

# 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 11, 1981

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

Prayer by the Reverend Douglas Drown of the First Congregational Church of Bingham.

The journal of yesterday was read and approved.

**Papers from the Senate**

Bill "An Act to Make Revenue Losses, Due to Tax Credits, Exemptions and Deductions, Part of the Budget Document" (S. P. 390) (L. D. 1148)

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 Permit the Use of the Drug Dimethyl Sulfoxide for Human Consumption" (S. P. 389) (L. D. 1147)

Bill "An Act to Repeal the Prohibition Against Transfer of Birth Control Prescriptions between Pharmacies" (S. P. 391) (L. D. 1149)

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 Special Development Districts" (S. P. 388) (L. D. 1146)

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**

The following Communication: (H. P. 1064)  
State of Maine

ADMINISTRATIVE OFFICE OF THE  
COURTS

P. O. Box 4820 DTS  
Portland, Maine

February 23, 1981

Chief Justice Vincent L. McKusick

Governor Joseph E. Brennan

Members of the 110th Legislature

Pursuant to 4 M. R. S. A. § 17, subsection 10, transmitted herewith is the fourth annual report of the Administrative Office of the Courts. This report is for the calendar year 1980.

S/JOHN P. DUFFY

State Court Administrator

Was read and with accompanying Report ordered placed on file.

**Petitions, Bills and Resolves  
Requiring Reference**

The following Bills and Resolves were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

**Appropriations and Financial Affairs**

RESOLVE, Appropriating Funds for Attorneys' Fees and Costs in the Case of Thiboutot v. Maine (Emergency) (H. P. 1032) (Presented by Representative Kelleher of Bangor) (Cosponsor: Representative Drinkwater of Belfast) (Governor's Bill)

(Ordered Printed)

Sent up for concurrence.

**State Government**

Bill "An Act to Expand the Forms of Deferred Compensation under the Deferred Compensation Plan" (H. P. 1033) (Presented by Representative Kany of Waterville)

Committee on Business Legislation was suggested.

On motion of Mrs. Kany of Waterville, the Bill was referred to the Committee on State

Government, ordered printed and sent up for concurrence.

**Education**

Bill "An Act Concerning the Computation of the State's Share of Operating Cost for Local School Administrative Units" (H. P. 1034) (Presented by Representative Conners of Franklin)

(Ordered Printed)

Sent up for concurrence.

**Election Laws**

Bill "An Act Concerning the Date on which Local Referenda Questions Should be Voted on" (H. P. 1035) (Presented by Representative Berube of Lewiston)

(Ordered Printed)

Sent up for concurrence.

**Energy and Natural Resources**

Bill "An Act to Encourage Neighborhood Volunteer Programs to Keep Homes Warm" (H. P. 1036) (Presented by Representative Connolly of Portland) (Cosponsor: Representative Brodeur of Auburn)

(Ordered Printed)

Sent up for concurrence.

**Fisheries and Wildlife**

Bill "An Act Relating to Bear Hunting" (H. P. 1037) (Presented by Representative MacEachern of Lincoln)

(Ordered Printed)

Sent up for concurrence.

**Health and Institutional Services**

Bill "An Act Concerning Clean Indoor Air" (H. P. 1038) (Presented by Representative Higgins of Portland) (Cosponsor: Representative Manning of Portland)

(Ordered Printed)

Sent up for concurrence.

**Judiciary**

Bill "An Act to Revise the Debtor-Creditor Laws to Facilitate the Legal Collection of Debts" (H. P. 1039) (Presented by Representative Livesay of Brunswick)

(Ordered Printed)

Sent up for concurrence.

**Local and County Government**

Bill "An Act to Provide a Referendum to Abolish County Government and Authorize Reassignment of its Functions and Duties to Appropriate State and Municipal Departments and Agencies" (H. P. 1040) (Presented by Representative Carter of Winslow) (Cosponsors: Representative Martin of Eagle Lake and Hall of Sangerville and Senator McBreairey of Aroostook)

(Ordered Printed)

Sent up for concurrence.

**Public Utilities**

Bill "An Act to Amend the Charters of the Mars Hill Utility District and the Rumford Water District" (H. P. 1041) (Presented by Representative Smith of Mars Hill) (Cosponsor: Representative Erwin of Rumford)

(Ordered Printed)

Sent up for concurrence.

**Taxation**

Bill "An Act to Provide for the Schedule Reduction of Certain Property Tax Exemptions" (H. P. 1042) (Presented by Representative Higgins of Portland) (Cosponsor: Representative Twitchell of Norway)

Bill "An Act to Shorten the Holding Period for Abandoned Property, Advance the Due Date for Inheritance Taxes and Revise Business Income Taxes" (Emergency) (H. P. 1043) (Presented by Representative Post of Owl's Head) (Governor's Bill)

(Ordered Printed)

Sent up for concurrence.

