

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 28, 1981

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

Prayer by Reverend Robert Butler of the Episcopal Church in Houlton.

The journal of yesterday was read and approved.

Papers from the Senate

Bill "An Act Prohibiting Businesses from Raffling or Giving Away Live Animals, Fowl or Reptiles as a Fund-raising Device." (S. P. 171) (L. D. 421)

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

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

Bill "An Act to Amend the Professional Service Corporation Act." (S. P. 164) (L. D. 418)

Bill, "An Act to Amend the Maine Consumer Credit Code." (S. P. 172) (L. D. 422)

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 Require the Inspection of Hospital Pharmacies Prior to Licensure." (S. P. 165) (L. D. 419)

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.

RESOLVE, Authorizing James J. McCaffery to Bring Civil Action Against the State of Maine. (S. P. 166) (L. D. 420)

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.

Petitions, Bills and Resolves**Requiring Reference**

The following Bills, Resolve and Resolution 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 Concerning Appointed Chief Administrative Officers of Local Districts under the Maine State Retirement Laws." (H. P. 418) (Presented by Mr. Livesay of Brunswick) (Cosponsor: Mrs. Nelson of Portland)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act to Amend the Professional Service Corporation Act." (H. P. 419) (Presented by Mrs. Nelson of Portland) (Cosponsor: Mr. Hobbins of Saco)

(Ordered Printed)

Sent up for concurrence.

Later Today Assigned

Bill "An Act to Require Prior Notice and Option to Purchase to Tenants of Buildings Being Converted into Condominiums." (H. P. 420) (Presented by Mr. Brenerman of Portland) (Cosponsors: Mr. Macomber of South Portland, Senator Kerry of York and Senator Gill of Cumberland)

Bill "An Act Providing for Equitable Treatment of Security Deposits." (H. P. 421) (Presented by Mr. Brenerman of Portland) (Cosponsors: Mr. Davies of Orono and Senator Najarian of Cumberland)

Committee on Business Legislation was suggested.

On Motion of Mr. Brannigan of Portland, tabled pending reference and later today assigned.

Business Legislation, Cont'd

Bill "An Act to Prohibit the Charging of Users Fees when a Person Purchases a Mobile Home Already Located in a Mobile Home Park." (H. P. 422) (Presented by Mr. Diamond of Windham)

(Ordered Printed)

Sent up for concurrence.

Later Today Assigned

Bill, "An Act to Require a Record of Sales to be Kept by Dealers in Used Merchandise." (H. P. 423) (Presented by Mr. Paradis of Augusta) (Cosponsor: Mr. Pearson of Old Town)

Bill "An Act to Exempt Auctioneers from Certain Tax and Bonding Requirements when Provided by an Employer." (H. P. 424) (Presented by Mrs. Nelson of Portland)

Committee on Business Legislation was suggested.

On Motion of Mr. Brannigan of Portland, tabled pending reference and later today assigned.

Energy and Natural Resources

Bill "An Act to Require the Office of Energy Resources to Make an Analysis of Sources of Fuel for the Replacement of Maine's Power Entitlement from the Maine Yankee Nuclear Power Plant." (H. P. 425) (Presented by Mr. Hall of Sangerville) (Cosponsor: Mrs. Huber of Falmouth)

Bill "An Act Amending the Certification of Ionizing Radiation Equipment." (H. P. 426) (Presented by Mrs. Huber of Falmouth)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Amend the Maine Tort Claims Act to Remove Restrictions on Governmental Liability for Negligent Acts which Result in the Discharge of Certain Toxic Substances." (H. P. 427) (Presented by Mr. Davies of Orono)

Bill "An Act to Improve the Administration of Decedent's Estates." (H. P. 428) (Presented by Mrs. Mitchell of Vassalboro) (Cosponsors: Mr. Richard of Madison, Ms. Benoit of South Portland and Mr. Hayden of Durham)

