

# 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**

**INDEX**

**FOURTH SPECIAL SESSION**

**April 28, 1982 and April 29, 1982**

**INDEX**

**FIFTH SPECIAL SESSION**

**May 13, 1982**

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**SECOND CONFIRMATION SESSION**

**July 16, 1982**

**INDEX**

**HOUSE**

Friday, February 19, 1982

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

Prayer by the Reverend Robert E. Stuart of the Winter Street Baptist Church, Gardiner.

The journal of yesterday was read and approved.

**Papers from the Senate**

Bill "An Act to Facilitate the Removal of Clouds on Titles to Proposed Unaccepted Streets in Subdivisions." (S. P. 584) (L. D. 1991)

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 to Authorize Municipalities to Establish and Maintain Employment Offices" (S. P. 860) (L. D. 1993)

Came from the Senate referred to the Committee on Local and County Government and ordered printed.

In the House, referred to the Committee on Local and County Government in concurrence.

Bill "An Act to Accept Relinquishment of Exclusive Federal Jurisdiction Over Marshall Point Light Station in the Town of St. George" (S. P. 855) (L. D. 1992)

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

In the House, referred to the Committee on State Government in concurrence.

**Study Order — Committee on Education**

Report of the Committee on Education to which was referred the Study Order relative to the revision of the education laws pursuant to Joint Order S. P. 580 of the 108th Legislature, have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill "An Act Recodifying the Law Regarding Exceptional Students in Residential Placements" (S. P. 861) (L. D. 1990) be referred to this Committee for Public Hearing and printed pursuant to Joint Rule 18.

Came from the Senate with the Report read and accepted, the Bill referred to the Committee on Education and ordered printed.

In the House, the Report was read and accepted, and the Bill referred to the Committee on Education in concurrence.

**Messages and Documents**

The following Communication:

State of Maine

Department of Transportation

February 18, 1982

Governor Joseph E. Brennan and Members of the 110th Legislature

I am pleased to transmit herewith the proposed Highway Maintenance Paving and Federal Light Resurfacing Programs for Fiscal year 1983.

Sincerely,

S/GEORGE N. CAMPBELL, JR.

Commissioner

The Communication was read and with accompanying report ordered placed on file.

The following Communication: (H. P. 2064)

State of Maine

Executive Department

State Planning Office

Memorandum

To: Governor Joseph E. Brennan  
Member, 110th Legislature  
FROM: Richard E. Barringer, Director  
RE: 1981 Annual Housing Report  
DATE: February 12, 1982

I am pleased to transmit the annual report of the State Planning Office on housing, as required by 5 M.R.S.A. Section 3306-A. We hope

you will find it of interest and use at this time.  
If you have any questions on this, please feel free to contact me or Frank O'Hara, Director of Community Assistance in this Office.

Sincerely,

S/RICHARD E. BARRINGER

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

**Leave to Withdraw**

Representative Drinkwater from the Committee on Judiciary on Bill "An Act to Permit the Juvenile Court to Impose Parental Financial Support Orders in Certain Cases Under the Juvenile Code" (H. P. 1778) (L. D. 1768) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

The following paper from the Senate was taken up out of order by unanimous consent:

From the Senate: The Following Joint Order: (S. P. 866)

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn until Tuesday, February 23, 1982, at ten o'clock in the morning.

Came from the Senate read and passed.  
In the House, the Order was read and passed in concurrence.

**Divided Report****Tabled and Assigned**

Majority Report of the Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-597) on RESOLUTION, Proposing an Amendment to the Constitution of Maine Prohibiting Bond Issues of Less than \$2,000,000 (H. P. 1792) (L. D. 1782)

Report was signed by the following members:

Senators:  
AULT of Kennebec  
GILL of Cumberland  
— of the Senate.

Representatives:  
DIAMOND of Bangor  
DILLENBACK of Cumberland

In the House, the Order was read and passed in concurrence.

KANY of Waterville  
GWADOSKY of Fairfield  
MASTERTON of Cape Elizabeth  
BOYCE of Auburn  
SMALL of Bath  
BELL of Paris  
— of the House.

