

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, February 5, 1981

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

Prayer by Father Donald Jacques of St. Joseph's Church, Gardiner.

The journal of yesterday was read and approved.

Papers from the Senate

Bill "An Act Appropriating \$5,000 for the Caribou High School Band to Represent Maine in the Cherry Blossom Festival" (Emergency) (S. P. 215) (L. D. 580)

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 to Increase the Fees of the Bureau of Insurance" (S. P. 210) (L. D. 575)

Bill "An Act Clarifying the Laws Relating to the Registration and Protection of Trademarks" (S. P. 213) (L. D. 578)

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 Authorizing Mid-State Business School to Confer Associate Degrees" (S. P. 208) (L. D. 573)

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

In the House, referred to the Committee on Education in concurrence.

Bill "An Act to Make Changes in the Kennebec Water District Charter" (S. P. 207) (L. D. 572)

Bill "An Act to Amend the Charter of the Portland Water District" (S. P. 209) (L. D. 574)

Bill "An Act to Authorize Municipal and Quasi-municipal Water Districts to Set Rates" (S. P. 214) (L. D. 579)

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 Provide an Income Tax Credit for Geothermal Energy Systems" (S. P. 211) (L. D. 576)

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

In the House, referred to the Committee on Taxation in concurrence.

Bill "An Act to Establish a Sign on the Maine Turnpike for the University of Southern Maine" (S. P. 212) (L. D. 577)

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

In the House, referred to the Committee on Transportation in concurrence.

The Folling Joint Order: (S. P. 206)

ORDERED, the House concurring, that the Joint Rules be amended by adding, after Joint Rule 37, the following:

37-A. Bills or resolves requiring continued funding. No bill or resolve requiring continued funding may be passed by the Legislature unless that bill or resolve carries an appropriation that is sufficient to provide full funding for a complete biennium.

Any funds appropriated pursuant to the first paragraph, but not needed due to the effective date of that bill or resolve, shall not be used for any other purpose, but shall be allocated to the hereby created Budget Stabilization Fund.

Appropriations from the Budget Stabilization Fund may be made by the Legislature, but only for repayment of outstanding General Fund

bonds, for purposes for which issuance of bonds has been approved, or for major construction. Major construction is defined as being any single project with a total cost of over \$500,000.

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

In the House, the Order was read.

On motion of Mrs. Mitchell of Vassalboro, the Order was referred to the Committee on Rules and Business of the House in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Messages and Documents

The following Communication: (S. P. 233)

State of Maine
Senate Chamber
President's Office
Augusta, Maine

February 3, 1981

Honorable Barbara A Gill

Honorable Sandra K. Prescott

Chairmen, Joint Standing Committee on

Health and Institutional Services

State House

Augusta, ME 04333

Please be advised that Governor Joseph E. Brennan is nominating Jean M. Larson of Houlton and Stephen Wessler of Litchfield for appointment to the Health Facilities Cost Review Board.

Pursuant to Title 22 MRSA Section 353, this nomination will require review by the Joint Standing Committee on Health and Institutional Services and confirmation by the Senate.

Sincerely,

S/JOSEPH SEWALL
President of the Senate

S/JOHN L. MARTIN
Speaker of the House

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

In the House, read and referred to the Committee on Health and Institutional Services 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 to Remove Restrictions Preventing Retired Teachers Elected to the Legislature from Receiving Certain Benefits" (H. P. 587) (Presented by Mr. Jacques of Waterville) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27) (Ordered Printed)

Sent up for concurrence.

Agriculture

Bill "An Act Relating to Frozen Dessert Products" (H. P. 588) (Presented by Mr. Mahany of Easton) (Cosponsor: Mr. Lisnik of Preque Isle)

Bill "An Act Relating to the Marking of Glassware" (H. P. 589) (Presented by Mr. Mahany of Easton) (Cosponsor: Mr. Lisnik of Preque Isle)

Bill "An Act to Provide for Licensing of Dog Groomers and Grooming Shops" (H. P. 590) (Presented by Mr. Boyce of Auburn) (Cosponsors: Mr. Pouliot of Lewiston, Mr. McSweeney of Old Orchard Beach and Mr. Michael of Auburn)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act to Require Alcoholism Treatment Benefits in Health Insurance Policies" (H. P. 591) (Presented by Mrs. Kany of Waterville) (Cosponsors: Senator Conley of Cumber-

land, Mr. Fitzgerald of Waterville and Mr. Gwadosky of Fairfield)

Bill "An Act to Further Free Enterprise" (H. P. 592) (Presented by Mr. Rolde of York) (Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act Relating to Student Expulsion" (H. P. 594) (Presented by Mr. Davis of Monmouth) (Cosponsors: Mr. Brown of Livermore Falls, Ms. Brown of Gorham, and Mr. Crowley of Stockton Springs) (Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act Concerning the Registration of Voters in Small Communities" (H. P. 595) (Presented by Mr. Tuttle of Sanford) (Cosponsors: Mr. Paul of Sanford, Mr. Ridley of Shapleigh and Senator Wood of York)

(Ordered Printed)

Sent up for concurrence.

