

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

Tuesday, January 20, 1981

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

Prayer by the Reverend Richard Thompson of the Congregational Church, Winthrop.

The journal of yesterday was read and approved.

Messages and Documents

The following Communication:

**State of Maine
Office of the Governor
Augusta, Maine**

January 20, 1981

To: Members of the 110th Maine State Legislature

From: Joseph E. Brennan, Governor

Re: Task Force Reports

Attached are the final reports of the Governor's Task Forces on Foster Care for Children, Maternal and Child Health, and Long Term Care for Adults. The reports are the final distillation of a year of extensive and intensive study by 100 dedicated Maine citizens. During the Session, you will be considering several legislative proposals and budgetary items which relate to the recommendations of the Task Forces.

As you review the three reports, please bring to my attention any questions or comments you have about them. Thank you very much.

Was read and with accompanying report ordered placed on file.

The following Communication:

**State of Maine
House of Representatives
Speaker's Office
Augusta, Maine 04333**

January 19, 1981

Hon. Edwin H. Pert

Clerk of the House

State House

Station 2

Augusta, Maine 04333

Dear Clerk Pert:

This is to notify you that I am appointing Rep. Sandra Prescott to serve on the Maine Correctional Advisory Commission pursuant to Title 34, MRSA, Section 525A.

Sincerely,

S/JOHN L. MARTIN

Speaker of the House

Was read and ordered placed on file.

**Petitions, Bills and Resolves
Requiring Reference**

The following Bills, Resolves and Resolutions 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 Remove the Limitation on Outside Earnings of Disability Retirement Allowance Recipients" (H. P. 265) (Presented by Mrs. Nelson of Portland) (Cosponsor: Mrs. Reeves of Pittston)

(Ordered Printed)

Sent up for concurrence.

Agriculture

Bill "An Act to Exempt Guide Dogs from Registration Fee Requirements During the Raising Period in Foster Homes" (H. P. 266) (Presented by Mr. Diamond of Windham) (Cosponsor: Mr. Fitzgerald of Waterville)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act to Prevent the Unauthorized Sale of Stripped Cover Magazines and Paperback Books" (H. P. 267) (Presented by Mrs. Nelson of Portland) (Cosponsor: Senator Violette of Aroostook)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act to Amend Special Education Statutes to Provide for the Computation of Board and Care to Authorize Rate Approval by the Commissioner" (H. P. 268) (Presented by Mr. Rolde of York) (Cosponsor: Mr. Brown of Livermore Falls) (Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24)

Bill "An Act to Amend the Law Relating to the Authorization for Degree-granting Authority for Higher Education Institutions" (H. P. 269) (Presented by Mrs. Thompson of South Portland) (Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Energy and Natural Resources

Bill "An Act to Establish the Department of Public Safety as the Lead Agency Regarding Accidental Spills of Hazardous Waste Matter" (H. P. 270) (Presented by Mrs. Huber of Falmouth)

(Ordered Printed)

Sent up for concurrence.

Later Today Assigned

Bill "An Act to Require the Maine State Housing Authority to Consider Life-cycle Heating Costs in Housing Financed or Developed by the Authority" (H. P. 271) (Presented by Mr. Davies of Orono)

Committee on Energy and Natural Resources was suggested.

On motion of Mrs. Kany of Waterville, tabled pending reference and later today assigned.

Fisheries and Wildlife

Bill "An Act Concerning Election of the Members of the Inland Fisheries and Wildlife Advisory Council" (H. P. 272) (Presented by Mr. Connors of Franklin)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act Providing for Pupil Screening for Scoliosis and Related Spinal Abnormalities" (H. P. 273) (Presented by Mrs. Prescott of Hampden) (Cosponsors: Miss Aloupis of Bangor, Senator Gill of Cumberland and Senator Troitzky of Penobscot)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Permit Blood Specimens to be Taken to Determine Blood-Alcohol Level Without the Defendant's Consent when the Defendant is Unconscious or Unable to Give Consent" (H. P. 274) (Presented by Mrs. Kany of Waterville)

