

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

Friday, February 12, 1982

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

Prayer by Father John Bellefontaine of the Sacred Heart Catholic Church, Hallowell.

The journal of yesterday was read and approved.

**Papers from the Senate
Non-Concurrent Matter**

Bill "An Act to Increase the Salary of the Governor" (H. P. 1951) which was Indefinitely Postponed in the House on February 10, 1982.

Came from the Senate referred to the Committee on State Government in non-concurrence.

In the House: The House voted to recede and concur.

Messages and Documents

The following Communication: (H. P. 2013)
State of Maine

Office of the Governor

February 10, 1982

To the Members of the 110th Legislature:

I am pleased to submit the attached report on recommended allocations for FY 1983 from the Alcoholism Prevention, Education Treatment, and Research Fund.

This report has been prepared though the cooperative effort of the Department of Human Services, the Department of Educational and Cultural Services, the Department of Mental Health and Mental Retardation, and the Department of Corrections.

This document is the result of the first full attempt to provide a coordinated system of services among the four departments and should be viewed as a continuation of the Administration's efforts to this program as outlined in the interim plan which was submitted to the 2nd Special Session of the 110th Legislature on September 25, 1981.

The report is a significant step forward in Maine's efforts to implement the alcohol premium in a manner which preserves the best of the state's existing services while developing new resources to improve our effectiveness in dealing with the major problem of alcohol abuse.

Our Administration will be pleased to respond to any questions you may have about the plan. We look forward to working with you as you review this proposal.

Sincerely,

S/JOSEPH E. BRENNAN

Governor

The Communication was read and with accompanying report ordered placed on file and sent up for 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:

Appropriations and Financial Affairs

RESOLVE, to Reimburse the Town of Fort Kent for Loss due to Erroneous Increase in the 1981 State Valuation" (H. P. 2005) (Presented by Representative Theriault of Fort Kent) (Approved for Introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act to Reduce Burdensome Fees for Businesses Incorporating or Expanding with No Par Value Stock" (H. P. 2006) (Presented by Representative Gwadnosky of Fairfield) (Cosponsors: Representative Perkins of Brooksville and Senator Clark of Cumberland)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act Concerning Revisions in the Maine Juvenile Code" (H. P. 2007) (Presented by Representative Soule of Westport) (Cosponsors: Representatives O'Rourke of Camden, Livesay of Brunswick and Hobbins of Saco) (Governor's Bill)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act to Make the State Unemployment Tax Exemption for Individuals Engaged in Fishing Consistent with the Federal Unemployment Tax Exemption for Such Individuals" (Emergency) (H. P. 2008) (Presented by Representative Post of Owl's Head) (Cosponsors: Representatives Beaulieu of Portland, Jackson of Yarmouth and Fowlie of Rockland) (Governor's Bill)

(Ordered Printed)

Sent up for concurrence.

State Government

RESOLVE, Authorizing the Director of the Bureau of Public Lands to Convey Certain Lands to the State in Gorham, Cumberland County (H. P. 2009) (Presented by Representative Gowen of Standish) (Cosponsor: Representative Brown of Gorham) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)

Sent up for concurrence.

Special Sentiment Calendar

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

The Town of Lee which celebrated the 150th anniversary of its incorporation on February 2, 1982; (H. P. 2002) by Representative Dudley of Enfield. (Cosponsor: Senator Sewall of Penobscot)

The Bangor Rams Girls' Basketball Team, winner of the 1981 Bangor High School Boosters Club Holiday Basketball Tournament; (H. P. 2003) by Representative Diamond of Bangor. (Cosponsors: Representatives Soulas of Bangor and Kelleher of Bangor and Senator Trozky of Penobscot)

Mrs. Rena Labbe, language arts teacher at Madawaska Junior-Senior High School, who has been selected Maine Teacher of the Year 1982; (H. P. 2004) by Representative McHenry of Madawaska. (Cosponsors: Representatives Theriault of Fort Kent, Martin of Eagle Lake and Senator Violette of Aroostook)

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

The Rev. E. Richard Wrentzel, of Auburn, minister at the East Auburn Baptist Church at the time of the 175th anniversary of that church's founding; (H. P. 2012) by Representative Lewis of Auburn.

On the request of Miss Lewis of Auburn, was removed from the Special Sentiment Calendar.