Bill "An Act to Allow Registers of Probate to Aid Persons Using Probate Courts." (H. P. 429) (Presented by Mrs. Mitchell of Vassalboro) (Cosponsors: Mr. Richard of Madison, Ms. Benoit of South Portland and Mr. Hayden of Durham)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act to Increase the Minimum Base Salary for Executive, Administrative or Professional Employees." (H. P. 430) (Presented by Mr. Baker of Portland)

Bill "An Act to Clarify the Misconduct Provision of the Employment Security Law." (H. P. 431) (Presented by Mrs. Beaulieu of Portland)

Bill "An Act to Provide for Enforcement Inspections under the Minimum Wage Rate on Construction Projects Law." (H. P. 432) (Presented by Mr. Mitchell of Freeport)

(Ordered Printed)

Sent up for concurrence.

Local and County Government

Bill "An Act Concerning the Posting of the Agenda for Meetings of County Commissioners." (H. P. 433) (Presented by Mrs. Wentworth of Wells) (Cosponsors: Mr. Lancaster of Kittery, Mr. Tuttle of Sanford and Senator Wood of York)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act to Amend the Contingency Reserve Funds for Municipal Water Districts." (H. P. 434) (Presented by Mr. Brown of Liver-

more Falls).

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act to Discourage State Purchasing from Participants in International Boycotts." (H. P. 435) (Presented by Mr. Brenerman of Portland) (Cosponsors: Mrs. Nelson of Portland and Senator Wood of York)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Abolish the Office of Secretary of State and to Create the Office of Lieutenant Governor." (H. P. 436) (Presented by Mr. McGowan of Pittsfield) (Cosponsors: Mr. Kane of South Portland, Mr. Nadeau of Lewiston and Mr. Mitchell of Freeport)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Amend the Sales Tax Refund Law on Depreciable Machinery and Equipment Used in Farming and Fishing." (H. P. 437) (Presented by Mrs. Post of Owl's Head)

Bill "An Act to Provide an Income Tax Credit for Oil and Gas Furnace Automatic Vent Dampers." (H. P. 438) (Presented by Mr. McHenry of Madawaska)

Bill "An Act to Provide a Trade-in Credit under the Sales and Use Tax for Camp Trailers." (H. P. 439) (Presented by Mr. Diamond of Windham)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act to Change the Motor Vehicle Laws to Allow Operators to Redistribute their Axle Weight Limits while Traversing Maine's Enterstate Systems." (H. P. 440) (Presented by Mr. Dexter of Kingfield)

Bill "An Act Concerning Registration of Motorcycles which are Returned to the Seller because of Defect." (H. P. 441) (Presented by Mr. Diamond of Windham)

(Ordered Printed)

Sent up for concurrence.

Special Sentiment Calendar

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

Recognizing:

The Town of Acton on the celebration of its sesquicentennial (1830-1980); (S. P. 176)

Sid Snow of Brooksville, who recently celebrated the 90th anniversary of his birth; (S. P. 177)

Miss Colleen E. Duplissie of Van Buren, who has been selected as Maine's Junior Miss for 1981; (H. P. 415) by Mrs. Martin of Van Buren. (Cosponsors: Mr. Theriault of Fort Kent, Mr. McHenry of Madawaska and Senator Violette of Aroostook)

Robert L. Dow of Vassalboro, upon his retirement of 43 years of state service in the field of Marine Science and Fisheries Management; (H. P. 416) by Mr. Fowlie of Rockland. (Cosponsors: Mr. Jackson of Yarmouth, Mrs. Post of Owl's Head and Senator Shute of Waldo)

Donald D. McIntosh of Farmingdale, upon his retirement after 20 years of dedicated state service in the Department of Marine Resource; (H. P. 417) by Mr. Fowlie of Rockland) (Cosponsors: Mr. Jackson of Yarmouth, Mrs. Post of Owl's Head and Senator Shute of Waldo)

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

In Memory of:

the Honorable Augusta K. Christie of Presque Isle, member of the 96th through 101st Maine Legislatures; (H. P. 442) (by Mrs. MacBride of Presque Isle. (Cosponsors: Mr. Smith of Mars Hill, Mr. Lisnik of Presque Isle and Senator McBreairey of Aroostook)

The Resolution was read.

