

# 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**

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**FOURTH SPECIAL SESSION**

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

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**July 16, 1982**

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**HOUSE**

Thursday, January 21, 1981

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

Prayer by the Reverend Harry C. Snyder of the First Baptist Church, Waterville.

The journal of yesterday was read and approved.

**Papers from the Senate  
Tabled and Assigned**

Bill "An Act to Establish the Uniform Take-over Act" (S. P. 778) (L. D. 1846)

Came from the Senate referred to the Committee on Judiciary.

In the House, on motion of Mrs. Mitchell of Vassalboro, tabled pending reference in concurrence and assigned for Tuesday, January 26.

Bill "An Act to Require Mandatory Reporting of Elderly Abuse" (S. P. 779) (L. D. 1847)

Came from the Senate referred to the Committee on Judiciary.

In the House, on motion of Mrs. Nelson 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 Allow the Transfer of Venue of Civil Actions Without the Agreement of the Parties" (S. P. 780) (L. D. 1848)

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 Amend the Maine Guarantee Authority Act" (S. P. 781) (L. D. 1849)

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.

**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 Concerning Salaries of District Court Judges" (H. P. 1869) (Presented by Representative Hobbins of Saco) (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 Clarify the Right of Local Housing Authorities to Issue Mortgage Revenue Bonds" (H. P. 1870) (Presented by Representative Stover of West Bath) (Cosponsors: Representative Berube of Lewiston, Senator Wood of York and Gill of Cumberland) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Committee on Local and County Government was suggested.

On motion of Mrs. Kany of Waterville, tabled pending reference and later today assigned.

**Local and County Government**

Bill "An Act Relating to the Frequency of Payments by Certain County Officials to County Treasurers" (H. P. 1871) (Presented by Representative Nelson of Portland) (Cosponsor: Representative Masterton of Cape Elizabeth) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)

Sent up for concurrence.

**Public Utilities**

Bill "An Act to Change the Corporate Limits

of the Kittery Water District" (H. P. 1872) (Presented by Representative McPherson of Eliot) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)

Sent up for concurrence.

**Passed to be Engrossed**

Bill "An Act to Increase Eligibility Levels for the Elderly Householders Tax and Rent Refund Act" (Emergency) (H. P. 1877) (L. D. 1862) (Presented by Representative Higgins of Scarborough) (Cosponsors: Representative Post of Owl's Head, Senators Conley of Cumberland and Teague of Somerset) (Governor's Bill)

Committee on Taxation was suggested.

Under suspension of the rules, the Bill was read twice, passed to be engrossed without reference to any committee and sent up for concurrence.

**Study Report - Committee on Labor**

Representative Beaulieu from the Committee on Labor to which was referred the study relative to Occupational Disease and Hearing Loss pursuant to Joint Order H. P. 1629 have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Clarify the Provision of the Maine Human Rights Act Relating to Employment Discrimination Which is not Prohibited" (H. P. 1868) (L. D. 1861) be referred to this Committee for Public Hearing and printed pursuant to Joint Rule 18.

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

**Special Sentiment Calendar**

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

Stephens Memorial Hospital which, on February 4, 1982, will celebrate its 25th anniversary serving the health needs of the greater Oxford Hills area; (S. P. 788)

Master Conor Robert Beliveau, who came into this world on January 13, 1982 weighing 10 lbs. 11 oz. and is the third son of his proud parents Cynthia and Severin Beliveau of Augusta; (S. P. 790)

The 90th birthday, on January 18, 1982, of Pearl S. Bordeaux, of Mt. Desert, tax assessor for that town since 1938; (H. P. 1867) by Representative Salsbury of Bar Harbor) (Cosponsor: Senator Perkins of Hancock)

Wellington S. Higgins, of Winthrop, who will be celebrating the 108th anniversary of his birth on January 25, 1982; (H. P. 1876) by Representative Davis of Monmouth. (Cosponsor: Senator Ault of Kennebec)

The Freeport Volunteer Fire Department, which successfully evacuated 63 people from a burning apartment house September 22, 1981; (H. P. 1875) by Representative Mitchell of Freeport. (Cosponsor: Senator Clark of Cumberland)

Gray-New Gloucester High School Boys' Soccer Team and their coach, Alf Ehnstron, in winning the State Class B Soccer Championship for 1981; (H. P. 1874) by Representative Mitchell of Freeport. (Cosponsor: Senator Huber of Cumberland and Representative Cunningham of New Gloucester)

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

Mr. & Mrs. Forest J. Brown, of Vassalboro, who celebrated the 65th anniversary of their wedding on December 6, 1981; (H. P. 1873) by Representative Mitchell of Vassalboro. (Cosponsor: Senator Bustin of Kennebec)

On the request of Mrs. Mitchell of Vassalboro, was removed from the Special Sentiment Calendar.