Thereupon, the Order was read.

The SPEAKER: The Chair recognizes the gentlewoman from Auburn, Miss Lewis.

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: East Auburn's Baptist Church is celebrating its 175th anniversary on February 17. This is an historic occasion for our community.

This church is as vital today as it was in 1807. The members of the church have recently outgrown their old church building and the new church, constructed next door to the old one, was built by members of the congregation with their very own hands. This is a feat of which we are very proud.

The church has also grown to the extent of their beginning to plan the addition of a Christian school.

The Reverend Wrentzel is a fine leader. In

fact, we have enjoyed his services here in the Maine Legislature where he has delivered the invocation several times.

The members of the congregation are good Christians. We salute Mr. Wrentzel and the members of the East Auburn Baptist Church on this occasion.

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

Jane P. Norris, of Auburn, 1st woman bank president in Maine; (H. P. 2011) by Representative Lewis of Auburn.

Mary Frena, of Lisbon Falls, who recently celebrated the 90th anniversary of her birth; (H. P. 2010) by Representative Hayden of Durham.

The River Valley Association of Girl Scouts on the 70th anniversary of girl scouting in America; (S. P. 845)

In Memory of:

Ralph B. Cribby, of South Portland, a local businessman and lifelong friend of the community; (S. P. 844)

The Honorable Bernard B. Estey, of Portland, who served in the House of Representatives of the 100th Maine Legislature; (S. P. 843)

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

House Reports of Committees**Leave to Withdraw**

Representative Carroll from the Committee on Transportation on Bill "An Act to Study the Cost and Feasibility of Constructing Safe Walkway Barriers on the Memorial Bridge in Augusta" (H. P. 1799) (L. D. 1789) 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 item appeared on the Consent Calendar for the First Day:

(H. P. 1828) (L. D. 1810) Bill "An Act to Repeal the Sunset Provision of the Family Abuse Law" — Committee on Judiciary reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 16, under the listing of 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. 1820) (L. D. 1805) Bill "An Act to Authorize Lincoln County to Withdraw from the Maine State Retirement System" (Emergency)

(H. P. 1829) (L. D. 1811) Bill "An Act to Change the 30-day Notice Concerning State Agency Liquor Stores" (C. "A" H-592)

(S. P. 768) (L. D. 1826) Bill "An Act to Clarify the Certificate of Approval Holder and Maine Wholesale Licensee Agreement Act"

(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"

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.

**Passed to Be Enacted
Emergency Measure**

An Act to Permit the Town of Mexico to Withdraw from the Maine State Retirement System (H. P. 1770) (L. D. 1760)

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

This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 119 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.

Emergency Measure

An Act to Clarify License Requirements for Municipal Work under the Electrician's Law (H. P. 1772) (L. D. 1762) (C. "A" H-585)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 120 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.

Passed to Be Enacted

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

An Act to Create a Revolving Fund for Publications of the Department of Conservation (H. P. 1743) (L. D. 1732) (C. "A" H-581)

Were 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.

Finally Passed

RESOLVE, Authorizing the Transfer of the Care and Custody of Certain Property of Grand Falls Township to the Bureau of Public Lands (H. P. 1745) (L. D. 1734) (C. "A" H-582)

RESOLVE, Authorizing the Bureau of Public Lands to Convey by Bid Sale of the State's Interest in Certain Real Property in the Unorganized Territory in Knox County (H. P. 1744) (L. D. 1733) (C. "A" H-583)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, finally passed, 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—"Leave to Withdraw"—Committee on Health and Institutional Services on Bill, "An Act to Require the Collection of Medicaid Copayments" (H. P. 1777) (L. D. 1767)

Tabled—February 11 by Representative Nelson of Portland.

Pending—Acceptance of Committee Report.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Webster.

Mr. WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I move that we accept the Committee Report.

I would like to speak today on the record just very briefly. My purpose for putting this legislation in and why I would like to speak deals with the fact that three months ago, four months ago, in November I attended a public hearing offered by the Department of Human Services dealing with mandatory copayments, and I was concerned after attending that hearing that the Department of Human Services was going to rule in a manner negative to that of the majority of the people at the hearing. Because of that, I offered this bill to handle the problem with mandatory copayments dealing with pharmaceutical products.

