

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

**OF THE**

***One Hundred and Tenth***

***Legislature***

**OF THE**

**STATE OF MAINE**

**SECOND REGULAR SESSION**

**January 6, 1982 to April 13, 1982**

**INDEX**

**FOURTH SPECIAL SESSION**

**April 28, 1982 and April 29, 1982**

**INDEX**

**FIFTH SPECIAL SESSION**

**May 13, 1982**

**INDEX**

**SECOND CONFIRMATION SESSION**

**July 16, 1982**

**INDEX**

**HOUSE**

Thursday, January 7, 1982

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

Prayer by Father Donald Jacques of St. Joseph's Church, Gardiner.

The journal of yesterday was read and approved.

**Messages and Documents**

The following Communication:

State of Maine

DEPARTMENT OF CONSERVATION

State House Station 22

Augusta, Maine 04333

January 5, 1982

The Honorable John L. Martin

Speaker of the House

House of Representatives

State House Station #2

Augusta, ME 04333

Dear Speaker Martin:

In accordance with the requirements of 12 MRSA, § 8426, sub-§1, I hereby submit my estimate of \$7,500,000 as the cost of implementation of the 1982 spruce budworm spray program.

Further required action on this matter by the Legislature is as set forth in 12 MRSA, § 8426, and sub-§ 2.

Sincerely,

S/KENNETH G. STRATTON

Director

Was read and ordered placed on file and sent up for concurrence.

The following Communication:

State of Maine

HOUSE OF REPRESENTATIVES

January 6, 1982

Honorable Edwin H. Pert

Clerk of the House

State House

Augusta, Maine 04333

Dear Clerk Pert:

In accordance with 1 M.R.S.A., Section 1002, § 1B, I have the honor of presenting to the House of Representatives the nomination of C. James Allen, 12 Dunstan Avenue, Scarborough, Maine, to the Commission on Governmental Ethics and Election Practices.

I feel Mr. Allen will contribute a great deal to this Commission and respectfully ask the House to confirm this nomination.

Sincerely,

S/LINWOOD M. HIGGINS

Republican Floor Leader

The Communication was read.

On motion of Mrs. Mitchell of Vassalboro, tabled pending confirmation (two-thirds vote required) and specially assigned for Tuesday, January 12.

**Petitions, Bills and Resolves****Requiring Reference**

The following Bills, Resolve and Resolutions were received and referred to the following Committees:

**Aging, Retirement and Veterans**

Bill "An Act to Permit the Town of Mechanic Falls to Withdraw from the Group Life Insurance Program under the Maine State Retirement System" (Emergency) (H. P. 1768) (Presented by Representative Callahan of Mechanic Falls) (Cosponsor: Senator Trafton of Androscoggin) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Provide that Administrative Employees of School Superintendents' Offices be Recognized as Members of the Maine State Retirement System" (H. P. 1769) (Presented by Representative Diamond of Windham) (Cosponsors: Representatives Dexter of Kingfield, MacBride of Presque Isle and Hickey of Augusta) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Permit the Town of Mexico to Withdraw from the Maine State Retirement System" (Emergency) (H. P. 1770) (Presented by Representative Perry of Mexico) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27) (Ordered Printed)

Sent up for concurrence.

**Agriculture**

Bill "An Act to Increase the Potato Tax" (H. P. 1771) (Presented by Representative Mahany of Easton) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26) (Ordered Printed)

Sent up for concurrence.

**Business Legislation**

Bill "An Act to Clarify License Requirements for Municipal Work under the Electrician's Law" (H. P. 1772) (Presented by Representative Jackson of Yarmouth) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Clarify the Deposit Authority and Conversion Procedures of Savings and Loan Associations" (H. P. 1773) (Presented by Representative Jackson of Yarmouth) (Cosponsor: Senator Sewall of Lincoln) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26) (Ordered Printed)

Sent up for concurrence.

**Education**

Bill "An Act Concerning Need Under the School Lunch Program" (H. P. 1774) (Presented by Representative Clark of Millinocket) (Cosponsors: Representative Michaud of East Millinocket and Senator Pray of Penobscot) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26) (Ordered Printed)

Sent up for concurrence.

**Fisheries and Wildlife**

Bill "An Act to Establish a Uniform Hunting Season for Raccoons" (H. P. 1775) (Presented by Representative Rolde of York) (Cosponsor: Representative Paul of Sanford) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26) (Ordered Printed)

Sent up for concurrence.

**Later Today Assigned**

Bill "An Act to Require Removal of Motor Vehicles from Great Ponds, Rivers and Streams" (H. P. 1776) (Presented by Representative Darnen of Belgrade) (Cosponsor: Representative Paradis of Old Town) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Committee on Fisheries and Wildlife was suggested.

On motion of Mr. Carroll of Limerick, tabled pending reference and later today assigned.

