

# 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 24, 1981

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

Prayer by the Reverend Douglas Morgan Strong of the All Soul's Unitarian Church, Augusta.

The journal of yesterday was read and approved.

**Papers from the Senate**

Bill "An Act to Authorize an Experimental Cost Sharing of New Vocational Programs at the Capitol Area Vocational Center" (S. P. 326) (L. D. 934)

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 Require Home-Based Care as an Alternative to Nursing Home Care" (S. P. 325) (L. D. 933)

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 Authorize the State Liquor Commission to Establish an Agency Discount Liquor Store at Jackman" (S. P. 327) (L. D. 935)

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 Continue the Maine Turnpike Authority" (S. P. 324) (L. D. 932)

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

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

**Petitions, Bills and Resolves****Requiring Reference**

The following Bills and Resolution 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 to Appropriate Funds to the State Library for the Purchase of 50 Copies of 'The Journals of John E. Godfrey of Bangor.'" (H. P. 817) (Presented by Representative Pearson of Old Town)

(Ordered Printed)

Sent up for concurrence.

**Education**

Bill "An Act Relating to Boarding Cost Payments and Transportation Accounts for Secondary School Pupils in Remote Units under the Education Laws" (H. P. 818) (Presented by Representative Curtis of Waldoboro) (Cosponsors: Representative Post of Owl's Head and Senator Brown of Washington)

(Ordered Printed)

Sent up for concurrence.

**Judiciary**

Bill, "An Act Concerning Motor Vehicles Used in Crimes" (H. P. 819) (Presented by Representative Davis of Monmouth)

(Ordered Printed)

Sent up for concurrence.

**Later Today Assigned**

Bill, "An Act to Ensure the Rights of Privacy of Recipients of Public Assistance" (H. P. 820) (Presented by Representative Locke of Sebec) (Cosponsors: Representative Masterton of Cape Elizabeth and Senators Clark of Cumberland and Sewall of Lincoln)

Committee on Judiciary was suggested.

On motion of Mrs. Mitchell of Vassalboro, tabled pending reference and later today assigned.

**Labor**

Bill, "An Act Relating to Self-insurance under the Workers' Compensation Act" (H. P. 821) (Presented by Representative Brannigan of Portland) (Cosponsors: Senators Sewall of Lincoln and Conley of Cumberland and Representative Higgins of Scarborough)

Bill, "An Act to Suspend the Annual Escalation in Unemployment Benefits While the State Remains Indebted to the Federal Government" (H. P. 822) (Presented by Representative Tarbell of Bangor) (Cosponsor: Representative Livesay of Brunswick)

Bill "An Act Providing Collective Bargaining Rights to Judicial Employees" (H. P. 823) (Presented by Representative Hobbins of Saco) (Cosponsors: Representatives Beaulieu of Portland and McHenry of Madawaska)

(Ordered Printed)

Sent up for concurrence.

**Legal Affairs**

Bill, "An Act to Prohibit the Carrying of Weapons in Places Where Alcohol is Served" (H. P. 824) (Presented by Representative Davis of Monmouth)

(Ordered Printed)

Sent up for concurrence.

**State Government**

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Frequency with which Items can be Proposed by the Initiative Procedure" (H. P. 825) (Presented by Representative Davis of Monmouth) (Cosponsors: Representatives Kany of Waterville and Masterton of Cape Elizabeth)

(Ordered Printed)

Sent up for concurrence.

**Taxation**

Bill "An Act to Provide an Increase in the Gasoline Tax for a Limited Period of 5 Months" (Emergency) (H. P. 826) (Presented by Representative Hunter of Benton) (Cosponsor: Representative Hutchings of Lincolnville)

Bill "An Act to Provide a 3¢ Increase in the Gas Tax Subject to Approval by the Voters in a Referendum" (H. P. 827) (Presented by Representative Hutchings of Lincolnville) (Cosponsor: Representative Hunter of Benton)

Bill "An Act to Adjust Annually Individual Income Tax Laws to Eliminate Inflation-Induced Increases in Individual State Income Taxes" (H. P. 828) (Presented by Representative Tarbell of Bangor) (Cosponsors: Representative Berube of Lewiston, Jacques of Waterville, and Masterton of Cape Elizabeth)

Bill "An Act to Provide a 3¢ Increase in the Gas Tax" (H. P. 829) (Presented by Representative Hutchings of Lincolnville) (Cosponsor: Representative Paradis of Old Town)

Bill "An Act to Amend the Jobs and Investment Tax Credit Law" (H. P. 830) (Presented by Representative Brown of Bethel) (Cosponsor: Representative Kane of South Portland)

(Ordered Printed)

Sent up for concurrence.

