

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, February 4, 1981

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

Prayer by the Reverend John McNeil of the East Winthrop Baptist Church.

The journal of yesterday was read and approved.

Papers From the Senate

Bill "An Act to Create the Budget Stabilization Fund" (S. P. 196) (L. D. 564)

Bill "An Act to Provide Funds for the Provision of the State Cost Sharing of Telecommunication Typewriters for the Hearing Impaired" (S. P. 201) (L. D. 568)

Bill "An Act to Continue the Provision of Funding the Telecommunication Services for the Hearing Impaired" (S. P. 202) (L. D. 569)

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

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

Bill "An Act Relating to Cash Reserve Requirements" (S. P. 197) (L. D. 565)

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

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

Bill "An Act to Forbid Payments for Signing or Distributing State Referendum Petitions or Absentee Ballots" (S. P. 198) (L. D. 566)

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

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

Bill "An Act to Set Forth the Rights and Responsibilities of Hospital Patients and the Responsibilities of Physicians" (S. P. 203) (L. D. 570)

Came from the Senate referred to the Committee on Health and Institutional Services and ordered printed.

In the House, referred to the Committee on Health and Institutional Services in concurrence.

Bill "An Act Relating to Payment by an Employer When a Physician's Certification of Illness is Required" (S. P. 204) (L. D. 571)

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 Permit the Sale of Dessert Wine at Retail Stores" (S. P. 199) (L. D. 563)

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

In the House, referred to the Committee on Legal Affairs in concurrence.

RESOLVE, Authorizing the Attorney General to Convey Certain Lands of the State to the Town of Gorham (S. P. 200) (L. D. 567)

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.

Messages and Documents

The following Communication:

The Secretary of State
Washington

January 19, 1981

Dear John:

Jane and I appreciate so much your gracious hospitality during our recent visit to the State House. It was a splendid feeling marching down the aisle with such a distinguished Com-

mittee of Legislative leaders, and being introduced by you so warmly. As always, it was a great pleasure for Jane and me to see so many of our friends and colleagues.

Please give my special thanks to Ken Allen who was particularly helpful to my staff in making the arrangements for our visit.

With warmest regards, to you, Kathy, Ed Pert and all of our many friends, and heartfelt thanks, I am

Sincerely,

S/EDMUND S. MUSKIE

The Honorable

John Martin,

Speaker of the House,

State House,

Augusta, Maine.

Was read and ordered placed on file.

The following Communication:

State of Maine

Department of Conservation

February 2, 1981

Speaker John Martin
State House Station #2
Augusta, Maine 04333

Dear Speaker Martin:

Attached is the 1980 Forest Insect Manager's Report prepared and presented to you pursuant to Maine Revised Statutes Annotated Title 12, Section 8414, subsection 6 (The Spruce Budworm Suppression Act). This report provides financial information on the 1980 program as required by law, as well as a brief synopsis of all activities conducted during 1980. More complete, detailed reports will be prepared on certain specific activities such as research and environmental health monitoring.

I hope this information will serve to inform you of the status of our program. Additional copies are available for distribution to interested parties.

Sincerely yours,

S/A. TEMPLE BOWEN, JR.

Forest Insect Manager

Was read and with accompanying report ordered placed on file.

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 Permit the Town of Orono to Withdraw from the Group Life Insurance Plan under the Maine State Retirement System" (Emergency) (H. P. 540) (Presented by Miss Gavett of Orono) (Cosponsors: Mr. Davies of Orono and Senator Devoe of Penobscot)

(Ordered Printed)

Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act Appropriating Funds to the Soil and Water Conservation Commission to Restore an Executive Budget Cut" (H. P. 541) (Presented by Mr. Brown of Livermore Falls) (Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act to Increase the Fees and Provide for Continuing Education of Podiatrists" (H. P. 425) (Presented by Mr. Kilcoyne of Gardiner)

