

# 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 10, 1981

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

Prayer by the Reverend Ronald Libby of the Charleston Pentecostal Church.

The journal of yesterday was read and approved.

**(Off Record Remarks)**

On motion of Mrs. Mitchell of Vassalboro, Recessed until the sound of the gong.

**After Recess  
10:40 a.m.**

The House was called to order by the Speaker.

**Papers from the Senate**

Bill "An Act to Provide Cost-of-Living Adjustments to Retirement Allowances under the Maine State Retirement System to Parallel Those Granted to Active State Employees" (S. P. 239) (L. D. 694)

Came from the Senate referred to the Committee on Aging, Retirement and Veterans, and ordered printed.

In the House, referred to the Committee on Aging, Retirement and Veterans in concurrence.

Bill "An Act to Facilitate Recovery under Uninsured Vehicle Coverage" (S. P. 242) (L. D. 697)

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 Amend the Maine Certificate of Need Act of 1978 with Respect to the Acquisition of Existing Health Care Facilities" (S. P. 241) (L. D. 696)

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 to Repeal the Law Providing Reimbursement for Travel Involved in Criminal Cases" (S. P. 240) (L. D. 695)

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

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

Bill "An Act to Prohibit the Dissemination of Obscene Material" (S. P. 243) (L. D. 698)

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.

Bill "An Act to Exempt Fuels Used to Heat Commercial Greenhouses from the Sales Tax" (S. P. 238) (L. D. 693)

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

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

**Messages and Documents**

Th following Communication:

State of Maine  
Maine State Retirement System  
Augusta, Maine

February 9, 1981

Senator Joseph Sewall,  
President, Maine State Senate  
Representatives John Martin,  
Speaker, House of Representatives  
Dear Senator Sewall and Representative Martin:

In accordance with the provisions of 5 MRSA, Section 1128 (Chapter 573, PL 1977), this is to advise that the Board of Trustees of the Maine State Retirement System authorized a 4% increase in retirement benefits paid to retired state employees, teachers and retirees of certain participating local districts, effective September 1, 1980, which was a cost-of-living increase.

In addition, this is to advise that the Consumer Price Index (CPI-U), published by the United States Department of Labor, Bureau of Labor Statistics, reflected an increase for the 12 months ending June, 1980, of 14.3%.

Sincerely,  
S/W. G. BLODGETT  
Executive Director

Was read and ordered placed on file.

**Petitions, Bills and Resolves  
Requiring Reference**

The following Bills were received and, upon recommendation by the Committee on reference of bills, were referred to the following Committees:

**Agriculture**

Bill "An Act to Coordinate Agriculture and Energy Related Activities in State Government" (H. P. 648) (Presented by Mr. Michael of Auburn) (Cosponsors: Mrs. Huber of Falmouth, Mr. McCollister of Canton and Senator Shute of Waldo)

(Ordered Printed)  
Sent up for concurrence.

**Business Legislation**

Bill "An Act Concerning Application of the Insurance Code to the Nonprofit Hospital or Medical Service Organization" (H. P. 649) (Presented by Mr. Gwadosky of Fairfield)

Bill "An Act to Enable Eastern Maine Medical Center to File Articles of Incorporation under the Maine Nonprofit Corporation Act" (Emergency) (H. P. 650) (Presented by Mr. Kelleher of Bangor) (Cosponsors: Senator Devoe of Penobscot and Mr. Tarbell of Bangor)

(Ordered Printed)  
Sent up for concurrence.

**Tabled and Assigned**

Bill "An Act to Dissolve the Wells-Ogunquit Community School District" (Emergency) (H. P. 651) (Presented by Mr. McPherson of Eliot) (Cosponsor: Mr. LaPlante of Sabattus)

Committee on Education was suggested.  
On motion of Mr. Connolly of Portland, tabled pending reference and tomorrow assigned.