**Orders**

On motion of Representative Mahany of Easton, the following Joint Order: (H. P. 1044) (Cosponsor: Senator Hichens of York)

WHEREAS, firewood has become a major source of fuel in Maine; and

WHEREAS, because of the need to transport wood and to avoid unnecessary stacking, much firewood is sold and delivered thrown on the ground; and

WHEREAS, a standard unit of measure is needed to define such a cord of wood, to facilitate the selling of it and to assure that all parties are equitably treated; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Agriculture report out a bill to the House defining a "loose" or "thrown" cord of wood.

Was read and passed and sent up for concurrence.

**Special Sentiment Calendar**

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

Recognizing:

Father Royal J. Parent of Millinocket Pastor of St. Martin's of Tour, who was ordained on February 2, 1956 and celebrated his Silver Jubilee on February 2, 1981; (H. P. 1031) (by Representative Clark of Millinocket) (Cosponsors: Representatives Martin of Eagle Lake and Michaud of East Millinocket and Senator Pray of Penobscot)

North Haven High School and its girls' basketball team, winners of the 1981 Western Maine Class D Good Sportsmanship Award; (H. P. 1045) by Representative Post of Owl's Head) (Cosponsor: Senator Collins of Knox)

Greely High School boys' basketball team, 1981 Western Maine Class B champions; (H. P. 1046) by Representative Dillenback of Cumberland. (Cosponsor: Senator Huber of Cumberland)

Central Aroostook High School and its boys' and girls' basketball teams, winners of the 1981 Class C Good Sportsmanship Awards; (H. P. 1047) by Representative Smith of Mars Hill. (Cosponsor: Senator Carpenter of Aroostook)

Central Aroostook High School girls' basketball team, coached by Dick Barstow, 1981 State Class C champions; (H. P. 1048) by Representative Smith of Mars Hill (Cosponsor: Senator Carpenter of Aroostook)

John Field, of Auburn, who celebrated his 102nd birthday on February 28, 1981; (H. P. 1049) by Representative Boyce of Auburn)

Mount View High School Girls' Basketball Team, 1981 Eastern Maine Class B champions; (H. P. 1050) by Representative Stevenson of Unity. (Cosponsors: Senator Shute of Waldo; Representative Hutchings of Lincolnville)

Katahdin High School Boys' Basketball Team 1981 Eastern Maine Class C Champions; Coached by Philip Faulkner; (H. P. 1051) by Representative Smith of Island Falls. (Cosponsors: Senator Pray of Penobscot and Representative Michaud of East Millinocket)

Winthrop High School Girls' Basketball Team, 1981 Western Maine Class C champions; (H. P. 1052) by Representative Davis of Monmouth. (Cosponsor: Senator Ault of Kennebec)

Central Aroostook High School Girl's Basketball Team, coached by Dick Barstow, 1981 Eastern Maine Class C champions, (H. P. 1053) by Representative Smith of Mars Hill. (Cosponsor: Senator Carpenter of Aroostook)

VinalHaven High School Girls' Basketball Team, 1981 Western Maine Class D champions; (H. P. 1054) by Representative Post of Owl's Head. (Cosponsor: Senator Collins of Knox)

Buckfield High School Boys' Basketball Team, 1981 State Class D champions; (H. P. 1044) by Representative Bell of Paris. (Cosponsor: Senator Sutton of Oxford)

Joseph A. St. Michel, of Durham, Commander of the Amvets for the past year; (H. P. 1057)

by Representative Hayden of Durham.

John Baptist High School Girls Basketball Team, winners of the State Class D championship for 1980-81; (H. P. 1058) by Representative Kelleher of Bangor) (Cosponsors: Representatives Diamond of Bangor and Soulas of Bangor)

Jeff Topliff of Veazie, Most Valuable Player for the Orono Red Riots in the 1981 Class B State championship; (H. P. 1059) by Representative Treadwell of Veazie. (Cosponsor: Senator Devoe of Penobscot)

Presque Isle High School Girls' Basketball Team, 1981 Eastern Maine Class A Champions; (H. P. 1060) by Representative MacBride of Presque Isle. (Cosponsors: Senator McBreairey of Aroostook and Representative Lisknik of Presque Isle)

Amanda Driscoll, of Bangor, who celebrated her 102nd birthday on February 16, 1981; (H. P. 1061) by Representative Tarbell of Bangor)

That January 15, 1980 was Martin Luther King, Jr. Day, in memory of a great and remarkable man who did enormously important work for the poor and disenfranchised of our country; (H. P. 1062) by Representative Connolly of Portland.