The SPEAKER: The Chair recognizes the gentlewoman from Presque Isle, Mrs. MacBride.

Mrs. MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: The late Augusta K. Christie of Presque served 12 years in the Maine State Legislature, four terms in the House and two terms in the Senate. She was a champion of the Women's Christian Temperance Union effort in Maine, an opponent of disarmament and a strong supporter of vocational education. A building at Northern Maine Vocational Technical Institute has been named Augusta K. Christie and she was given a Presque Isle community service award for outstanding public service.

Mrs. Christie was a strong, outspoken legislator. Many did not agree with her but her fairness, her strong convictions and her diligent work won her the respect of her fellow legislators, her fellow men and won her a place in legislative history.

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

House Reports of Committee Ought Not to Pass

Mr. Kilcoyne from the Committee on Taxation on Bill "An Act to Remove the Sales Tax from Residential Electricity" (H. P. 152) (L. D. 176) reporting "Ought Not to Pass"

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

Leave to withdraw

Mrs. Ingraham from the Committee on Taxation on Bill "An Act to Exempt Certain Supplies and Equipment Used in Aquaculture from the Sales Tax" (H. P. 116) (L. D. 148) reporting "Leave to Withdraw"

Mr. Brodeur from the Committee on Health and Institutional Services on Bill "An Act Relating to Conflict of Interest under the Medicaid Program" (H. P. 65) (L. D. 116) reporting "Leave to Withdraw"

Mr. MacEachern from the Committee on Fisheries and Wildlife on Bill "An Act to Set the Length Limit on Salmon in East Grand Lake at 16 Inches." (H. P. 104) (L. D. 138) Reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Consent Calendar First Day

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

(S. P. 24) (L. D. 21) Bill "An Act to Revise the Land Surveyor Laws" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-2)

(S. P. 22) (L. D. 20) Bill "An Act Providing for the Maine State Housing Authority Financing of Intermediate Care Facility Group Homes for the Retarded and Persons with Retarded Conditions" Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-3)

(H. P. 20) (L. D. 13) Bill "An Act to Amend the Operation Provisions of the Maine State Museum to Permit the Award of Stipend Support for Students Engaged in Nongeneral Fund Support Archaeological and Conservation Projects" Committee on State Government reporting "Ought to Pass"

(H. P. 59) (L. D. 103) Bill "An Act to Change the Name of Roadside Menagerie to Wildlife Exhibit Under the Inland Fisheries and Wildlife Laws" Committee on Fisheries and Wildlife reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of January 29, under listing of Second Day.

Consent Calendar Second Day

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

(H. P. 66) (L. D. 96) Bill "An Act to Amend the Motor Vehicle Statutes to Allow the Secretary of State to Enter into the Nonresident Violator Compact" (Emergency)

No objections having been noted at the end of the second Legislative Day, the House Paper was passed to be engrossed and sent up for concurrence.

Second Reader Later Today Assigned

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)

Was reported by the Committee on Bills in the Second Reading and read a second time.

Mr. McCollister of Canton offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-2) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Canton, Mr. McCollister.

Mr. McCOLLISTER: Mr. Speaker, Members of the House: The amendment that I am proposing changes the bill of Resource Development to the Bureau of Social Services. This describes the objectives and responsibilities better of this bureau but the amendment pertains to the state's integrity in the Bureau of Social Welfare remaining the Bureau of Social Welfare.

I will not go over the same arguments of yesterday but I do wish to rebut the attempt to cloud the issue.

I said the bureau was going to ask to spend \$81 million on welfare, I was wrong — the amount is \$81,722,140. This can be verified on pages 336 through 346 in volume 2 of your budget document. If we are to disperse \$81 million for welfare, let the people know the generosity of Maine's working men and women and their willingness to share with the less fortunate fellow citizens, the fruits of their labors. Vote yes on the amendment before you and retain the bureau of social welfare.