**House Reports of Committees****Ought Not to Pass**

Representative Mahany from the Committee on Agriculture on Bill "An Act to Include Cats Under the Humane Laws" (H. P. 132) (L. D. 159) reporting "Ought Not to Pass"

Representative Kelleher from the Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate \$10,000 to the Firemen Training Program in the Department of Educational and Cultural Services" (H. P. 22) (L. D. 26) reporting "Ought Not to Pass"

Pursuant to House Rule 22, were placed in the Legislative Files without further action 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:

(H. P. 100) (L. D. 130) Bill "An Act to Require School Districts to Account for Federally Subsidized Pupils as Residents of the District"—Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-52)

(H. P. 176) (L. D. 196) Bill "An Act to Revise the Maine Medical Laboratory Act"—Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-53)

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 25, under the 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:

(H. P. 400) (L. D. 443) Bill "An Act to Permit Rental Payments by Tender of General Assistance Vouchers"

(H. P. 348) (L. D. 396) Bill "An Act to Increase the Mileage Reimbursement Payment for Jurors"

(H. P. 295) (L. D. 339) RESOLUTION, Proposing an Amendment to the Constitution of Maine Clarifying Residency Requirements for Candidates for and Members of the Maine House of Representatives" (C. "A" H-47)

(H. P. 276) (L. D. 307) Bill "An Act to Amend the Laws Relating to Criminal History Record Information" (C. "A" H-46)

(H. P. 58) (L. D. 71) Bill "An Act to Exempt Certain Site Evaluations from License Fee Requirements" (C. "A" H-48)

(H. P. 171) (L. D. 193) Bill "An Act to Revise the Voluntary Training and Certification Program for Installers of Solar Energy Equipment in Maine" (C. "A" H-49)

(H. P. 164) (L. D. 190) Bill "An Act to Increase Registration Fees under the Maine Consumer Credit Code"

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**

Bill "An Act to Amend the Law Relating to the Regulation of Privately Owned Correspondence Schools" (H. P. 168) (L. D. 221)

Bill "An Act Making Additional Appropriations from the General Fund for the Current Fiscal Year Ending June 30, 1981 and Changing Certain Provisions of the Law Necessary to the Proper Operation of State Government" (Emergency) (H. P. 816) (L. D. 940)

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

**Passed to Be Enacted****Emergency Measure**

An Act to Provide for the Surrender by Grand Falls Plantation of its Organization (H. P. 42) (L. D. 55) (C. "A" H-29)

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. 133 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.

**Emergency Measure**

An Act Converting Lakeville Plantation into the Town of Lakeville (H. P. 202) (L. D. 247)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

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

Mrs. POST: Mr. Speaker, I would like to pose a question through the Chair. I would like to know if under this particular piece of legislation the Town of Lakeville would remain in the Maine Forestry District?

The SPEAKER: The gentlewoman from Owl's Head, Mrs. Post, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Sabattus, Mr. LaPlante.

Mr. LaPLANTE: Mr. Speaker, yes, under L. D. 247 that would be the case. There is other legislation pending to take care of the other problem.

The SPEAKER: The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this Bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

A vote of the House was taken.

138 having voted in the affirmative and none in the negative, the Bill was passed to be enacted.

Signed by the Speaker and sent to the Senate.

#### Passed to Be Enacted

An Act to Exempt Skidders from the Registration Requirement of the Motor Vehicle Laws for Limited Travel (H. P. 85) (L. D. 79) (H. "A" H-31 to C. "A" H-27)

An Act Requiring Certain County Officials to Make Monthly Payments of Fees and Charges to the County Treasurer (H. P. 110) (L. D. 143) (C. "A" H-28)

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.

#### Enactor

##### Tabled and Assigned

An Act to Create a Special Moped License for Persons 16 Years and Over (H. P. 121) (L. D. 153) (C. "A" H-25)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentlewoman from Bethel, Miss Brown.

Miss BROWN: Mr. Speaker, could I have an explanation from someone on the committee as to just exactly what this bill does?

The SPEAKER: The gentlewoman from Bethel, Miss Brown, has posed a question through the Chair to anyone who may care to answer.

Whereupon, on motion of Mr. Higgins of Scarborough, tabled pending passage to be enacted and tomorrow assigned.

