

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 25, 1981

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

Prayer by the Reverend Rick L. Stoops of the First United Penecostal Church, Waterville.

The journal of yesterday was read and approved.

Papers from the Senate

Bill "An Act to Provide for Identifying Natural, Nonimitation Food Products Sold in the State" (S. P. 485) (L. D. 1387)

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 Concerning Approval of Graduate Educational Programs by the Board of Registration in Medicine" (S. P. 487) (L. D. 1389)

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

In the House, on motion of Mr. Connolly of Portland, the Bill was referred to the Committee on Health and Institutional Services in non-concurrence and sent up for concurrence.

Bill "An Act to Include Health Education for the General Public as a Medical Education Program Conducted by the Board of Registration in Medicine" (S. P. 484) (L. D. 1386)

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

In the House, on motion of Mr. Connolly of Portland, the Bill was referred to the Committee on Health and Institutional Services in non-concurrence and sent up for concurrence.

Bill "An Act Concerning Gypsy Moth Suppression" (S. P. 486) (L. D. 1388)

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 Assure the Appropriate Development of the Hydropower Potential of Maine Rivers" (S. P. 491) (L. D. 1396)

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

In the House, on motion of Mr. Davies of Orono, the Bill was referred to the Committee on Public Utilities in non-concurrence and sent up for concurrence.

Bill "An Act to Create a Bond Issue for Energy Conservation and Conversion for Small Business" (S. P. 489) (L. D. 1390)

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 Require Registration of Snowmobiles Operated in Maine by Nonresidents" (S. P. 493) (L. D. 1394)

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

In the House, referred to the Committee on Fisheries and Wildlife in concurrence.

Bill "An Act to Adopt Revised Standards for Access by the Handicapped to Certain Buildings" (S. P. 495) (L. D. 1395)

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 Concerning Sewer Lien Fees"

(S. P. 492) (L. D. 1397)

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 Provide Tax Incentives for Alternate Energy Sources" (S. P. 490) (L. D. 1391)

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

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

**Non-Concurrent Matter
Tabled and Assigned**

Bill "An Act Concerning the Interest Charge on Outstanding County Taxes" (H. P. 471) (L. D. 524) which was passed to be engrossed as amended by Committee Amendment "A" (H-102) in the House on March 17, 1981.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-102) as amended by Senate Amendment "A" (S-56) thereto in non-concurrence.

In the House: On motion of Mrs. Post of Owl's Head, tabled pending further consideration and tomorrow assigned.

Messages and Documents

The following Communication:

State of Maine

DEPARTMENT OF TRANSPORTATION

March 25, 1981

Governor Joseph E. Brennan and Members of the 110th Legislature Transmitted herewith is a copy of Maine's Transportation Improvement Program for Fiscal Years 1982 and 1983.

In recognition of the need to present a more comprehensive and integrated program of capital improvements relative to Maine's overall transportation system this program includes, proposed highway and bridge improvements, and projects associated with the airport and waterway modes of transportation. The Department has determined these projects to be of sufficient priority to be authorized for improvement during the next two years, provided that funds are made available.

The projects contained in the Highway and Bridge portion of the program require \$77,092,000 in Federal Funds, \$15,750,000 in State funds and \$4,796,700 in Local or other funds for a total effort of \$97,638,700. Airport improvements, as proposed, require \$5,987,000 of which \$5,379,300 is from Federal sources, \$298,500 from State sources and \$304,150 from Local sources. The proposed financing of the Waterways Program requires \$10,300,000 of Federal funds, \$23,000,000 in State funds and \$11,200,000 in private funds for a total effort of \$44,500,000.

We trust you will find this program represents a realistic and balanced effort to maintain and improve transportation service within the State in the face of decreasing resources.

Very truly yours,

S/GEORGE N. CAMPBELL, JR.

Commissioner of Transportation

Was read with accompanying Report 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:

Appropriations and Financial Affairs

Bill "An Act Incorporating Federal Funds Directly into the State Budgeting Process" (H. P. 1249) (Presented by Representative Kany of Waterville) (Cosponsors: Senators Najarian of Cumberland and Huber of Cumberland and Representative Pearson of Old Town)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act Concerning the Liability of Teachers and School Administrators Who Administer Medication to Children in Emergency Situations" (H. P. 1250) (Presented by Representative Murphy of Kennebunk) (Cosponsors: Representative Rolde of York and Senator Du Tremble of York)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Establish the Procedure for Payment for Attorneys' Fees Awards Against the State" (Emergency) (H. P. 1251) (Presented by Representative Joyce of Portland) (Cosponsors: Representatives Reeves of Newport and Carrier of Westbrook and Senator Kerry of York) (Governor's Bill)

Bill "An Act to Create an Appellate Division of the Workers' Compensation Commission" (H. P. 1252) (Presented by Representative Tarbell of Bangor) (Cosponsor: Representative Hobbins of Saco)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act to Clarify that the Contract Bar Rule does not Apply to Unit Clarification Proceedings under the State Employee Labor Relations Act" (H. P. 1253) (Presented by Representative Tuttle of Sanford) (Submitted by the Department of Personnel pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act to Diversify Maine's Participation in the Eastern States Exposition" (H. P. 1254) (Presented by Representative Post of Owl's Head) (Cosponsors: Representatives Locke of Sebec and Senator Collins of Knox)

(Ordered Printed)

Sent up for concurrence.

