

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 28, 1982

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

Prayer by the Reverend Carl Junker of the Congregational Church, U.C.C., Wells.

The journal of yesterday was read and approved.

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

Special Sentiment Calendar

The following item: (Expression of Legislative Sentiment)

Recognizing:

Rev. Herve F.M. Drouin, O.P.S.T.D., a beloved leader and organization founder in the Lewiston-Auburn community; (H. P. 1926) by Representative Boisvert of Lewiston. (Cosponsor Senator Charette of Androscoggin)

There being no objections, the above item received passage and was sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Papers from the Senate

Bill "An Act Appropriating Funds and Setting Wage Reimbursements Levels for Employees of Intermediate Care Facilities for the Mentally Retarded" (S. P. 800) (L. D. 1880)

Bill "An Act Making Additional Appropriations to the Work Incentive Program from the General Fund for the Current Fiscal Year Ending June 30, 1982" (Emergency) (S. P. 784) (L. D. 1878)

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

In the House, referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act to Authorize the Use of Surplus Proceeds of Municipal Borrowing for Other Purposes" (S. P. 797) (L. D. 1879)

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.

Petitions, Bills and Resolves**Requiring Reference**

The following Bills and Resolves were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Business Legislation

Bill "An Act to Remove the Interstate Business Exemption from the Unfair Trade Practices Act" (H. P. 1920) (Presented by Representative Brannigan of Portland) (Cosponsors: Representatives Diamond of Bangor, Jackson of Yarmouth and Murphy of Kennebunk) (Submitted by the Department of the Attorney General pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act Governing the Closing of Public Elementary and Secondary School Buildings" (H. P. 1912) (Presented by Representative Locke of Sebec) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)

Sent up for concurrence.

Energy and Natural Resources

Bill "An Act to Strengthen the Fire Control Laws" (H. P. 1913) (Presented by Representative Hall of Sangerville) (Cosponsors: Senator Violette of Aroostook, Representatives Dexter

of Kingfield and Davis of Monmouth) (Submitted by the Department of Conservation pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Provide for the Use of Major Credit Cards at the Kittery Liquor Store" (H. P. 1914) (Presented by Representative Soulas of Bangor) (Cosponsors: Representative Rolde of York and Senator Charette of Androscoggin) (Submitted by the Department of Finance and Administration pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act Requiring Public Utilities Commission Approval for the Purchase of Portions of Electrical Generating Facilities by Electrical Companies or Fuel Conversion in Electrical Generating Facilities" (H. P. 1915) (Presented by Representative Kany of Waterville) (Cosponsors: Senators Trafton of Androscoggin and Hichens of York and Representative Weymouth of West Gardiner) (Governor's Bill)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act Relating to the Compensation of Public Utilities' Commissioners" (H. P. 1921) (Presented by Representative Davies of Orono) (Cosponsors: Representatives Master-ton of Cape Elizabeth and Senator Violette of Aroostook) (Submitted by the Office of the Public Advocate pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence. (Later Reconsidered)

Taxation

RESOLVE, Authorizing the Maine Forest Service to Convey by Bid Sale of the State's Interest in Certain Real Estate in the Maine Forestry District and to Use the Proceeds for Energy-saving Improvements to Other Existing Fire Control Buildings" (H. P. 1922) (Presented by Representative Hall of Sangerville) (Cosponsors: Representatives Dexter of Kingfield, Post of Owl's Head and Senator Teague of Somerset) (Submitted by the Department of Conservation pursuant to Joint Rule 24)

(Ordered Printed)

Transportation

Bill "An Act Making Adjustments to the Allocations from the Highway Fund for the Fiscal Year Ending, June 30, 1982 and June 30, 1983" (Emergency) (H. P. 1925) (Presented by Representative Carroll of Limerick) (Cosponsor: Representative Fowlie of Rockland) (Governor's Bill)

(Ordered Printed)

Sent up for concurrence.

Study Report**Committees on Energy and Natural Resources and Public Utilities**

Representative Hall for the Committee on Energy and Natural Resources and Public Utilities to which was referred by the Legislative Council, the study relative to voluntary certification for building energy auditors have had the same under consideration, and ask leave to submit their findings and to report that the accompanying Bill "An Act to Establish Voluntary Certification for Building Energy Auditors" (H. P. 1916) (L. D. 1893) be referred to the Committee on Energy and Natural Resources for public hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, the Bill referred to the Committee on Energy and Natural Resources, 1,600 ordered printed and sent up for concurrence.

