

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, February 3, 1981

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

Prayer by the Reverend Robert Gale of the Henderson Memorial Baptist Church, Farmington.

The journal of yesterday was read and approved.

**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 Relating to Funding and Support for Alcoholism Treatment and Rehabilitation Centers" (H. P. 515) (Presented by Mrs. Martin of Brunswick)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act Relating to the Subsequent Mortgages Assumed by Savings Banks" (H. P. 516) (Presented by Mr. Randall of East Machias)

Bill "An Act Relating to the Availability of Joint Life Insurance in Connection with Real Estate Mortgage Loans" (H. P. 517) (Presented by Mr. Pouliot of Lewiston)

Bill "An Act Relating to Loans to Purchase Foreclosed Properties" (H. P. 518) (Presented by Mr. Randall of East Machias)

Bill "An Act to Allow Savings Banks and Savings Associations to Accept Demand Deposits of their own Funds" (H. P. 519) (Presented by Mr. Jackson of Yarmouth)

(Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act to Allow Voter Registration and Party Enrollment on the Same Form" (H. P. 520) (Presented by Mrs. Ketover of Portland)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Authorize Payment of Overtime Rate for Certain Court Appearances of Municipal Law Enforcement Officers" (H. P. 521) (Presented by Mr. Joyce of Portland)

Bill "An Act to Provide Method of Reimbursement to the District Attorney for Collection of Payments Due to the Department of Human Services" (H. P. 522) (Presented by Mr. Strout of Corinth)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act to Improve the Administration of Workers' Compensation Hearings and Appeals" (H. P. 523) (Presented by Mrs. Beaulieu of Portland) (Submitted by the Workers' Compensation Commission pursuant to Joint Rule 24)

Bill "An Act to Amend the Workers' Compensation Second Injury Fund" (H. P. 524) (Presented by Mrs. Martin of Brunswick) (Submitted by the Workers' Compensation Commission pursuant to Joint Rule 24)

Bill "An Act to Abolish the Panel of Physicians under the Workers' Compensation Act" (H. P. 525) (Presented by Mr. Theriault of Fort Kent) (Submitted by the Workers' Compensation Commission pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act Relating to Action by the Public Utilities Commission on Applications by Motor Common Carriers of Freight for Certificates of

Public Convenience and Necessity" (H. P. 526) (Presented by Mr. Boisvert of Lewiston) (Cosponsor: Mr. Bordeaux of Mount Dessert)

Bill "An Act to Authorize the Public Utilities Commission to Adopt Filing Requirements for Utility Rate Changes" (H. P. 527) (Presented by Mr. Vose of Eastport) (Cosponsor: Mr. Boisvert of Lewiston)

Bill "An Act to Authorize in Proceedings before the Public Utilities Commission the Appearance by an Officer or Employee of a Corporation or Partnership" (H. P. 528) (Presented by Mr. Cunningham of New Gloucester) (Cosponsor: Mr. McGowan of Pittsfield)

Bill "An Act to Exempt Fuel Adjustment Charges of Electric Utilities from the Requirement that such Charges be Prorated" (H. P. 529) (Presented by Mr. Cunningham of New Gloucester)

Bill "An Act to Authorize the Public Utilities Commission to Grant the Assignment and Transfer of Special or Charter Licenses" (H. P. 530) (Presented by Mr. McKean of Limestone)

Bill "An Act Relating to Disposition of Consumer Complaints by the Public Utilities Commission" (H. P. 531) (Presented by Mr. Cunningham of New Gloucester) (Cosponsor: Mr. McKean of Limestone)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act to Authorize and Encourage Private Risk Capital Corporations" (H. P. 532) (Presented by Mr. Jackson of Yarmouth) (Cosponsors: Mr. Dillenback of Cumberland, Senator Huber of Cumberland and Mrs. Kany of Waterville)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act Relating to the Excise Tax Transfer Fee and Excise Tax Maximum" (H. P. 533) (Presented by Mr. Swazey of Bucksport)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act to Require a Certificate of Salvage for Certain Motor Vehicles" (H. P. 534) (Presented by Mr. Strout of Corinth)

(Ordered Printed)

Sent up for concurrence.

Orders

On Motion of Mr. McSweeney of Old Orchard Beach, it was

ORDERED, that Representative Guy I. Hunter of Benton be excused February 2 through 6 due to illness.

Special Sentiment Calendar

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

Recognizing:

Sanford High School senior David Gardner who was given Honorable Mention Honors for the 1980 National High School Track All-American Team; (H. P. 535) by Mr. Tuttle of Sanford (Cosponsors: Mr. Ridley of Shapleigh, Mr. Paul of Sanford and Senator Wood of York)

Julie L'Heureux, Robert Poitras, Larry Remond, Mary Nobert, Ed Kalinowski, Alden Thayer, and all other participants in the 1980 Sanford United Way Fund Drive; (H. P. 536) by Mr. Tuttle of Sanford, (Cosponsors: Mr. Ridley of Shapleigh, Mr. Paul of Sanford and Senator Wood of York)

Carol S. Boyce of Auburn, Maine's Outstanding Young Woman for 1980, as named by the Organization of Outstanding Young Women of America; (H. P. 537) by Mr. Brown of Livermore Falls.