An Act to Coordinate and Assign the Responsibility for Conducting Air Search and Rescue Operations in the State Arising from Aeronautical Activities (H. P. 154) (L. D. 178) (C. "A" H-26)

An Act to Amend the Statutes Relating to the Developmental Disabilities Council (H. P. 175) (L. D. 224) (C. "A" H-30)

An Act to Provide for the Surrender by Barnard Plantation of its Organization (H. P. 186) (L. D. 228)

An Act to Provide a Speedy Procedure to Authorize the Demolition of Unsafe and Irreparable Buildings and Structures (H. P. 140) (L. D. 229)

An Act to Repeal the Law Barring Minors from Bowling Alleys, Pool Rooms and Shooting Galleries (H. P. 282) (L. D. 321)

An Act to Permit Teaching under the Fulbright Exchange Program to be Allowed as Creditable Service under the Retirement System (H. P. 307) (L. D. 340)

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:

Bill, "An Act to Increase the Eating, Lodging and Recreational Place Licensing Fee" (H. P. 63) (L. D. 97)

Tabled — February 20 by Representative Prescott of Hampden.

Pending — Passage to be Engrossed.

On motion of Mrs. Prescott of Hampden, retabled pending passage to be engrossed and specially assigned for Thursday, February 26.

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

An Act to Allow the Exculsion of Covered Persons under a Personal Automobile Policy (H. P. 586) (L. D. 601)

Tabled — February 20 by Representative Brannigan of Portland.

Pending — Passage to be Enacted.

On motion of Mr. Brannigan of Portland, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

The same gentleman offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-50) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Brannigan.

Mr. BRANNIGAN: Mr. Speaker and Members of the House: This bill, L. D. 601, deals with automobile insurance and the situation where a family that is about to be cancelled or non-renewed because one member of that family has become a high risk and allows that one member to be excluded from the policy and the rest of the family stay in a normal risk situation in their insurance. This is a practice that is being done, but it was felt there was need for some legislative clarification on it. Our committee unanimously felt it was a good move, and the insurance agents and insurance industry felt this was a good practice.

However, as this bill moved through the House, an astute member of this body felt, and rightfully so, that there was a matter that needed to be cleared up, so it has been tabled for several days while we looked at it very thoroughly. The concern was and is that there is some jeopardy by parents who would exclude a minor child if they let that child continue to drive. So we have presented this amendment which would make it very clear to someone who decides to exclude a minor child that if they let them drive they are letting themselves in for additional liability. This is just a notice, puts people on notice, who wish to take advantage of this exclusion.

Thereupon, House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

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

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

Tabled — February 20 by Representative Mitchell of Vassalboro.

Pending — Passage to be Enacted.

On motion of Mr. Diamond of Windham, retabled pending passage to be enacted and specially assigned for Thursday, February 26.

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

An Act Relating to Immunization of Children Prior to Entering School (Emergency) (H. P. 41) (L. D. 54) (C. "A" H-18)

Tabled — February 23 by Representative Connolly of Portland.

Pending — Motion of the same gentleman to Reconsider Failing of Enactment.

Thereupon, the House reconsidered its action whereby the Bill failed of passage to be enacted.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker and Members of the House: We have had quite an extensive debate on this bill over the past two weeks, and I hope not to prolong it very long today. But where the bill came so close to passing yesterday as an emergency piece of legislation, we were only three votes short, I think that some of the arguments maybe have not been made clearly enough in support of this legislation and bear repeating today.

One of the objections that was raised against the bill concerned the administering of rubella shots to teenage girls or girls of childbearing age. I don't know how many of you have taken the time to read the committee amendment in its entirety, but there are two sections in the committee amendment that deal with that subject. The first section in the amendment says that before the rubella shot can be administered, the girl and her parent or guardian must first be informed of the potential risks involved if she receives the shot. Then you read on in the amendment, it goes over to the next page, and I am afraid that some people may have missed this when they were looking at the committee amendment—the next section, section 4 of the committee amendment, automatically exempts the teenage girl from having the shot. In order for her to have the shot, she would have to take an affirmative act, she would have to go to the school nurse or she would have to go to the doctor and say, "I want the shot." The shot could not be administered until that girl took an affirmative act. She is automatically exempt until she takes such kind of an action.

I think there has been some misunderstanding and some confusion, and hopefully that will allay some of the fears that some of you have and hopefully you will support this bill today.

That is in addition to existing law, which we are not changing, that provides exemptions for people who have religious, moral, philosophical or personal objections. All those things are already in the law and anybody, for any one of those reasons, can be exempted from receiving any of these shots.

The final point that I would like to make is the question of constitutionality which was raised by Representative Carter yesterday. We have checked with the Attorney General's Office and it is their opinion, and apparently there is an advisory ruling to that effect, that they see no constitutional problems with this legislation. The issue, as I understand it, concerns 18 year olds. Eighteen year olds, if they were emancipated or on their own, would be treated as adults and would be able to make decisions in relation to this piece of legislation the same as if they were an adult. I hope those of you who voted against it yesterday, who initially supported the bill a week and a half ago, will give us the necessary votes to pass this bill today. I think the bill is going to pass, it is just a question of whether or not we have enough votes to pass it as an emergency piece of legislation and put it into effect right away or whether we have to take the emergency off and pass it and then it won't go into effect until the Fall.

