

# 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**

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**FIFTH SPECIAL SESSION**

**May 13, 1982**

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**SECOND CONFIRMATION SESSION**

**July 16, 1982**

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**HOUSE**

Wednesday, January 20, 1982

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

Prayer by the Reverend Timothy Evans of the Church of the Nazarene of Gardiner.

The journal of yesterday was read and approved.

The SPEAKER: Would the Sergeant-at-Arms please escort the gentleman from East Millinocket, Mr. Michaud, to the rostrum for the purpose of acting as Speaker Pro Tem.

Thereupon, Representative Michaud assumed the Chair as Speaker Pro Tem and Speaker Martin retired from the hall.

**Papers from the Senate  
Non-Concurrent Matter**

Bill "An Act to Provide that Procedures Covered by the Maine Medical Assistance Program (Medicaid and Catastrophic Illness) Shall be Reimbursable Whether Performed by a Physician or Dentist" (H. P. 1838) (L. D. 1835) which was referred to the Committee on Health and Institutional Services in the House on January 14, 1982.

Came from the Senate referred to the Committee on Appropriations and Financial Affairs.

In the House: On motion of Mr. Pearson of Old Town, the House voted to recede and concur.

**Messages and Documents**

The following Communication: (S. P. 783)

State of Maine

Senate Chamber

PRESIDENT'S OFFICE

Augusta, Maine 04333

January 15, 1982

Honorable Andrew J. Redmond

Honorable Robert A. MacEachern

Chairman

Joint Standing Committee on

Fisheries and Wildlife

State House

Augusta, Maine 04333

Gentlemen:

Please be advised that Governor Joseph E. Brennan is nominating Marc S. Plourde of Eagle Lake for appointment to the Advisory Council of Inland Fisheries and Wildlife.

Pursuant to Title 12 MRSA Section 7033, this nomination will require review by the Joint Standing Committee on Fisheries and Wildlife and confirmation by the Senate.

Sincerely,

S/JOSEPH SEWALL

President of the Senate

S/JOHN L. MARTIN

Speaker of the House

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

In the House, was read and referred to the Committee on Fisheries and Wildlife 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:

**Appropriations and Financial Affairs**

Bill "An Act Appropriating Funds to the Department of Labor to Operate Offices of the Maine Job Service for Federal Fiscal Year 1982" (Emergency) (H. P. 1866) (Presented by Representative Kany of Waterville) (Cosponsors: Representative Carter of Winslow, Senator Pierce of Kennebec and Representative Conary of Oakland) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)

Sent up for concurrence.

**Later Today Assigned**

Bill "An Act to Provide for Improved Energy Policy Development Including the Preparation of an Annual Electricity Demand Forecast" (H. P. 1861) (Presented by Representative Connolly of Portland) (Cosponsors: Representatives Reeves of Pittston, Kiesman of Fryeburg and Senator McBairty of Aroostook)

Committee on Energy and natural Resources was suggested.

On motion of Mr. Davies of Orono, tabled pending reference and later today assigned.

**Judiciary**

Bill "An Act Relating to Bail Procedures" (H. P. 1862) (Presented by Representative Curtis of Waldoboro) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)

Sent up for concurrence.

**Business Legislation**

Bill "An Act to Amend the Workers' Compensation Act to Permit Rate Deductibles" (H.P. 1863) (Presented by Representative Conary of Oakland) (Cosponsor: Senator Pierce of Kennebec) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Committee on Labor was suggested.

On motion of Mrs. Beaulieu of Portland, the Bill was referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

**Local and County Government**

Bill "An Act to Clarify the Boundary Between the Town of Waterford and the Township of Albany" (H. P. 1864) (Presented by Representative Kiesman of Fryeburg) (Cosponsor: Senator Sutton of Oxford) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)

Sent up for concurrence.

**Public Utilities**

Bill "An Act to Restrict Rate Increase Proposals by Public Utilities" (H. P. 1865) (Presented by Representative Benoit of South Portland) (Cosponsors: Senator Pray of Penobscot, Representative Masterton of Cape Elizabeth and Senator Collins of Knox) (Governor's Bill)

(Ordered Printed)

Sent up for concurrence.

**Orders**

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

ORDERED, that Representative Swift Tarbell of Bangor be excused January 13 and 14 for illness.

AND BE IT FURTHER ORDERED, that Representative Angela Aloupis of Bangor be excused January 13 and 14 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Roger M. Pouliot of Lewiston be excused January 26, 27, 28 and 29 for personal reasons.