**Tabled and Assigned**

Bill "An Act to Provide for State Coordination of Referendums Concerning School Construction Projects" (H. P. 652) (Presented by Mr. McCollister of Canton)

Committee on Education was suggested.  
On motion of Mr. Connolly of Portland, tabled pending reference and tomorrow assigned.

**Education**

Bill "An Act Relating to Special Education, Vocational Education, and Transportation Operating Allocations" (H. P. 653) (Presented by Mr. Murphy of Kennebunk) (Cosponsors: Mrs. Gowen of Standish, Mr. Rolde of York and Senator Clark of Cumberland)

Bill "An Act to Pay School Subsidies on a Sliding Percentage Scale" (H. P. 654) (Presented by Mr. Leighton of Harrison)

Bill "An Act to Increase the Compensation for Substitute Teachers" (H. P. 655) (Presented by Mrs. Gowen of Standish) (Cosponsors: Ms. Brown of Gorham, Mr. Murphy of Kennebunk and Mrs. Martin of Brunswick)

Bill "An Act to Permit a Person, other than the Superintendent of Schools, to Keep a Record of Meetings of a School Administrative District" (H. P. 656) (Presented by Mr. Ridley

of Shapleigh) (Cosponsor: Senator Wood of York)

(Ordered Printed)  
Sent up for concurrence.

**Election Laws**

Bill "An Act Concerning Registration and Enrollment of Voters" (H. P. 657) (Presented by Mr. Nadeau of Lewiston) (Cosponsors: Mr. Diamond of Bangor, Ms. Benoit of South Portland and Senator Carpenter of Aroostook)

(Ordered Printed)  
Sent up for concurrence.

**Energy and Natural Resources**

Bill "An Act to Reduce the Set Back Requirement from 75 Feet to 50 Feet on Principal Structures in the Resource Protection and Limited Residential Districts" (H. P. 658) (Presented by Mr. Lancaster of Kittery) (Cosponsor: Mr. McGowan of Pittsfield)

Bill "An Act to Require Primary Suppliers to Report Deliveries of Petroleum Products to the Office of Energy Resources" (Emergency) (H. P. 659) (Presented by Mr. Brannigan of Portland) (Cosponsors: Mr. Hall of Sangerville, Senator McBreairey of Aroostook and Senator Teague of Somerset) (Governor's Bill)

(Ordered Printed)  
Sent up for concurrence.

**Taxation**

Bill "An Act to Enable Taxpayers to Support Nongame Management Projects by Donating a Portion of their State Income Tax Refund through a Tax Return Checkoff" (H. P. 660) (Presented by Mrs. Nelson of Portland) (Cosponsors: Mr. Richard of Madison, Senator Redmond of Somerset and Mr. Fowlie of Rockland)

Committee on Fisheries and Wildlife was suggested.

The SPEAKER: The Chair recognizes the gentlewoman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: Since this is identical to a bill we have already had referred to Taxation, I move that this Bill be referred to the Committee on Taxation, ordered printed and sent up for concurrence.

Thereupon, the Bill was referred to the Committee on Taxation, ordered printed and sent up for concurrence.

**Health and Institutional Services**

Bill "An Act to Provide for the Development of Mental Health Services" (H. P. 661) (Presented by Mr. Brodeur of Auburn)

(Ordered Printed)  
Sent up for concurrence.

**Judiciary**

Bill "An Act Concerning Writ of Possession" (H. P. 662) (Presented by Mr. Stover of West Bath)

Bill "An Act Relating to Property Abandoned by Tenants" (H. P. 663) (Presented by Mr. Telow of Lewiston)

(Ordered Printed)  
Sent up for concurrence.