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

Report was signed by the following members:

Senator:  
VIOLETTE of Aroostook  
— of the Senate.

Representatives:  
PARADIS of Augusta  
MCGOWAN of Pittsfield  
— of the House.

Reports were read.  
On motion of Mrs. Mitchell of Vassalboro, tabled pending acceptance of either Report and assigned for Tuesday, February 23.

**Consent Calendar****First Day**

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

(H. P. 1775) (L. D. 1765) Bill "An Act to Establish a Uniform Hunting Season for Raccoon"—Committee on Fisheries and Wildlife reporting "Ought to Pass"

(H. P. 1722) (L. D. 1707) Bill "An Act Relating to Control of Nuisance Wildlife"—Committee on Fisheries and Wildlife reporting "Ought to Pass"

(H. P. 1723) (L. D. 1708) Bill "An Act to Define Open Firearm Season on Deer"—Committee on Fisheries and Wildlife reporting "Ought to Pass"

(H. P. 1920) (L. D. 1902) Bill "An Act to Remove the Interstate Business Exemption from the Unfair Trade Practices Act"—Committee on Business Legislation reporting "Ought to Pass"

(H. P. 1907) (L. D. 1882) Bill "An Act to Amend the Maine Traveler Information Services Act"—Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-598)

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 22, under 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. 1864) (L. D. 1858) Bill "An Act to Clarify the Boundary Between the Town of Watford and the Township of Albany"

(H. P. 1831) (L. D. 1813) RESOLVE, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory.

(H. P. 1737) (L. D. 1722) RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to the Veterans' Property Tax Exemption.

(H. P. 1736) (L. D. 1721) RESOLVE, Reimbursing Great Pond on Account of Taxes Lost Due to Lands being Classified under the Maine Tree Growth Tax Law.

(H. P. 1739) (L. D. 1728) RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands (C. "A" H-594)

(H. P. 1900) (L. D. 1885) Bill "An Act to Provide Assistance in the Marketing of Maine Agricultural Products"

(H. P. 1780) (L. D. 1770) Bill "An Act to Clarify the Term 'Account' in the Probate Code"

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

**Passed to be Engrossed**

Bill "An Act to Clarify Variable Rate Disclosures in the Maine Consumer Credit Code" (H. P. 1752) (L. D. 1742) (C. "A" H-595)

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

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

**Special Sentiment Calendar**

The following items:

Recognizing:

The Sanford Lions Club for their recognition of Sanford's Franco-American heritage by their sponsorship of the 3rd Annual Franco-American Night; (S. P. 863)

Pauline Gwadosky, who has served for 27 years as Mother Advisor of Waterville Assembly #21 of the International Order of Rainbow for Girls; (S. P. 865)

No objections being noted, the above items were considered passed in concurrence.

(Off Record Remarks)

On motion of Mr. Dexter of Kingfield.  
Recessed until 12:30 in the afternoon.

**After Recess**

12:30 p.m.

The House was called to order by the Speaker.

**Orders of the Day**

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

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

—In House, Passed to be Engrossed on February 9, 1982.

—In Senate, Passed to be Engrossed as Amended by Senate Amendment "A" (S-383) in non-concurrence.

Tabled—February 18 by Representative Mitchell of Vassalboro.

Pending—Further consideration.

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

Mrs. MITCHELL: Mr. Speaker, I move this be tabled for two legislative days.

Whereupon, Mr. Higgins of Scarborough requested a division.

The SPEAKER: The pending question is on the motion of the gentlewoman from Vassalboro, Mrs. Mitchell, that this be tabled pending further consideration and specially assigned for Wednesday, February 24. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

64 having voted in the affirmative and 53 having voted in the negative, the motion did prevail.

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

Bill, "An Act to Clarify and Extend Solar Energy Tax Exemptions" (H. P. 2031) (Committee on Taxation suggested)

Tabled—February 18, 1982 by Representative Mitchell of Vassalboro.

Pending—Reference.

The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Huber.

Mrs. HUBER: Mr. Speaker, I move this bill and all its accompanying papers be indefinitely postponed and would speak to my motion.