On motion of Representative Rolde of York, the following Joint Order (H. P. 1857) (Cosponsors: Senator Bustin of Kennebec, Representative Bell of Paris and Senator Collins of Knox)

WHEREAS, the Legislature recently enacted L.D. 1655, AN ACT Promoting Alcoholism Prevention, Education, Treatment and Research; and

WHEREAS, this Act eliminated the language in previous statutes which said that there should be one office to operate state alcohol abuse services; and

WHEREAS, the Act also established an Alcoholism Prevention, Education, Treatment and

Research Fund which in large part derives its funds from the premium on spirits and fortified wines; and

WHEREAS, the Legislature is given the power to make allocations from the fund to any public or private agency or person; and

WHEREAS, the Commissioner of Corrections, the Commissioner of Educational and Cultural Services, the Commissioner of Human Services and the Commissioner of Mental Health and Mental Retardation are directed to prepare and submit a report to the Legislature on alcoholism prevention, education, treatment and research, including their specific recommendations regarding allocations from the fund; and

WHEREAS, the Legislature must afford appropriate opportunity to members of the public to express their concerns or proposals for allocations from the fund; now, therefore, be it

ORDERED, the Senate concurring, that a Joint Standing Committee on Alcoholism Services be established consisting of 2 members of the joint standing committee having jurisdiction over appropriations and financial affairs, 2 members of the joint standing committee having jurisdiction over education, 2 members of the joint standing committee having jurisdiction over health and institutional services, 2 members of the joint standing committee having jurisdiction over taxation and 5 members at large, who shall be appointed by the Speaker of the House and the President of the Senate, with no more than 4 members being appointed from the Senate, and be it further

ORDERED, that the Joint Select Committee on Alcoholism Services review the plan submitted by the Commissioner of Corrections, the Commissioner of Educational and Cultural Services, the Commissioner of Human Services and the Commissioner of Mental Health and Mental Retardation and report on any accompanying legislation; and be it further

ORDERED, that the committee afford an appropriate opportunity to members of the public to comment on the plan and make recommendations regarding allocations from the fund.

The Order was read.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Just briefly to explain this order. You remember that we passed in this body by a significant vote, on all occasions over two-thirds of the people voted for the alcohol premium bill, and part of the legislative intent behind that bill, for those of us who worked on it, was, one, to establish the premium concept and the fact that those who bought alcohol would pay something for the facilities and treatment program to deal with the problems that are caused by alcohol. That was one of the major intents of the bill.

But another major intent of the bill was to bring together the programs that we have in the state. This was something that we had found, that various departments were not working with each other, that there were many different programs out in the fields, that nobody was taking a very close look at these programs, so the bill was structured to force the departments to work together and come to the legislature and present a plan for how alcohol treatment and prevention programs would be run in the state.

We also built into the legislation what we called a safety valve which was for those people who felt that they had not been given enough opportunity by the bureaucracy, and enough opportunity to be part of the plan, that they could also come to the legislature. So, in order to do that and to have the legislature really pay attention to these programs and to this money that is now going to be spent, those of us who worked on it felt that we should have a special select committee. This would be a committee that would just meet during this

session. It would go over the plan that is presented by the commissioners. It would hold public hearings, it would listen to anyone who had any suggestions or who felt aggrieved that they were not part of the plan.

So I hope you will pass this order. We feel it is necessary to have a select committee. This is often done in the legislature when we have a special issue that we want to concentrate on, so I hope you will pass this order today.

Thereupon, the Order received passage and was sent up for concurrence.

#### Special Sentiment Calendar

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

Martin Morse, of Wells, a certified Maine Tree Farmer since 1976, named Outstanding Forester of 1982 for his fine record as a woodland manager; (H. P. 1855) by Representative Wentworth of Wells.

Mrs. Maude Adams, of North Newport, who will be celebrating the 80th anniversary of her birth on January 24, 1982; (H. P. 1856) by Representative Reeves of Newport. (Cosponsor: Senator Emerson of Penobscot)

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

That January 18th marks the eighth anniversary of the passage of the Equal Rights Amendment by the State of Maine. (S. P. 782)

On the request of Mrs. Nelson of Portland, was removed from the Special Sentiment Calendar.

The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from Portland, Mrs. Nelson.

Mrs. NELSON: Mr. Speaker, Men and Women of the House: Today, we remember the 8th anniversary of the day when the Maine Legislature ratified the Equal Rights Amendment. And while the ERA has not yet been added to the United States Constitution, it is fitting for us to remember the wisdom of the legislature's action and to reiterate the need for an amendment to the United States Constitution which is as necessary now as it was in 1974.

