

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 22, 1981

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

Prayer by Father Paul U. Pare of the Notre Dame Roman Catholic Church, Waterville.

The journal of yesterday was read and approved.

Papers from the Senate

Bill "An Act Concerning the Size of Exempt Lots under the Subdivision Laws" (S. P. 141) (L. D. 312)

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

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

Bill "An Act to Permit Violations of the Warranty of Habitability to be Asserted in Landlord-Tenant Disputes" (S. P. 142) (L. D. 313)

Bill "An Act Establishing Minimum Heating Standards for Rental Residential Dwelling Units" (S. P. 143) (L. D. 314)

Bill "An Act to Amend and Clarify the Procedure to File and Appeal Claims by Patients, Inmates or Prisoners" (S. P. 144) (L. D. 315)

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 to Provide Collective Bargaining Rights to County Employees" (S. P. 145) (L. D. 316)

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 Amend the Charter of the Sanford Sewerage District" (Emergency) (S. P. 146) (L. D. 317)

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 to Abolish the Legislative Council and Reestablish the Legislative Research Committee" (S. P. 147) (L. D. 318)

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.

Non-Concurrent Matter

Bill "An Act to Promote Alcohol and Drug Abuse Education and Rehabilitation" (H. P. 219) (L. D. 256) which was referred to the Committee on Health and Institutional Services in the House on January 14, 1981.

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

In the House: On motion of Mr. Connolly of Portland, the House voted to recede and concur.

Messages and Documents

The following Communication: (H. P. 360)

State of Maine
Department of State
Augusta, Maine

21 January 1981

The Honorable John L. Martin
Speaker of the House of Representatives
of the One Hundred and Tenth Legislature
I have the honor to transmit herewith the budget estimates of expenses of the sixteen counties within the State for the years 1981-1982, the same having been filed in this office according to the provisions of Title 30, Section 253, of the Revised Statutes, as amended in 1979.

Sincerely,
S/Rodney S. Quinn
Secretary of State

Was read and with accompanying report referred to the Committee on Local and County Government and sent up for 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:

Appropriations and Financial Affairs

Bill "An Act to Allocate Moneys for the Administrative Expenses of the State Lottery Commission for the Fiscal Years Ending June 30, 1982 and June 30, 1983" (Emergency) (H. P. 339) (Presented by Mr. Jalbert of Lewiston) (Cosponsor: Mr. Carter of Winslow) (Submitted by the Department of Finance and Administration pursuant to Joint Rule 24)

Bill "An Act to Allocate Moneys for the Administrative Expenses of the Bureau of Alcoholic Beverages, Department of Finance and Administration and the State Liquor Commission for the Fiscal Years Ending June 30, 1982 and June 30, 1983" (Emergency) (H. P. 340) (Presented by Mr. Kelleher of Bangor) (Cosponsors: Mr. Davis of Monmouth and Senator Perkins of Hancock) (Submitted by the Department of Finance and Administration pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act Relating to Certain Types of Indemnity Provisions in Construction Contracts" (H. P. 341) (Presented by Mr. Callahan of Mechanic Falls)

Bill "An Act to Require Motor Vehicle Liability Insurance" (H. P. 342) (Presented by Mr. Connors of Franklin) (Cosponsor: Mrs. MacBride of Presque Isle)

Bill "An Act to Clarify and Amend the Investment Provisions of the Maine Insurance Code" (H. P. 343) (Presented by Mr. Jackson of Yarmouth)

(Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act to Improve Voter Registration Access for Potential Absentee Voters" (H. P. 344) (Presented by Mrs. Masterton of Cape Elizabeth)

(Ordered Printed)

Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act to Make Allocations from the Maine Coastal Protection Fund for the Fiscal Years Ending June 30, 1982 and June 30, 1983" (Emergency) (H. P. 345) (Presented by Mrs. Chonko of Topsham) (Cosponsors: Mrs. Post of Owl's Head and Mr. Smith of Mars Hill) (Submitted by the Department of Finance and Administration pursuant to Joint Rule 24)

Committee on Energy and Natural Resources was suggested.

