

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 26, 1981

The House met according to adjournment and was called to order by the Speaker pro tem, Representative Gwadosky of Fairfield.

Prayer by the Reverend Lee Welkley of the Blessed Hope Advent Church, Waterville.

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

The journal of the previous session was read and approved.

Papers from the Senate

Bill "An Act to Regulate Interest Rates on Life Insurance Policy Loans" (S. P. 153) (L. D. 361)

Bill "An Act to Amend the Group and Blanket Health Insurance Law" (S. P. 154) (L. D. 362)

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

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

Bill "An Act to Clarify Certain Provisions of the Municipal Election Laws" (S. P. 150) (L. D. 358)

Bill "An Act to Prohibit Voter Registration on Election Day and the 7 Business Days next Prior to Election Day" (S. P. 155) (L. D. 363)

Bill "An Act Pertaining to Election Officials" (S. P. 156) (L. D. 364)

Bill "An Act Pertaining to Ballot Inspections and Recounts in Municipal Elections" (S. P. 157) (L. D. 365)

Bill "An Act to Allow Persons 60 Years of Age or Over to Vote by Absentee Ballot" (S. P. 159) (L. D. 367)

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

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

Bill "An Act to Establish a Remedy for Illegal Evictions" (S. P. 152) (L. D. 360)

Bill "An Act to Provide one Additional Judgeship for the District Court" (S. P. 158) (L. D. 366)

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 Increase the Exemption for Agricultural Employees under the Workers' Compensation Law" (S. P. 160) (L. D. 368)

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

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

Bill "An Act Pertaining to the Retention of Records for Closing-out Sales" (S. P. 151) (L. D. 359)

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 Exempt Family Burying Grounds from Property Tax" (S. P. 149) (L. D. 357)

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

In the House, was referred to the Committee on Taxation 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:

Aging, Retirement and Veterans

Bill "An Act to Remove Restrictions Pre-

venting Retired Teachers Elected to the Legislature from Receiving Certain Benefits" (H. P. 368) (Presented by Mr. Stevenson of Unity) (Cosponsor: Mr. Pearson of Old Town)

Bill "An Act to Give the Maine Association of Retirees Proper Representation on the Board of Trustees for the Maine State Retirement System" (H. P. 369) (Presented by Mr. Hickey of Augusta)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act to Provide for Reciprocity with other States under the Cosmetology Statutes" (H. P. 370) (Presented by Mr. Paradis of Augusta)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act to Amend the Municipal Securities Approval Act" (H. P. 371) (Presented by Mr. Paradis of Augusta) (Cosponsors: Mr. Manning of Portland and Mr. Dillenback of Cumberland) (Submitted by the State Development Office pursuant to Joint Rule 24)

Committee on Business Legislation was suggested.

On motion of Mr. Brannigan of Portland, the Bill was referred to the Committee on State Government, ordered printed and sent up for concurrence.

Business Legislation cont'd.

Bill "An Act to Amend the Unfair Trade Practice Laws" (H. P. 372) (Presented by Mr. Brannigan of Portland)

(Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act to Revise the Law Concerning Absentee Voting" (H. P. 373) (Presented by Mrs. Kany of Waterville) (Cosponsors: Mrs. Berube of Lewiston, Mrs. Reeves of Pittston and Senator Pierce of Kennebec)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act to Permit Hunting of Wild Game upon Certain Lands on Sunday" (H. P. 374) (Presented by Mr. Paul of Sanford) (Cosponsor: Mr. Connors of Franklin)

Bill "An Act to Require the Use of Hunter Orange Clothing while Hunting" (H. P. 375) (Presented by Mr. Gillis of Calais)

Bill "An Act Relating to the Use of Snare Traps" (H. P. 376) (Presented by Mr. Paul of Sanford) (Cosponsor: Mr. Masterman of Milo)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act Relating to Forcible Entry and Detainer Hearings" (H. P. 377) (Presented by Ms. Lund of Augusta) Bill "An Act to Amend the Conditions under Which a Tenant May File a Complaint Concerning the Habitability of a Dwelling Unit" (H. P. 378) (Presented by Ms. Lund of Augusta)

Bill "An Act Creating Specific Penalties for Theft of Gasoline" (H. P. 379) (Presented by Mr. Carroll of Limerick)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act Concerning Arbitration Involving Municipal Fire and Police Departments and University of Maine Police" (H. P. 380) (Presented by Mr. Tuttle of Sanford)

Bill "An Act to Reduce Multiple Injury Litigation before the Workers' Compensation Commission" (H. P. 381) (Presented by Mrs. Beaulieu of Portland)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Further Competition with New Hampshire in the Liquor Trade" (H. P. 382) (Presented by Mr. Rolde of York)

(Ordered Printed)

Sent up for concurrence.

