

# 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**

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## HOUSE

Friday, February 27, 1981

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

Prayer by Father Alphonse Marquis of St. Mary's Catholic Church, Eagle Lake.

The journal of yesterday was read and approved.

**Papers from the Senate**

Bill "An Act to Prohibit Refiners and Distributors Motor Fuels from Engaging in the Retail Sale of Gasoline" (S. P. 344)

Came from the Senate indefinitely postponed.

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

Bill "An Act to Describe, Define and Officially Adopt a System of Coordinates for Designating the Geographic Position of Points on the Surface of the Earth within the State of Maine" (S. P. 346) (L. D. 989)

Came from the Senate referred to the Committee on Energy and Natural Resources and ordered printed.

In the House, referred to the Committee on Energy and Natural Resources in concurrence.

Bill "An Act to Clarify the Security Deposit Law" (S. P. 348) (L. D. 991)

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 Provide Equity for Stepchildren in the Inheritance Laws" (S. P. 349) (L. D. 992)

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

In the House, on motion of Mrs. Post of Owl's Head, the Bill was referred to the Committee on Taxation in non-concurrence and sent up for concurrence.

Bill "An Act to Require Disclosure of Reserves by Workers' Compensation Insurers" (S. P. 343) (L. D. 987)

Bill "An Act Concerning Information Provided by Insurers Prior to Rate Approval" (S. P. 345) (L. D. 988)

Bill "An Act to Insure Unemployment Compensation for Employees who are Harassed" (S. P. 350) (L. D. 993)

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 Proposing an Advisory Referendum Concerning the Dickey-Lincoln Hydroelectric Project" (S. P. 347) (L. D. 990)

Came from the Senate referred to the Committee on Public Utilities in concurrence.

Bill "An Act to Require that Legislators Include in their Ethic Reports Whether they are Union Members and Pay Union Dues During the Year" (S. P. 351) (L. D. 994)

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.

Bill "An Act to Promote Tourism by Providing Directional Signs for Publicity Bureau Offices" (S. P. 352) (L. D. 995)

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

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

**Later Today Assigned**

Report of the Committee on Appropriations and Financial Affairs reporting "Ought to

Pass" as amended by Committee Amendment "A" (S-24) on Bill "An Act to Adjust the Level of Compensation and Certain Statutory Duties of the Senate Secretary and the House Clerk and their Assistants" (Emergency) (S. P. 97) (L. D. 136)

Came from the Senate with the Bill and accompanying papers Recommitted to the Committee on Appropriations and Financial Affairs.

In the House, the Report was read.

On motion of Mr. Pearson of Old Town, tabled pending acceptance of the Committee Report and later today assigned.

**Non-Concurrent Matter**

Bill "An Act to Ensure the Rights of Privacy of Recipients of Public Assistance" (H. P. 820) (L. D. 974) which was referred to the Committee on Health and Institutional Services in the House on February 24.

Came from the Senate referred to the Committee on Judiciary in non-concurrence.

In the House: On motion of Ms. Benoit of South Portland, the House voted to recede and concur.

**Non-Concurrent Matter**

Bill "An Act to Establish a Statewide Cancer-Incidence Registry" (H. P. 807) (L. D. 967) which was referred to the Committee on Health and Institutional Services in the House on February 23.

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.

**Non-Concurrent Matter**

Bill "An Act to Remove the Political Sign Restrictions from the Billboard Law" (S. P. 328) (L. D. 958) which was referred to the Committee on Election Laws in the House on February 25.

Came from the Senate with that Body having Adhered on its former action whereby the Bill was referred to the Committee on Business Legislation in non-concurrence.

In the House: On motion of Ms. Benoit of South Portland, the House voted to recede and concur.

**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 Provide for an Annual Report by the Board of Trustees of the Maine State Retirement System to the Legislature" (H. P. 896) (Presented by Representative Nelson of Portland) (Cosponsor: Senator Teague of Somers)

(Ordered Printed)

Sent up for concurrence.

**Education**

Bill "An Act to Establish a Teacher Certification Board" (H. P. 897) (Presented by Representative Rolde of York)

(Ordered Printed)

Sent up for concurrence.

**Fisheries and Wildlife**

Bill "An Act to Establish a 50¢ Bounty on Porcupines" (H. P. 898) (Presented by Representative Randall of East Machias)

(Ordered Printed)

Sent up for concurrence.

**Health and Institutional Services**

Bill "An Act to Require the Annual Adjustment of Medicaid Dispensing Fees for Pharmacies" (H. P. 899) (Presented by

Representative Boyce of Auburn)

Bill "An Act to Relieve Emergency Ambulance Services" (H. P. 900) (Presented by Representative Tuttle of Sanford)

Bill "An Act to Establish a Third-party Prescription Program Act" (H. P. 901) (Presented by Representative Soulas of Bangor)

(Ordered Printed)

Sent up for concurrence.