Energy and Natural Resources

Bill "An Act to Include Energy and Economic Considerations in Assessing Proposals before the Land Use Regulation Commission, the Department of Environmental Protection and the Department of Inland Fisheries and Wildlife and to Provide for Energy and Economic Review of Certain State Standards" (H. P. 596) (Presented by Mr. Jacques of Waterville) (Cosponsors: Mr. Kiesman of Fryeburg and Mr. Masterman of Milo)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Establish Standards and Procedures for Allocating Responsibility among Parties to a Products Liability Action" (H. P. 597) (Presented by Ms. Lund of Augusta) (Cosponsors: Mr. Telow of Lewiston and Mr. Dillenback of Cumberland)

Bill "An Act Relating to Theft of Services under the Maine Criminal Code" (H. P. 598) (Presented by Mr. Leighton of Harrison)

Bill "An Act to Provide Statutory Procedures for Grievances Against Attorneys" (H. P. 599) (Presented by Mr. Dillenback of Cumberland) (By Request)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act to Remove Artificial Barriers to Benefit Recovery by Workers with Occupational Diseases" (H. P. 600) (Presented by Mrs. Martin of Brunswick)

Bill "An Act Concerning Reimbursement Payments for Unemployment Benefits Where Claimants have Resigned, have Retired or have been Discharged" (H. P. 601) (Presented by Mr. Tarbell of Bangor) (Cosponsors: Mrs. Foster of Ellsworth and Senator Brown of Washington)

Bill "An Act to Assist Handicapped Workers in Returning to Employment" (H. P. 602) (Presented by Mrs. Beaulieu of Portland)

(Ordered Printed)

Sent up for concurrence.

Local and County Government

Bill "An Act to Authorize the Designation of a Municipal Development District" (H. P. 603) (Presented by Mrs. Post of Owl's Head) (Cosponsors: Mr. Higgins of Portland and Mr. Paradis of Old Town)

Bill "An Act to Amend the Authority Governing Licensee Fees of Victualers" (H. P. 604) (Presented by Mr. Manning of Portland)

Bill "An Act to Clarify Certain Provisions of Law Relating to the Method of Voting for School Committee Members of the Wells-Ogunquit Community School District" (H. P. 605) (Presented by Mrs. Wentworth of Wells) (Co-

sponsors: Senator Hichens of York, Mrs. Gowen of Standish and Senator Wood of York (Ordered Printed)
Sent up for concurrence.

Public Utilities

Bill "An Act to Authorize the Public Utilities Commission to Grant Temporary Licenses to Applicants for Special or Charter Licenses" (H. P. 606) (Presented by Mr. McGowan of Pittsfield) (Cosponsor: Mr. McKean of Limestone)

(Ordered Printed)
Sent up for concurrence.

State Government

Bill "An Act to Provide for a Transition before the Attorney General Takes Office" (H. P. 607) (Presented by Mr. Pearson of Old Town) (Cosponsors: Mrs. Martin of Van Buren, Mr. Smith of Island Falls and Mr. McGowan of Pittsfield)

Bill "An Act to Limit the State's Investment in CETA Programs" (H. P. 609) (Presented by Mrs. Berube of Lewiston) (Cosponsor: Miss Aloupis of Bangor)

Bill "An Act Concerning Registers of Eligibility for Positions under the State Classified Service" (H. P. 610) (Presented by Mrs. Masterton of Cape Elizabeth)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require that for Certain Counties, a Specific Percentage of the Population be Included in a Separate Senate District" (H. P. 608) (Presented by Mr. Webster of Farmington)

(Ordered Printed)
Sent up for concurrence.

Taxation

Bill "An Act to Provide Partial Reimbursement to Municipalities for Revenue Loss due to Property Tax Exemptions on State and County Property" (H. P. 611) (Presented by Mrs. Post of Owl's Head) (Cosponsors: Mr. Kelleher of Bangor and Mr. Randall of East Machias)

Bill "An Act to Revise the Tree Growth Tax Law" (H. P. 612) (Presented by Mr. Moholland of Princeton) (Cosponsor: Senator Brown of Washington)

(Ordered Printed)
Sent up for concurrence.

Transportation

Bill "An Act to Extend the Use of Red Lights to all Ambulance Service Personnel" (H. P. 613) (Presented by Mr. Tuttle of Sanford)

Bill "An Act to Extend Emergency Equipment to Ambulance Service Chiefs" (H. P. 614) (Presented by Mr. Tuttle of Sanford)

RESOLVE, to Name the Bridge at Brownville Village which Crosses Pleasant River the Rodney W. Ross Bridge (H. P. 615) (Presented by Mr. Masterman of Milo)

(Ordered Printed)
Sent up for concurrence.