**Labor**

Bill "An Act to Provide for Recovery of Unemployment Compensation Overpayments over a Reasonable Period of Time" (H. P. 664) (Presented by Mr. Leighton of Harrison) (Cosponsor: Mr. Hayden of Durham)

Bill "An Act to Permit the Employment Security Commission Wider Discretion in Determining Eligibility for Unemployment Compensation Benefits" (H. P. 665) (Presented by Mrs. Beaulieu of Portland)

Bill "An Act to Clarify Application of the Workers' Compensation Law to Injuries Received by an Employee who Voluntarily Participates on an Employer-Sponsored Athletic Team" (H. P. 666) (Presented by Mr. Jacques of Waterville)

Bill "An Act to Provide the Employment Security Commission Flexibility in Handling Administrative Appeals" (H. P. 667) (Presented by Mr. Rolde of York)

Bill "An Act to Clarify Recovery for Cardiovascular Injury under the Workers' Compensation Laws" (H. P. 668) (Presented by Mr. Leighton of Harrison)  
(Ordered Printed)  
Sent up for concurrence.

#### Legal Affairs

Bill "An Act to Clarify and Make Corrections in the Liquor Laws" (Emergency) (H. P. 669) (Presented by Mr. Rolde of York)  
(Ordered Printed)  
Sent up for concurrence.

#### Local and County Government

Bill "An Act to Establish Uniform Salaries for all Sheriffs" (H. P. 670) (Presented by Mrs. Beaulieu of Portland)  
(Ordered Printed)  
Sent up for concurrence.

#### Public Utilities

Bill "An Act to Restructure Electrical Utility Rate Design to Encourage Conservation" (H. P. 671) (Presented by Mrs. Huber of Falmouth) (Cosponsors: Mr. Cunningham of New Gloucester, Senator Kerry of York and Mr. McKean of Limestone)

Bill "An Act Relating to Transit Districts" (H. P. 672) (Presented by Mr. McKean of Limestone) (Cosponsor: Mr. Ridley of Shapleigh) (Submitted by the Department of Transportation pursuant to Joint Rule 24)  
(Ordered Printed)  
Sent up for concurrence.

#### State Government

Bill "An Act to Amend the Public Notice of Rulemaking Requirements of the Maine Administrative Procedures Act" (H. P. 673) (Presented by Mrs. Kany of Waterville) (Cosponsors: Mr. McGowan of Pittsfield and Mr. Webster of Farmington)

Bill "An Act Concerning the Publication of Statements of Intent Concerning Referendum Issues" (H. P. 674) (Presented by Mrs. Ingraham of Houlton)  
(Ordered Printed)  
Sent up for concurrence.

#### Taxation

Bill "An Act to Repeal the Confidentiality Provisions of the Real Estate Transfer Tax Law" (H. P. 675) (Presented by Mr. Leighton of Harrison)  
(Ordered Printed)  
Sent up for concurrence.

#### Transportation

Bill "An Act to Exempt Wood Splitters from Special Equipment Registration Requirements" (H. P. 676) (Presented by Mr. Walker of Skowhegan) (Cosponsors: Mr. Hunter of Benton and Mr. Richard of Madison)

Bill "An Act to Exempt Agricultural Workers from Certain School Bus Transportation Laws" (H. P. 677) (Presented by Mr. Bordeaux of Mount Desert)

Bill "An Act to Require Removal of Snowplow Supports from a Vehicle when the Plow is Removed" (H. P. 678) (Presented by Miss Lewis of Auburn)  
(Ordered Printed)  
Sent up for concurrence.

#### Orders

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

ORDERED, that Representative Harry L. Vose of Eastport be excused February 6 and February 10 for personal reasons.

#### House Reports of Committees Leave to Withdraw

Mr. Mahany from the Committee on Agriculture, on Bill "An Act Concerning Domestic Animals Running at Large" (H. P. 194) (L. D. 241) reporting "Leave to Withdraw"

The 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:

(S. P. 73) (L. D. 110) Bill "An Act Concerning Appointments to the Maine Veterans Home Board of Trustees" (C. "A" S-8)

On the request of Mrs. Nelson of Portland, was removed from the Consent Calendar.

On motion of the same gentlewoman, the Bill was recommitted to the Committee on Aging, Retirement and Veterans in non-concurrence and sent up for concurrence.