Special Sentiment Calendar

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

Recognizing:

Norman A. Owen of Brunswick, selected to honor Vietnam veterans at the Tomb of the Unknown Soldier and commemorate the 62nd anniversary of the American Legion; (S. P. 526)

Alfred M. Senter, President and Treasurer of Senter's in Brunswick, who received the first "Maine Retailer of the Year" award; (S. P. 525)

Billy Provencher, Bowdoin College hockey goalie, named to the 1981 Division Two East All-America team, as selected by the American College Hockey Coaches Association; (S. P. 527)

Scott Lauze, Lisa DeRosby, Judith Tarr and the Edward Little High School Latin Club, for sponsoring the 1981 Maine Junior Classical League Convention; (H. P. 1255) by Representative Lewis of Auburn.

Harriet Ricker Lovejoy of Turner, Maine, who will be celebrating the 100th anniversary of her birth on April 3, 1981; (H. P. 1256) by Representative Callahan of Mechanic Falls.

Michael R. Plaziak, valedictorian of Hodgdon High School, Class of 1981; (H. P. 1257) by Representative Smith of Island Falls. (Cosponsor: Senator Carpenter of Aroostook)

Ellsworth High School, winners of the State Class B wrestling championship; (H. P. 1258) by Representative Foster of Ellsworth. (Cosponsor: Senator Perkins of Hancock)

Marion B. Noble, C. M. C., municipal clerk of Wells, who was awarded the coveted "certified municipal clerk" award, of the International Institute of Municipal Clerks; (H. P. 1259) by Representative Wentworth of Wells. (Cospon-

sor: Senator Hichens of York)

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

House Reports of Committees Ought Not to Pass

Representative Gillis from the Committee on Fisheries and Wildlife on Bill "An Act to Establish a 50¢ Bounty on Porcupines" (H. P. 898) (L. D. 1065) reporting "Ought Not to Pass"

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

Ought to Pass

Pursuant to Joint Order H. P. 1247

Representative LaPlante from the Committee on Local and County Government on Bill "An Act to Extend the Time for the Apportionment of County Taxes" (Emergency) (H. P. 1248) (L. D. 1427) reporting "Ought to Pass" — pursuant to Joint Order (H. P. 1247)

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

Consent Calendar

First Day

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

(S. P. 240) (L. D. 695) Bill "An Act to Repeal the Law Providing Reimbursement for Travel Involved in Criminal Cases" — Committee on Judiciary reporting "Ought to Pass"

(H. P. 518) (L. D. 584) Bill "An Act Relating to Loans to Purchase Foreclosed Properties" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-125)

(H. P. 699) (L. D. 824) Bill "An Act Relating to Eligibility for World War Assistance" — Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (H-124)

(H. P. 270) (L. D. 303) Bill "An Act to Establish the Department of Public Safety as the Lead Agency Regarding Accidental Spills of Hazardous Waste Matter" — Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-126)

No objections being noted, the above items were ordered to appear on the Consent Calendar of March 26, 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. 354) (L. D. 402) Bill "An Act Relating to Unemployment Compensation Benefits for Persons Receiving a Pension or Retirement Pay" (Emergency) (C. "A" H-122)

(H. P. 490) (L. D. 542) Bill "An Act Relating to Credit Disability Insurance Under the Consumer Credit Code" (C. "A" H-123)

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 Group Life Insurance Program for State Employees and Teachers" (S. P. 301) (L. D. 845)

Was reported by the Committee on Bills in the Second Reading, read the second time, the Senate Paper was passed to be engrossed in concurrence.

Amended Bills

Bill "An Act Relating to the Issuance of Motorboat Racing Permits" (H. P. 396) (L. D. 439) (C. "A" H-121)

Bill "An Act to Repeal the Termination Date of the Emergency Products Supply Act" (Emergency) (H. P. 863) (L. D. 977) (C. "A" H-116)

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

Passed to Be Enacted Emergency Measure

An Act to Revise the Charter of the South Berwick Water District (H. P. 148) (L. D. 174) (H. "A" H-110; C. "A" H-104)

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 Enacted

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) (S. "A" S-57)

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.

