

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**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

Friday, March 20, 1981

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

Prayer by the Reverend Gordon Lind of the St. Columbia Episcopal Church, Boothbay Harbor.

The journal of yesterday was read and approved.

**Papers from the Senate**

The following Communication:

The Senate of Maine  
Augusta

March 19, 1981

The Honorable Edwin H. Pert  
Clerk of the House  
110th Maine Legislature  
Augusta, Maine 04333

Dear Clerk Pert:

The Senate today voted to Insist and Join in a Committee of Conference on Bill, "An Act Concerning the Size of Exempt Lots under the Subdivision Laws," (S. P. 141) (L. D. 312)

Respectfully,

S/MAY M. ROSS

Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

The Senate of Maine  
Augusta

March 19, 1981

The Honorable Edwin H. Pert  
Clerk of the House  
110th Legislature  
Augusta, Maine 04333

Dear Clerk Pert:

The Senate today voted to Insist and Join in a Committee of Conference on Bill, "An Act to Reduce the Minimum Size for Exempt Lots Subdivided Under the Land Use Regulation Law," (S. P. 51) (L. D. 60)

Respectfully,

S/MAY M. ROSS

Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act to Raise Survivors' Benefits in the Maine State Retirement System" (S. P. 464) (L. D. 1320)

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 Provide Loans for Family Farms" (S. P. 470) (L. D. 1326)

Bill "An Act to Provide Final Offer Arbitration for Collective Bargaining in the Potato Industry" (S. P. 466) (L. D. 1322)

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

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

Bill "An Act Requiring the Department of Human Services to Implement a Consumer directed Personal Care Assistance Program for Severely Physically Disabled Persons" (S. P. 463) (L. D. 1319)

Bill "An Act to Allow a Licensed Boarding Facility to Charge a Resident or Other Responsible Party the Difference Between the State Maximum Reimbursement Ceiling and the Audited Rate" (S. P. 458) (L. D. 1306)

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 Prohibit Subliminal Advertising" (S. P. 465) (L. D. 1321)

Bill "An Act to Provide Equal Access to Jus-

tice for Small Business" (S. P. 467) (L. D. 1323)  
Bill "An Act to Establish a Small Claims Court" (S. P. 469) (L. D. 1325)

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 Increase Local Control of Water Districts" (S. P. 471) (L. D. 1327)

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

In the House, referred to the Committee on Public Utilities in concurrence.

Bill "An Act to Establish a Limit on County Government Taxation" (S. P. 468) (L. D. 1324)

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

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

Bill "An Act to Provide a Right-of-way to Pedestrians Against Drivers Entering Private Ways" (S. P. 457) (L. D. 1305)

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

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

**Leave to Withdraw**

Report of the Committee on Health and Institutional Services reporting "Leave to Withdraw" on Bill "An Act to Encourage Peer Review Activities in Health Care by Protecting Individuals Participating in Peer Review and by Protecting the Records of Peer Review Organizations" (S. P. 249) (L. D. 719)

Came from the Senate with the Report read and accepted.

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

**Divided Report**

Majority Report of the Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (S-55) on Bill "An Act to Clarify Food Stamp Allotment Calculations in Cases of Immediate Economic Loss" (S. P. 257) (L. D. 739)

Report was signed by the following members:

Sensors:

GILL of Cumberland  
BUSTIN of Kennebec

— of the Senate.

Representatives:

PRESCOTT of Hampden  
BRODEUR of Auburn  
KETOVER of Portland  
MANNING of Portland  
McCOLLISTER of Canton  
RICHARD of Madison  
MacBRIDE of Presque Isle  
BOYCE of Auburn  
HOLLOWAY of Edgecomb

— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Sensor:

HICHENS of York

— of the Senate

Representative:

RANDALL of East Machias

— of the House.

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-55)

In the House: Reports were read.

On motion of Mr. Brodeur of Auburn, the Majority "Ought to Pass" Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-55) was read by the Clerk

and adopted in concurrence and the Bill assigned for second reading the next legislative day.

**Non-concurrent Matter**

Bill "An Act Prohibiting Businesses from Raffling or Giving Away Live Animals, Fowl or Reptiles as a Fund-raising Device" (S. P. 171) (L. D. 421) which was Passed to be Enacted in the House on March 17, 1981.

Came from the Senate Passed to be Engrossed as amended by Senate Amendment "A" (S-57) in non-concurrence.

In the House: The House voted to recede and concur.