Bill "An Act to Provide Equality Between Home Improvement Loans and Other Consumer Credit Loans" (Emergency) (H. P. 543) (Presented by Ms. Lund of Augusta) (Cosponsors: Senator Devoe of Penobscot and Mr. Hickey of Augusta)

Bill "An Act to Delete Vendor's Single Interest Insurance from Additional Charges in the Maine Consumer Credit Code" (H. P. 544) (Presented by Mr. Paradis of Augusta)

Bill "An Act Concerning Illegal, Fraudulent

or Unconscionable conduct in Attempted Collection of Debts" (H. P. 545) (Presented by Mr. Gwadosky of Fairfield)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act to Allow Parents to Exempt their Children from Health, Safety and Physical Education Courses" (H. P. 546) (Presented by Mrs. Chonko of Topsham)

Bill "An Act to Allow Parents to Approve School Absences for their Children" (H. P. 547) (Presented by Mrs. Chonko of Topsham)

Bill "An Act Authorizing Reasonable Fees for Nonresident Users of Public Libraries" (H. P. 548) (Presented by Mrs. Beaulieu of Portland) (Cosponsors: Senator Najarian of Cumberland, Senator Devoe of Penobscot and Ms. Lund of Augusta)

Bill "An Act to Create an Interscholastic Athletic Board" (H. P. 549) (Presented by Mr. Tuttle of Sanford) (Cosponsors: Mr. Rolde of York, Senator Gill of Cumberland and Senator Minkowsky of Androscoggin) (Ordered Printed)

Sent up for concurrence.

Energy and Natural Resources

Bill "An Act to Conform and Strengthen the Law Concerning the Burning of Debris" (H. P. 550) (Presented by Mr. Kiesman of Fryeburg) (Cosponsors: Mr. Twitchell of Norway and Senator Redmond of Somerset)

Bill "An Act to Create a Lake Restoration and Protection Financial Aid Program" (H. P. 551) (Presented by Mrs. Mitchell of Vassalboro) (Cosponsors: Mr. Davis of Monmouth, Senator Bustin of Kennebec and Senator Ault of Kennebec)

Bill "An Act to Provide for Determination of the Engineering Feasibility and the Environmental and Economic Effects of the Cobscook Bay Tidal Power Project" (H. P. 552) (Presented by Mr. Vose of Eastport) (Cosponsors: Senator Brown of Washington, Mr. Pearson of Old Town and Mrs. Huber of Falmouth) (Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act to Abolish the Trapping of Bear" (H. P. 553) (Presented by Mr. Davies of Orono)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act to Create the Community Alternatives Act of 1981" (H. P. 554) (Presented by Mr. Brennerman of Portland) (Cosponsors: Senator Wood of York and Senator Brown of Washington and Mrs. Merle Nelson of Portland)

Bill "An Act Relating to Radiological Exposure" (H. P. 555) (Presented by Mrs. Prescott of Hampden)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Amend Provisions Concerning the Operation of the Operation after Suspension of Habitual Offender Laws and Certain Nonsentencing Provisions of the Operating under the Influence Law" (H. P. 556) (Presented by Mr. Joyce of Portland)

Bill "An Act Concerning Interstate Estates" (H. P. 557) (Presented by Mrs. Berube of Lewiston)

Bill "An Act to Require Equitable Treatment of Electric Charges for Common Areas of Multi-unit Rental Dwellings" (H. P. 558) (Presented by Mr. Brennerman of Portland) (Cosponsors: Mr. Hobbins of Saco and Mr. Diamond of Bangor) (Later Reconsidered)

Bill "An Act to Create a Land Use Violation Hearing Examiner" (H. P. 559) (Presented by Mrs. Masterton of Cape Elizabeth) (Cospon-

sors: Ms. Benoit of South Portland)
(Ordered Printed)

Sent up for concurrence.

Later Today Assigned

Bill "An Act Relating to and Increasing the Appropriation of Funds for Assistant District Attorneys" (H. P. 560) (Presented by Mr. Kelleher of Bangor) (Cosponsor: Senator Perkins of Hancock)

Committee on Judiciary was suggested.