The SPEAKER: The Chair recognizes the gentlewoman from Hampden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: As the Chairman of the committee, we would have to oppose this amendment because the committee discussed changing one name and not the other and the committee rejected that idea. The major program units of this bureau are the income maintenance programs. The federal government requires that the bureau be called the Income Maintenance Program, so if you take a look at your Maine Annual Report and you look on Page 382, you will see the Bureau of Social Welfare discussed and under the purpose it says that the primary responsibility of the Bureau of Social Welfare are to administer state income maintenance programs as required by federal regulations.

If you look at the bureau's programs, you will see the reasons that the name is being changed. We are dealing in this bureau with Medicaid eligibility, with SSI, with the WIN program, which is the work incentive program — this program was designed to reduce the dependence on welfare programs. We have a child support enforcement program in this bureau and last year, this child support program, increased the child support collections by nearly 20 percent. This bureau also administers catastrophic illness programs. It revised in the last year, the principles of reimbursement under the boarding home collection program. It operates a major computer program called the MMIS system, which is the Management Information System, which is simply a billing system which reimburses providers. These are all income maintenance programs and I see no

reason why we do not call the bureau, the Bureau of Income Maintenance and I would move the indefinite postponement of this amendment.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning to commend the gentleman from Canton, Mr. McCollister for bringing this very pertinent issue to our attention. He was, as I am sure you all know, the single signer of the "ought not to pass" report — that takes a lot of courage, I think. It takes a lot of courage for a freshman in particular to stand alone in committee where pressure is obviously very great to ride with the majority. I think the comments that he made are apropos to the point and certainly relative to what we are talking about and relative to what the masses of the people in this country are talking about.

It was sparked to my attention yesterday when he mentioned the area of income maintenance — this was a term that we did hear several years ago — it is a term that scared many of us nearly out of our wits. Probably my seatmate is perhaps correct in that we are maintaining income now — unfortunately, I think that is an unfortunate thing that has happened in our society but it is probably true. But I don't think that we have to encourage it by renaming this bureau or adding to the bureau the name Income Maintenance, I don't think we have to go quite that far.

I would certainly oppose the indefinite postponement motion and I would hope that we could postpone or defeat the gentlelady's motion and go on to approve the amendment before us.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Brodeur.

Mr. BRODEUR: Mr. Speaker, Members of the House: I think the gentlelady from Hampden has expressed some of the reasons why we should change the Bureau of Social Welfare to the Bureau of Income Maintenance. The amendment would create now two bureaus, the Bureau of Social Services and the Bureau of Social Welfare.

I would like to speak a little bit to what the Bureau of Social Welfare used to do. They used to have two divisions, one of public assistance, one of child welfare services. In the Division of Public Assistance was Old Age Assistance, which is now in the Bureau of Maine's Elderly; Aid to the Blind and Aid to the Disabled, which is now in the Bureau of Rehabilitative Services and aid to families with dependent children. The Social Services were provided primarily so the Division of Child Welfare, which was to address the population of children in the custody of the state. What is now is that some programs people are targeting as welfare programs and very frustrated about, very angry, especially and almost consistently towards abuse of these programs and I share that anger and frustration when people abuse these programs. I don't think we address those angers or our frustrations by attacking a bill, I don't think the integrity of the department is put down when we try to change the name to the Bureau of Income Maintenance. I think it is very clear that income maintenance is a solution to the problem of people in need so the AFDC program will continue to be named the AFDC program and this bill does not change that.

The food stamp program will continue to be the food stamp program and this bill doesn't change that either. The general assistance program will continue to be the general assistance program and this bill doesn't change that. I don't see how the integrity of this department or what we are doing here will be changed by changing the Bureau of Social Welfare to the Bureau of Income Maintenance.