The SPEAKER: The Chair recognizes the gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: In following what Representative Connolly has been saying on the amendment, I notice that the word "mumps" has been added. Without going into details on the floor of the House, I am wondering if we have exempted females, what would happen to the young men who might not want to

take the mumps vaccine?

The SPEAKER: The gentlewoman from Lewiston, Mrs. Berube, has posed a question through the Chair to anyone who may care to answer.

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

Mr. BRODEUR: Mr. Speaker, Members of the House: The exemption is for rubella only for a female child of childbearing age. The issue of mumps is only required for kindergarten students, children entering in the kindergarten classes, and the reasons for that is the extent of the mumps, and the amount of mumps vaccine is only enough for the kindergarten age.

The SPEAKER: The Chair recognizes the gentlewoman from Auburn, Miss Lewis.

Miss LEWIS: Mr. Speaker, I would like to pose a question through the Chair. I would like someone from the committee to please clarify for me who is going to pay for this immunization if the federal funds dry up? I have checked with Washington and they have told me that although it appears that we are going to have the funds for this program, we will not be certain until March 10th, so we don't know yet and we don't know about the year after that and the year after that. Could someone please clarify for the record exactly who will pay if the federal funds dry up?

The SPEAKER: The gentlewoman from Auburn, Miss Lewis, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: Somewhere along the line, the fine young lady, my colleague from Auburn, Miss Lewis, has been misinformed. It is an ongoing program, as I understand it, and the funds are in the budget.

The SPEAKER: The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

105 having voted in the affirmative and 39 in the negative, the Bill was passed to be enacted.

Signed by the Speaker and sent to the Senate.

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

House Report — "Ought to Pass" as Amended by Committee Amendment "A" (H-40) - Committee on Judiciary on Bill, "An Act to Allow Wardens to Take a Cash Bond from any Non-resident or Alien Found in Violation of the Fish and Wildlife Laws" (H. P. 353) (L. D. 401)

Tabled—February 23 by Representative Hobbins of Saco.

Pending—Acceptance of the Committee Report.

On motion of Mr. Hobbins of Saco, the Bill was recommitted to the Committee on Judiciary and sent up for concurrence.

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

Bill, "An Act to Facilitate the Leasing of Existing Subsidized Housing Units" (H. P. 809) (Committee on Judiciary suggested)

Tabled—February 23 by Representative Fowlie of Rockland.

Pending—Reference.

On motion of Mr. Fowlie of Rockland, referred to the Committee on State Government, ordered printed and sent up for concurrence.

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

The following Communication: (S. P. 341)  
State of Maine  
Senate Chamber

President's Office  
Augusta, Maine

February 20, 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 John A. Notis of Saco for reappointment 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,

JOSEPH SEWALL  
President of the Senate

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, was read and referred to the Committee on Health and Institutional Services in concurrence.

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

Bill "An Act to Amend the Maine Certificate of Need Act of 1978 to bring Nonconforming Provisions into Conformity with Federal Requirements and to make Technical Amendments" (S. P. 334) (L. D. 939)

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.

#### Leave to Withdraw

Report of the Committee on Energy and Natural Resources reporting "Leave to Withdraw" on Bill "An Act to Amend the Statutory Limit on Phosphorus in Detergents" (S. P. 106) (L. D. 236)

Came from the Senate with the Report read and accepted.

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

#### Ought to Pass

Report of the Committee on Energy and Natural Resources reporting "Ought to Pass" on Bill "An Act to Adopt a Lead Emission Standard under the Laws for Protection and Improvement of Air" (S. P. 103) (L. D. 216) (Senator McBreairey of Aroostook and Representative Kiesman of Fryeburg - Abstained)

Came from the Senate with the Report read and the Bill and Accompanying Papers Recommended to the Committee on Energy and Natural Resources.

In the House, the Report was read and accepted in concurrence the Bill read once, and assigned for Second Reading tomorrow.

The Chair laid before the House the following matter:

Bill "An Act to Ensure the Rights of Privacy of Recipients of Public Assistance" (H. P. 820) which was tabled earlier in the day and later today assigned pending reference.

On motion of Mrs. Prescott of Hampden, was referred to the Committee on Health and Institutional Services, ordered printed and sent up for concurrence.

#### (Off Record Remarks)

On motion of Mr. Telow of Lewiston,  
Adjourned until ten o'clock tomorrow morning.