

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 11, 1982

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

Prayer by the Reverend Russell Peppe of the United Methodist Church of Auburn.

The journal of yesterday was read and approved.

At this point, the Speaker announced the presence in the Hall of the House of Representative-elect Pines from Limestone.

The following Communication:

**State of Maine
Office of the Secretary of State**

February 11, 1982

To the Honorable John L. Martin, Speaker 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 have the honor to herewith report the return of votes cast for Representative District 7 at the Special Election held on February 9, 1982, according to a review of the returns made by the Governor, to fill the vacancy that existed in that district, as follows:

John G. Gerard, Limestone 316

Susan J. Pines, Limestone 454

RODNEY S. QUINN
Secretary of State

The Communication was read and ordered placed on file.

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 February 9, 1982, in Representative District 7 for the purpose of electing a Representative to the One Hundred and Tenth Legislature; that Susan J. Pines of Limestone having received a plurality of all votes cast in District 7, as contained in a report to the Governor on February 11, 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 eleventh day of February in the year of our Lord, One Thousand Nine Hundred and Eighty two.

RODNEY S. QUINN
Secretary of State

The Communication was read and ordered placed on file.

The Speaker appointed the following members to escort Representative-elect Pines 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:

Representatives:
HIGGINS of Scarborough
MARTIN of Van Buren
PETERSON of Caribou
MATTHEWS of Caribou
MAHANY of Easton
MacBRIDE of Presque Isle

Subsequently, Representative Higgins reported that the necessary oath had been taken by the Representative to qualify her to enter upon her official duties and she was assigned to Seat 109.

Papers from the Senate

Bill "An Act Making Authorizations and Allocations Related to Federal Block Grants for the Expenditures of State Government for the Fiscal Years Ending June 30, 1983" (Emergency) (S. P. 833) (L. D. 1941)

Bill "An Act to Provide Financial Assistance to Students of Osteopathic Medicine" (S. P. 831) (L. D. 1939)

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 Making Allocations Related to the Alcoholism Prevention, Education Treatment and Research Fund for the Expenditures of State Government for the Fiscal Year ending June 30, 1983" (S. P. 832) (L. D. 1940)

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

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: You may remember the other day we established a Special Select Committee on Alcoholism to deal with this bill. It may surprise you to know that they sometimes make mistakes in the other body, but they do, and they did on this one.

I now move that this Bill be referred to the Special Select Committee on Alcoholism and sent over for concurrence.

Thereupon, on motion of Mr. Rolde of York, the Bill was referred to the Special Select Committee on Alcoholism in non-concurrence and sent up for concurrence.

Bill "An Act to Abolish the Mandatory Reporting of Alcoholism Section of the Board of Registration in Medicine Act" (S. P. 830) (L. D. 1938)

Came from the Senate referred to the Committee on Health and Institutional Services and ordered printed.

In the House, referred to the Committee on Health and Institutional Services in concurrence.

Bill "An Act to Provide for Special Warehouse Storage Facilities for Liquor" (S. P. 828) (L. D. 1936)

Bill "An Act to Amend the Definition of Table Wine" (S. P. 829) (L. D. 1937)

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

In the House, referred to the Committee on Legal Affairs in concurrence.

Messages and Documents

The following Communication: (S. P. 835)

**State of Maine
Senate Chamber
President's Office
Augusta, Maine 04333**

February 9, 1982

Honorable Howard Trotzky

Honorable Richard Davies

Chairmen

Joint Standing Committee on Public Utilities

State House

Augusta, Maine 04333

Dear Chairmen Trotzky and Davies:

Please be advised that Governor Joseph E. Brennan is nominating Peter Bradford of Brunswick for the position of Public Advocate.

Pursuant to Title 35 MRSA Section 1-A subsection 1, this nomination will require review by the Joint Standing Committee on Public Utilities 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 Public Utilities.

