

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 16, 1982

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

Prayer by the Reverend John B. Muir of the First Congregational Church, Wilton.

The members stood for the Pledge of Allegiance.

The journal of the previous session was read and approved.

Messages and Documents

The following Communication:

**State of Maine
Department of
Educational and Cultural Services
High Education Services
State House Station 23
Augusta, Maine**

January 29, 1982

MEMORANDUM

TO: May M. Ross, Secretary of the Senate
Edwin H. Pert, Clerk of the House
FROM: Harold Raynolds, Jr., Commissioner
RE: Report of Advisory Committee on Medical Education

In accordance with the provisions of 20 MRSA, Chapter 403, it is my duty to annually report to the Legislature and to the Governor a Plan relating to the participation of Maine Contract Students in medical education programs. It is my pleasure, therefore, to transmit herewith the fourth Status Report prepared by the Advisory Committee on Medical Education which summarizes the Committee's activities and recommendations for the period January 1981 — December 1981.

The Communication was read and with accompanying report 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:

Energy and Natural Resources

Bill "An Act to Promote Local Control of Hazardous Waste Facilities" (H. P. 2014) (Presented by Representative Mitchell of Freeport) (Cosponsor: Representative Michaud of East Millinocket) (approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act to Provide for a Comprehensive Career and Occupational Information System" (H. P. 2015) (Presented by Representative Beaulieu of Portland) (Cosponsors: Senator Dutremble of York, Representative Pearson of Old Town and Davies of Monmouth) (Governor's Bill)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act Relating to the Board of Harbor Commissioners and its Powers for the Harbor of Portland" (H. P. 2016) (Presented by Representative Nelson of Portland) (Cosponsors: Senators Gill of Cumberland, Conley of Cumberland and Representative Thompson of South Portland) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act to Authorize the Treasurer of State to Issue Tax Exempt Commercial Papers" (H. P. 2021) (Presented by Representative Dillenback of Cumberland) (Cosponsor: Senator Violette of Aroostook) (Governor's Bill)

(Ordered Printed)

Sent up for concurrence.

Study Report**Committee on Business Legislation**

Representative Brannigan from the Committee on Business Legislation to which was referred by the Legislative Council the study relative to Competitive Pricing in Workers' Compensation Insurance have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill "An Act to Promote Competitive Pricing in Workers' Compensation Insurance" (H. P. 2017) (L. D. 1981) 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 Business Legislation, ordered printed and sent up for concurrence.

Special Sentiment Calendar

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

Joe Quinn, of Bangor, who has been named to the 1981 Maine Class AA All-State Football Team; (H. P. 2018) by Representative Diamond of Bangor. (Cosponsors: Representative Soulas of Bangor and Senator Trotzky of Penobscot)

Jeff Fahey, of Bangor, who has been named to the 1981 Maine Class AA All-State Football Team, second team; (H. P. 2019) by Representative Diamond of Bangor. (Cosponsor: Representative Kelleher of Bangor)

Gabby Price, of Bangor, coach of the 1981 State Championship Bangor High School Football Team; (H. P. 2020) by Representative Diamond of Bangor. (Cosponsors: Representative Kelleher of Bangor and Senator Trotzky of Penobscot)

Willard Kane, of Surry, who has celebrated the 90th anniversary of his birth; (S. P. 849) Bangor High School "Ram" Swim Team, winners of the Penobscot Valley Conference Swimming Championship for 1981; (S. P. 846)

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

**House Reports of Committees
Divided Report**

Majority Report of the Committee on Transportation reporting "Ought to Pass" on Bill "An Act Providing Greater Flexibility on the Use of State Public Transportation Funds for Operating Assistance Public Transportation Funds for Operating Assistance Public Transportation Providers" (H. P. 1747) (L. D. 1736)

Report was signed by the following members:

(Signed)

Senators:

O'LEARY of Oxford
EMERSON of Penobscot
USHER of Cumberland

— of the Senate.

Representatives:

REEVES of Pittston
FOWLIE of Rockland
MACOMBER of South Portland
MOHOLLAND of Princeton
LISNIK of Presque Isle
CARROLL of Limerick

— of the House

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

(Signed)

Representatives:

HUTCHINGS of Lincolnville
HUNTER of Benton
STROUT of Corinth
McPHERSON of Eliot

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, I move we accept the Majority "Ought to Pass" Report.

The SPEAKER: The gentleman from Limerick, Mr. Carroll, moves that the Majority "Ought to Pass" Report be accepted.

The Chair recognizes the gentleman from Eliot, Mr. McPherson.

Mr. McPHERSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to have it explained to the House as it was explained to some of us in the committee the reason for changing this method of funding the deficit from 10 percent to 50 percent.

I guess to just sum it up quickly at this time, if we have a surplus of money in that account, why can't we put it out here in highway maintenance, either winter maintenance or summer maintenance?