**Labor**

Bill "An Act to Establish a 9-hour Workday and a 50-hour Week" (H. P. 902) (Presented by Representative Tuttle of Sanford)

(Ordered Printed)

Sent up for concurrence.

**Legal Affairs**

Bill "An Act to Restore Memorial Day Holiday to its Authentic Historical Date" (H. P. 903) (Presented by Representative Tarbell of Bangor) (Cosponsor: Representative Connors of Franklin)

(Ordered Printed)

Sent up for concurrence.

**State Government**

Bill "An Act Relating to the Appointment of the Assistant Adjutant General in the Department of Defense" (H. P. 904) (Presented by Representative Theriault of Fort Kent)

Bill "An Act to Include the Cost of Child Care or Day Care under the Laws Covering Reimbursement of Expenses to Citizens Serving on Boards and Commissions of the State" (H. P. 905) (Presented by Representative Diamond of Bangor) (Cosponsors: Senators Carpenter of Aroostook and Najarian of Cumberland and Representative Benoit of South Portland)

(Ordered Printed)

Sent up for concurrence.

**Taxation**

Bill "An Act to Adjust Annually Individual Income Tax Laws to Eliminate Inflation Induced Increases in Individual State Income Taxes" (H. P. 907) (Presented by Representative Tarbell of Bangor) (Cosponsors: Representatives Masterton of Cape Elizabeth, Berube of Lewiston and Jacques of Waterville)

(Ordered Printed)

Sent up for concurrence.

**Transportation**

Bill "An Act to Regulate Motorized Bicycles" (H. P. 906) (Presented by Representative Lewis of Auburn) (Cosponsor: Representative Baker of Portland)

(Ordered Printed)

Sent up for concurrence.

**Orders****Tabled and Assigned**

On motion of Representative Drinkwater of Belfast, the following Joint Order: (H. P. 895) ORDERED, the Senate concurring, that the Joint Rules, as amended, be further amended by adding after Joint Rule 36, the following:

36-A. Bills or resolves introduced at the request of another. A bill or resolve introduced by a Legislator on behalf of another person, organization or entity shall display on the printed Legislative Document the name of the person, organization or entity on whose behalf it is being introduced.

If the person, organization or entity or their representative, does not appear at the public hearing to testify on the bill or resolve, the bill or resolve shall be returned to the House or Senate to be placed in the legislative files without further action; provided that the joint standing committee may, by a majority vote, retain the bill or resolve and report the bill or resolve out of committee in the manner used for dealing with all other bills and resolves.

The Order was read.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Drinkwater.

Mr. DRINKWATER: Mr. Speaker and Members of the House: I was approached right after the last election by one of my constituents, who happened to be a defeated Democratic candidate that I am very friendly with, and they were very concerned with the amount of bills that were being put in each year. They thought that perhaps if the people who requested these bills had to have their names on them, it might change the complexion a little bit.

I thought we should go a little farther with it, and under 36-A the in Order, it will tell you what we are trying to do, or would like to do, and that would be that if you had a bill in and somebody from your district had requested it, their name would appear, and maybe the organization that they represented. If they come for the hearing and this person wasn't there whose name was on the bill, or they hadn't made arrangements to have someone else represent that organization or person, then it would leave it up to the chairmen or chairwomen of the committee, whichever it happens to be, they would have quite a lot of leeway as to what they could do.

I was approached as I came down from the Judiciary room today by some people in the corridor who suggested that it might be a bad time to put it in. I just would like to bring it to the attention of this body. I hope that we can adopt it. At the proper time, maybe we can do something about that.

Ladies and gentlemen, I hope that we can either pass this or at least cause some activity.

On motion of Mrs. Mitchell of Vassalboro, tabled pending passage and specially assigned for Monday, March 2.

#### House Reports of Committees

##### Leave to Withdraw

Representative Peterson from the Committee on Fisheries and Wildlife on Bill "An Act to Permit Twilight Hunting" (H. P. 245) (L. D. 279) reporting "Leave to Withdraw"

Representative Brodeur from the Committee on Health and Institutional Services on Bill "An Act Concerning Legend Drugs" (H. P. 138) (L. D. 165) reporting "Leave to Withdraw"

Representative Thompson from the Committee on Education on Bill "An Act to Revise, Consolidate and Update Statutes Concerning Certain School Health Services and Practices as they Relate to Communicable Diseases" (H. P. 198) (L. D. 243) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

##### Referred to the Committee on Taxation

Representative LaPlante from the Committee on Local and County Government on Bill "An Act Converting Great Pond Plantation into the Town of Great Pond and Removing Great Pond from The Maine Forestry District" (Emergency) (H. P. 287) (L. D. 369) reporting that it be referred to the Committee on Taxation.