Enactor

Later Today Assigned

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

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 just wish some member of the committee, or perhaps the sponsor of this piece of legislation, could inform the House exactly how we are changing the law relative to guides, licensed guides.

Whereupon, on motion of Mr. MacEachern of Lincoln, tabled pending passage to be enacted and later today assigned.

An Act to Encourage the Establishment of Municipal Energy Commissions (H. P. 313) (L. D. 381) (C. "A" H-89)

An Act to Provide that Certain Licenses Issued by the Department of Inland Fisheries and Wildlife be Issued on the Basis of Fiscal Year (H. P. 397) (L. D. 440) (C. "A" H-109)

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 Changing the Name of the Department of Manpower Affairs and Clarifying the Term of its Commissioner" (H. P. 291) (L. D. 335)

—In House, Passed to be Engrossed on March 16.

—In Senate, Bill and Accompanying Papers Indefinitely Postponed on March 20.

Tabled—March 23 by Representative Kany of Waterville.

Pending—Further Consideration.

On motion of Mrs. Kany of Waterville, retabled pending further consideration and tomorrow assigned.

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

An Act to Increase the Eating, Lodging and Recreational Place Licensing Fee (H. P. 63) (L. D. 97) (H. "A" H-65)

—In House, Passed to be Enacted on March 18.

—In Senate, Failed of Passage to be Enacted on March 20.

Tabled—March 23 by Representative Prescott of Hampden.

Pending—Further Consideration.

Mrs. Mitchell of Vassalboro moved that this Bill be tabled unassigned.

Whereupon, Mr. Higgins of Scarborough 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 vote 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 the motion of the gentlewoman from Vassalboro, Mrs. Mitchell, that this matter be tabled unassigned pending further consideration. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Beaulieu, Benoit, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Carrier, Carroll, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Dudley, Erwin, Fitzgerald, Fowlie, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Jalbert, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Laverriere, Lisnik, Locke, MacEachern, Macomber, Martin, H.C.; McGowan, McHenry, McKean, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, Paradis, P.; Paul, Pearson, Perry, Post, Pouliot, Prescott, Racine, Reeves, P.; Richard, Ridley, Roberts, Smith, C.B.; Soule, Swazey, Theriault, Thompson, Tuttle, Twitchell, Vose, Webster, The Speaker.

NAY — Aloupis, Armstrong, Austin, Bell, Berube, Bordeaux, Brown, A.; Brown, D.; Cahill, Callahan, Conary, Conners, Cunningham, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Gavett, Gillis, Gowen, Hanson, Higgins, L.M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jordan, Kiesman, Lancaster, Leighton, Lewis, Livesay, Lund, MacBride, Martin, A.; Masterman, Masterton, Matthews, McPherson, Murphy, Nelson, A.; O'Rourke, Paradis, E.; Perkins, Peterson, Randall, Reeves, J.; Salisbury, Sherburne, Smith, C.W.; Soulas, Stevenson, Stover, Strout, Studley, Tarbell, Telow, Treadwell, Walker, Wentworth, Weymouth.

ABSENT — Brown, K.L.; Carter, Jacques, Mahany, Manning, McCollister, Rolde, Small.

Yes, 76; No, 67; Absent, 8.

The SPEAKER: Seventy-six having voted in the affirmative and sixty-seven having voted in the negative, with eight being absent, the motion does prevail.

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

An Act to Amend the Charter of the York Water District (H. P. 149) (L. D. 175)

Tabled—March 24 by Representative Davies of Orono.

Pending—Passage to be Enacted.

On motion of Mr. Davies of Orono, retabled pending passage to be enacted and specially assigned for Friday, March 27.

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

An Act to Authorize the Designation of a Municipal Development District (H. P. 603) (L. D. 680)

Tabled—March 24 by Representative Berube of Lewiston.

Pending—Passage to be Enacted.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Bill Held

An Act to Exempt Fuel Adjustment Charges of Electric Utilities from the Requirement that such Charges be Prorated (H. P. 529) (L. D. 595) (C. "A" H-105)

— In House, Passed to be Enacted on March 24.

Held at the request of Representative Connolly of Portland.

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

Mr. CONNOLLY: Mr. Speaker, having voted on the prevailing side whereby this Bill was passed to be enacted, I now move that we reconsider that action and I would further move that we tabled it one day pending that motion.

Whereupon, on motion of Mr. Connolly of Portland, tabled pending his motion to reconsider and tomorrow assigned.

(Off Record Remarks)

On motion of Mr. Jalbert of Lewiston,
Adjourned until nine o'clock tomorrow morning.