The SPEAKER: The gentleman from Eliot, Mr. McPherson, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Bucksport, Mr. Swazey.

Mr. SWAZEY: Mr. Speaker, Ladies and Gentlemen of the House: This is the first divided report I guess we have had this year. Sometimes it isn't always advantageous to be first.

As I understand it, this is a \$400,000 appropriation and it would not be turned back, it would be used for purchasing of capital expenditures and so forth. They are asking that a good many of the capital expenditures have been provided and now they ask that the operating deficit be increased, that they could use from the 10 percent now to the 50 percent. This would give them more flexibility. I know in our local area we now have an established route and we are trying to establish the most used routes, and you do this by the process of trial and error until you find one that is most acceptable, and in the interim it would be nice if they could have more money for the operating deficit until these are an outgoing thing.

The money is drying up, no doubt, from the federal government, because they are reducing their participation in these operating subsidies.

I think when a government aide asked me to sponsor this bill, I asked him if there would be any problem with it and he said no, it's a piece of cake. So I envisioned a cake such as my wife makes, firm and moist and palatable to everybody, and I find it is more like one of my mother-in-law's cakes which crumbles on the first cut. In spite of that, I think this program is needed, it is not going to cost the state any more money. It is just going to be a redistribution of the funds and the money will not be going back into the General Fund. As the good gentleman knows, most funds do not go back into surplus, they are used somewhere in the programs.

The SPEAKER: The pending question is on the motion of the gentleman from Limerick, Mr. Carroll, that the Majority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

65 having voted in the affirmative and 56 having voted in the negative, the motion did prevail.

Thereupon, the Bill was read once and assigned for second reading tomorrow.

**Consent Calendar
Second Day**

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

(H. P. 1828) (L. D. 1810) Bill "An Act to Repeal the Sunset Provision of the Family Abuse Law"

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

**Passed to Be Enacted
Emergency Measure**

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

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, 136 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

Passed to be Enacted

An Act Concerning Annuity Agreements with the University of Maine. (S. P. 751) (L. D. 1754) (H. "A" H-591)

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 (H. P. 1721) (L. D. 1706)

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.

Orders of the Day

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

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1982 (H. P. 2000) (L. D. 1958)

Tabled—February 12, 1982 by Representative Mitchell of Vassalboro.

Pending—Passage to be Engrossed.

On motion of Mr. Paradis of Augusta, retabled pending passage to be engrossed and tomorrow assigned.

Bill Held

Bill "An Act to Change the 30-day Notice concerning State Agency Liquor Stores" (H. P. 1829) (L. D. 1811) (C. "A" H-592)—In House, Passed to be Engrossed on February 12, 1982

Held at the request of Representative Higgins of Scarborough.

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

Mr. HIGGINS: Mr. Speaker, I move we reconsider our action whereby this bill was passed to be engrossed.

This bill got by me the other day and was passed to be engrossed, so I had it held. I simply want to draw attention to the fact that we are changing the notification to our local municipalities when the Bureau of Alcoholic Beverages wants to notify us when they want to open an agency store there.

I guess I have some concern about changing the 30-day notification to 15, and I base that simply on the fact that I know in my municipality the town council only meets every two weeks and in some cases it's three weeks because some months have five weeks in them.

I just saw that go across my desk. I know the initial bill was 10 days, which was too short. The committee amendment that you see on it has changed the 10 to 15. My feeling is that we really couldn't be in that much of a rush to open agency stores to change from 30 to 15 days. I have some concern with that and that is why I had the bill held. I would like, I guess, since it was a unanimous report from the committee, someone from Legal Affairs to tell me, number one, why it's such a drastic rush on cutting this notification in half and, second of all, are there concerns by other municipalities over the shortened period of time? I ask those questions, and if someone can satisfy me that everything is all right, fine and dandy, but I had some initial concerns and I guess I still share them today and I wanted to let you know about them.

The SPEAKER: The gentleman from Scarborough, Mr. Higgins, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Brewer, Mr. Cox.

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: This bill was put in at the request of the department because they felt that after they had received all of the applications for the licensing of an agency store, that 30 days' notice was an undue length of time and that 10 days' notice would speed up the process.

We in the committee became aware that there were communities where their town councils or their boards of selectmen or city councils only meet every two weeks, so we amended the bill to 15 days to cover these people. There was no opposition raised to the bill at the hearings or anywhere else along the line, so I can only assume from all of this that there was no problem with the 15 day notice. Remember, this is only when it is nearly at the final stage, because there has been plenty of notification before that that there is a move to open an agency store and this only refers to reviewing the applications and recommending who is to get the license.

Mr. Higgins of Scarborough requested permission to withdraw his motion to reconsider, which was granted.

Sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Kane of South Portland, Adjourned until ten o'clock tomorrow morning.