The Amendments is so short that it can be written on the face of a button. I read that button to you now — "Equality of Rights under the Law Shall not be Denied or Abridged by the United States or by any State on Account of Sex."

The Equal Rights Amendment is still necessary because thousands of state laws and many federal laws still discriminate against women and, in some cases, against men, solely on the basis of their sex.

Women are hurt by these laws in employment opportunities, in wage discrimination in the ways the laws treat property and support in marriage and divorce, in social security, pensions, in disability insurance and in educational opportunities.

Let me share one law that we have here on the books in Maine, and it deals with pensions. If a woman works for the State of Maine and receives retirement benefits and she dies, her husband would receive the benefits of her retirement for the rest of his life. If a man works for the State of Maine and is part of the retirement system and he dies, his surviving spouse, which would be a woman, can receive those benefits only if she doesn't remarry.

In economic terms, we find the most graphic measures of this inequality. Women still earn on an average of 59 cents of the dollar that men earn in the United States. This gap affects all of us. It means a working couple really brings in on an average of one and one half salaries when both work full time. It means that women on welfare, and 90 percent of the AFDC recipients are women, find it extremely difficult to get off welfare because the laws work against them. And it means that as a woman citizen ages, they, too, join the many elderly women

who live below the poverty line and struggle to survive.

But ERA is not just an economic issue. It is an issue of simple justice, of ridding our laws of outdated and unfair legal assumptions and practices. Only a constitutional amendment to the federal constitution can shatter this presumption.

We earnestly hope that the legislators in the remaining unratified states come to see this issue more clearly and join us in support of the ERA. In the meantime, though, I am proud to be a member of a legislature that eight years ago took its stand for equal rights. I am proud that in Maine we recognize that the women and men of America deserve no less than a secure constitutional guarantee of equal rights and equal dignity under the law.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, I move that this item be tabled one day before this by accepts this Legislative Sentiment.

Whereupon, Mrs. Masterton of Cape Elizabeth requested a roll call vote.

The SPEAKER Pro Tem: 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 Pro Tem: The pending question is on the motion of the gentleman from Corinth, Mr. Strout, that this matter be tabled for one legislative day pending passage. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Armstrong, Austin, Carrier, Carter, Conary, Connors, Dillenback, Dudley, Hunter, Jackson, P.C.; Laverriere, Masterman, McCollister, McPherson, Norton, Paul, Peterson, Racine, Reeves, J.; Ridley, Roberts, Smith, C.W.; Strout, Studley, Swazey, Treadwell.

NAY—Aloupis, Baker, Beaulieu, Bell, Benoit, Berube, Bordeaux, Boyce, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Carroll, Chonko, Clark, Connolly, Cox, Crowley, Cunningham, Curtis, Damren, Davies, Davis, Day, Diamond, G.W.; Diamond, J.N.; Drinkwater, Erwin, Fitzgerald, Foster, Fowle, Gavett, Gillis, Gowen, Gwadosky, Hall, Hanson, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Huber, Hutchings, Ingraham, Jackson, P.T.; Jalbert, Jordan, Joyce, Kane, Kany, Kelleher, Ketover, Kiesman, Kilcoyne, Lancaster, LaPlante, Lewis, Lisnik, Livesay, Locke, Lund, MacBride, MacEa- chern, Macomber, Mahany, Manning, Martin, A.; Martin, H.C.; Martin, J.; Masterton, Matthews, McGowan, McHenry, McSweeney, Michael, Mitchell, E.H.; Mitchell, J.; Mohol- land, Murphy, Nadeau, Nelson, A.; Nelson, M.; O'Rourke, Paradis, E.; Paradis, P.; Pearson, Perkins, Perry, Post, Pouliot, Randall, Reeves, P.; Richard, Rolde, Salsbury, Sherburne, Smith, C.B.; Soulas, Soule, Stevenson, Stover, Tarbell, Telow, Theriault, Thompson, Tuttle, Twitchell, Vose, Walker, Webster, Wentworth, Weymouth.

ABSENT—Dexter, Jacques, Michaud, Prescott, Small.

Yes, 26; No, 118; Absent, 5; Vacant, 2.

The SPEAKER Pro Tem: Twenty-six having voted in the affirmative and one hundred eighteen in the negative, with five being absent, the motion does not prevail.

Thereupon, the Order received passage in concurrence.

Otis Smith, of Hodgdon, on being selected Outstanding Conservation Farmer for 1981; (H. P. 1858) by Representative Smith of Island Falls. (Cosponsor: Senator Carpenter of Aroos-

took)

Brian Ireland, of Veazie, who has achieved the high rank and distinction of Eagle Scout; (H. P. 1859) by Representative Treadwell of Veazie.

