that decided the matter for me was that when the law was put into effect in 1977 that this bill would attempt to amend, it was before, as I understand it, the Committee on State Government. With that background, I supported the move to have the bill go to State Government.

Mr. Speaker, I would ask for a division on the pending motion.

The SPEAKER: The pending question is on the motion of the gentleman from Kennebunk, Mr. Murphy, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Murphy of Kennebunk requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Kennebunk, Mr. Murphy, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Aloupis, Armstrong, Austin, Bordeaux, Boyce, Brown, D.; Brown, K.L.; Cahill, Callahan, Conary, Cunningham, Curtis, Damren, Davis, Day, Dexter, Day, Dexter, Drinkwater, Foster, Gavett, Hanson, Higgins, L.M.; Holloway, Hunter, Hutchings, Ingraham, Jackson, Jordan, Kiesman, Lancaster, Leighton, Lewis, Livesay, MacBride, Masterman, McPherson, Murphy, Nelson, A.; O'Rourke, Paradis, E.; Perkins, Peterson, Randall, Reeves, J.; Richard, Salsbury, Sherburne, Smith, C.W.; Stevenson, Stover, Studley, Tarbell, Telow, Treadwell, Walker, Wentworth, Weymouth.

NAY—Baker, Beaulieu, Bell, Benoit, Berube, Boisvert, Brannigan, Brennerman, Brodeur, Brown, A.; Carrier, Carroll, Carter, Chonko, Clark, Conners, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Dillenback, Dudley, Erwin, Fitzgerald, Fowlie, Gillis, Gowen, Gwadosky, Hall, Hayden, Hickey, Higgins, Hobbins, Huber, Jacques, Jalbert, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Laverriere, Lisnik, Locke, Lund, MacEachern, Macomber, Mahany, Manning, Martin, A.; Martin, H.C.; Masterton, McCollister, McGowan, McHenry, McKean, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, Paradis, P.; Paul, Pearson, Perry, Post, Pouliot, Prescott, Racine, Reeves, P.; Ridley, Roberts, Rolde, Small, Smith, C.B.; Soulas, Soule, Strout, Swazey, Theriault, Thompson, Tuttle, Twitcheil, Vose, Webster, Mr. Speaker.

Yes, 56; No, 86; Absent, 9.

The SPEAKER: Fifty-six having voted in the affirmative and eighty-six in the negative, with nine being absent, the motion does not prevail.

Thereupon, on motion of Mr. Connolly of

Portland, the House voted to adhere.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker, I move we reconsider our action whereby the House voted to adhere, and I hope you all vote against me.

The SPEAKER: The gentleman from Portland, Mr. Connolly, moves that the House reconsider its action whereby it voted to adhere. All those in favor will say yes; those opposed will say no.

A viva voce vote being taken, the motion did not prevail.

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(Off Record Remarks)

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

The following Joint Order: (S. P. 113)

ORDERED, the House concurring, that when the House and Senate adjourn, the House adjourns to Monday, January 19, 1981, at ten o'clock in the morning; and the Senate adjourns to Monday, January 19, 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.

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**Special Sentiment Calendar**

Recognizing:

Deborah and Gregory Toher, of South Windham, the proud parents of triplets, Gregory, Phillip and Jessica, born January 8, 1981; (H. P. 241) by Mr. Diamond of Windham (Cosponsor: Mr. Manning of Portland)

No objections having been noted, the above item was considered passed and sent up for concurrence.

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**House Reports of Committees**

**Leave to Withdraw**

Mrs. Post from the Committee on Taxation on Bill "An Act to Increase the Exemption from Taxation of Parsonages used by Religious Societies to the Value of \$50,000" (H. P. 29) (L. D. 33) reporting "Ought not to pass"

Was placed in the Legislative Files without further action and sent up for concurrence.

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(Off Record Remarks)

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On motion of Mr. Kane of South Portland, Adjourned until Monday, January 19, at ten o'clock in the morning.