Study Report**Committee on Taxation**

Representative Kane from the Committee on Taxation to which was referred by the Legislative Council the Study relative to the Maine Forestry District Tax have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill "An Act to Revise the Procedure for Municipalities Withdrawing from the Maine Forestry District" (H. P. 1911) (L. D. 1883) 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 Taxation, 1,600 ordered printed and sent up for concurrence.

Study Report**Committee on Legal Affairs**

Representative Cox from the Committee on Legal Affairs to which was referred by the Legislative Council the study relative to the Regulation of Transactions in Precious Metals, Jewelry, and Precious and Semi-Precious Gems for Resale and Scrap have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill "An Act to Regulate Dealers in used Goods for Resale, Trade or Scrap" (H. P. 1917) (L. D. 1894) 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 Legal Affairs, 1,500 ordered printed and sent up for concurrence.

Study Report**Committee on Legal Affairs**

Representative Cox from the Committee on Legal Affairs to which was referred by the Legislative Council the study relative to the Equalization of Liquor Prices have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill "An Act to Equalize the Price of Liquor throughout the State" (H. P. 1918) (L. D. 1895) 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 Legal Affairs, 1,600 ordered printed and sent up for concurrence.

Orders

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

ORDERED, that Representative Alexander Richard of Madison be excused January 26 and for the duration of his illness.

Special Sentiment Calendar

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

Annie Allen, a member of the George Stevens Academy Girls' Basketball Team, who has scored 1,000 points in her high school basketball career; (S. P. 807)

The East Auburn Baptist Church and its congregation on the 175th anniversary of its founding, February 17, 1807; (S. P. 805)

Captain Clyde Chapman and Firefighter Gregory Peters, of the Westbrook Fire Department, who were selected as Firefighters of the Year for 1981; (S. P. 802)

Mark Jumper, of Lewiston High School, who has been selected to represent the Lewiston-Auburn Chapter of Junior Achievement at the Regionals in the Catskills; (H. P. 1909) by Representative Nadeau of Lewiston. (Cosponsor: Senator Charette of Androscoggin)

Timothy S. Fallon, of Thorndike, who has been selected as a delegate to the 20th Anniversary United States Senate Youth Program; (H. P. 1893) by Representative Stevenson of Unity.

Charles Michaud, of Millinocket, commander of the Fifth Legion District of Maine, who has been named outstanding district commander; (H. P. 1919) by Representative Clark of

Millinocket. (Cosponsors: Senator Pray of Penobscot and Representative Michaud of East Millinocket)

Frank Hussey, of Presque Isle, who has been chosen to receive the Outstanding Citizens Award by the Presque Isle Chamber of Commerce; (H. P. 1923) by Representative Lisnik of Presque Isle. (Cosponsor: Representative MacBride of Presque Isle)

Yvonne Hall, of Houlton, who has been named Miss Maine National Teenager for 1981; (H. P. 1924) by Representative Ingraham of Houlton.

The Honorable Ralph H. Ross, of Sanford, who has resigned because of ill health after 14 years of service as Judge in the Maine District Court; (H. P. 1910) by Representative Hobbins of Saco. (Cosponsors: Representatives Tuttle of Sanford, Martin of Eagle Lake, Jalbert of Lewiston and Senator Devoe of Penobscot)

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

In Memory of:

The Honorable Armand Duquette of Biddeford, who served with great distinction as a member of the 85th, 86th, 94th, 95th, 96th, 97th, 98th, 99th, 102nd, 103rd and 104th Maine Legislatures; (S. P. 801)

On request of Mr. Racine of Biddeford, was removed from the Special Sentiment Calendar.

Thereupon, the Resolution was read.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Racine.

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: As you heard, Senator Duquette served for a period of 22 years in this House, and I believe that he served very honorably. He was known as a doer and he got many things accomplished. And the word where I came from was, if you wanted something, and you didn't even have to be from York County, if you wanted something you saw Senator Duquette and if it was within reason, you could be sure you would get what you asked for.

He will be sadly missed.

Thereupon, the Resolution was adopted in 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. 1781) (L. D. 1771) Bill "An Act to Revise the Charter of Hebron Academy" Committee on Legal Affairs reporting "Ought to Pass"

No objections being noted, the above item was ordered to appear on the Consent Calendar of February 2, under listing of the Second Day.