Bill "An Act Amending the Child and Family Services and Child Protection Act" (H. P. 275) (Presented by Mr. Soule of Westport) (Submitted by the Department of Human Services pursuant to Joint Rule 24)

Bill "An Act to Amend the Laws Relating to Criminal History Record Information" (H. P. 276) (Presented by Mr. Fowlie of Rockland) (Cosponsor: Mr. MacEachern of Lincoln) (Submitted by the Department of Marine Resources pursuant to Joint Rule 24)

Bill "An Act Concerning the Process for Collecting Fines Imposed for Civil Violations and Traffic Infractions" (H. P. 277) (Presented by Ms. Lund of Augusta)

Bill "An Act to Define Eviction Procedures During the Winter Months" (H. P. 278) (Presented by Mr. Rolde of York)

(Ordered Printed)

Sent up for concurrence.

Aging, Retirement and Veterans

Bill "An Act Relating to Death or Disability of a Law Enforcement Officer Resulting from Hypertension or Heart Disease Suffered in Performance of his Duties" (H. P. 279) (Presented by Mrs. Nelson of Portland) (Cosponsor: Mrs. Beaulieu of Portland)

Committee on Labor was suggested.

On motion of Mrs. Beaulieu of Portland, referred to the Committee on Aging, Retirement and Veterans, ordered printed and sent up for concurrence.

Labor

Bill "An Act Relating to the Per Diem and Case Assignments for the State Board of Arbitration and Conciliation" (H. P. 280) (Presented by Mr. McHenry of Madawaska) (Cosponsor: Mr. Baker of Portland) (Submitted by the Department of Manpower Affairs pursuant to Joint Rule 24)

Bill "An Act to Permit the Workers' Compensation Commission to Grant a Rehearing on the Ground of Newly Discovered Evidence" (H. P. 281) (Presented by Mr. Brenerman of Portland)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Repeal the Law Barring Minors from Bowling Alleys, Pool Rooms and Shooting Galleries" (H. P. 282) (Presented by Miss Lewis of Auburn)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Require Reasonable Notice of Rent Increase for Residential Dwelling Units" (H. P. 283) (Presented by Mr. Joyce of Portland)

Committee on Legal Affairs was suggested.

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

Legal Affairs cont'd

Bill "An Act to Allow Retailers to Sell Brands of Malt Beverage and Table Wine in Addition to Those Distributed by Maine Wholesalers" (H. P. 284) (Presented by Mr. Brenerman of Portland)

Bill "An Act to Revise the Law Relating to the Licensing of Private Security Guards" (H. P. 285) (Presented by Mr. Swazey of Bucksport) (Submitted by the Department of Public Safety pursuant to Joint Rule 24.)

RESOLVE, Authorizing Gerald Pelletier to Bring Civil Action Against the State of Maine (H. P. 286) (Presented by Mr. Martin of Eagle Lake) (Cosponsor: Mr. McHenry of Madawaska and Senator Violette of Aroostook)

(Ordered Printed)

Sent up for concurrence.

Later Today Assigned

Bill "An Act Concerning Great Pond Plantation into the Town of Great Pond and Removing Great Pond from The Maine Forestry District" (H. P. 287) (Presented by Mr. Connors of Franklin)

Committee on Local and County Government was suggested.

On motion of Mr. Kane of South Portland, tabled pending reference and later today assigned.