Local and County Government

Bill "An Act to Enable Municipal Governments to Set Speed Limits within Their own Jurisdictions" (H. P. 383) (Presented by Ms. Small of Bath) (Cosponsor: Mr. Stover of West Bath)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act to Amend the Kittery Water District Incorporation Act to Provide Reasonable Compensation for the Trustees of the District and to Authorize the Trustees to Join the Maine State Retirement System" (H. P. 384) (Presented by Mr. Rolde of York) (Cosponsor: Mr. Lancaster of Kittery)

Bill "An Act to Increase the Surplus Account of the Kennebec Sanitary Treatment District" (H. P. 385) (Presented by Mr. Hunter of Benton) (Cosponsors: Mrs. Kany of Waterville, Mr. Gwadosky of Fairfield, and Mr. Jacques of Waterville)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act to Make the Treasurer of State an Ex-officio Member of the State Liquor Commission" (H. P. 386) (Presented by Mr. Rolde of York)

Bill "An Act to Clarify Lobbyist Disclosure Procedures" (H. P. 387) (Presented by Mr. Diamond of Bangor)

Bill "An Act to Create a Legislators Turnpike Pass" (H. P. 388) (Presented by Mr. Paul of Sanford)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Provide a Trade-in Credit for the Sales Tax on Camper Trailers and Camper Bodies" (H. P. 389) (Presented by Mr. Leighton of Harrison)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act to Authorize the Use of Flashing Lights by Passenger Buses" (Emergency) (H. P. 390) (Presented by Mr. Paul of Sanford)

Bill "An Act to Require Headlights to be Used on Vehicles at Certain Times" (H. P. 391) (Presented by Mr. Rolde of York)

(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 for the week of January 26th for personal reasons.

Special Sentiment Calendar

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

Recognizing:

J. Woodrow Vallye, who has retired as York County Register of Probate after 24 years of service; (S. P. 162)

Maurice and Eileen Sharpe of Cape Elizabeth on the occasion of their 50th wedding anniversary, January 10, 1981; (S. P. 161)

Vera Chadbourne of Sanford, who celebrated her 90th birthday on January 18, 1981; (H. P. 362) by Mr. Tuttle of Sanford. (Cosponsors:

Mr. Paul of Sanford, Mr. Ridley of Shapleigh and Senator Wood of York)

There being no objections, these items were considered passed.

Mr. Davis of Monmouth presented the following Joint Order and moved its passage:

Wellington Higgins of Winthrop, who will celebrate his 107th birthday on January 25, 1981; (H. P. 363) by Mr. Davis of Monmouth. (Cosponsor: Senator Ault of Kennebec)

The Order was read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Monmouth, Mr. Davis.

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: It isn't every day we see a birthday reading 107 on our calendar. Mr. Higgins celebrated his 107th birthday yesterday with his son and son's family, along with many friends in Winthrop.

This morning, at 6:00 a.m., I called Willard Scott of NBC news, who was kind enough to give Mr. Higgins national recognition on the Today show. He attributed Mr. Higgins' longevity to a daily diet of a gallon of cider and one lobster.

Thereupon, the Order received passage and was sent up for concurrence.

Timothy Witham, member of Boy Scout Troop 130, upon attaining the high rank of Eagle Scout; (H. P. 364) by Miss Bell of Paris. (Cosponsor: Senator Sutton of Oxford) John Morton, member of Boy Scout Troop 130, upon attaining the high rank of Eagle Scout; (H. P. 365) by Miss Bell of Paris. (Cosponsor: Senator Sutton of Oxford)

Joel Barker, member of Boy Scout Troop 130, upon attaining the high rank of Eagle Scout; (H. P. 366) by Miss Bell of Paris. (Cosponsor: Senator Sutton of Oxford)

In Memory Of:

Harvard W. Blaisdell, Esq., of Ellsworth, a prominent citizen of that community; (H. P. 361) by Mrs. Foster of Ellsworth.

Dr. Francis L. Bailey of Gorham, well-known educator and former President of Gorham State Teacher's College; (H. P. 367) by Ms. Brown of Gorham.

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

House Reports of Committees Ought Not to Pass

Mr. Brannigan from the Committee on Business Legislation on Bill "An Act to Require that Barber Shops Post Their Prices" (H. P. 53) (L. D. 67) reporting "Ought Not to Pass"

Mr. MacEachern from the Committee on Fisheries and Wildlife on Bill "An Act Concerning Fishing by Persons Confined to Wheelchairs" (H. P. 60) (L. D. 72) reporting "Ought Not to Pass"

Were placed in the Legislative Files without further action pursuant to Joint Rule 22, and sent up for concurrence.

