

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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FIFTH SPECIAL SESSION

May 13, 1982

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SECOND CONFIRMATION SESSION

July 16, 1982

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HOUSE

Thursday, February 4, 1982

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

Prayer by Father Raymond Smith of St. Barnabus Episcopal Church, Augusta.

The journal of yesterday was read and approved.

The SPEAKER: The Chair would ask the Sergeant - at - Arms to escort the gentleman from Portland, Mr. Baker, to the rostrum for the purpose of acting as Speaker Pro Tem.

Thereupon, Representative Baker assumed the Chair as Speaker Pro Tem and Speaker Martin retired from the Hall.

Papers from the Senate

Bill "An Act to Implement the Single Trial Law" (Emergency) (S. P. 814) (L. D. 1910)

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

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

**Study Report
Committee on Education**

The Committee on Education to which was referred the Study Order relative to the revision of the Education Laws pursuant to Joint Order S. P. 580 of the 108th Legislature, have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill "An Act to Remove Legislators from Membership on Educational Boards Under Multi-State Compacts" (S. P. 820) (L. D. 1917) be referred to this Committee for Public Hearing and printed pursuant to Joint Rule 18.

Came from the Senate with the Report read and accepted, the Bill referred to the Committee on Education, ordered printed and sent up for concurrence.

In the House, the Report was read and accepted, and the Bill was referred to the Committee on Education in concurrence.

Messages and Documents

The following Communication: (S. P. 822)

State of Maine
Senate Chamber
President's Office
Augusta, Maine

February 2, 1982

Honorable David R. Ault
Honorable Judy C. Kany
Chairmen
Joint Standing Committee
on State Government
State House
Augusta, Maine 04333
Dear Chairmen:

Please be advised that Governor Joseph E. Brennan is nominating John A. Sevigny of Bangor for appointment as a Commissioner of the Maine State Housing Authority.

Pursuant to Title 30 MRSA Section 4602, this nomination will require review by the Joint Standing Committee on State Government and confirmation by the Senate.

Sincerely,
JOSEPH SEWALL
President of the Senate
JOHN L. MARTIN
Speaker of the House

Came from the Senate read and referred to the Committee on State Government.

In the House, the Communication was read and referred to the Committee on State Government in concurrence.

The following Communication:

State of Maine
Maine State Retirement System
State Office Building
State House Station 46
Augusta, Maine 04333

February 2, 1982

Senator Joseph Sewall, President
Maine State Senate
Representative John Martin, Speaker
House of Representatives
Dear Senator Sewall and Representative Martin:

In accordance with the provisions of 5 MRSA, Section 1128 (Chapter 573, PL 1977), this is to advise that the Board of Trustees of the Maine State Retirement System authorized a 4% increase in retirement benefits paid to retired state employees, teachers and retirees of certain participating local districts, effective September 1, 1981, which was a cost-of-living increase. The Consumer Price Index (CPI-U), published by the United States Department of Labor, Bureau of Labor Statistics, reflected an increase for the 12 months ending June, 1981, of 9.6%.

In addition, the first regular session of the 110th Legislature enacted Chapter 73, P&S Laws of 1981, granting those persons eligible for an annual adjustment in retirement allowances under the above referred to statute, an additional one-time 2% cost-of-living increase, payable in September of 1981.

Sincerely,
W.G. BLODGETT
Executive Director

The Communication was read and 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:

Education

Bill "An Act to Create Manpower Distribution Incentives in the Fields of Medicine, Dentistry, Optometry and Veterinary Medicine" (H. P. 1948) (Presented by Representative Thompson of South Portland) (Cosponsors: Representative Gowan of Standish, Senators Perkins of Hancock and 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 Create a Cumberland County Baseball Stadium" (H. P. 1949) (Presented by Representative Higgins of Scarborough) (Cosponsors: Representative Beaulieu of Portland, Senators Usher of Cumberland and Gill of Cumberland) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Committee on Local and County Government was suggested.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker, I would like to pose a question to the sponsor, Mr. Higgins from Scarborough, or any other member of leadership who might choose to answer.

We have tried to exclude legislation that is not of an emergency nature, and I have some serious questions as to whether this piece of legislation, An Act to Create a Cumberland County Baseball Stadium, is in fact a piece of emergency legislation. I request a response from the gentleman from Scarborough, Mr. Higgins.

The SPEAKER Pro Tem: The gentleman from Orono, Mr. Davies, has posed a question through the Chair to the gentleman from Scarborough, Mr. Higgins, who may answer if he so desires.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: For those of you who did not attend the Legislative Council meeting on this bill, I am sure if you had been lobbied as I

had by the former Representative from Westbrook, Mr. Laffin, you would understand that this is a real serious bill, it is of a great emergency nature. As I understand it, the Red Sox are looking for a place to come and they have indicated some interest in coming to Cumberland County rather than staying in Boston. The question is whether or not we want them there.

I really don't know what else to say. I think perhaps the gentleman from Orono, Mr. Davies, is trying to do a number on you. I heard that perhaps we would have some further debate on the issue and I would be delighted to carry on that debate. Perhaps we could discuss the merits of the bill and all that sort of thing.