Marine Resources

Bill "An Act to Limit the Use of Wooden Pot Buoys in the Coastal Waters of Maine" (H. P. 288) (Presented by Mr. Connors of Franklin)

Bill "An Act to Reallocate Certain Seed Lobster Fund Moneys to Specific Research and Development Programs, as Directed by the Lobster Advisory Council" (H. P. 289) (Presented by Mr. Connors of Franklin)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act to Amend the Charter of the York Sewer District" (H. P. 290) (Presented by Mr. Rolde of York)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act Changing the Name of the Department of Manpower Affairs and Clarifying the Term of its Commissioner" (H. P. 291) (Presented by Mr. Paradis of Augusta) (Cosponsor: Mrs. Beaulieu of Portland) (Submitted by the Department of Manpower Affairs pursuant to Joint Rule 24)

Bill "An Act to Provide for Prior Legislative Approval of Administrative Rules" (H. P. 292) (Presented by Mr. Brown of Livermore Falls) (Cosponsors: Ms. Small of Bath, Mrs. Berube of Lewiston and Mr. Vose of Eastport)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Revise the Maine State Lottery" (H. P. 293) (Presented by Mr. Jalbert of Lewiston) (Cosponsor: Senator Usher of Cumberland)

Committee on State Government was suggested.

On motion of Mrs. Kany of Waterville, referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

State Government cont'd.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Maintain and Protect the Integrity of the Maine State Retirement System" (H. P. 294) (Presented by Mr. Rolde of York)

RESOLUTION, Proposing an Amendment to the Constitution of Maine Clarifying Residency Requirements for Candidates for and Members of the Maine House of Representatives (H. P. 295) (Presented by Mrs. Masterton of Cape Elizabeth)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Eliminate the Length Restriction in the Definition of Camper Trailer under the Tax Laws" (H. P. 296) (Presented by Mr. Leighton of Harrison)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act to Amend Current Law to Limit Additional Fees Charged to Handicapped Persons for Special Motor Vehicle License Plates that Display Handicapped Symbols" (H. P. 297) (Presented by Mr. Armstrong of Wilton)

(Ordered Printed)

Sent up for concurrence.

Orders

On motion of Mr. Higgins of Scarborough, the following Joint Resolution: (H. P. 298) (Cosponsors: Mr. Martin of Eagle Lake, Senator Collins of Knox and Senator Conley of Cumberland)

**JOINT RESOLUTION ON THE
INAUGURATION OF
RONALD W. REAGAN
AS PRESIDENT**

**AND
GEORGE H.W. BUSH
AS VICE-PRESIDENT**

OF THE UNITED STATES OF AMERICA

Whereas, on the 20th day of January, 1981, a unique American tradition called Inauguration Day will occur; and

Whereas, during these dramatic times, Ronald Wilson Reagan will face the Nation for the first time as the 40th President of the United States of America; and

Whereas, the people of this Nation through a free and open election process have clearly placed their faith, trust and confidence in Ronald W. Reagan and George H.W. Bush; and

Whereas, All Americans sincerely pray that the next four years will be years filled with peace in the world and prosperity without inflation at home, and that the direction taken by this administration in the 1980's will bring new hope and meaning for the people of this country; now, therefore, be it

Resolved: That, We, the Members of the 110th Legislature of the great and sovereign State of Maine, now assembled, extend our heartiest congratulations to President Reagan and Vice-President Bush on the occasion of their inauguration; and be it further

Resolved: That a duly attested copy of this Resolution be transmitted forthwith by the Secretary of State to our new Chief Executive and the Vice-President of the United States in honor of the occasion; and be it further

Resolved: That a duly authorized copy of this Joint Resolution be immediately submitted by the Secretary of State to the Honorable Ronald W. Reagan, President of the United States, and Honorable George H.W. Bush, Vice-President of the United States, the President of the Senate and Speaker of the House of the Congress of the United States and to each Member of the Senate and House of Representatives in the Congress of the United States from this State.

The Resolution was read.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I know that today most of our eyes and attention are turned to Washington and the happenings of the hostage situation, but there is also another event going on in Washington today, and I think it is fitting that we at least commemorate what is going on down there in the election and the swearing in of our 40th President of the United States.

I know we all here did not vote in this body for Ronald Reagan; some of us chose to vote for other people, but I do appreciate the support that I received from the Democratic Party both in signing this and allowing it to come onto the floor. It was our intentions to have it drafted in a non-partisan manner, and that is the way it has been handled.