Special Sentiment Calendar

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

Recognizing:

Rebecca Scaese of Manchester, winner of the Maine Bicentennial Debate Tournament and representative of the State of Maine in the National Bicentennial Debate Tournament in Williamsburg, Va; (S. P. 231)

Maurice Tibbetts of Readfield, winner of the Maine Bicentennial Debate Tournament and representative of the State of Maine in the National Bicentennial Debate Tournament in Williamsburg, Va; (S. P. 232)

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

House Reports of Committees

Ought Not to Pass

Mr. Twitchell from the Committee on Taxa-

tion on Bill "An Act to Permit a Trade-in Credit Under the Sales Tax Statutes for Utility Tractors" (H. P. 84) (L. D. 102) reporting "Ought Not to Pass"

Mrs. Beaulieu from the Committee on Labor on Bill "An Act to Exempt Small Businessmen from the Workers' Compensation Law" (H. P. 68) (L. D. 117) Committee on Labor 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. Racine from the Committee on Business Legislation on Bill "An Act to Set Standards for Reinstating Powers of Domestic Assessment Mutual Companies" (H. P. 163) (L. D. 189) reporting "Leave to Withdraw"

Mr. Masterman from the Committee on Taxation on Bill "An Act to Provide for a Refund of the Sales Tax on Logging Equipment" (H. P. 80) (L. D. 139) reporting "Leave to Withdraw"

Mr. Diamond from the Committee on State Government on Bill "An Act to Remove the State Board of Education from the Nominating Process for the Commissioner of Educational and Cultural Services" (H. P. 150) (L. D. 132) reporting "Leave to Withdraw"

Mr. Lisnik from the Committee on State Government on RESOLUTION, proposing an Amendment to the Constitution of Maine to Establish a Right to Privacy" (H. P. 179) (L. D. 226) reporting "Leave to Withdraw"

Mr. Carrier from the Committee on Judiciary on Bill "An Act to Insure Access to Information Act which is not Protected by the Criminal History Record Information" (H. P. 27) (L. D. 31) reporting "Leave to Withdraw"

Mr. McHenry from the Committee on Labor on Bill "An Act to Prevent Self-insurers under the Employment Security Law from Becoming Liable for Benefits Paid to Certain Individuals" (H. P. 183) (L. D. 198) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

Ought to Pass in New Draft

Mr. Brannigan from the Committee on Business Legislation on Bill "An Act to Allow Cancellation or Nonrenewal of Automobile Insurance Coverage for a Specific Individual under a Family Policy" (H. P. 23) (L. D. 27) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Allow the Exclusion of Covered Persons under a Personal Automobile Policy" (H. P. 586) (L.D. 601)

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

Consent Calendar First Day

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

(H. P. 131) (L. D. 158) Bill "An Act Concerning Identification and Testing of Equine Infectious Anemia on Horses"—Committee on Agriculture reporting "Ought to Pass"

(H. P. 52) (L. D. 66) Bill "An Act to Amend the Maine Insurance Guaranty Association Act to Increase Liability of Association Member Companies"—Committee on Business Legislation reporting "Ought to Pass"

(H. P. 98) (L. D. 128) Bill "An Act to Increase the Licensing Fees for Chiropractors"—Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-4)

(H. P. 96) (L. D. 126) Bill "An Act to Remove the Sunset Provision on the Regulation Between Motion Picture Distributors and Exhibitors"—Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-5)

No objections being noted the above items

were ordered to appear on the Consent Calendar of February 6, under listing of Second Day.

Consent Calendar Second Day

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

(S. P. 61) (L. D. 87) Bill "An Act Relating to the Period for Establishing Employer Contribution Rates under the Employment Security Law" (C. "A" S-5)

No objections being noted, the Senate Paper was considered passed to be engrossed as amended in concurrence.

Tabled and Assigned

(S. P. 74) (L. D. 111) Bill "An Act to Exempt Certain Aquaculture Workers Under the Workers' Compensation Law" (C. "A" S-6)

On the objection of Mrs. Beaulieu of Portland, was removed from the Consent Calendar.

Thereupon, on motion of Mrs. Beaulieu of Portland, tabled pending acceptance of the Committee Report and specially assigned for Monday, February 9.

(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"

On the objection of Mr. McHenry of Madawaska, was removed from the Consent Calendar.

Thereupon, the Report was accepted, the Resolve read once and assigned for second reading tomorrow.

Passed to be Engrossed

An Act to Amend the Maine Nonprofit Corporation Act (S. P. 72) (L. D. 109)

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.

(Off Record Remarks)

On motion of Mr. Davies of Orono, Adjourned until twelve-thirty o'clock tomorrow afternoon.