

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

Wednesday, February 17, 1982

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

Prayer by the Reverend Albert Q. Perry of the First Universalist Church of Pittsfield.

The journal of yesterday was read and approved.

(Off Record Remarks)

On motion of Mr. Tarbell of Bangor.
Recessed until four-thirty in the afternoon.

After Recess

4:30 p.m.

The House was called to order by the Speaker.

Papers from the Senate

Bill "An Act to Provide State Funding for Literacy Volunteers" (S. P. 847) (L. D. 1982)

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.

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 Authorize Sagadahoc County to Withdraw from the Maine State Retirement System" (Emergency) (H. P. 2026) (Presented by Representative Small of Bath) (Cosponsors: Representative Stover of West Bath and Chonko of Topsham and Senator Sewall of Lincoln) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)
Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act Concerning the Chasing of Wild Animals by Dogs" (Emergency) (H. P. 2027) (Presented by Representative MacEachern of Lincoln) (Cosponsors: Representatives Michaud of East Millinocket, Gillis of Calais and Senator Redmond of Somerset) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)
Sent up for concurrence.

Tabled and Assigned

Bill "An Act to Permit Physicians' Assistants to Take Blood Samples in Cases Involving Operating under the Influence" (H. P. 2028) (Presented by Representative Foster of Ellsworth) (Cosponsors: Representatives O'Rourke of Camden, Macomber of South Portland and Senator Gill of Cumberland) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27)

Committee on Judiciary was suggested.
On motion of Mr. Hobbins of Saco, tabled pending reference and tomorrow assigned.

Legal Affairs

Bill "An Act to Permit Persons Employed by Games of Chance Licensees as Bartenders to Operate and Conduct Certain Licensed Games of Chance" (H. P. 2030) (Presented by Representative Carter of Winslow) (Cosponsors: Representative Tuttle of Sanford, Kany of Waterville and Senator Charette of Androscoggin) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)
Sent up for concurrence.

Later Today Assigned

Bill "An Act to Clarify and Extend Solar Energy Tax Exemptions" (H. P. 2031) (Presented by Representative Huber of Falmouth) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Committee on Taxation was suggested.
On motion of Mrs. Mitchell of Vassalboro, tabled pending reference and later today assigned.

Labor

Bill "An Act Relating to the Provision of Rehabilitation as Part of the Workers' Compensation Law" (H. P. 2029) (Presented by Representative Martin of Eagle Lake) (Cosponsor: Senator Sewall of Penobscot) (Filed by the Chairman of the Workers' Compensation Commission pursuant to Joint Order H. P. 1618) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)
Sent up for concurrence.

Special Sentiment Calendar

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

Kelly Bourbon, of North Berwick, a junior at Noble High School and a member of the Girls' Basketball Team, for reaching the 1000 point scoring mark in 3 years; (H. P. 2022) by Representative Studley of Berwick. (Cosponsors: Senator Hichens of York, Wood of York and Representative Wentworth of Wells)

Noble High School Girls' Basketball Team for their undefeated 1982 season; (H. P. 2023) by Representative Studley of Berwick. (Cosponsors: Senators Hichens of York, Wood of York and Representative Wentworth of Wells)

William Follis, of Buxton and formerly of Eastport, who celebrated his 100th birthday on January 20, 1982; (H. P. 2024) by Representative Roberts of Buxton. (Cosponsor: Representative Vose of Eastport)

Mrs. Rose Allain, of Madison, Maine Mother of the Year for 1982; (H. P. 2025) by Representative Richard of Madison. (Cosponsor: Senator Redmond of Somerset)

Norman R. McPherson, of Mars Hill, who has been selected the 42nd Civil Engineering Squadron's Civilian of the Year at Loring Air Force Base; (H. P. 2032) by Representative Smith of Mars Hill. (Cosponsor: Senator Carpenter of Arostook)

Harley W. "Wally" Clark of Calais, who has scored 1,000 points in his basketball career at Calais High School; (H. P. 2033) by Representative Gillis of Calais.

That the Town of Pembroke, Maine is celebrating its sesquicentennial on February 4, 1982; (S. P. 851)

Lilla M. Bowden, of Blue Hill, who is celebrating the 95th anniversary of her birth; (S. P. 852)

Sanford High School Key Club for its many years of public service to the Town of Sanford; (S. P. 853)

There being no objections, these items were considered passed in concurrence or 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:

(S. P. 741) (L. D. 1726) Bill "An Act to Transfer Certain Responsibilities for Insect Nuisance Identification from the Department of Conservation to the Department of Agriculture, Food and Rural Resources" — Committee on Agriculture reporting "Ought to Pass"

(S. P. 780) (L. D. 1848) Bill "An Act to Allow the Transfer of Venue of Civil Actions Without the Agreement of the Parties" — Committee

on Judiciary reporting "Ought to Pass"

(S. P. 757) (L. D. 1815) Bill "An Act to Retain Weight Tolerance for Certain Vehicles Under the Motor Vehicle Law" — Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-380)

(S. P. 761) (L. D. 1819) Bill "An Act to Clarify the Fees for the Registry of Deeds" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-381)

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 18, under the listing of Second Day.