I just felt that in these days of troubled economy, sometimes it is easy to be negative about what is happening in Washington, and I just felt that perhaps we needed to be positive about something, at least on the first day of a new administration, and hopefully we will build a new foundation. I guess, for not only the 1980's but as we approach the 21st Century.

I, for one, wish Ronald Reagan and George Bush well, and I wish that the Democrats in Congress will cooperate and that we, altogether, can form a better working relationship and, as I say, hope for peace for these United States as well as the whole world.

I know we all realize that perhaps our system is not the best and the most perfect system in the world, but it certainly is one which we wouldn't trade with any other country on this planet.

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

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mr. LaPlante of Sabattus, the following Joint Order: (H. P. 264)

ORDERED, The Senate concurring, that the Joint Standing Committee on Local and County Government report such legislation as they see fit to revise the salaries of county officers and lay the county taxes for the year 1981.

Was read and passed and sent up for concurrence.

Consent Calendar**First Day**

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

(H. P. 33) (L. D. 38) Bill "An Act to Make Confidential Certain Documents of the Maine Human Rights Commission" - Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1)

No objections being noted, the above item was ordered to appear on the Consent Calendar of January 21, under the listing of Second Day.

Orders of the Day

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

Bill, "An Act Permitting Binding Arbitration for Municipal Fire Departments and Firefighters" (H. P. 249) (Committee on Labor suggested)

Tabled—January 19, 1981 by Mrs. Beaulieu of Portland.

Pending—Reference.

On motion of Mrs. Beaulieu of Portland, the Bill was indefinitely postponed.

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

Bill "An Act Making Supplemental Appropriations from the General Fund for the Fiscal Years Ending June 30, 1982 and June 30, 1983" (Emergency) (S. P. 125) (L. D. 267)

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

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

The following item appearing on Supplemental No. 2 was taken up out of order by unanimous consent:

The Following Communications: (S. P. 115)

**State of Maine
Senate Chamber
President's Office
Augusta, Maine 04333**

January 15, 1981

Honorable Barbara A. Gill
Honorable Sandra K. Prescott
Chairmen, Joint Standing Committee on Health and Institutional Services
State House
Augusta, Me 04333

Please be advised that Governor Joseph E. Brennan is nominating David F. Wihry of Orono for reappointment as a consumer member of the Health Facilities Cost Review Board.

Pursuant to Title 22 MRSA Section 353, this nomination will require review by the Joint Standing Committee on Health and Institutional Services 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 Health and Institutional Services.

In the House, the Communication was read and referred to the Committee on Health and Institutional Services and sent up for concurrence.

The following items appearing on Supplemental #3 were taken up out of order by unanimous consent:

Special Sentiment Calendar

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

Norman Hall of Sanford who is retiring from the Board of Selectmen after serving 19 years as a selectman; (S. P. 120)

Alden Thayer, of Springvale, chosen by the Sanford-Springvale Jaycees as Outstanding young man of the year for 1981; (S. P. 121)

James G. Packard of Winthrop who was cited by the Maine Jaycees as one of the state's three "outstanding young men;" (S. P. 124)

Mrs. Laura Snell of Houlton, who has retired after 27 years of dedicated state service; (S. P. 126)

There being no objections, these expressions of Legislative Sentiment were considered passed.

The Chair laid before the House the following matter:

Bill "An Act to Require the Maine State Housing Authority to Consider Lifecycle Heating Costs in Housing Financed or Developed by the Authority" (H. P. 271) which was tabled and later today assigned pending reference.

On motion of Mrs. Kany of Waterville, was referred to the Committee on State Government, ordered printed and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act Converting Great Pond Plantation into the Town of Great Pond and Removing Great Pond from the Maine Forestry District" (H. P. 287) which was tabled and later today assigned pending reference.

On motion of Mr. Connors of Franklin, tabled pending reference and tomorrow assigned.

(Off Record Remarks)

On motion of Mr. Carroll of Limerick, Adjourned until ten o'clock tomorrow morning.