

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

Tuesday, February 9, 1982

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

Prayer by Rabbi Raymond Krinsky of the Beth Israel Congregation of Waterville.

The members stood at attention during the playing of the National Anthem by the Deering High School Band of Portland.

The journal of the previous session was read and approved.

Papers from the Senate

Bill "An Act to Amend the Banking Code Regarding the Investment and Lending Powers of Thrift Institutions and Regarding Service Corporations" (S. P. 825) (L. D. 1928)

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.

Messages and Documents

The following Communication:

**State of Maine
Department of Educational
and Cultural Services**

February 1, 1982

TO: Edwin Pert, Clerk of the House
May Ross, Secretary of the Senate
G. William Buker, State Budget Officer
FROM: Harold Reynolds, Jr., Commissioner
RE: Recommendation for 1981-1982 Funding Level for Adult Education
Pursuant to the provisions of Title 20, M.R.S.A., Chapter 308A, Section 2385, I am required to certify annually prior to February 1 to the Legislature and to the Bureau of the Budget a recommendation for the funding levels for the various program categories in Adult Education.
Please see the recommendation below:

1981-1982
Education: Adult Education ***\$1,805,819**
All Other Category 6300 (including Grants to Cities and Towns)

*The allocation for the Grants to Cities and Towns is \$1,800,000 available; the adjustment to this level will be accomplished through communications with the local school districts.

The Communication was read and ordered placed on file.

Petitions, Bills and Resolves**Requiring Reference**

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

Business Legislation

Bill "An Act to Conform the Effective Date of the Maine Consumer Credit Code—Truth in Lending (Article VIII) and Certain Other Statutes to Federal Law" (Emergency) (H. P. 1967) (Presented by Representative Pouliot of Lewiston) (Cosponsor: Representatives Fitzgerald of Waterville) (Governor's Bill)
(Ordered Printed)

Sent up for concurrence.

Energy and Natural Resources

RESOLVE, Authorizing the State Planning Office to Study the Implications for Maine of Canadian Tidal Power Development in the Bay of Fundy (Emergency) (H. P. 1975) (Presented by Representative Vose of Eastport) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26) (Cosponsors: Representative Holloway of Edgecomb and Huber of Falmouth)
(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Amend the Certification Pro-

cess for Admission into Public Mental Retardation Institutions and to Clarify the Jurisdiction of the District Court" (H. P. 1968) (Presented by Representative Nelson of Portland) (Cosponsors: Representative MacBride of Presque Isle, Senators Bustin of Kennebec and Gill of Cumberland) (Governor's Bill)

Bill "An Act to Clarify the Criminal Restraint by Parent Law" (H. P. 1969) (Presented by Representative Tarbell of Bangor) (Cosponsors: Representatives Lewis of Auburn, Cahill of Woolwich and Senator Usher of Cumberland) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act Excluding Wages of Certain Temporary Alien Workers from Unemployment Compensation Tax" (H. P. 1972) (Presented by Representative Davis of Monmouth) (Cosponsor: Representative Beaulieu of Portland) (Governor's Bill)

(Ordered Printed)

Sent up for concurrence.

Local and County Government

Bill "An Act to Revise the Greater Portland Public Development Commission" (H. P. 1970) (Presented by Representative Thompson of South Portland) (Cosponsors: Representative Macomber of South Portland and Senators Gill of Cumberland and Conley of Cumberland) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act to Amend the Charter of the Strong Water District" (H. P. 1971) (Presented by Representative Dexter of Kingfield) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27)

Bill "An Act to Revise the Lubec Water and Electric District Charter to Modify the Requirements for Issuance of Bonds" (Emergency) (H. P. 1976) (Presented by Representative Vose of Eastport) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act to Clarify the Requirement that an Estimate of Debt Service Accompany Bond Issues Presented to the Voters" (H. P. 1973) (Presented by Representative Diamond of Bangor) (Cosponsor: Representative Master-ton of Cape Elizabeth) (Governor's Bill)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Eliminate the 2¢ Excise Tax Imposed on Jet Fuel Used by International Flights" (Emergency) (H. P. 1974) (Presented by Representative Kelleher of Bangor) (Cosponsors: Senator Emerson of Penobscot, Representatives Diamond of Bangor and Tarbell of Bangor) (Governor's Bill)

(Ordered Printed)

Sent up for concurrence.