(H. P. 1967) (L. D. 1942) 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) — Committee on Business Legislation reporting "Ought to Pass"

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

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

By unanimous consent, ordered sent forthwith to the Senate.

Passed to Be Engrossed

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

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

Passed to Be Enacted

Emergency Measure

An Act to Permit the Town of Mechanic Falls to Withdraw from the Group Life Insurance Program under the Maine State Retirement System (H. P. 1768) (L. D. 1758)

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. 116 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 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 (H. P. 1892) (L. D. 1884)

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

An Act to Clarify and Make Corrections in the Labor Laws of Maine (H. P. 1724) (L. D. 1709)

An Act to Amend the Employment Security Law to Include Federal Requirements and Other Options Available to the State (H. P. 1753) (L. D. 1743) (C. "A" H-588)

An Act to Permit the Attorney General to Authorize his Deputies to Act in his Place in Certain Situations (H. P. 1812) (L. D. 1797)

An Act Regulating the Taking of Mahogany Quahogs (H. P. 1841) (L. D. 1836)

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

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 16, 1982 by Representative Paradis of Augusta.

Pending—Passage to be Engrossed.

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

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: Last Friday, I presented House Amendment "A" to L.D. 1958 in order to correct a very real concern I had with the decision of the Kennebec County Commissioners when they voted last summer 2 to 1 to use contingency fund money to wage a public relations campaign to sell the voters of Kennebec County a bond issue for a county jail. Yesterday, the County Commissioners voted unanimously not to ask this legislature to pass a bond issue and to ask for a "leave to withdraw" from the Local and County Government Committee.

I think they received a clear and definite message from this body, and that was that we did not want them to tamper with the county budget that we had passed. It was never, and it's not now, our intent to fund public relation campaigns with taxpayers' money.

In that spirit, I withdraw my amendment to the county budget, L.D. 1958.

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

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

The Following Joint Order: (S. P. 856)

WHEREAS, the Secretary of State transmitted to the Legislature on February 2, 1982, an initiated bill, "AN ACT to Repeal the Control of Milk Prices at the Wholesale and Retail Levels," and the results of the examination by his office of the respective initiative petitions; and

WHEREAS, on February 4, 1982, certification of that bill designated by the Legislature as Initiated Bill Number 3, Legislative Document Number 1935 was rescinded by communication from the Secretary of State; and

WHEREAS, a ruling was made by the Superior Court on February 12, 1982, that the Secretary of State could lawfully rescind that certification; now, therefore, be it

ORDERED, the House concurring, that this bill designated as I.B. 3, L.D. 1935, plus all accompanying papers and certification be returned forthwith to the Secretary of State.

Came from the Senate read and passed.

In the House, the Order was read.

The SPEAKER: The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: On February 12, the Superior Court ruled that the Secretary of State, of Maine, could rescind his certification. Therefore, we plan to concur with the Senate today to return the bill concerning milk pricing to the Secretary of State's Office until such time as he can recertify that petition and send the bill back to us. This is pursuant to the ruling of Superior Court.

Thereupon, the Order received passage in concurrence.

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

Bill "An Act to Establish the Cost of the 1982 Spruce Budworm Spray Project" (Emergen-

cy) (H. P. 2049) (Presented by Representative Pearson of Old Town) (Cosponsor: Representative Davis of Monmouth) (Governor's Bill)

Was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

Bill "An Act Concerning Maine Emergency Medical Services" (H. P. 2050) (Presented by Representative Diamond of Windham) (Cosponsors: Representatives Higgins of Scarborough, Kiesman of Fryeburg and Brown of Bethel) (Governor's Bill)

Was referred to the Committee on Health and Institutional Services, ordered printed and sent up for concurrence.

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

Bill "An Act to Amend the Concealed Weapons Laws" (H. P. 2051) (Presented by Representative Nelson of Portland) (Cosponsors: Representatives Jackson of Yarmouth, Murphy of Kennebunk and Gwadosky of Fairfield) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Was referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

Bill "An Act to Prevent Utilities from Excessive Recovery of Costs of Electric Plants in which they have Cancelled or Abandoned Participation" (H. P. 2052) (Presented by Representative Martin of Eagle Lake) (Cosponsors: Representatives McHenry of Madawaska, Chonko of Topsham and Mitchell of Freeport) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Was referred to the Committee on Public Utilities, ordered printed and sent up for concurrence.

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

Bill "An Act to Allow for Industrial Development Improvements Utilizing Tax Increment Financing" (H. P. 2053) (Presented by Representative Hayden of Durham) (Cosponsors: Representatives Masterman of Milo, Day of Westbrook and Senator Brown of Washington) (Governor's Bill)

Was referred to the Committee on Taxation, ordered printed and sent up for concurrence.

On motion of Mr. Dexter of Kingfield,
Adjourned until nine o'clock tomorrow morning.