In the House, the Communication was read and referred to the Committee on Public Utilities 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:

Aging, Retirement and Veterans

Bill "An Act to Reduce Discrimination by Allowing Employees of Local Districts which Participate in the Social Security System the Option of Withdrawal from the Maine State Retirement System" (H. P. 1990) (Presented by Representative Walker of Skowhegan) (Cosponsors: Representatives Richard of Madison and Crowley of Stockton Springs) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Permit Maine Employees from the Town of Orono to Withdraw from the Maine State Retirement System" (H. P. 1991) (Presented by Representative Gavett of Orono) (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 Capacity at the Charleston Correctional Facility" (Emergency) (H. P. 1989) (L. D. 1957) (Presented by Representative Pearson of Old Town) (Cosponsors: Senator Huber of Cumberland and Representatives Diamond of Windham and Strout of Corinth) (Governor's Bill)

Committee on Appropriations and Financial Affairs 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.

By unanimous consent, ordered sent forthwith to the Senate.

Appropriations and Financial Affairs

Bill "An Act to Provide for Matching Funds for Gypsy Moth Control" (H. P. 1992) (Presented by Representative Tuttle of Sanford) (Cosponsors: Senator Hichens of York and Representatives Mitchell of Vassalboro and Lund of Augusta) (Was approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act Regulating Certain Practices Between Television, Radio and Phonograph Manufacturers and Repair Facilities" (H. P. 1993) (Presented by Representative Baker of Portland) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)

Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act to Establish Priorities for the Aid to Families with Dependent Children Program in Response to Federal Cutbacks" (H. P. 1994) (Presented by Representative Connolly of Portland) (Cosponsors: Senators Conley of Cumberland and Sewall of Lincoln and Representative Murphy of Kennebunk) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Committee on Health and Institutional Services was suggested.

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

Business Legislation

Bill "An Act Relating to Assigned Risk Plans in Workers' Compensation Insurance" (H. P. 1995) (Presented by Representative Lewis of Auburn) (Cosponsors: Representatives Perkins of Brooksville, Beaulieu of Portland and Tuttle of Sanford) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Committee on Labor was suggested.

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

Legal Affairs

Bill "An Act Relating to the Closing of State Liquor Stores in Communities with One Store" (Emergency) (H. P. 1996) (Presented by Representative Carter of Winslow) (Cosponsors: Representative Fitzgerald of Waterville and Senator Teague of Somerset) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act to Provide for Fuel Use Identification Decals" (Emergency) (H. P. 1997) (Presented by Representative Moholland of Princeton) (Cosponsors: Senator Usher of Cumberland, Emerson of Penobscot and Representative Strout of Corinth) (Governor's Bill)

(Ordered Printed)

Sent up for concurrence.

Special Sentiment Calendar

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

Lt. Joseph Thomas and Firefighter Louis DeRice for actions above and beyond the call of duty in rescuing 2 persons trapped in a fire; (H. P. 1988) by Representative Beaulieu of Portland.

In Memory of:

Kermit S. Nickerson, of Waterville, former State Commissioner of Education and an outstanding educator who was widely recognized and honored for his "Distinguished Service to Education in Maine"; (H. P. 1998) by Representative Beaulieu of Portland. (Cosponsors: Representative Martin of Eagle Lake, Senators Trotzky of Penobscot and Conley of Cumberland)

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

In Memory of:

Dr. Judson P. Lord, of Warren, a family doctor who served the town and area for over 40 years; (H. P. 1999) by Representative Jordan of Warren. (Cosponsor: Senator Collins of Knox)

On the request of Mr. Jordan of Warren, was removed from the Special Sentiment Calendar. Thereupon, the Resolution was read.

The SPEAKER: The Chair recognizes the gentleman from Warren, Mr. Jordan.

Mr. JORDAN: Mr. Speaker, Ladies and Gentlemen of the House: I rise simply to supplement the words that have been read in memory of Dr. Judson Lord.

He was a doctor of the old school. He started his practice when doctors made house calls, and he continued to visit his patients in their homes, in boarding and nursing homes, even after he called himself retired. He was a jovial, friendly man, and the people of Warren and the surrounding area have lost not only a doctor but a warm, personal friend.

Thereupon, the Resolution was adopted and sent up for concurrence.

House Reports of Committees

Leave to Withdraw

Tabled and Assigned

Representative Nelson from the Committee on Health and Institutional Services on Bill "An Act to Require the Collection of Medicaid Copayments" (H. P. 1777) (L. D. 1767) reporting "Leave to Withdraw"

Report was read.