Orono High School Boys' Basketball Team, 1981 State Class B Champions; (H. P. 1063) by Representative Gavett of Orono. (Cosponsors: Representatives Davies of Orono and Treadwell of Veazie and Senator Devoe of Penobscot)

In Memory Of:

Charles J. Hurley, Esq., of Ellsworth, a former judge and prominent citizen of that community; (H. P. 1056) by Representative Foster of Ellsworth. (Cosponsor: Senator Perkins of Hancock)

There being no objections the above items were considered passed or adopted, and sent up for concurrence.

(Off Record Remarks)

#### House Reports of Committees Leave to Withdraw

Representative Strout from the Committee on Transportation on Bill "An Act to Exempt Wood Splitters from Special Equipment Registration Requirements" (H. P. 676) (L. D. 780) reporting "Leave to Withdraw"

Representative Small from the Committee on State Government on Bill "An Act to Limit the State's Investment in CETA Programs" (H. P. 609) (L. D. 686) reporting "Leave to Withdraw"

Representative Kany from the Committee on State Government on Bill "An Act to Discourage State Purchasing from Participants in International Boycotts" (H. P. 435) (L. D. 482) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

#### Ought to Pass

##### Pursuant to Joint Order H. P. 264)

Representative LaPlante from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Waldo County for the Year 1981 (Emergency) (H. P. 1030) (L. D. 1195) reporting "Ought to Pass" pursuant to Joint Order (H. P. 264)

Report was read and accepted. The Bill read once and assigned for second reading, Thursday, March 12.

#### Consent Calendar First Day

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

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

(S. P. 171) (L. D. 421) Bill "An Act Prohibiting Businesses from Raffling or Giving Away Live Animals, Fowl or Reptiles as a Fund-

Raising Device"—Committee on Agriculture reporting "Ought to Pass"

(S. P. 174) (L. D. 454) Bill "An Act to Continue the Joint Select Committee on Decommissioning of Nuclear Generating Facilities"—Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-36)

(H. P. 695) (L. D. 809) RESOLVE, Designating the Picnic Area on State Route 23 in Dexter as the Harold Keyte Memorial Picnic Area—Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-82)

(H. P. 551) (L. D. 627) Bill "An Act to Create a Lake Restoration and Protection Financial Aid Program"—Committee on Energy and Natural Resources reporting "Ought to Pass"

(H. P. 315) (L. D. 345) RESOLVE, Authorizing the Bureau of Public Lands to Convey the State's Interest in Certain Public Lands in Milford, Penobscot County—Committee on Energy and Natural Resources reporting "Ought to Pass"

(H. P. 550) (L. D. 626) Bill "An Act to Conform and Strengthen the Law Concerning the Burning of Debris"—Committee on Energy and Natural Resources reporting "Ought to Pass"

(H. P. 552) (L. D. 628) Bill "An Act to Provide for Determination of the Engineering Feasibility and the Environmental and Economic Effects of the Cobscook Bay Tidal Power Project"—Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-83)

There being no objections, the above items were ordered to appear on the Consent Calendar of March 12, under listing of Second Day.

#### Consent Calendar Second Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar under listing of Second Day.

(S. P. 212) (L. D. 577) Bill "An Act to Establish a Sign on the Maine Turnpike for the University of Southern Maine" (C "A" S-34)

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

Thereupon, the Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-34) was read by the Clerk.

Mr. McHenry of Madawaska offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-86) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

(S. P. 182) (L. D. 460) Bill "An Act to Amend the Law Concerning Cremation of old State Bonds"

(S. P. 151) (L. D. 359) Bill "An Act Pertaining to the Retention of Records for Closing-out Sales"

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were passed to be engrossed in concurrence.

#### Passed to Be Engrossed

Bill "An Act Concerning the Size of Exempt Lots under the Subdivision Laws" (S. P. 141) (L. D. 312)

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

Mr. Kiesman of Fryeburg offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-85) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Fryeburg, Mr. Kiesman.

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: This bill came before my committee, the Energy and Natural Resources Committee, and proposed a lowering of the lot size that would not be considered part of a subdivision from 40 acres to 20 acres. Testimony at the hearing indicated that the need for this, the desirability of this was so that lots could be sold as woodlots and not be considered part of the subdivision and would not get into the problems of providing roads, soil test, etc., on lots that were obviously not designed for habitation and were to be divided with that intent in mind.

We had problems with the language of just reducing the size to 20 acres because that would easily and quickly be circumvented with the intent, so this is why the amendment has been put on. It does clearly set out that the lots so identified are for woodlots, puts restrictions on how they will be utilized and what can be done with them, and states that there will be no residential structures erected on the lots and no further division of the lots until after a five-year period. A five year period was used; this already exists in the present law and has worked well for a number of years. It does conform to the present statute as far as changing of use of a lot and it is felt that this should conform in that regard.