But I think in reality there is some urgency in the matter and I would hope that this piece of legislation might continue on its way and we in Cumberland County, I am sure, would be delighted to have a baseball stadium.

Thereupon, the Bill was referred to the Committee on Local and County Government, ordered printed and sent up for concurrence.

Tabled and Assigned

Bill "An Act to Increase the Salary of the Governor" (H. P. 1951) (Presented by Representative Pearson of Old Town) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Committee on State Government was suggested.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, I move that this be tabled for two legislative days.

Whereupon, Mrs. Kany of Waterville requested a vote.

The SPEAKER Pro Tem: The pending question is on the motion of the gentleman from Old Town, Mr. Pearson, that this matter be tabled pending reference and specially assigned for Wednesday, February 10. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

103 having voted in the affirmative and 21 in the negative, the motion did prevail.

Study Report**Committee on Aging, Retirement and Veterans**

Representative Hickey from the Committee on Aging, Retirement and Veterans to which was referred by the Legislative Council the study relative to the Withdrawal of Participating Local Districts have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill "An Act to Establish Procedures for Withdrawal of Participating Local Districts from the Maine State Retirement System" (H. P. 1953) (L. D. 1924) 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 Aging, Retirement and Veterans, ordered printed and sent up for concurrence.

Special Sentiment Calendar

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

Merle Gammon, of Livermore, who celebrated his 100th birthday on January 27, 1982; (H. P. 1947) by Representative Brown of Livermore Falls. (Cosponsor: Senator Ault of Kennebec)

Peter Turner, of Sanford, for winning the State Elks Hoop Shoot competition in his age class; (H. P. 1944) by Representative Tuttle of Sanford. (Cosponsors: Representative Paul of Sanford, Ridley of Shapleigh and Senator Wood of York)

Mrs. Esther Simpson, of Sanford, on the celebration of her 100th birthday, February 10, 1982; (H. P. 1945) by Representative Tuttle of Sanford. (Cosponsors: Representative Paul

of Sanford, Ridley of Shapleigh and Senator Wood of York

Bob McCall, of Sanford, for winning the State Elks Hoop Shoot competition in his age class; (H. P. 1946) by Representative Tuttle of Sanford. (Cosponsors: Representative Paul of Sanford and Ridley of Shapleigh and Senator Wood of York)

Neva S. Cram, and past and present volunteers of the Ingraham Volunteers, Inc., for 12 years of dedicated service to the community; (S. P. 821)

That Kristina Caragans Gordon of Yarmouth has been named as Outstanding Young Woman of 1981 by the Maine Jaycees; (S. P. 819)

In Memory of:

Marietta Atwood, of Bath, a noted and talented entertainer and pianist, who delighted countless audiences in the Bath area; (H. P. 1952) by Representative Small of Bath. (Cosponsors: Senator Sewall of Lincoln and Representative Stover of West Bath)

Marshall Jewell Dodge III, of Portland, a tragic loss of a great humorist and philosopher, who became endeared to the citizens of Maine; (S. P. 824) (Later Reconsidered)

There being no objections, these items were considered passed or adopted.

Consent Calendar

First Day

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

(S. P. 750) (L. D. 1753) Bill "An Act to Authorize One Corporation to Permit its Name to be on Business Legislation reporting 'Ought to Pass' as amended by Committee Amendment 'A' (S-379)

No objections being noted, the above item was ordered to appear on the Consent Calendar of February 9, under the listing of the Second Day.

Consent Calendar

Second Day

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

(S. P. 751) (L. D. 1754) Bill "An Act Concerning Annuity Agreements with the University of Maine"

On the request of Mr. Brannigan of Portland, was removed from the Consent Calendar.

Thereupon, the Report was accepted in concurrence, the Bill read once and assigned for second reading the next legislative day.

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

Consent Calendar

First Day

(H. P. 1721) (L. D. 1706) Bill "An Act to Eliminate a Mandatory Public Hearing for Permits to Local Solid Waste Disposal Areas Closer than 300 Feet to a Classified Body of Surface Water" Committee on Energy and Natural Resources reporting "Ought to pass"

(H. P. 1751) (L. D. 1741) Bill "An Act to Allocate Funds from the Low-level Waste Siting Fund" Committee on Energy and Natural Resources reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 9, under the 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. 826)

ORDERED, the House concurring, that when the House and Senate adjourn, the House adjourns to Tuesday, February 9, 1982, at ten o'clock in the morning; and the Senate adjourns to Tuesday, February 9, 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.

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

Bill "An Act to Prohibit the Molesting of Fixed Fishing Gear" (S. P. 818) (L. D. 1922)

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

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

Bill "An Act Relating to Fuel Adjustment Clause of Natural Gas Utilities" (S. P. 817) (L. D. 1921)

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.

Bill "An Act to Revise the Allocation of Funds to Provide Photographic Nonalterable Driver's Licenses and Identification Cards" (S. P. 823) (L. D. 1923) (Emergency)

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

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

The SPEAKER Pro Tem: Would the Sergeant-at-Arms please escort the gentleman from Eagle Lake, Mr. Martin to the rostrum.