**Health and Institutional Services**

Bill "An Act to Require the Collection of Medicaid Copayments" (H. P. 1777) (Presented by Representative Webster of Farmington) (Cosponsor: Representative Manning of Portland) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26) (Ordered Printed)

Sent up for concurrence.

**Judiciary**

Bill "An Act to Permit the Juvenile Court to Impose Parental Financial Support Orders in Certain Cases Under the Juvenile Code" (H. P. 1778) (Presented by Representative Tarbell of Bangor) (Cosponsors: Representatives Michaud of East Millinocket, Livesay of Brunswick and Lund of Augusta) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Make Intentional or Knowing Default on Payment of Civil Penalties to the State a Class E Offense" (H. P. 1779) (Presented by Representative Lund of Augusta) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Clarify the Term 'Account' in the Probate Code" (H. P. 1780) (Presented by Representative Hobbins of Saco) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26) (Ordered Printed)

Sent up for concurrence.

**Legal Affairs**

Bill "An Act to Revise the Charter of Herbron Academy" (H. P. 1781) (Presented by Representative Bell of Paris) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

RESOLVE, Authorizing the City of South Portland to Bring a Civil Action against the State (Emergency) (H. P. 1782) (Presented by Representative Macomber of South Portland) (Cosponsor: Senator Gill of Cumberland) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26) (Ordered Printed)

Sent up for concurrence.

**Local and County Government**

Bill "An Act to Amend the Charter of the Lucerne-in-Maine Village Corporation" (H. P. 1783) (Presented by Representative Swazey of Bucksport) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act Converting West Forks Plantation into the Town of West Forks" (Emergency) (H. P. 1784) (Presented by Representative Austin of Bingham) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Prohibit County Departments from Overspending their Budgets" (H. P. 1785) (Presented by Representative Racine of Biddeford) (Cosponsors: Representative Hanson of Kennebunkport and Senator Dutremble of York) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26) (Ordered Printed)

Sent up for concurrence.

**Marine Resources**

Bill "An Act to Require the Department of Environmental Protection to Obtain the Approval of the Commissioner of Marine Resources Prior to Issuing a License to Discharge Waste Waters to Tidal Waters" (H. P. 1786) (Presented by Representative Crowley of Stockton Springs) (Cosponsors: Representatives Cahill of Woolwich and Vose of Eastport and Senator Shute of Waldo) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Clarify the Discharge Requirements for the Processing of Certain Marine Resources" (Emergency) (H. P. 1787) (Presented by Representative Fowlie of Rockland) (Cosponsors: Representative Senator Collins of Knox and Representatives Vose of Eastport and Drinkwater of Belfast) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26) (Ordered Printed)

Sent up for concurrence.

**Public Utilities**

Bill "An Act to Prevent the Pollution of Burntland Pond" (Emergency) (H. P. 1788) (Presented by Representative Perkins of Brooksville) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Establish the Position of the Director of Engineering within the Public Utilities Commission" (H. P. 1789) (Presented by Representative Davies of Orono) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Eliminate the Requirement that Changes in the Public Utility Rates be Prorated" (H. P. 1790) (Presented by Representative Weymouth of West Gardiner) (Cosponsors: Representatives Bordeaux of Mount Desert and Vose of Eastport) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Clarify the Regulation of Sewer Districts" (H. P. 1791) (Presented by Representative Dillenback of Cumberland) (Cosponsor: Senator Conley of Cumberland) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)

Sent up for concurrence.

#### Later Today Assigned

RESOLUTION, Proposing an Amendment to the Constitution of Maine Prohibiting Bond Issues of Less than \$2,000,000 (H. P. 1792) (Presented by Representative Jalbert of Lewiston) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

( Committee on State Government was suggested.

On motion of Mr. Pearson of Old Town, tabled pending reference and later today assigned.

#### State Government

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Prevent Combining more than One Bond Issue Item in a Single Bond Issue Bill (H. P. 1793) (Presented by Representative Jalbert of Lewiston) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)

Sent up for concurrence.

#### Taxation

Bill "An Act to Define the Raising of Seeds as Agricultural Production under the Sales and Use Tax Law" (H. P. 1794) (Presented by Representative Hunter of Benton) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act Concerning the Rate of Return on Investment Factor Under the Railroad Excise Tax" (H. P. 1795) (Presented by Representative Kelleher of Bangor) (Cosponsors: Representatives Manning of Portland and Brown of Bethel) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Remove Wallgrass Plantation from the Maine Forestry District" (Emergency) (H. P. 1796) (Presented by Representative Theriault of Fort Kent) (Cosponsor: Representative Martin of Eagle Lake) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Restore a Property Tax Exemption Previously Granted to the American Red Cross" (Emergency) (H. P. 1797) (Presented by Representative Jackson of Yarmouth) (Cosponsors: Representatives Kelleher of Bangor, Diamond of Windham and Tarbell of Bangor) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)

Sent up for concurrence.