On motion of Mrs. Nelson of Portland, tabled

pending acceptance of the Committee Report and tomorrow assigned.

Representative Strout from the Committee on Transportation on Bill "An Act to Provide Directional Signs on the Maine Turnpike for Westbrook College" (H. P. 1798) (L. D. 1788) 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. 1820) (L. D. 1805) Bill "An Act to Authorize Lincoln County to Withdraw from the Maine State Retirement System" (Emergency) — Committee on Aging, Retirement and Veterans reporting "Ought to Pass"

(H. P. 1829) (L. D. 1811) Bill "An Act to Change the 30-day Notice concerning State Agency Liquor Stores" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-592)

(S. P. 768) (L. D. 1826) Bill "An Act to Clarify the Certificate of Approval Holder and Maine Wholesale License Agreement Act" — Committee on Legal Affairs reporting "Ought to Pass"

(H. P. 1741) (L. D. 1730) Bill "An Act Allowing Variations on Interest Reflecting Conventional Interest Rates on Overdue Employer Contributions to the Bureau of Employment Security" — Committee on Labor reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 12, under the listing of the Second Day.

Passed to Be Engrossed

Bill "An Act to Clarify the Deposit Authority and Conversion Procedures of Savings and Loan Associations" (H. P. 1773) (L. D. 1763) (H "A" H-586 and H "C" H-589 to C. "A" H-584)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed as amended and sent up for concurrence.

Orders of the Day

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

Bill "An Act to Create Manpower Distribution Incentives in the Fields of Medicine, Dentistry, Optometry and Veterinary Medicine" (H. P. 1948) (L. D. 1925)

In House, referred to Committee on Education on February 4.

In Senate, referred to Committee on Appropriations and Financial Affairs in non-concurrence.

Tabled—February 10, 1982 by Representative Connolly of Portland.

Pending—Further Consideration.

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

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

Ought to Pass

Pursuant to Joint Order H.P. 1846

Representative PARADIS from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1982 (H. P. 2000) (L. D. 1958) reporting "Ought to Pass" — Pursuant to Joint Order (H. P. 1846)

Representative Roberts from the Committee on Local and County Government on

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Lincoln County for the Year 1982 (H. P. 2001) (L. D.

1959) reporting "Ought to Pass" — Pursuant to Joint Order (H. P. 1846)

Reports were read and accepted and the Resolves read once. Under suspension of the rules, the Resolves were read the second time, passed to be engrossed 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 Capacity at the Charleston Correctional Facility (H. P. 1989) (L. D. 1957)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: This particular bill dealing with the Charleston pre-release center is trying to address a problem in the first year only of funding that we find in the prison systems of the state.

We now have 889 people in the prison system of the state and, as I understand it, only 826 beds.

The Charleston facility is a facility that is under the administration of the Windham Correctional Center. Windham, at the present time, I am told, has a capacity of 200 people but has 221 people there.

This particular bill calls for 11 positions, 11½ actually, at the Charleston center and the monies to fund those. It provides for a nurse, one trades person, a half a cook for a limited period of time during the day, and eight guards.

Those of you who have been to Charleston will know perhaps better of where I speak, but for those of you who haven't, this is a facility that used to be a radar base, turned over by the federal government to the State of Maine, and it is built with double-floor types of barracks.

They have in operation right now one building with two floors. They propose to open another building with two floors. They need to have the same number of guards in the second building as they do in the first one, which would mean guards on both floors, a total of eight guards and one supervisor. This is, for that facility, those of you who are familiar with it, the only way they could handle it from a physical standpoint.

I hope that I have answered any questions that people might have. I will tell you also that this is a bill that is designed to only fund from March 1, when they feel that they will be able to open the building, until the end of this fiscal year, which is, of course, the end of June.

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 of this Bill being passed to be enacted will vote yes; those opposed will vote no.

A vote of the House was taken.

127 having voted in the affirmative and 8 having voted in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

(Off Record Remarks)

On motion of Mrs. Erwin of Rumford, Adjourned until eleven o'clock tomorrow morning.