Study Reports**Committee on Public Utilities**

Representative McGowan from the Committee on Public Utilities to which was referred by the Legislative Council the study relative to Natural Gas have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Encourage Fuel Diversity by Increased Use of Natural Gas" (H. P. 1956) (L. D. 1929) 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 Public Utilities, ordered printed and sent up for concurrence.

Tabled and Assigned

Representative McGowan from the Committee on Public Utilities to which was referred by the Legislative Council the study relative to Natural Gas have had the same under consideration and ask leave to submit its findings and to report that the accompanying Joint Resolution in Favor of Additional Natural Gas Supplies for the State of Maine (H. P. 1957) (L. D. 1930) "Ought to be Adopted"

Report was read and accepted.

On Motion of Mr. Davies of Orono, the Resolution was tabled pending adoption and tomorrow assigned.

Representative Davies from the Committee on Public Utilities to which was referred by the Legislative Council the study relative to Electrical Energy have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Joint Resolution to Establish a State Emergency Electrical Energy Conservation Plan (H. P. 1958) (L. D. 1931) be referred to this Committee for public hearing and printed pursuant to Joint Rule 18.

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

Representative Davies from the Committee on Public Utilities to which was referred by the Legislative Council the study relative to Electrical Energy have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill "An Act to Establish Standard Procedures Enabling the Formation of Municipal Power Districts" (H. P. 1959) (L. D. 1932) 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 Public Utilities, ordered printed and sent up for concurrence.

Study Report**Committee on Taxation**

Representative Masterman from the Committee on Taxation to which was referred the study relative to the Maine Development Foundation and Economic Development pursuant to P. L. 1977, Chapter 548, have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill "An Act to Amend Laws Relating to the Maine Development Foundation and Economic Development" (H. P. 1960) (L. D. 1933) be referred to the Committee on Taxation for public hearing and printed pursuant to Joint Rule 18.

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

Study Report**Committee on Energy and Natural Resources**

Representative Michael from the Committee on Energy and Natural Resources to which was referred by the Legislative Council the study relative to the protection of freshwater wetlands have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Protect Freshwater Wetlands" (H. P. 1961) (L. D. 1934) 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, ordered printed and sent up for concurrence.

Study Report Committee on Marine Resources

Representative Fowlie from the Committee on Marine Resources to which was referred by the Legislative Council the study relative to the Transfer of Aquaculture Leases have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Allow the Transfer of Aquaculture Leases" (H. P. 1955) (L. D. 1927) be referred to the Committee on Marine Resources for public hearing and printed pursuant to Joint Rule 18.

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

Special Sentiment Calendar

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

Mr. and Mrs. Lloyd Rhodes, of Bar Harbor, on the 50th anniversary of their wedding; (S. P. 827)

That a new Veterans' of Foreign Wars Post was opened in Sherman Station on January 24, 1982; (H. P. 1966) by Representative Michaud of East Millinocket. (Cosponsors: Senator Pray of Penobscot and Representative Smith of Island Falls)

Edith Tibbitts, of East Millinocket, who is retiring after 19 years of service to the town as Town Clerk and Treasurer; (H. P. 1965) by Representative Michaud of East Millinocket. (Cosponsor: Senator Pray of Penobscot)

John L. Gatcombe, of Waldoboro, for his 12 years of dedicated public service in the Waldoboro Ambulance Service; (H. P. 1964) by Representative Curtis of Waldoboro.

Linda Alden, of Monmouth Academy, who has scored over 1000 points during her 4 years on the Academy Basketball Team, establishing an impressive school record; (H. P. 1954) by Representative Davis of Monmouth. (Cosponsor: Senator Ault of Kennebec)

Ada Guthrie, of Ellsworth, who celebrated the 100th anniversary of her birth on February 7, 1982; (H. P. 1977) by Representative Foster of Ellsworth. (Cosponsors: Senator Perkins of Hancock and Representative Salsbury of Bar Harbor)

The Women's Hospital Association of Central Maine Medical Center for its production of the 1982 "Red Stocking Review"; (H. P. 1978) by Representative Lewis of Auburn.