The SPEAKER: The Chair recognizes the gentleman from Kingfield, Mr. Dexter.

Mr. DEXTER: Mr. Speaker, Men and Women of the House: I have a little problem with the wording. I don't want everyone to think that we are totally unanimous here, but I don't wish to take any action at this time.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mrs. Huber.

Mrs. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: I rise to let you know of my concern with this amendment, because while I think it is a good amendment, it certainly is a much better bill because of this amendment than the original bill was. It does, in fact, loosen and speed up development, and the reason that it does that is by using the term "five years". If, in fact, you can go to a 20 acre woodlot without subdivision review, a principle which I heartily agree with, by leaving the period of time at five years, that woodlot can again be subdivided and in effect you have doubled the rate of development in the municipal areas that this bill speaks to, and in the other bill as well, the unorganized area. I am not particularly happy with that. I think there are some real problems that could develop, but, on the other hand, this bill is, in effect, a compromise and I hope we will accept the amendment today.

Thereupon, House Amendment "A" was adopted. The Bill was passed to be engrossed as amended by House Amendment "A" and sent up for concurrence.

#### Second Reader

##### Tabled and Assigned

Bill "An Act to Establish a Revolving Fund for the Maine State Library" (S. P. 185) (L. D. 463)

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

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I don't really have any problems with this particular bill. My only concern was that it appears that there will be money that has been accruing to the General Fund that now will be set up in a dedicated account for the Maine State Library system. I just wanted to know whether or not this particular piece of legislation needs a fiscal note? That is my question and concern.

The SPEAKER: Does the gentleman pose the question to the Chair?

Mr. HIGGINS: Mr. Speaker, to the Chair or to any member of the committee who might

have knowledge of this first hand from the hearing.

The SPEAKER: The Chair would pose the question again — is he posing the question to the Chair?

Mr. HIGGINS: Apparently no one on the committee wishes to answer, so I will pose the question to the Chair, Mr. Speaker.

The SPEAKER: The question raised by the gentleman from Scarborough, Mr. Higgins, the Chair would inform the gentleman and members of the House that the bill does need a fiscal note and the note having not been applied, at this time the bill should be tabled or the Chair will rule the bill not before the body.

On motion of Mr. Higgins of Scarborough, tabled pending passage to be engrossed and tomorrow assigned.

Bill "An Act to Reduce the Minimum Size for Exempt Lots Subdivided Under the Land Use Regulation Law" (S. P. 51) (L. D. 60)

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

Mr. Kiesman of Fryeburg offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-84) was read by the Clerk.

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would say that the same statements apply to L. D. 60 that I just made on L. D. 312, the difference being that this affects the land that is covered under the Land Use Regulation Law, which is the unincorporated areas of the state. While the language is slightly different to conform with the existing statute, it says the same thing. I think probably the concerns that were expressed by people who speak on the 312 would apply to this one.

I would say that this is a compromise. It is an effort to address a specific problem that exists on the ability of a landowner to sell a lot specifically for a woodlot, and I would hope the people would support this also.

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.

Bill "An Act to Require the Office of Energy Resources to make an Analysis of Sources of Fuel for the Replacement of Maine's Power Entitlement from the Maine Yankee Nuclear Power Plant" (H. P. 425) (L. D. 472)

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 Engrossed

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

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

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

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 Amend the Spruce Budworm Suppression Act" (Emergency) (H. P. 1005) (Committee on Energy and Natural Resources suggested)

Tabled—March 10 by Representative Hall of Sangerville.

Pending—Reference.

Thereupon, on motion of Mr. Hall of Sangerville, the Bill was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

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

Bill, "An Act Relating to Pesticide Registration" (H. P. 4) (L. D. 4) — In House, Passed to be Engrossed on March 4. — In Senate, Majority "Ought Not to Pass" Report Accepted in non-concurrence.

Tabled—March 10 by Representative Mahany of Easton.

Pending—Further Consideration.

On motion of Mr. Mahany of Easton, retabled pending further consideration and tomorrow assigned.

The Chair laid before the House the third 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—March 10 by Representative Prescott of Hampden.

Pending—Motion of Representative Mitchell of Vassalboro to Reconsider Adhering to Passage to be Engrossed as Amended by House Amendment "A" (H-65).

Mrs. Mitchell of Vassalboro requested permission to withdraw her motion to reconsider, which was granted.

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

#### Special Sentiment Calendar

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

Recognizing:

The City of Saco and the 350th Anniversary of the historic founding of this settlement; (S. P. 429)

No objections being noted, this item was considered passed in concurrence.

(Off Record Remarks)

On motion of Mr. Peterson of Caribou, Adjourned until ten o'clock tomorrow morning.