#### Transportation

Bill "An Act to Provide Directional Signs on the Maine Turnpike for Westbrook College" (H. P. 1798) (Presented by Representative Benoit of South Portland) (Cosponsors: Representative Ketover of Portland and Senator Wood of York) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Study the Cost and Feasibility of Constructing Safe Walkway Barriers on the Memorial Bridge in Augusta" (H. P. 1799) (Presented by Representative Paradis of Au-

gusta) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Provide a Directional Sign at Exit 11 of the Maine Turnpike Indicating Sunday River Recreational Area" (H. P. 1800) (Presented by Representative Brown of Bethel) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)

Sent up for concurrence.

#### Study Report Joint Standing Committee on the Decommissioning of Nuclear Generating Facilities

Representative Davies of the Joint Select Committee on the Decommissioning of Nuclear Generating Facilities on Bill "An Act to Ensure Funding for the Eventual Decommissioning of any Nuclear Power Plant" (H. P. 1803) (L. D. 1757) (Filed under Joint Rule 17 pursuant to P&SL 1979, Chapter 59 of the 109th Legislature and P&SL of 1981, Chapter 13 of the 110th Legislature) ask leave to report that the same be referred to the Joint Standing Committee on Public Utilities for public hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, the Bill referred to the Committee on Public Utilities, ordered printed and sent up for concurrence.

#### Special Sentiment Calendar

In accordance with House rule 56, the following items (Expressions of Legislative Sentiment) Recognizing:

Bangor High School Rams Girls' Field Hockey Team which won the 1981 State Class A Championship; (S. P. 733)

Bangor High School Rams winners of the 1981 class AA State Football Championship; (S. P. 734)

Marshwood High Hawks State Class C Football Champions for 1981, coached by Rod Wotten and co-captained by Joey Santes, Tobin Gray, Berry Fife and Mark Lyman; (S. P. 735)

Glenn Wing, of Bingham, for his timeless efforts in advancing the socioeconomics throughout the community of Bingham, County of Somerset and the State of Maine; (S. P. 736)

The Honorable Barbara M. Trafton of Auburn, named by the Jaycee Women as Outstanding Young Woman of the Year for Lewiston-Auburn; (S. P. 737)

Mrs. Julia Gardner, of Hamden Highlands, in celebration of her 100th birthday, January 1, 1982; (H. P. 1767) by Representative Treadwell of Veazie)

The Brewer High School Girls Cross Country Team on winning the Eastern Maine Class A Championship; (H. P. 1765) by Representative Treadwell of Veazie. (Cosponsors: Representatives Cox of Brewer, Senator Devoe of Penobscot and Representative Pearson of Old Town)

The Brewer High School Boys Cross Country Team on the winner the Eastern Maine Class A Championship; (H. P. 1765) by Representative Treadwell of Veazie. (Cosponsors: Representatives Cox of Brewer, Senator DEVOE of Penobscot and Representative Pearson of Old Town)

In Memory Of:

Amos G. Winter, Jr., of Kingfield, founder of Sugarloaf Mountain ski resort; (H. P. 1802) by Representative Dexter of Kingfield. (Cosponsor: Representative Holloway of Edgcomb)

There being no objections, these Expressions of Legislative Sentiment were considered passed or adopted in concurrence or sent up for concurrence.

The following papers from the Senate appearing on Supplement No. 2 were taken up out of order by unanimous consent:

Bill "An Act to Authorize One Corporation to Permit its Name to be Used by Another Corporation" (S. P. 750) (L. D. 1753)

Bill "An Act Concerning Annuity Agreements with the University of Maine" (S.

P. 751) (L. D. 1754)

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 Concerning Payment of School Committee Debts" (S. P. 749) (L. D. 1752)

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

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

The following papers from the Senate appearing on Supplement No. 3 were taken up out of order by unanimous consent:

Bill "An Act to Require the Recording of Certain Zoning Actions" (S. P. 752) (L. D. 1755)

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.

Bill "An Act to Establish a Small Claims Court" (S. P. 743) (L. D. 1746)

Bill "An Act to Provide the District Courts with Concurrent Jurisdiction Over Mechanics Lien Actions" (S. P. 746) (L. D. 1749)

Bill "An Act Relating to Detention of Shoplifters" (S. P. 747) (L. D. 1750)

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

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

#### Later Today Assigned

Bill "An Act Concerning Declaration of Value for Deeds of Distribution" (S. P. 748) (L. D. 1751)

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, tabled pending reference in concurrence and later today assigned.