Margaret Philbrook, of Greene, who will celebrate the 90th anniversary of her birth on February 14, 1982; (H. P. 1979) by Representative Crowley of Stockton Springs.

Stanley Hackett, of Troop 342, Bar Mills, who has attained the high rank and distinction of Eagle Scout; (H. P. 1980) by Representative Roberts of Buxton.

In Memory of:

Bernard "Beaver" O'Neil, of Calais, a beloved citizen and dedicated public official of that community; (H. P. 1962) by Representative Gillis of Calais. (Cosponsor: Representative Vose of Eastport)

Margaret H. Gillis, of East Millinocket and Milo, an outstanding teacher and educator for over 40 years; (H. P. 1963) by Representative Michaud of East Millinocket. (Cosponsors: Senator Pray of Penobscot, Representatives MacEachern of Lincoln and Clark of Millinocket)

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

House Reports of Committees Ought Not to Pass

Representative Brannigan from the Committee on Business Legislation on Bill "An Act Concerning Annual Report of Filings for Profit and Nonprofit Corporations" (H. P. 1826) (L. D. 1808) reporting "Ought Not to Pass"

Was placed in the Legislative Files without further action pursuant to Joint Rule 22, and

sent up for concurrence.

Leave to Withdraw

Representative Hobbins from the Committee on Judiciary on Bill "An Act to Make Intentional or Knowing Default on Payment of Civil Penalties to the State a Class E Offense" (H. P. 1779) (L. D. 1769) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

Consent Calendar

First Day

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

(H. P. 1812) (L. D. 1797) Bill "An Act to Permit the Attorney General to Authorize his Deputies to Act in his Place in Certain Situations"—Committee on Judiciary reporting "Ought to Pass"

(H. P. 1724) (L. D. 1709) Bill "An Act to Clarify and Make Corrections in the Labor Laws of Maine"—Committee on Labor reporting "Ought to Pass"

(H. P. 1841) (L. D. 1836) Bill "An Act Regulating the Taking of Mahogany Quahogs"—Committee on Marine Resources reporting "Ought to Pass"

(H. P. 1768) (L. D. 1758) 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)—Committee on Aging, Retirement and Veterans reporting "Ought to Pass"

(H. P. 1753) (L. D. 1743) Bill "An Act to Amend the Employment Security Law to Include Federal Requirements and Other Options Available to the State"—Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-588)

(H. P. 1892) (L. D. 1884) Bill "An Act Adjusting Appropriations and Allocations Related to Federal Block Grants for the Department of Human Services and the Department of Mental Health and Mental Retardation for the Fiscal Year Ending June 30, 1982"—Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 10, under the listing of the Second Day.

Consent Calendar

Second Day

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

(H. P. 1751) (L. D. 1741) Bill "An Act to Allocate Funds from the Low-Level Waste Siting Fund"

(H. P. 1721) (L. D. 1706) Bill "An Act to Eliminate a Mandatory Public Hearing for Permits to Locate Solid Waste Disposal Areas Closer than 300 Feet to a Classified Body of Surface Water"

(S. P. 750) (L. D. 1753) Bill "An Act to Authorize One Corporation to Permit its Name to be Used by Another Corporation" (C. "A" S-379)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was passed to be engrossed in concurrence and the House Papers were passed to be engrossed and sent up for concurrence.

Second Reader Tabled and Assigned

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

Was reported by the Committee on Bills in the Second Reading and read the second time.

On motion of Mr. Brannigan of Portland, tabled pending passage to be engrossed and tomorrow assigned.

Passed to be Enacted

An Act to Revise the Charter of Hebron Academy (H. P. 1781) (L. D. 1771)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

Orders of the Day

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

House Report — "Ought to Pass" as Amended by Committee Amendment "A" (H-584) — Committee on Business Legislation on Bill "An Act to Clarify the Deposit Authority and Conversion Procedures of Savings and Loan Associations" (H. P. 1773) (L. D. 1763)

Tabled—February 3, 1982 by Representative McHenry of Madawaska.

Pending—Acceptance of the Committee Report.

On motion of Mr. McHenry of Madawaska, retabled pending acceptance of the Committee Report and tomorrow assigned.

(Off Record Remarks)

On motion of Miss Aloupis of Bangor, Adjourned until ten o'clock tomorrow morning.