Today, I have taken "leave to withdraw" on this legislation because the Department of Human Services has dealt with this matter in a manner which I feel is necessary.

I wanted to speak today to let the people in the State of Maine, people in the Department of Human Services, know that I appreciate what the department has done, but I intend, or another member of this body will bring back this legislation if the department should renege on its regulation.

Thereupon, the Report was accepted and sent up for concurrence.

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

The following Joint Order: (S. P. 848)

ORDERED, the House concurring, that when the House and Senate adjourn, the House adjourns to Tuesday, February 16, 1982, at ten o'clock in the morning; and the Senate adjourns to Tuesday, February 16, 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.

Ought Not to Pass

Representative Drinkwater from the Committee on Judiciary on Bill "An Act Relating to Bail Procedures" (H. P. 1862) (L. D. 1856) reporting "Ought Not to Pass"

Was placed in the Legislative files without further action, pursuant to Joint Rule 22.

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

Bill "An Act to Permit the Town of Freeport to Withdraw from the Maine State Retirement System" (Emergency) (S. P. 837) (L. D. 1960)

Came from the Senate referred to the Committee on Aging, Retirement and Veterans and ordered printed.

In the House, referred to the Committee on Aging, Retirement and Veterans in concurrence.

Bill "An Act to Revise the State Takeover Bid Law" (S. P. 840) (L. D. 1963)

Bill "An Act Relating to Review of Blue Cross and Blue Shield Subscriber Plans" (S. P. 841) (L. D. 1964)

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.

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

Bill "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency) (S. P. 836) (L. D. 1974)

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 Relating to the Installation of Utility Poles" (S. P. 839) (L. D. 1962)

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

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

Bill "An Act to Establish the Cost of the Maine Forestry District in Fiscal Year 1982-83" (Emergency) (S. P. 842) (L. D. 1965)

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

In the House, referred to the Committee on Taxation in concurrence.

Bill "An Act Relating to the Safety of Herding Spotter Planes" (S. P. 838) (L. D. 1961)

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

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

Bill Held

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1982 (Emergency) (H. P. 2000) (L. D. 1958) — In House, Passed to be Engrossed on February 11, 1982.

HELD at the request of Representative Paradis of Augusta.

On motion of Mr. Paradis of Augusta, the House reconsidered its action of yesterday whereby the Resolve was passed to be engrossed.

The same gentleman offered House Amendment "A" and moved its adoption. House Amendment "A" (H-593) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Paradis.

Mr. PARADIS: Mr. Speaker and Members of the House: I will be very brief this morning.

This is a very simple amendment. All it says is that there is no money in the Kennebec County budget this year to be used for public relations purposes or any education purposes in regard to public relations.

I offer this amendment to the House in the spirit of our former Governor, Jim Longley, who said that it is wrong for tax dollars to be used to influence taxpayers to induce them into spending more tax money.

If any county in this state wants public relations money to fund a campaign of any sort, then they ought not to use taxpayers' dollars; let them get private funding for those purposes.

I asked the attorney general this past summer whether county commissioners could vote to take \$5,000 out of the contingency account for the use of public relations purposes, and he told me verbally that there was nothing to prohibit them from doing so if they took such a vote. Well, I don't believe that this body or the other body ever passed money for public relations when we passed the county budgets last year for any county.

I was concerned in my own county. People talked to me and told me that it was terrible. So, in this spirit I am offering the amendment this year when this budget comes up for a vote, and I hope you will support my motion on this matter.

The SPEAKER: The Chair recognizes the gentlewoman from Belgrade, Mrs. Damren.

Mrs. DAMREN: Mr. Speaker, Ladies and Gentlemen of the House: I hope you won't accept this amendment today. I know and I sympathize with the reason that the amendment has been proposed, but it is a one-issue item and there might be other things come up this year in the operation of the county and I think this would be unnecessarily restrictive.

I hope you will vote against this amendment and I ask for a roll call.