Mrs. Grace "Faulkie" Gilmore of Hampden, a very special athlete, scholar and educator, who is fondly admired and respected by a countless number of lives that she has so graciously enriched; (H. P. 1860) by Representative Tarbell of Bangor. (Cosponsor: Representative Aloupis of Bangor)

There being no objections, these items were considered passed.

At this point, Speaker Martin resumed the Chair and Representative Michaud returned to his seat on the floor.

The SPEAKER: The Chair would thank the gentleman from East Millinocket, Mr. Michaud, for acting as Speaker pro tem.

The SPEAKER: Would the Sergeant-at-Arms please escort the Representative-elect from Lewiston, Cecile Boisvert, to the back of the hall.

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

The following Communication:

State of Maine

Office of the Secretary of State

January 20, 1982

To the Honorable John L. Martin, Speaker of the House of Representative of the One Hundred and Tenth Legislature:

In compliance with the Constitution and laws of the State of Maine, I have the honor to herewith report the return of votes cast for Representative District 6(3) at the Special Election held on January 19, 1982, according to a review of the returns made by the Governor, to fill the vacancy that existed in that district, as follows:

N. Paul Gauvreau, Lewiston 227

Cecile Boisvert, Lewiston 333

(Write-in)

RODNEY S. QUINN

Secretary of State

The Communication was read and ordered placed on file.

The following paper appearing on Supplement No. 2 was taken up out of order by unanimous consent:

The following Communication:

State of Maine

Office of the Secretary of State

To Edwin H. Pert, Clerk of the House of Representatives of the One Hundred and Tenth Legislature:

In compliance with the Constitution and laws of the State of Maine, I hereby certify that a Special Election was held on January 19, 1982, in Representative District (6)3 for the purpose of electing a Representative to the One Hundred and Tenth Legislature; that Cecile Boisvert of Lewiston having received a plurality of all votes cast in District 6(3), as contained in a report to the Governor on January 20, 1982, appears to have been elected a Representative to the One Hundred and Tenth Legislature.

IN WITNESS WHEREOF, I have caused the Great Seal of the State of Maine to be hereunto affixed this twentieth day of January in the year of our Lord, One Thousand Nine Hundred and Eighty-two.

RODNEY S. QUINN

Secretary of State

At this point, the Speaker announced the presence in the Hall of the House of Representative-elect Boisvert from Lewiston. The Speaker asked the Lewiston delegation to escort the Representative-elect to the Office of the Governor where the Governor would enable her to receive and subscribe the oath necessary to qualify her to enter upon her official duties.

The Speaker appointed the following Committee to escort Representative-elect Boisvert to the Office of the Governor:  
Representatives:

MITCHELL of Vassalboro  
JALBERT of Lewiston  
TELOW of Lewiston  
NADEAU of Lewiston  
BERUBE of Lewiston  
POULIOT of Lewiston

Subsequently, Representative Mitchell, for the Committee, reported that the necessary oath had been taken by Representative Boisvert to qualify here to enter upon her official duties.

At this point, the Speaker assigned Representative Boisvert of Lewiston to Seat 57 and she was escorted to her seat by the Sergeant-at-Arms amid applause of the House.

#### Orders of the Day

The Chair laid before the House the following matter:

Bill "An Act to Provide for Improved Energy Policy Development Including the Preparation of an Annual Electricity Demand Forecast" (H. P. 1861) which was tabled and later today assigned pending reference.

On motion of Mr. Davies of Orono, the Bill was referred to the Committee on Public Utilities, ordered printed and sent up for concurrence.

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

COMMUNICATION re nomination of C. James Allen to the Commission on Governmental Ethics and Election Practices

Tabled—January 12 by Representative Higgins of Scarborough.

Pending—Confirmation

(Affirmative vote of two-thirds of those members present and voting needed in accordance with Title 1, Section 1002 of the Maine Revised Statutes Annotated)

On motion of Mr. Higgins of Scarborough, re-tabled pending confirmation and tomorrow assigned.

The Chair laid before the House the second item of Unfinished Business.

Bill, "An Act Concerning the Preservation of Archaeological Sites" (H. P. 1840)

(Committee on Legal Affairs suggested)

Tabled—January 14, 1982 by Representative Cox of Brewer.

Pending—Reference.

On motion of Mr. Cox of Brewer, the Bill was referred to the Committee on State Government, ordered printed and sent up for concurrence.

On motion of Representative Boisvert of Lewiston, Adjourned until ten o'clock tomorrow morning.