Report was read and accepted, the Bill referred to the Committee on Taxation 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. 440) (L. D. 487) Bill "An Act to Change the Motor Vehicle Laws to Allow Operators to Redistribute their Axle Weight Limits while Traversing Maine's Interstate Systems"—Committee on Transportation reporting "Ought to Pass"

No objections being noted, the above item was ordered to appear on the Consent Calendar of March 2, under listing of the Second Day.

##### Passed to Be Engrossed

(H. P. 624) (L. D. 707) Bill "An Act Relating

to the Acquisition of Land and Building for Development of Fish Piers" (Emergency)—Committee on Transportation reporting "Ought to Pass"

On the objection of Mr. Carroll of Limerick, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once.

On motion of Mr. Carroll of Limerick, under suspension of the rules, the Bill was read the second time, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

##### Later Today Assigned

(H. P. 244) (L. D. 278) Bill "An Act to Increase the Amount of Expenses Which May be Reimbursed to Members of the Inland Fisheries and Wildlife Advisory Council"—Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-57)

On the objection of Mr. MacEachern of Lincoln, was removed from the Consent Calendar.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MacEACHERN: Mr. Speaker, I have an amendment coming for this bill, and would request that someone table it until later in today's session.

Whereupon, on motion of Mr. Diamond of Windham, tabled pending acceptance of the Committee Report and later today assigned.

(H. P. 310) (L. D. 342) Bill "An Act to Permit Reciprocal Licensing of Real Estate Brokers and Salesmen"—Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-60)

(H. P. 446) (L. D. 494) Bill "An Act Concerning Use of Aircraft by Aircraft Dealers"—Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-58)

(H. P. 197) (L. D. 297) Bill "An Act Pertaining to Used Home Warranty and Service Contracts"—Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-59)

(H. P. 165) (L. D. 220) Bill "An Act to Amend the Law Relating to the Licensing of Privately-owned Business, Trade and Technical Schools"—Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-61)

No objections being noted, the above items were ordered to appear on the Consent Calendar of March 2, under the listing of the 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. 393) (L. D. 436) Bill "An Act to Authorize the Merger of the Kennebunk, Kennebunkport and Wells Water District Pension Trust with the Maine State Retirement System"

(H. P. 117) (L. D. 149) Bill "An Act to Increase the Rate of Tax and Amend the Membership Requirements of the Sardine Council under the Sardine Tax Law" (C. "A" H-54)

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.

##### Second Reader

##### Tabled Unassigned

Bill "An Act to Amend and Clarify the Procedure to File and Appeal Claims by Patients, Inmates or Prisoners" (S. P. 144) (L. D. 315) (C. "A" S-22)

Was reported by the Committee on Bills in the Second Reading and read the second time.

On motion of Mrs. Mitchell of Vassalboro,

tabled unassigned pending passage to be engrossed as amended in concurrence.

##### Passed to Be Engrossed

An Act to Revise the Procedures for Regulating Dams (H. P. 18) (L. D. 12) (H. "A" H-44; C. "A" H-37)

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.

##### Finally Passed

RESOLVE, Designating a Certain Bridge being Constructed Across the Androscoggin River as the "James B. Longley Memorial Bridge" (H. P. 228) (L. D. 265)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, finally passed, 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:

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

Tabled — February 26 by Representative Mitchell of Vassalboro.

Pending — Passage to be Enacted.

On motion of Mr. Diamond of Windham, tabled pending passage to be enacted and specially assigned for Tuesday, March 3, 1981.

The Chair laid before the House the following matter:

Bill "An Act to Adjust the Level of Compensation and Certain Statutory Duties of the Senate Secretary and the House Clerk and their Assistants" (Emergency) (S. P. 97) (L. D. 136) (C. "A" S-24) which was tabled earlier in the day and later today assigned pending further consideration.

On motion of Mr. Pearson of Old Town, retabled pending acceptance of the Committee Report and specially assigned for Monday, March 2, 1981.

The Chair laid before the House the following matter:

Bill "An Act to Increase the Amount of Expenses Which May be Reimbursed to Members of the Inland Fisheries and Wildlife Advisory Council" (H. P. 244) (L. D. 278) which was tabled earlier in the day and later today assigned pending acceptance of the Committee Report.

On motion of Mr. MacEachern of Lincoln, retabled pending acceptance of the Committee Report and specially assigned for Monday, March 2, 1981.

##### (Off Record Remarks)

On motion of Mr. Peterson of Caribou, Adjourned until Monday, March 2 at ten o'clock in the morning.