Thereupon, the Order was read.

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

Mrs. MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: It's a pleasure to share with you the anniversary of this very special couple from Vassalboro. I think you would like to know also that Mr. Brown was a member of the 100th Legislature. He was a former county commissioner, he was a mail carrier for 35 years, and he has produced, sitting in the balcony, the State Controller, Don Brown, and the House Xerox, Gary Brown, and I would like to congratulate the Brown family on this important occasion.

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

By unanimous consent, ordered sent forthwith to the Senate.

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

Bill "An Act to Amend the Maine Consumer Credit Code Regarding Educational Loans and Cosignor Notices" (Emergency) (S. P. 787) (L. D. 1852)

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

In the House, the Bill was referred to the Committee on Business Legislation in concurrence.

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

Bill "An Act Authorizing Husson College to Confer a Degree of Bachelor of Science in Nursing" (S. P. 786) (L. D. 1851)

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

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

Bill "An Act Concerning Municipal Employees under the Employment Practices Act" (S. P. 789) (L. D. 1853)

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

In the House, the Bill was referred to the Committee on Labor in concurrence.

Bill "An Act to Raise the Annual Public Utilities Commission Regulatory Fund Assessments to \$1,300,000" (Emergency) (S. P. 785) (L. D. 1850)

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

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

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

The following Joint Order: (S. P. 795)

ORDERED, the House concurring, that when the House and Senate adjourn, the House adjourns to Tuesday, January 26, 1982, at ten o'clock in the morning; and the Senate adjourns to Tuesday, January 26, 1982 at eleven o'clock in the morning.

Came from the Senate read and passed.

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

**House at Ease**

Called to order by the Speaker.

**Orders of the Day**

The Chair laid before the house the following matter:

Bill "An Act to Clarify the Right of Local Housing Authorities to Issue Mortgage Revenue Bonds" (H. P. 1870) which was tabled and later today assigned pending reference. (Committee on Local and County Government was suggested)

Thereupon, the Bill was referred to the Com-

mittee on Local and County Government, ordered printed and sent up for concurrence.

#### **House at Ease**

Called to order by the Speaker.

The following paper appearing on Supplement No. 4 was taken up out of order by unanimous consent:

#### **Passed to Be Enacted Emergency Measure**

An Act to Increase Eligibility Levels for the Elderly Householders Tax and Rent Refund Act (H. P. 1877) (L. D. 1862)

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: It has been kind of a long and winding road the last day or two surrounding this particular bill and I hesitate to even talk too much about it. I kind of got discouraged the last day or so because I had a feeling that perhaps some petty politics was being played with this particular issue. I don't need to go too far into the issue at hand and explain that anymore than to say that I think it is unfortunate if we are trying to play politics with the elderly.

The bill that you have before you is the same bill that we enacted when we were in special session in December. It does do two things — the Speaker alluded to one of them earlier today.

What it does do, it allows those people who qualified for the program the opportunity to get their refund checks under the Elderly Rent Refund Act immediately. They will not have to wait until March 10; they won't have to reapply. The money is there. Taxation is ready, willing and able to send the checks out, and it will allow them to get them immediately without having to wait.

The other thing that the bill does, along with the Attorney General's opinion, is that it clears up some misconstrued ideas. I guess, over whether or not the low cost drug program is retroactive. It states very clearly that it is not retroactive, that anybody who is eligible for the program will become eligible as of today, or whenever the Governor signs this bill, and not on March 10.

So it does those two things — it makes people eligible for the elderly drug program today instead of on March 10, and it also allows the checks to be given out immediately without having to wait another six weeks. I think that is important. I think we all understand the reason why, especially with the weather we have had in the last couple of weeks.

As I say, I even hesitated to rise but I did not want to clear up the two points and just perhaps clear up the record as to where I stand on the issue, and I hope you will join with me in giving this your unanimous support.

The SPEAKER: The Chair recognizes the gentlewoman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: I want to make just one further clarification or correct something that was said. People will not become eligible for the drug program when this bill is actually enacted, but individuals will become eligible for the elderly drug program when they are individually certified as being eligible for the Tax and Rent Refund Program. Some of those people are already on computer; those are the people who filed last year. The Bureau of Taxation already has some applications that have been sent in.

But particularly because of the drug program, I would urge people across the state if they do in fact have the forms for the elderly tax and rent refund, to send them in as soon as possible, particularly if there are needs as far as the drug program is concerned.

The SPEAKER: The pending question is on

passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor will vote yes; those opposed will vote no.

A vote of the House 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.

By unanimous consent, ordered sent forthwith.

On motion of Mr. Kelleher of Bangor, Adjourned until Tuesday, January 26, at ten o'clock in the morning.