Thereupon, Speaker Martin resumed the Chair and Representative Baker returned to his seat on the floor.

Speaker MARTIN: The Chair would like to thank the gentleman from Portland, Mr. Baker, for acting as Speaker Pro Tem. It is obvious that not only did he enjoy it, but so did the members.

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

The following Communication:

State of Maine

Office of

Secretary of State

Augusta, Maine

February 4, 1982

To the Honorable 110th Legislature of the State of Maine

Attention: House of Representatives, Clerk Pert

With your indulgence, my certification of February 2, 1982 concerning "AN ACT to Repeal the Control of Milk Prices at the Wholesale and Retail Levels" is hereby rescinded. I expect to again certify this petition to you within the statutory 25 days permitted by law.

I am withdrawing my previous communication so that all interested parties may have a sufficient time to review the petitions in detail.

My decision in no way implies any deficiency or any impropriety in the petitions; it is simply and wholly in the interest of equity.

Respectfully,

RODNEY S. QUINN

The Communication was read.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker, I would like to pose a question to the Chair. Could you elaborate on the Secretary of State's letter? Could you perhaps explain the justification for it and what the implications are?

The SPEAKER: The only thing that I can relate in addition to the letter is a conversation that I had with the Secretary of State yesterday. Apparently, the Secretary of State had made a commitment to someone or some group to take a look at the petitions. This, apparently, was forgotten and the Secretary of

State felt that that commitment should be honored.

It is my understanding that names have been certified and the certification remains in effect. It has no impact on the certification of signatures and it is merely an attempt to fulfill the agreement that had been made prior to the filing of those signatures.

Thereupon, the Communication was ordered placed on file.

House at Ease

Called to order by the Speaker.

The SPEAKER: The Chair would like to explain to you the reasons for the conference and the result of that conference so that you are informed.

The understanding of those of us who participated in this conference as a result of the Communication being placed on file and after discussion with the Secretary of State, was that there was and had been an understanding with a group of people who was opposed to the petition that they would have an opportunity to review the signatures prior to it being submitted to the legislature. That, by error, was not done. The certification took place in the Secretary of State's Office and the petitions were forwarded to us on the second day of February.

Under the Constitution, there are two dates to keep in mind. Anyone who objects to the petitions, while those petitions are in the Secretary of State's Office they have a right to review them and object to any of those petitions. The Secretary of State's office has 25 days in which to certify those petitions to us. He did, in fact, certify those signatures to us and they were shipped to us on February 2.

After the petitions had been filed with the legislature, and they have been as of yesterday, the Constitution provides anyone who objects to those signatures five days, five calendar days, if they wish to object to any of the signatures.

State on the basis that he felt the other side had been given a commitment and that by error they were not going to have the opportunity to review those petitions prior to the certification.

There were a number of questions which were raised as a result of that discussion. One was the question as to what is fair and what is equality. The question of fairness was, would other people be given that opportunity, and we determined the answer to that was yes, if they requested it.

The problem also is that in fact certification had by law and by the Constitution taken place, and if the petitions were to be returned to the Secretary of State's Office, decertification could, in fact, take place, and so comes the other side of that coin in terms of fairness.

The whole question quickly became moot as a result of the fact that the Senate adjourned and there was just no way, even if we were to send the petitions back, for the Senate to act on that request for returning those signatures to the Secretary of State within the five days required by law since the Senate does not go back into session until Tuesday, that being the seventh day. So we never did have to answer nor will we have to answer the question of what would be fair as to whether or not we should or should not return those signatures. That question was answered for us, and maybe just as well.

As a result, the only way, as I understand the provisions of the Constitution, for those people who object to the signatures being certified, is to go to court to get a temporary restraining order, and that option they have available to them. As a result of that, the bill, I.B. 3, which is shown on the calendar as being held under my name, is released to the other body and they will have it on Tuesday when they return to be referred to the Committee on Agriculture.

ture.

If you have any additional questions, you may discuss them with the Secretary of State or with the Attorney General.

(Off Record Remarks)

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

Special Sentiment Calendar

The following item:

Recognizing:

Isabelle L. Knowlton, of Rockville, who is retiring on February 12, 1982, after over 40 years of faithful service in all 3 branches of State Government, including service under 3 Secretaries of State, service on the staff of the Clerk of the House and service as a Clerk of Courts; (H. P. 1943) by Representative O'Rourke of Camden. (Cosponsors: Senators Collins of Knox, Shute of Waldo and Representative Post of Owl's Head)

There being no objections, the above item was considered passed and sent up for concurrence.

On motion of Mrs. Nelson of Portland, the House reconsidered its action of earlier in the day whereby Senate Paper 824, Joint Resolution in memory of Marshall Jewell Dodge III, of Portland, was adopted in concurrence.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I just wanted to speak briefly about a gentleman I loved and who lived in my district. Today, Father Raymond Smith spoke of grace and wisdom and, indeed, this gentleman epitomizes the grace and wisdom of the people of the State of Maine and we will miss him.

Thereupon, the Resolution was adopted in concurrence.

On motion of Mrs. Kany of Waterville, Adjourned until Tuesday, February 9, at ten o'clock in the morning.