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. Those in favor 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 before the House is the motion of the gentleman from Augusta, Mr. Paradis, that the House adopt House Amendment "A". Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Beaulieu, Benoit, Berube, Brannigan, Brennerman, Brodeur, Brown, A.; Carroll, Carter, Clark, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Fitzgerald, Gowen, Gwadosky, Hall, Hickey, Higgins, H.C.; Jacques, Joyce, Kane, Kany, Ketover, Kilcoyne, Laverriere, Lisnik, Mahany, Manning, Martin, A.; Martin, H.C.; McGowan, McHenry, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, Paradis, P.; Paul, Pearson, Perry, Peterson, Post, Pouliot, Reeves, P.; Roberts, Rolde, Smith, C.B.; Soule, Swazey, Theriault, Thompson, Tuttle.

NAY—Aloupis, Austin, Bell, Bordeaux, Boyce, Brown, K.L.; Cahill, Callahan, Conary, Conners, Cunningham, Damren, Davis, Day,

Dexter, Dillenback, Drinkwater, Foster, Gavett, Hanson, Higgins, L.M.; Huber, Hunter, Hutchings, Jackson, P.T.; Jackson, P.C.; Jordan, Kiesman, Lancaster, LaPlante, Lewis, Livesay, Locke, Lund, MacBride, Macomber, Masterman, Masterton, Matthews, McPherson, Murphy, Nelson, A.; O'Rourke, Paradis, E.; Perkins, Pines, Reeves, J.; Ridley, Salsbury, Sherburne, Small, Smith, C.W.; Soulas, Stevenson, Stover, Strout, Studley, Telow, Treadwell, Twitchell, Walker, Webster, Wentworth, Weymouth.

ABSENT—Armstrong, Baker, Boisvert, Brown, D.; Carrier, Chonko, Connolly, Curtis, Dudley, Erwin, Fowle, Gillis, Hayden, Hobbins, Holloway, Ingraham, Jalbert, Kelleher, MacEachern, McCollister, Racine, Randall, Richard, Tarbell, Vose.

Yes, 60; No, 64; Absent, 26; Vacant, 1.

The SPEAKER: Sixty having voted in the affirmative and sixty-four in the negative, with twenty-six being absent and one vacant, the motion does not prevail.

Thereupon, the Resolve was passed to be engrossed and sent up for concurrence.

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

Consent Calendar

First Day

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

(S. P. 784) (L. D. 1878) Bill "An Act Making Additional Appropriations to the Work Incentive Program from the General Fund for the Current Fiscal Year Ending June 30, 1982" Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

Objection being noted, this item was removed from the Consent Calendar.

Thereupon the Committee Report was accepted and the Bill read once. Under suspension of the rules, the Bill was read the second time and passed to be engrossed in concurrence.

By unanimous consent, ordered sent forthwith to Engrossing.

The SPEAKER: I would like to announce what I am going to recommend to you, a very unusual situation, and ask for your cooperation.

On the roll call that was taken, I got a note from someone whom informed me that their vote had not been recorded. When I looked at the roll call vote, and looking around at the members of the House, I found that there were six people who were in their seats and may in fact have voted or not voted but were not recorded. The machine failed to record those votes. That is the reason why we were having the conference.

The problem is that the Resolve was passed to be engrossed for a second time. In terms of overall fairness, leadership has discussed it and are going to make the following recommendation to you — that we, under suspension of the rules, would move reconsideration whereby the Resolve was passed to be engrossed and table it at that point, not take a vote on the amendment today again simply because some people may have already voted and left and that is where we are sort of in between.

I apologize to you but this is another problem that we are having with the roll call machine. I will ask of you, and it is my fault, probably, in part because I have no way of watching every light, but as you vote, from now on, please make sure that you light is on. I checked, but obviously I didn't check closely enough. Even when that is the case, we are going to start up here looking at every absent vote on the machine as it comes out and trying to look out there to see what the story is, to make sure that in fact you are here. So the total figures are going to be different and I guess we just have to

ask your indulgence because if worst gets to worse, we will have to go to calling out the roll call. The Clerk will forever love that, I am sure.

So, that is what we propose to do and with your indulgence would recall your attention to the bill held, which is L.D. 1958, Resolve for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the year 1982.

On motion of Mrs. Mitchell of Vassalboro, under suspension of the rules, the House reconsidered its action whereby H. P. 2000, L. D. 1958, was passed to be engrossed.

On further motion of the same gentlewoman, tabled pending passage to be engrossed and specially assigned for Tuesday, February 16th.

(Off Record Remarks)

On motion of Mr. Martin of Eagle Lake, Adjourned until Tuesday, February 16th at ten o'clock in the morning.