**Messages and Documents**

The following communication:

State of Maine

House of Representatives

Speakers' Office

Augusta, Maine

March 19, 1981

Hon. Edwin H. Pert  
Clerk of the House  
House of Representatives  
State House Station 2  
Augusta, Maine 04333

Dear Clerk Pert:

This is to inform you that pursuant to Title 5, M.R.S.A., Section 5007 I am appointing Rep. Patrick McGowan to serve on the Energy Resource Advisory Board for a term of four years.

Sincerely,

S/JOHN L. MARTIN

Speaker of the House

Was read and ordered placed on file.

**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:

**Health and Institutional Services**

Bill "An Act to Require Retention of Prescription Records." (H. P. 1208) (Presented by Representative Nelson of Portland) (Cosponsors: Representative Prescott of Hampden and Senator Gill of Cumberland)

(Ordered Printed)

Sent up for concurrence.

**State Government**

Bill "An Act to Create a Maine Film Board" (H. P. 1209) (Presented by Representative Higgins of Portland) (Cosponsors: Representatives Nelson of Portland and Michael of Auburn and Senator Najarian of Cumberland)

Bill "An Act Relating to the Management of the Department of the Attorney General" (H. P. 1210) (Presented by Representative Rolde of York) (Cosponsor: Representative Master-ton of Cape Elizabeth)

(Ordered Printed)

Sent up for concurrence.

**Taxation**

Bill "An Act to Improve Personal Property Tax Collections on Watercraft" (H. P. 1211) (Presented by Representative Cahill of Woolwich) (Cosponsors: Representatives Curtis of Waldoboro and Hanson of Kennebunkport)

(Ordered Printed)

Sent up for concurrence.

**Orders**

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

ORDERED, that Representative Elizabeth H. Mitchell of Vassalboro be excused March 20 for Legislative Business.

AND BE IT FURTHER ORDERED, that Representative G. William Diamond of Windham be excused March 20 for Legislative Business.

**Special Sentiment Calendar**

In accordance with House Rule 56, the following items (Expressions of Legislative Sentiment)

#### Recognizing:

Craig Sjöberg, valedictorian of Caribou High School, Class of 1981; (H. P. 1206) by Representative Peterson of Caribou. (Cosponsors: Representative Matthews of Caribou and Senator McBreairty of Aroostook)

Shawn Ouillette, salutatorian of Caribou High School, Class of 1981; (H. P. 1207) by Representative Peterson of Caribou. (Cosponsors: Representative Matthews of Caribou and Senator McBreairty of Aroostook)

Gilbert J. Gaston, Jr. of Yarmouth, winner of the Maine Voice of Democracy Contest of 1981; (S. P. 496)

David A. Beal of Mount Desert and Bowdoin College, who has received an ITT International Fellowship, under the Fulbright program, for study in Austria; (S. P. 497)

Elaine Barret of Independence House in Freeport, one of 15 Maine contestants to enter the International Special Olympics Winter Games at Stowe, Vermont in March; (S. P. 498)

Richard V. Paquin of Bath, who has retired from Bath Iron Works after 40 years of service; (S. P. 500)

Willard F. Cromwell of Bath, who has retired from Bath Iron Works after 43 years of service; (S. P. 501)

There being no objections, these items were passed in concurrence or passed and sent up for concurrence.

#### House Reports of Committees Leave to Withdraw

Representative Brannigan from the Committee on Business Legislation on Bill "An Act to Require Motor Vehicle Liability Insurance" (H. P. 342) (L. D. 390) reporting "Leave to Withdraw"

Representative MacEachern from the Committee on Fisheries and Wildlife on Bill "An Act to Provide for Reduced Hunting and Fishing License Fees for Nonresidents owning taxable Property in the State for at Least 5 years" (H. P. 721) (L. D. 853) reporting "Leave to Withdraw"

Representative Hobbins from the Committee on Judiciary on Bill "An Act to Amend the Law Concerning Child Support Orders" (H. P. 174) (L. D. 195) reporting "Leave to Withdraw"

Representative Hobbins from the Committee on Judiciary on Bill "An Act to Amend the Maine Tort Claims Act to Remove Restrictions on Governmental Liability for Negligent Acts which Result in the Discharge of Certain Toxic Substances" (H. P. 427) (L. D. 474) reporting "Leave to Withdraw"

Representative Hobbins from the Committee on Judiciary on Bill "An Act to Provide Method of Reimbursement to the District Attorney for Collection of Payment Due to the Department of Human Services" (H. P. 522) (L. D. 588) reporting "Leave to Withdraw"

Reports were 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. 896) (L. D. 1063) Bill "An Act to Provide for an Annual Report by the Board of Trustees of the Maine State Retirement System to the Legislature" — Committee on Aging, Retirement and Veterans reporting "Ought to Pass"

No objections being noted, the above item was ordered to appear on the Consent Calendar of March 23, under listing of Second Day.