On motion of Mr. Pearson of Old Town, the Bill was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

Agriculture

Bill "An Act to Establish a Bounty on Coyote" (H. P. 346) (Presented by Mr. Carroll of Limerick) (Cosponsor: Mr. McGowan of Pittsfield)

Committee on Fisheries and Wildlife was suggested.

On motion of Mr. MacEachern of Lincoln, the Bill was referred to the Committee on Agriculture, ordered printed and sent up for concurrence.

Health and Institutional Services

Bill "An Act Creating the Maine Clean Indoor Air Act" (H. P. 347) (Presented by Mr. Dexter of Kingfield) (Cosponsors: Mr. Smith of Island Falls, Senator Trafton of Androscoggin and Senator Clark of Cumberland)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Increase the Mileage Reimbursement Payment of Jurors" (H. P. 348) (Presented by Mr. Drinkwater of Belfast) (Cosponsors: Mr. O'Rourke of Camden, Mr. Reeves of Newport, and Mrs. Cahill of Woolwich)

Bill "An Act Removing the Authority of Justices to Retain Certain Publications as their Own" (H. P. 349) (Presented by Mr. Carrier of Westbrook)

Bill "An Act to Increase the Per Diem Pay for Services Rendered by Active Retired Judges" (H. P. 350) (Presented by Mr. Livesay of Brunswick) (Cosponsors: Mr. O'Rourke of Camden and Mr. Hobbins of Saco)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Amend the Law Regulating Concealed Weapons" (H. P. 351) (Presented by Mrs. Kany of Waterville) (Cosponsors: Mr. Swazey of Bucksport, Mr. Dexter of Kingfield and Mr. Jacques of Waterville)

Committee on Judiciary was suggested.

(On motion of Mr. Hobbins of Saco, the Bill was referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.)

Judiciary cont'd.

Bill "An Act to Phase out County Payments for the Support of the Judiciary" (H. P. 352) (Presented by Mr. Gillis of Calais)

Bill "An Act to Allow Wardens to Take a Cash Bond from any Nonresident or Alien Found in Violation of the Fish and Wildlife Laws" (H. P. 353) (Presented by Mr. Peterson of Caribou) (Cosponsors: Mr. Gillis of Calais, Mr. Clark of Millinocket, and Mr. Smith of Island Falls)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act Relating to Unemployment Compensation Benefits for Persons Receiving a Pension or Retirement Pay" (Emergency) (H. P. 354) (Presented by Mr. Tuttle of Sanford) (Cosponsors: Mr. Vose of Eastport, Mr. LaPlante of Sabattus and Mr. Paradis of Old Town) (Submitted by the Department of Manpower Affairs pursuant to Joint Rule 24)

Bill "An Act to Amend the Employment Security Law Relating to Payment of Extended Benefits of Interstate Claimants" (Emergency) (H. P. 355) (Presented by Mr. Tuttle of Sanford) (Cosponsors: Mrs. Foster of Ellsworth) (Presented by the Department of Manpower Affairs pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Local and County Government

Bill "An Act to Provide for Direct Payment of Municipalities of Fines Collected under Certain Laws Relating to Animals" (H. P. 356) (Presented by Mr. O'Rourke of Camden)

(Ordered Printed)

Sent up for concurrence.

State Government

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide Counties, which have Adopted a Charter, with Home Rule Authority Regarding the Office of Sheriff" (H. P. 357) (Presented by Mrs. Masterton of Cape Elizabeth)

(Ordered Printed)

Sent up for concurrence.

Special Sentiment Calendar

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

Recognizing:

Patricia Fortin of Wales, daughter of Mr. & Mrs. Roger Fortin, selected as Maine Dairy Princess; (H. P. 359) by Mr. Brown of Livermore Falls. (Cosponsor: Senator Minkowsky of Androscoggin)

In Memory of:

Commissioner J. Edward Marks, a highly respected officer of the Maine State Police and longest-term member with 50 years of service; and (H. P. 358) by Mr. MacEachern of Lincoln. (Cosponsors: Mr. Reeves of Newport, Mr. Drinkwater of Belfast and Mr. Joyce of Portland) (Later Reconsidered)

Lorin "Doc" Arnold, Dean of Maine's political writers (H. P. 299) by Mr. Kilcoyne of Gardiner. (Cosponsors: Mr. Kelleher of Bangor, Mr. Hickey of Augusta, and Mr. Davis of Monmouth) (Later Reconsidered)

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

Orders of the Day

On motion of Mrs. Mitchell of Vassalboro, the House reconsidered its action of earlier in the day whereby Resolution in Memory of Commissioner J. Edward Marks, House Paper 358, was passed.