I would like to point out that the problem of welfare is one beyond that of giving people assistance and I think the Bureau of Social Wel-

fare to be named hopefully, the Bureau of Income Maintenance, addresses that issue. The problem, for instance, of the AFDC question is a problem of spouses leaving their wives in most cases and not leaving them with child support payments, which the court has ordered — the Support Enforcement and Location Unit enforces those court provisions by trying to find out absent spouses to make sure that they are following up on their court payments for child support.

Another program is the WIN program — a work incentive program — and this again is an income maintenance program, not a social welfare program. This is a program designed to get people off welfare, to make sure that they are able to find work working with the Department of Manpower Affairs, to make sure that working with the Department of Manpower Affairs again, they get training for skills for jobs to help arrange transportation to work, to help arrange child care for those people who do want to work.

Other problems that I think were arguments that I have heard in the halls, not before this House, is that this will cost some money. That question was addressed in the public hearing when I asked if it would cost money to change over the stationery and I called up about five minutes before the House went into session this morning and asked again if it would cost any money and the director of the Bureau of Social Welfare said that simply is not true. The stationery will be used until it is all used up; in fact, most of the stationery in the department or the Bureau of Social Welfare says: The Department of Human Services and not Bureau of Social Welfare so there is no costs that will be made for this bill.

I hope you will vote yes and indefinitely postpone this amendment.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, Members of the House: I would like to support the amendment. I come from an area in the state where most people that I represent or a good part of them work for a living and they would strongly say that this is not in the best interest of the working people of Maine and they see nothing wrong with the title we have now. It has worked nicely down through the years and I see no need of changing something just for the sake of a change. I think the same people that would change it in this manner would also change to the Department of Recreation, because where I come from, most of these people work seven days a week down in the paper mill and the people from this other department we are now trying to change the name, don't work at all — they have skidoos, go skiing and skating, hunting in the Fall and fishing in the Spring while these other poor people that I represent, or try to here, are working hard to try to pay these bills. So, I suspect if they amend it in this term of the legislature to what they are trying to do today, I wouldn't be a bit surprised in the next legislature, they would try to make it the Department of Pleasure or something in that area, so I do hope that the House, in their good judgment and good sense, will leave it as it is and do that, you would vote in favor of the amendment.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the gentlewoman from Hampden, Mrs. Prescott, that House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

55 having voted in the affirmative and 79 in the negative, the motion did not prevail.

Mr. Kelleher of Bangor requested a roll call.

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

A vote of the House was taken and, obviously,

more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

On motion of Mr. Kelleher of Bangor, tabled pending adoption of House Amendment "A" (a roll call having been ordered) and later today assigned.

The Chair laid before the House the following matter: Bill "An Act to Require Prior Notice and an Option to Purchase to Tenants of Buildings Being Converted into Condominiums" (H. P. 420) which was tabled earlier in the day and later today assigned pending reference.

On motion of Mr. Hobbins of Saco, was referred to the Committee on Judiciary, ordered printed, and sent up for concurrence.

The Chair laid before the House the following matter: Bill "An Act Providing for Equitable Treatment of Security Deposits" (H. P. 421) which was tabled earlier in the day and later today assigned pending reference.

On motion of Mr. Hobbins of Saco, was referred to the Committee on Judiciary, ordered printed, and sent up for concurrence.

The Chair laid before the House the following matter: Bill "An Act to Require a Record of Sales to be Kept by Dealers in Used Merchandise" (H. P. 423) which was tabled earlier in the day and later today assigned pending reference.

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

The Chair laid before the House the following matter: Bill "An Act to Exempt Auctioneers from Certain Tax and Bonding Requirements when Provided by an Employer" (H. P. 424) which was tabled earlier in the day and later today assigned pending reference.

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

The Chair laid before the House the following matter: 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) which was tabled earlier in the day and later today assigned pending adoption of House Amendment "A", a roll call having been ordered.

On motion of Mrs. Mitchell of Vassalboro, tabled pending the adoption of House Amendment "A" (a roll call having been ordered) and tomorrow assigned.

(Off Record Remarks)

On motion of Mr. Kilcoyne of Gardiner, Adjourned until ten o'clock in the morning.