(S. P. 62) (L. D. 89) Bill "An Act Relating to the Special Administrative Expense Fund and Errors in Benefit Payments under the Employment Security Law"

(S. P. 83) (L. D. 180) Bill "An Act to Amend the Maine Business Corporation Act"

(S. P. 101) (L. D. 210) Bill "An Act Concerning the Uniform Processing of Employer Contributions into the Retirement System"

(H. P. 43) (L. D. 49) Bill "An Act to Dissolve the Howland Water and Sewer District" (C. "A" H-9)

(H. P. 173) (L. D. 194) Bill "An Act to Increase the Deer Registration Fee"

(H. P. 44) (L. D. 50) Bill "An Act to Require Legislative Confirmation of State Housing Authority Commissioners"

(H. P. 123) (L. D. 155) Bill "An Act to Establish a Sign on the Maine Turnpike for York Beach Region" (C. "A" H-11)

(H. P. 223) (L. D. 260) Bill "An Act to Clarify and Make Corrections in the Personnel Laws" (C. "A" H-10)

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

#### Passed to Be Engrossed

Bill "An Act to Prohibit Fingerprinting by Merchants in Negotiation of Checks" (H. P. 109) (L. D. 157)

Was reported by the Committee on Bills in the Second Reading, read the second time and the House Paper was passed to be engrossed and sent up for concurrence.

#### Passed to Be Enacted

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

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

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

Were 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:

SENATE REPORT—"Leave to Withdraw"  
— Committee on Energy and Natural Resources on Bill, "An Act to Prohibit Open Burning in Areas Determined as Urban Areas" (S. P. 58) (L. D. 84)

—In Senate, "Leave to Withdraw" Report read and accepted on February 3.

Tabled—February 6, 1981 by Mr. Hall of

Sangerville.

Pending—Acceptance of Committee Report.  
Thereupon, the Report was accepted and sent up for concurrence.

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

SENATE REPORT—"Ought to Pass" as Amended by Committee Amendment "A" (S-6) — Committee on Labor on Bill, "An Act to Exempt Certain Aquaculture Workers Under the Workers' Compensation Law" (S. P. 74) (L. D. 111)

Tabled—February 9, 1981 by Mrs. Beaulieu of Portland.

Pending—Acceptance of Committee Report.  
Thereupon, the Report was accepted in concurrence and the Bill read once.

Committee Amendment "A" (S-6) was read by the Clerk.

On motion of Mrs. Beaulieu of Portland, Committee Amendment "A" was indefinitely postponed in non-concurrence.

The Bill was assigned for second reading tomorrow.

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

HOUSE REPORT—"Leave to Withdraw" — Committee on Fisheries and Wildlife on Bill, "An Act to Change the Raccoon Hunting Season in Maine" (H. P. 137) (L. D. 164)

Tabled—February 9, 1981 by Mrs. Mitchell of Vassalboro.

Pending—Acceptance of Committee Report.  
On motion of Mr. MacEachern of Lincoln, the Bill was recommitted to the Committee on Fisheries and Wildlife.

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

#### Consent Calendar First Day

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

(H. P. 81) (L. D. 120) Bill "An Act Relating to Appeals by Taxpayers from Municipal Assessment" — Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-12)

(S. P. 71) (L. D. 108) Bill "An Act Concerning the Assignment of Rights of Recovery"—Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (S-9)

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 11, under listing of Second Day.

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

Bill "An Act Relating to Cash Reserve Requirements" (S. P. 247)

Came from the Senate indefinitely postponed.

In the House, the Bill was indefinitely postponed in concurrence.

#### Special Sentiment Calendar

In accordance with House Rule 56, the following item (Expression of Legislative Sentiment):

Recognizing:  
The Town of Van Buren, situated on the western shore of the St. John River, was incorporated in 1881 and is celebrating its centennial; (S. P. 271)

There being no objection, the above item was considered passed in concurrence.

#### (Off Record Remarks)

On motion of Mr. Lisnik of Presque Isle, Adjourned until ten o'clock tomorrow morning.