Leave to Withdraw

Mr. Carroll from the Committee on Transportation on Bill "An Act to Create a Point System for Violation-free Drivers Under the Motor Vehicle Laws" (H. P. 46) (L. D. 52) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

Ought to Pass in New Draft

Mr. Gwadosky from the Committee on Business Legislation on Bill "An Act Relating to Permits and Inspection for Electrical Installation in Commercial Buildings under the Electrician Law" (H. P. 13) (L. D. 7) reporting "Ought to Pass" in New Draft (H. P. 392) (L. D. 378)

Report was read and accepted, the New Draft read once and assigned for second reading tomorrow.

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

Reports of Committees Divided Report Tabled and Assigned

Majority Report of the Committee on Health and Institutional Services reporting "Ought to Pass" on Bill "An Act Redesignating the Bureau of Resource Development as the Bureau of Social Services, and the Bureau of Social Welfare as the Bureau of Income Maintenance" (H. P. 64) (L. D. 95)

Report was signed by the following members:

Mrs. GILL of Cumberland
Ms. BUSTIN of Kennebec
Mr. HICHENS of York

— of the Senate.

Mrs. PRESCOTT of Hampden
Mr. BRODEUR of Auburn
Mrs. HOLLOWAY of Edgecomb

Messrs. BOYCE of Auburn
RICHARD of Madison
Mrs. MACBRIDE of Presque Isle

Mrs. KETOVER of Portland
Messrs. MANNING of Portland
RANDALL of East Machias

— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following member:
Mr. MCCOLLISTER of Canton

— of the House.

Reports were read.

On motion of Mr. Diamond of Windham, tabled pending acceptance of either report and tomorrow assigned.

The following items appearing on Supplement No. 2 were taken up out of order by unanimous consent:

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 Authorize the Merger of the Kennebunk, Kennebunkport and Wells Water District Pension Trust with the Maine State Retirement System" (H. P. 393) (Presented by Mr. Murphy of Kennebunk) (Cosponsors: Mr. Hanson of Kennebunkport, Mrs. Wentworth of Wells and Senator Dutremble of York)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act to Amend the Maine Consumer Credit Code" (H. P. 394) (Presented by Mr. Perkins of Brookville) (Cosponsor: Senator Conley of Cumberland)

(Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act to Change the Date of the Primary Election to the First Thursday after Labor Day" (H. P. 395) (Presented by Mr. Kelleher of Bangor)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act Relating to the Issuance of Motorboat Racing Permits" (H. P. 396) (Presented by Mrs. Huber of Falmouth)

Bill "An Act to Provide that Certain Licenses Issued by the Department of Inland Fisheries and Wildlife be Issued on the Basis of Fiscal Year" (H. P. 397) (Presented by Mrs. Damren of Belgrade)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Establish Statutory Definitions of Entrapment Under the Criminal Code" (H. P. 398) (Presented by Mrs. Kany of Waterville) (Cosponsors: Senator Conley of Cumberland and Senator Najarian of Cumberland)

Bill "An Act to Establish Manslaughter as a Class A Offense under the Criminal Code" (H. P. 399) (Presented by Mr. Paradis of Augusta) (Cosponsors: Mr. Jacques of Waterville and Mr. Gwadosky of Fairfield)

Bill "An Act to Permit Rental Payments by Tender of General Assistance Vouchers" (H. P. 400) (Presented by Mrs. MacBride of Presque Isle) (Cosponsors: Mrs. Berube of Lewiston, Mr. Cunningham of New Gloucester and Mr. Connolly of Portland)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act to Increase Job Security for Employees Elected to the Legislature, Excluding Employees Covered under Provisions Dealing with Teachers" (H. P. 401) (Presented by Mr. Tuttle of Sanford) (Cosponsors: Mr. Murphy of Kennebunk, Mr. Pearson of Old Town and Senator Carpenter of Aroostook)

Committee on State Government was suggested.

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

State Government

Bill "An Act to Increase the Membership on the Commission on Uniform State Laws" (H. P. 402) (Presented by Mr. Kelleher of Bangor)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Include Industrial and Medical Gas Installations as Personal Property Employed in Trade under Exceptions for Purposes of Personal Property Taxes" (H. P. 403) (Presented by Mrs. MacBride of Presque Isle) (Cosponsor: Mr. Peterson of Caribou)

Bill "An Act to Provide for a Graduated Exemption from Sales Tax on Sale of Gasohol and to Encourage State use of Gasohol" (H. P. 404) (Presented by Mrs. MacBride of Presque Isle) (Cosponsors: Mr. Higgins of Scarborough, Senator Perkins of Hancock and Senator Wood of York)

(Ordered Printed)

Sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Richard of Madison, Adjourned until ten o'clock in the morning.