#### Consent Calendar Second Day

In accordance with House Rule 49, the fol-

lowing items appeared on the Consent Calendar for the Second Day:

(S. P. 234) (L. D. 652) Bill "An Act Concerning the Qualifications of Licensed Guides leading Trips Involving Children from Boys and Girls Camps"

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

(H. P. 650) (L. D. 755) Bill "An Act to Enable Easter Maine Medical Center to File Articles of Incorporation under the Maine Nonprofit Corporation Act" (Emergency) (C. "A" H-113)

On the objection of Mrs. Post of Owl's Head, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-113) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

(H. P. 50) (L. D. 114) Bill "An Act Relating to the Licensing of Dealers in Certain Agricultural Commodities" (C. "A" H-112)

(H. P. 34) (L. D. 39) Bill "An Act to Regulate Variable Rate Consumer Credit Transactions under the Consumer Credit Code" (C. "A" H-111)

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

#### Passed to Be Enacted

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

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

Mrs. Damren of Belgrade requested a Roll Call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. All those desiring a roll call will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one-fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on passage to be enacted. All those in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Baker, Beaulieu, Benoit, Boisvert, Brannigan, Brenerman, Brodeur, Carroll, Clark, Connolly, Cox, Crowley, Davies, Diamond, J. N.; Erwin, Fitzgerald, Fowlie, Gowen, Gwadosky, Hall, Hayden, Hickey, Higgins, Hobbins, Huber, Jacques, Jalbert, Joyce, Kane, Kany, Kilcoyne, LaPlante, Laverriere, Livesay, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A.; Martin, H. C.; McGowan, McHenry, McKean, McSweeney, Michael, Mitchel J.; Moholland, Murphy, Nadeau, Nelson, M.; Norton, Paradis, P.; Paul, Pearson, Perry, Post, Pouliot, Racine, Reeves, P.; Richard, Rolde, Smith, C. B.; Soulas, Soule, Theriault, Thompson, Tuttle, Twitchell, The Speaker.

NAY — Aloupis, Armstrong, Austin, Bell, Bordeaux, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Carter, Conary, Cunningham, Curtis, Damren, Davis, Day, Dillenback, Drinkwater, Dudley, Foster, Gavett, Hanson, Holloway, Hunter, Hutchings, Ingraham, Jackson, Jordan, Kiesman, Lancaster, Leighton, Lewis, Lund, Masterman, Master-ton, Matthews, McCollister, McPherson, Nelson, A.; O'Rourke, Paradis, E.; Perkins, Peterson, Randall, Reeves, J.; Roberts, Salisbury, Sherburne, Small, Smith, C.W.; Stevenson, Stover, Strout, Studley, Swazey, Telow, Treadwell, Vose, Walker, Webster, Wentworth, Weymouth.

ABSENT — Berube, Boyce, Carrier, Chonko,

Conners, Dexter, Diamond, G.W.; Gillis, Higgins, L.M.; Kelleher, Ketover, Lisnik, MacBride, Michaud, Mitchell, L.H.; Prescott, Ridley, Tarbell.

Yes, 70; No, 63; Absent 18

The SPEAKER: Seventy having voted in the affirmative and sixty-three in the negative, with eighteen being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

An Act to Provide for Direct Payment to Municipalities of Fines collected under Certain Laws Relating to Animals (H. P. 356) (L. D. 404)

An Act to Increase the Compensation for Substitute Teachers (H. P. 655) (L. D. 758) (H. "A" H-94 to C. "A" H-80)

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 — "Ought to Pass" — Committee on Aging, Retirement and Veterans on Bill, "An Act to Amend the Group Life Insurance Program for State Employees and Teachers" (S. P. 301) (L. D. 845)

Tabled—March 18, by Representative Nelson of Portland.

Pending—Acceptance of Committee Report.

On motion of Mr. Davies of Orono, tabled pending acceptance of the Committee Report in concurrence and specially assigned for Monday, March 23.

#### (Off Record Remarks)

On motion of Mr. Peterson of Caribou, Adjourned until Monday, March 23, at ten o'clock in the morning.