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

The following Joint Order: (S. P. 810)

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, February 2, 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 from the Senate appearing on Supplement No. 2 were taken up out of order by unanimous consent:

Bill "An Act to Make Possible Interstate Bank Ownership" (S. P. 804) (L. D. 1891)

Bill "An Act to Regulate the Sale of Franchises and Business Opportunities" (S. P. 806) (L. D. 1892)

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.

Orders of the Day

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

Bill, "An Act to Make Additional Allocations from the Regulatory Fund, Public Utilities Commission for the Fiscal Year Ending June 30, 1983" (Emergency) (H. P. 1908) (Committee on Public Utilities suggested)

Tabled—January 27, 1982 by Representative Kelleher of Bangor.

Pending—Reference.

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

On motion of Mrs. Kany of Waterville, the House reconsidered its action of earlier in the day whereby Bill "An Act Relating to the Compensation of Public Utilities' Commissioners" (H. P. 1921) was referred to the Committee on State Government.

The same gentlewoman further moved that this Bill be referred to the Committee on Public Utilities.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: It is quite unusual that the gentlewoman from Waterville would indicate that she did not want a bill to come to State Government. I wonder if she might explain why she feels on this occasion this bill should go to Public Utilities. As I understand it, in the past when we have dealt with salaries of the Public Utilities' Commissioners, the bills have been coming from State Government. I wondered if there was something new and exciting about this proposal that it needed to go to a different committee.

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

Mrs. KANY: Mr. Speaker and Members of the House: Thanks to all of you, I have learned to be a stateswoman.

The SPEAKER: The Chair recognizes the gentlewoman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, I would like to ask for a division on this. Representative Higgins is absolutely correct, we have always had the compensation bills come before our committee, the salary changes, and particularly the PUC. We have had three or four of them since I have been in the Legislature, so I would like to ask for a division.

The SPEAKER: A vote has been requested. The pending question is on the motion of the gentlewoman from Waterville, Mrs. Kany, that H. P. 1921 be referred to the Committee on Public Utilities. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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 Waterville, Mrs. Kany, that this Bill be referred to the Committee on Public Utilities and ordered printed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Baker, Beaulieu, Benoit, Berube, Boisvert, Boyce, Brannigan, Brodeur, Brown, A.; Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Dudley, Erwin, Fitzgerald, Fowlie, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Jal-

bert, Joyce, Kane, Kany, Ketover, Kilcoyne, LaPlante, Laverriere, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A.; Martin, H.C.; McCollister, McGowan, McHenry, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, Paradis, P.; Paul, Perry, Post, Racine, Ridley, Roberts, Rolde, Smith, C.B.; Soule, Swazey, Theriault, Thompson, Tuttle, Twitchell, Vose, The Speaker.

NAY—Aloupis, Armstrong, Austin, Bell, Bordeaux, Brown, D.; Cahill, Callahan, Conary, Cunningham, Damren, Davis, Day, Dexter, Diamond, J.N.; Dillenback, Drinkwater, Foster, Gavett, Gillis, Gowen, Hanson, Higgins, L.M.; Holloway, Hutchings, Ingraham, Jackson, P.T.; Jackson, P.C.; Jordan, Kiesman, Lancaster, Lewis, Livesay, Lund, MacBride, Masterman, Masterton, Matthews, McPherson, Murphy, Nelson, A.; O'Rourke, Paradis, E.; Perkins, Peterson, Randall, Reeves, J.; Reeves, P.; Salisbury, Sherburne, Small, Smith, C.W.; Soulas, Stevenson, Stover, Strout, Studley, Telow, Treadwell, Walker, Webster, Wentworth, Weymouth.

ABSENT—Brenerman, Brown, K.L.; Carrier, Carroll, Carter, Connors, Curtis, Huber, Hunter, Kelleher, Lisnik, Pearson, Pouliot, Richard, Tarbell.

Yes, 71; No, 63; Absent, 15; Vacant, 2.

The SPEAKER: Seventy-one having voted in the affirmative and sixty-three in the negative, with fifteen being absent, the motion does prevail.

Sent up for concurrence.

(Off Record Remarks)

The SPEAKER: If the Speaker is absent on Tuesday, the Chair would appoint the gentleman from Fairfield, Mr. Gwadosky, to act as Speaker Pro Tem.

On motion of Mr. Martin of Eagle Lake,

The House adjourned until Tuesday, February 2, at ten o'clock in the morning in memory of The Honorable Armand Duquette of Biddeford.