(On motion of Mr. Pearson of Old Town, tabled pending reference and later today assigned).

Judiciary cont'd.

Bill "An Act Concerning the Habitability of a Rental Unit under the Rental Property Law" (H. P. 561) (Presented by Mr. Walker of Skowhegan)

Bill "An Act Relating to the Confidentiality of Communications Between Patients and Dentists" (H. P. 562) (Presented by Mr. Richard of Madison)

Bill "An Act Concerning Criminal Trespass by Motor Vehicle" (H. P. 563) (Presented by Mr. Weymouth of West Gardiner)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act to Allow a 30-Day Deductible Provision in Workers' Compensation Insurance Coverage" (H. P. 564) (Presented by Mr. Leighton of Harrison)

Bill "An Act Relating to Attorney's Fees Under the Worker's Compensation Law" (H. P. 565) (Presented by Mr. Cunningham of New Gloucester)

Bill "An Act to Repeal the Provision Concerning Waiver of an Employee's Rights under the Occupational Disease Law" (H. P. 566) (Presented by Mr. Tuttle of Sanford) (Cosponsor: Mr. Clark of Millinocket)

Bill "An Act Concerning the Treatment of Asbestosis under the Workers' Compensation Act" (H. P. 567) (Presented by Mrs. Martin of Brunswick) (Cosponsor: Mr. Hayden of Durham)

(Ordered Printed)

Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act Establishing the Women's Training and Employment Program" (H. P. 568) (Presented by Mrs. Nelson of Portland) (Cosponsors: Mrs. Chonko of Topsham, Senator Clark of Cumberland and Senator Sewall of Lincoln)

Committee on Labor was suggested.

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

Labor cont'd.

Bill "An Act to Amend the Workers' Compensation Act to Permit Rate Deductibles" (H. P. 569) (Presented by Mr. Paradis of Augusta) (Cosponsor: Senator Sutton of Oxford)

Bill "An Act to Clarify the Liability of Employers under the Workers' Compensation Act" (H. P. 570) (Presented by Mrs. Damren of Belgrade)

(Ordered Printed)

Sent up for concurrence.

Local and County Government

Bill "An Act Concerning the Manner in which a Municipality Adopts a Development Program" (H. P. 571) (Presented by Mr. Pearson of Caribou)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act to Extend the Period During which Proposed Rate Changes for Common

Carriers may be Suspended" (H. P. 572) (Presented by Mr. Davies of Orono)

Bill "An Act to Exempt the Operation of Dump Trucks when Transporting Sand, Gravel and Road Construction Materials from some Types of Regulation by the Public Utilities Commission" (H. P. 573) (Presented by Mr. McGowan of Pittsfield) (Cosponsors: Mr. Callahan of Mechanic Falls, Mr. Bordeaux of Mt. Desert and Mr. Ridley of Shapleigh)

Bill "An Act to Require the Public Utilities Commission to Consider Issues of Operational Efficiency in Rate Cases" (H. P. 574) (Presented by Mrs. Huber of Falmouth) (Cosponsor: Mr. Davies of Orono)

Bill "An Act Clarifying the Authority of the Caribou Utilities District to Acquire the Caribou Waterworks Corporation" (H. P. 575) (Presented by Mr. Peterson of Caribou)

Bill "An Act to Increase the Assessments upon Certain Public Utilities and to Include Railroad Companies among the Utilities Assessed" (H. P. 576) (Presented by Mr. Ridley of Shapleigh) (Cosponsor: Mr. Weymouth of West Gardiner)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act Relating to the Public Utilities Commission Officials' and Employees' Compensation" (H. P. 577) (Presented by Mr. Davies of Orono)