Jean Goulet of Greenville, Governor of Dirigo Girls State for 1980-1981, who has been named by the Tisbury Manor Chapter as the DAR Good Citizen for 1980-1981; (H. P. 538) by Mr. Masterman of Milo. (Cosponsor: Senator Pray of Penobscot)

In Memory of:

Ansel L. "Red" Atwater of Cherryfield; (H. P. 539) by Mr. Peterson of Caribou.

No objections being noted, the above items were considered passed or adopted and sent up for concurrence.

**House Report of Committees
Leave to Withdraw**

Mr. Hall from the Committee on Energy and Natural Resources on Bill "An Act Defining Responsibility over Septic Systems in Municipalities having a Sanitary District" (H. P. 102) (L. D. 135) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

**Consent Calendar
Second Day**

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

(H. P. 45) (L. D. 51) Bill "An Act to Provide for the Use of Flashing White Lights on Ambulances" (C. "A" H-3)

(H. P. 69) (L. D. 118) Bill "An Act Relating to Safety and Health Regulations of Compressed Air Work, Public Sector Farm Workers and Variance Procedures"

No objections having been noted at the end of the Second Legislative Day, the House Papers were passed to be engrossed and sent up for concurrence.

**Passed to be Engrossed
Amended Bill**

Bill "An Act to Amend the Maine Pesticide Control Act of 1975 to Fund Research Relating to the Public Health" (S. P. 21) (L. D. 19) (C. "A" S-4)

Was reported by the Committee on Bills in the Second Reading, read the second time and passed to be engrossed in concurrence.

**Passed to be Engrossed
Emergency Measure**

An Act Providing for the Maine State Housing Authority Financing of Intermediate Care Facility Group Homes for the Retarded and Persons with Related Conditions (S. P. 22) (L. D. 20) (C. "A" S-3)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 135 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to be Enacted

An Act to Revise the Land Surveyor Laws (S. P. 24) (L. D. 21) (C. "A" S-2)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

Orders of the Day

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

Bill, "An Act to Clarify the Designation of the Practice of Chiropractic under the Chiropractic Licensing Law" (H. P. 499) (Committee on Labor suggested)

Tabled—February 2, 1981 by Mrs. Beaulieu of Portland.

Pending—Reference.

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

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

RESOLVE, Authorizing and Directing the Department of Transportation to Report on the Effect of the 1980 Census in Establishing Compact Areas (H. P. 511)

(Committee on Transportation suggested)

Tabled—February 2, 1981 by Mr. Carroll of Limerick.

Pending—Reference.

The **SPEAKER**: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. **CARROLL**: Mr. Speaker, Ladies and Gentlemen of the House: I now move the indefinite postponement of this Resolve.

This particular piece of legislation is covered in other legislation that was introduced in the other body; therefore, I move the indefinite postponement of this legislation.

On motion of Mr. Carroll of Limerick, the Resolve was indefinitely postponed.

The following papers from the Senate appearing on supplement No. 1 were taken up out of order by unanimous consent:

Leave to Withdraw

Report of the Committee on Labor reporting "Leave to Withdraw" on Bill "An Act to Require Employee Organizations, Unions and Bargaining Agents in the Private Sector to Negotiate on Behalf of Retired Employees" (S. P. 53) (L. D. 62)

Came from the Senate with the Report read and accepted.

In the House, the Report was read and accepted in concurrence.

Non-Concurrent Matter

Bill "An Act to Improve the Nursing Home Ombudsman Program's Capacity to Respond to Nursing and Boarding Home Complaints" (H. P. 456) (L. D. 503) which was referred to the Committee on Health and Institutional Services in the House on January 29, 1981.

Came from the Senate referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

In the House: On motion of Mrs. Prescott of Hampden, the House voted to recede and concur.

The following paper from the Senate appearing on Supplement No. 2 was taken up out of order by unanimous consent:

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Require Liquor Inspectors to be Uniformed before Entering any Licensed Premise" (S. P. 89) (L. D. 186)

Report was signed by the following members:

Messrs. SHUTE of Waldo
CHARETTE of Androscoggin
VIOLETTE of Aroostook
— of the Senate

Messrs. COX of Brewer
DUDLEY of Enfield
SOULAS of Bangor
McSWEENEY of Old Orchard Beach
STOVER of West Bath
SWAZEY of Bucksport
TREADWELL of Veazie
STUDLEY of Berwick
GWADOSKY of Fairfield
— of the House

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Report was signed by the following member:
Mr. PERRY of Mexico

— of the House.

Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted.

In the House: On motion of Mr. Cox of Brewer, the Majority "Ought Not to Pass" Report was accepted in concurrence.

The following papers from the Senate appearing on Supplement No. 3 were taken up out of order by unanimous consent:

Special Sentiment Calendar

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

Recognizing:

February 2, 1981, as the grand opening of the Bowdoinham Country Store and its proud owners, Ronald and Marian Bagley; (S. P. 216)

Janice Ethel Lytle of Eliot, who has been designated as "Outstanding Young Woman of America," 1980; (S. P. 205)

There being no objections, the above items were considered passed in concurrence.

(Off Record Remarks)

On motion of Mr. Hobbins of Saco,
Adjourned until ten o'clock tomorrow morning.