The Resolution was read.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: Eddie Marks—he covered a beat without boundaries, truly a man for all seasons, dean of the Maine State Police, senior trooper.

To rise here within these hallowed halls and utter the praises of Major Eddie, the trooper, would be utterly an empty tribute. He no doubt gave the Maine State Police their 40 hours, but each week he gave a second 40 hours and more. All law enforcement agencies in this state could rightfully claim Eddie Marks as a part of their department.

In the days of the standard typewriters, he was a walking computer for law enforcement.

It is so easy to recall this centurion, who usually, between the hours of two and four in the morning, would walk into the Portland police headquarters and I would take him on a tour of the city. Conversation would center on his concern about a car that they parked near a business establishment at 3:10 a.m. near Caribou on the previous Friday. Eddie would already have learned that the car was registered to a not so popular Portland resident. He would complete this investigation and move on. Yes, Major Marks belonged to us all.

I feel that no greater tribute can be given to this man than to say "he was a good cop." And on that long ago day, back in 1925, when was heard, "I, Eddie Marks, do swear that I will faithfully discharge to the best of my abilities, the duties encumbered on me as a Maine state trooper according to the Constitution and the laws of this state so help me God."

Today, let us pause only to say: "Thanks, Major Eddie, for a job well done."

The SPEAKER: The Chair recognizes the gentleman from Warren, Mr. Jordan.

Mr. JORDAN: Mr. Speaker, Ladies and Gentlemen of the House: I thank the gentleman who prepared and presented this very fitting remembrance in honor of Ed Marks. I vividly remember when I was running for this seat that I met Ed Marks at his home in Thomaston. He graciously invited me and was most friendly and encouraging. I join with so many others to express my sense of loss at his passing.

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

On motion of Mrs. Mitchell of Vassalboro, the House reconsidered its action of earlier in the day whereby Resolution in Memory of Lorin "Doc" Arnold, House Paper 299, was passed.

The Resolution was Read.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Kilcoyne.

Mr. KILCOYNE: Mr. Speaker, Ladies and Gentlemen of the House: Doc Arnold was a perfect gentleman with a reputation for integrity and strict professionalism. Doc Arnold, Dean of Maine's political writers and founding member and president of the State House Newsmen's Association, has written the final 30 to an excellent journalistic career.

On motion of Mr. Rolde of York, al page of the New York Herald Tribune, who told some 700 people who had gathered for a testimonial honoring Doc a few years ago, and I quote—"Doc learned from examples of the past and has set new examples for others to follow. He thus has met the standards by which greatness in any profession can be measured."

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

The following item was taken up out of order by unanimous consent.

The Following Joint Order: (S. P. 148)

ORDERED, the House concurring, that when the House and Senate adjourn, the House adjourns to Monday, January 26, 1981, at four o'clock in the afternoon.

Came from the Senate read and passed.

In the House: Was read and passed in concurrence.

The following paper was taken up out of order by unanimous consent.

Special Sentiment Calendar

In accordance with House Rule 56, the following item (Expression of Legislative Sentiment):

Recognizing:

Officer Chris Johansen, of the Millinocket Police Department, who risked his life on December 12, 1980 to save a mother and child from a burning building; (S. P. 163) (Sponsored by Senator Pray of Penobscot; Cosponsored by the gentleman from Millinocket, Mr. Clark and the gentleman from East Millinocket, Mr. Michaud)

There being no objection, this item was considered passed.

(Off Record Remarks)

The SPEAKER: The Chair will appoint the gentleman from Fairfield, Mr. Gwadosky, to act as Speaker pro tem on Monday, January 26.

On motion of Mr. Rolde of York...

Adjourned until Monday, January 26, at ten o'clock in the morning.