Bill "An Act to Promote Greater Efficiency through Alternative Working Hours in State Government" (H. P. 578) (Presented by Mr. Brenerman of Portland) (Cosponsors: Mrs. Mitchell of Vassalboro, Senator Trafton of Androscoggin and Senator Perkins of Hancock)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Impose a Luxury Tax on Jewelry" (H. P. 579) (Presented by Mr. McHenry of Madawaska) (Cosponsor: Mr. Higgins of Portland)

Bill "An Act Concerning the Rate of Return on Investment Factor under the Railroad Excise Tax" (H. P. 580) (Presented by Mr. Kelleher of Bangor) (Cosponsors: Mr. Manning of Portland and Miss Brown of Bethel)

Bill "An Act to Clarify the Real Estate Tax Exemption for Employee Housing at Literary and Scientific Institutions" (H. P. 581) (Presented by Mrs. Damren of Belgrade)

Bill "An Act Relating to Affixing of Indicia of Payment of Real Estate Transfer Tax of Deeds" (H. P. 582) (Presented by Mr. Peterson of Caribou)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act Concerning the Collection of Personal Property Tax on Objects which Require a Permit Prior to their Being Moved" (H. P. 583) (Presented by Mr. Salsbury of Bar Harbor)

Bill "An Act to Authorize Municipal Agents to Renew Operator Licenses" (H. P. 584) (Presented by Mr. Higgins of Scarborough) (Cosponsor: Mr. Strout of Corinth)

(Ordered Printed)

Sent up for concurrence.

On motion of Mr. Davies of Orono, the House reconsidered its action of earlier in the day whereby Bill "An Act to Require Equitable Treatment of Electric Charges for Common Areas of Multi-unit Rental Dwellings" (H. P. 558) was referred to the Committee on Judiciary.

On motion of the same gentleman, tabled pending reference and later today assigned.

Special Sentiment Calendar

In accordance with House Rule 56, the fol-

lowing item (Expressions of Legislative Sentiment)

Recognizing:

Mary J. Hayward, of Machias, who celebrated her 101st birthday on January 29, 1981; (H. P. 585) by Mr. Randall of East Machias (Cosponsor: Senator Brown of Washington)

There being no objections, this item was considered passed 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. 61) (L. D. 87) Bill "An Act Relating to the Period for Establishing Employer Contribution Rates under the Employment Security Law" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-5)

(S. PP. 74) (L. D. 111) Bill "An Act to Exempt Certain Aquaculture Workers Under the Workers' Compensation Law" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-6)

(S. P. 82) (L. D. 179) RESOLVE, Designating the Scenic Overlook on Interstate 95 in T1-R6 WELS as the "The Albert J. 'Allie' Cole Memorial Scenic Overlook" Committee on Transportation reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 5, under listing of Second Day.

Orders of the Day

Bill "An Act Relating to Subsequent Mortgages Assumed by Savings Banks" (H. P. 516)

— In House, referred to Committee on Business Legislation on February 3.

Held at the request of Mr. Randall of East Machias.

On motion of Mr. Randall of East Machias, the House reconsidered its action whereby the Bill was referred to the Committee on Business Legislation.

The SPEAKER: The Chair recognizes the gentleman from East Machias, Mr. Randall.

Mr. RANDALL: Mr. Speaker, because the provisions of this bill are included in the Banking Bureau's bill, L.D. 282, I now move that this bill be indefinitely postponed.

Thereupon, on motion of Mr. Randall of East Machias, the Bill was indefinitely postponed.

The Chair laid before the House the following matter:

Bill "An Act to Require Equitable Treatment of Electric Charges for Common Areas of Multi-unit Rental Dwellings" (H. P. 558) which was tabled earlier in the day pending reference.

On motion of Mr. Davies of Orono, the Bill was referred to the Committee on Public Utilities, ordered printed and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act Relating to an Increasing the Appropriation of Funds for Assistant District Attorneys" (H. P. 560) which was tabled earlier in the day pending reference.

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

(Off Record Remarks)

On motion of Mr. Dexter of Kingfield, Adjourned until ten o'clock tomorrow morning.