

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, March 4, 1981

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

Prayer by the Reverend Lewis Beckford, Retired Pastor of the Methodist Church of Thornton Heights, South Portland.

The journal of yesterday was read and approved.

Papers from the Senate

Bill "An Act to Amend the Laws Relating to Group and Blanket Health Insurance" (S. P. 360) (L. D. 1060)

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 for the Siting, Construction and Financing of Hazardous Waste Treatment, Disposal and Storage Facilities" (S. P. 354) (L. D. 1059)

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 Status of Certain Real Estate Titles in the State" (Emergency) (S. P. 362) (L. D. 1061)

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 Permit Counties to Change their Fiscal Year" (S. P. 363) (L. D. 1062)

Came from the Senate referred to the Committee on Local and County Government and ordered printed.

In the House, referred to the Committee on Local and County Government in concurrence.

Reports of Committees**Leave to Withdraw**

Report of the Committee on Energy and Natural Resources reporting "Leave to Withdraw" on Bill "An Act to Repeal the Authority of the Bureau of Public Lands to Lease Timber Management Rights to Organized Towns" (S. P. 96) (L. D. 212)

Came from the Senate with the Report read and passed.

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

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:

Business Legislation

Bill "An Act Concerning Television Receiving Equipment" (H. P. 933) (Presented by Representative Baker of Portland) (Cosponsors: Representative Telow of Lewiston and Chonko of Topsham)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act to Enable a Town within a School Administrative District to Withdraw or Change their Participation to a More Limited Community School District" (H. P. 934) (Presented by Representative McCollister of Canton) (Cosponsor: Representative Rolde of York)

(Ordered Printed)

Sent up for concurrence.

Energy and Natural Resources

Bill "An Act to Amend the Site Location Law" (H. P. 935) (Presented by Representa-

tive Curtis of Waldoboro) (Cosponsor: Representative Hutchings of Lincolnville)

Bill "An Act to Establish a Hazardous Waste Exchange" (H. P. 936) (Presented by Representative Kany of Waterville) (Cosponsors: Representative Dexter of Kingfield, Hall of Sangerville, and Ketover of Portland)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act to Establish an Agricultural Exemption from Workers' Compensation for Certain Wood Lot Operations" (H. P. 937) (Presented by Representative Dexter of Kingfield)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act to Amend the Law Prohibiting Law Enforcement Officers from Soliciting Funds" (H. P. 938) (Presented by Representative Carroll of Limerick)

Committee on Legal Affairs was suggested. On motion of Mr. Branningan of Portland, was referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

Taxation

Bill "An Act to Eliminate the Sales Tax on Clothing" (H. P. 939) (Presented by Representative Davis of Monmouth) (By Request)

Bill "An Act to Replace the Inheritance Act with a Maine Estate Tax" (H. P. 940) (Presented by Representative Brerner of Portland) (Cosponsors: Representatives Davis of Monmouth and Smith of Mars Hill and Senator Wood of York)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act to Provide for Sound Crossing Signals for the Blind" (H. P. 941) (Presented by Representative Gwadosky of Fairfield) (Cosponsors: Representatives Fitzgerald of Waterville and Racine of Biddeford)

(Ordered Printed)

Sent up for concurrence.

Orders

On motion of Representative McSweeney of Old Orchard Beach, it was

ORDERED, that Representative Georgette B. Berube of Lewiston be excused March 5 and 6 for personal reasons.

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

Representative Fowle from the Committee on Marine Resources on Bill "An Act to Limit Scallop Dragging to Daylight Hours" (H. P. 327) (L. D. 354) reporting "Ought Not to Pass"

Was placed in the Legislative Files without further action pursuant to Joint Rule 22, and sent up for concurrence.

Leave to Withdraw

Representative LaPlante from the Committee on Local and County Government on Bill "An Act to Clarify the Authority of Councils of Government" (H. P. 472) (L. D. 532) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

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

Leave to Withdraw

Representative Hobbins from the Committee on Judiciary on Bill "An Act Relating to Certain Zoning Appeals" (H. P. 494) (L. D. 546) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

Consent Calendar**First Day**

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

(H. P. 557) (L. D. 632) Bill "An Act Concerning Intestate Estates" — Committee on Judiciary reporting "Ought to Pass"

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

Divided Report**Tabled and Assigned**

Majority Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act to Prescribe when a Caboose shall be Attached to a Locomotive and Freight Cars" (H. P. 338) (L. D. 377)

Report was signed by the following members:

Senator:

EMERSON of Penobscot

— of the Senate.