The following papers from the Senate appearing on Supplement No. 4 were taken up out of order by unanimous consent:

Bill "An Act to Create a Commission to Prepare a Revision of the Public Utilities Law" (S. P. 745) (L. D. 1748)

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.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Life of Bond Issues (S. P. 753) (L. D. 1756)

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 Relating to Property Taxes Prorated between Seller and Purchaser" (S. P. 7440) (L. D. 1747)

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

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

The following paper from the Senate appearing on Supplement No. 5 was taken up out of order by unanimous consent:

The following Joint Order: (S. P. 754)

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, January 12, 1982, at ten o'clock in the morning.

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

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

The following items: (Expressions of Legislative Sentiment)

Recognizing:

Paul Plissey, of Presque Isle, who placed 2nd in the 1981 AAU Junior Olympic Cross Country Championship for 15 and 16-year-old boys; (H. P. 1804) by Representative MacBride of Presque Isle. (Cosponsors: Senator McBairty of Aroostook and Representative Lisnik of Presque Isle)

David Mangus, of Presque Isle, who placed 5th on the State of Maine 15 and 16-year-old boys team at the AAU Junior Olympic Cross Country Championship for 1981; (H. P. 1805) by Representative MacBride of Presque Isle. (Cosponsors: Senator McBairty of Aroostook and Representative Lisnik of Presque Isle)

There being no objections, these Expressions of Legislative Sentiment were considered passed and sent up for concurrence.

The Chair laid before the House the first item of Unfinished Business:

Bill, "An Act to Adjust Annually Individual Income Tax Laws to Eliminate Inflation-induced Increases in Individual State Income Taxes" (I. B. 2) (L. D. 1737)

Tabled—January 6, 1982 (Until Later Today) by Representative Mitchell of Vassalboro.

Pending—Reference.

The SPEAKER: The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker and Members of the House: Yesterday, I tabled this item because some questions had been raised about potential invalidity of the petition drives because we had changed the Maine Constitution this November to require a change in how long a signature was valid. There was a question raised, and we felt it deserved to be answered. Since that time, we have received an opinion from the Attorney General, and I would like to read just a small, pertinent portion into the record, which clearly says that the signatures are valid and these petitions will be referred to committee and dealt with by this session or by the people by vote when it goes to referendum, if that is the process we choose to follow.

Your second question is whether the amended language of Section 1802 applies to signatures gathered before this section's effective date. Again, the language of the resolution address this issue. It states that the amendment "Shall apply only to initiatives begun after the effective date of this resolution." Since any signatures gathered prior to the effective date of the amendment or initiatives begun before the effective date, the provisions of the amendment do not apply to them. This result is consistent with the general rule of interpretation that constitutional provisions will be applied prospectively unless there is some specific indication that they were intended to be retroactive.

At this time, I move that this item be referred to the Committee on Taxation, ordered printed and sent up for concurrence.

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: I would just like to add to that that an opinion was asked on technicality last October just so that the purpose of the petitions would not be thwarted. It was never anyone's intention to thwart citizen intent, and it was hoped that we could get an opinion so that if there were some problem, then those petitioners could actually gather more signatures if necessary in order to meet our constitutional deadline of 25 days after the beginning of the session. I am very glad that our House Majority Leader was kind enough to read some of the language of the Attorney General's opinion into

the record.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I am glad to see that we are not going to thwart citizen input and intent here. And now that we are done practicing constitutional law, I am glad that this last roadblock has been removed and that the bill will continue on its way down the process and we look forward to its return here on the floor of the House.

Thereupon, on motion of Mrs. Mitchell of Vassalboro, the Bill was referred to the Committee on Taxation, ordered printed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

By unanimous consent, all matters acted upon requiring Senate concurrence were ordered sent forthwith.

The Chair laid before the House the following matter:

Bill "An Act to Require Removal of Motor Vehicles from Great Ponds, Rivers and Streams" (H. P. 1776) which was tabled and later today assigned pending reference.

Thereupon, on motion of Mr. Carroll of Limerick, the Bill was referred to the Committee on Fisheries and Wildlife, ordered printed and sent up for concurrence.

The Chair laid before the House the following matter:

Resolution Proposing an Amendment to the Constitution of Maine Prohibiting Bond Issues of Less than \$2,000,000 (H. P. 1792) which was tabled and later today assigned pending reference.

Thereupon, the Resolution was referred to the Committee on State Government, ordered printed and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act Concerning Declaration of Value and Deeds of Distribution" (S. P. 748) (L. D. 1751) which was tabled and later today assigned pending reference in concurrence. (In Senate, referred to the Committee on Judiciary)

Thereupon, 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.

The SPEAKER: The Chair would make note of the presence of Representative Gavett of Orono, Representative Baker of Portland and Representative Moholland of Princeton to be added to the list of members present for the Second Regular Session.

(Off Record Remarks)

On motion of Mr. Peterson of Caribou,  
Adjourned until Tuesday, January 12, at ten o'clock in the morning.