Representative:

McKEAN of Limestone
MOHOLLAND of Princeton
HUTCHINGS of Lincolnville
STROUT of Corinth
HUNTER of Benton
FOWLIE of Rockland
McPHERSON of Eliot

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-67) on same Bill.

Report was signed by the following members:

Senators:

O'LEARY of Oxford
USHER of Cumberland

— of the Senate.

Representatives:

REEVES of Pittston
MACOMBER of South Portland
CARROLL of Limerick

— of the House.

Reports were read.

On motion of Mr. Carroll of Limerick, tabled pending acceptance of either Report and tomorrow assigned.

Consent Calendar**First Day**

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

(H. P. 525) (L. D. 591) Bill "An Act to Abolish the Panel of Physicians under the Workers' Compensation Act" — Committee on Labor reporting "Ought to Pass"

(H. P. 325) (L. D. 353) Bill "An Act Relating to Boilers and Pressure Vessels and their Operation" — Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-68)

(H. P. 403) (L. D. 446) Bill "An Act to Include Industrial and Medical Gas Installations as Personal Property Employed in Trade under Exceptions for Purposes of Personal Property Taxes" — Committee on Taxation reporting "Ought to Pass"

(H. P. 533) (L. D. 599) Bill "An Act Relating to the Excise Tax Transfer Fee and Excise Tax Maximum" — Committee on Taxation reporting "Ought to Pass"

(H. P. 328) (L. D. 355) Bill "An Act to Limit Scallop Dragging" — Committee on Marine Resources reporting "Ought to Pass"

(H. P. 329) (L. D. 356) Bill "An Act Relating to the Size of Scallop Drags in Certain Coastal Waters" — Committee on Marine Resources reporting "Ought to Pass" (Senator Brown of Washington — abstained)

(H. P. 370) (L. D. 408) Bill "An Act to Provide for the Reciprocity with other States under the Cosmetology Statutes" — Commit-

tee on Business Legislation reporting "Ought to Pass"

(H. P. 297) (L. D. 327) Bill "An Act to Amend Current Law to Limit Additional Fees Charged to Handicapped Persons for Special Motor Vehicle License Plates that Display Handicapped Symbols" — Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-69)

(H. P. 32) (L. D. 37) Bill "An Act to Modify Certain Rules of the Road to Conform with the Uniform Vehicle Code" — Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-70)

No objections being noted, the above items were ordered to appear on the Consent Calendar of March 5, 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. 140) (L. D. 379) Bill "An Act to Change the Requirement for Appointment to the Board of Commissioners of the Profession of Pharmacy" (C. "A" S-30)

(S. P. 28) (L. D. 24) Bill "An Act to Permit 10% Overweight Tolerance for Certain Material Transported on the Highways" (C. "A" S-29)

(S. P. 192) (L. D. 493) RESOLVE, Authorizing and Directing the Department of Transportation to Report on the Effect of the 1980 Census in Establishing Compact Areas

(S. P. 164) (L. D. 418) Bill "An Act to Amend the Professional Service Corporation Act"

(H. P. 534) (L. D. 600) Bill "An Act to Require a Certificate of Salvage for Certain Motor Vehicles"

(H. P. 584) (L. D. 664) Bill "An Act to Authorize Municipal Agents to Renew Operator Licenses"

(H. P. 193) (L. D. 233) Bill "An Act Pertaining to Public Safety on Public Ways" (C. "A" H-66)

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 Relating to Pesticide Registration" (H. P. 4) (L. D. 4)

Was 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 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 (H. P. 816) (L. D. 940)

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. 132 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.

Passed to Be Engrossed

An Act to Revise the Maine Medical Laboratory Act (H. P. 176) (L. D. 196) (C. "A" H-53)

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.

Orders of the Day

The Chair laid before the House the first

tabled and today assigned matter:

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

Tabled—March 2 by Representative Pearson of Old Town.

Pending—Acceptance of Committee Report.

On motion of Mr. Pearson of Old Town, the Bill was recommitted to the Committee on Appropriations and Financial Affairs in concurrence.

(Off Record Remarks)

On motion of Ms. Small of Bath,
Adjourned until ten o'clock tomorrow morning.