The SPEAKER: The gentlewoman from Falmouth, Mrs. Huber, moves that H. P. 2031 be indefinitely postponed.

The gentlewoman may proceed.

Mrs. HUBER: Mr. Speaker and Members of the House: This bill contains some drafting errors. There will be a new version of it on a supplement today, and that is the reason for my motion.

Thereupon, on motion of Mrs. Huber of Falmouth, the Bill was indefinitely postponed and sent up for concurrence.

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

**Divided Report**

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Permit the Establishment of Additional Agency Stores on a Seasonal Basis" (S. P. 760) (L. D. 1818)

Report was signed by the following members:  
Senator:

SHUTE of Waldo

— of the Senate.

Representatives:

McSWEENEY of Old Orchard Beach

TREADWELL of Veazie

COX of Brewer

STOVER of West Bath

SWAZEY of Bucksport

PERRY of Mexico

DUDLEY of Fairfield

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-382) on same Bill.

Report was signed by the following members:

Senators:

CHARETTE of Androscoggin

VIOLETTE of Aroostook

Representatives:

SOULAS of Bangor

BOISVERT of Lewiston

STUDLEY of Berwick

— of the House.

Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted.

In the House: Reports were read.

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

Mr. COX: Mr. Speaker, I move acceptance of the Majority "Ought Not to Pass" Report in concurrence.

The SPEAKER: The gentleman from Brewer, Mr. Cox, moves that the Majority "Ought Not to Pass" Report be accepted in concurrence.

The Chair recognizes the gentleman from Bangor, Mr. Soulas.

Mr. SOULAS: Mr. Speaker and Members of the House: I would ask for a division.

This afternoon you have an excellent opportunity to serve your state in several ways—first, to continue our courtesy and welcome to our tourists by providing them with an opportunity to purchase liquors without subjecting them to the long waiting lines; and secondly, you can increase the revenue to our treasury in excess of over \$200,000. This can be accomplished in a very simple way, by voting in favor of L. D. 1818.

All you are asked to do is allow the Liquor Commission to open up agency stores in our most heavily populated resort areas for three months. Moreover, the state will not be investing one dime and stands to gain in excess of over \$200,000 or more.

These stores are positively temporary, as it is spelled out in the bill. They will be open from Memorial Day through Labor Day only. Is this asking too much? Let's be good neighbors to our tourists and let's increase our treasury in excess of \$200,000. Please vote against the pending motion and give me an opportunity to move this bill along.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: Years ago when the agency bills appeared on the horizon, I did not support the measures that were proposed; there were two of them. After a great deal of cajoling in the next session, I yielded, much to my regret and sorrow.

One grand example of the whole situation happened in Saco, I believe, two years ago, when there was the argument brought forward to close the present store as operated, as we started out, state controlled stores.

The windup of the thing is that they did finally close the store in the City of Saco, but then the argument was that they were going to close up because of the cost of the rent and everything else and they would go into another location. They didn't go to another location, they went to two other locations, so there were two agency stores that were open there.

As far as I am concerned, and with due deference to the gentleman from Bangor, Mr. Soulas, who has been a friend of mine for many many semesters, and I want to retain that friendship, I cannot support this legislation. As a matter of fact, I would be delighted to vote to close all agency stores.

I am not necessarily a "born dry" and I am not necessarily a lush, but one thing I don't like is, I don't like to go into a store at seven o'clock in the morning or ten or eleven o'clock at night with 25 or 30 kids playing a pinball machine, eating a pizza or some Japanese pie or what have you and then, just a few feet away, there is all the liquor you want to buy all lined up nice and pretty. I don't think that was the intent of the situation back in 1935 or '37 when we went into the liquor business in Maine.

Furthermore, this is just a preview of things

— of the Senate.

to come. We killed an agency store bill at the last session of the Legislature, and this measure is only the door-opener for next year to put in a bill to knock out the presently well-operated liquor stores by state employees. If anyone would say that it is demeaning for anybody to sell liquor as a state employee, then certainly it is demeaning for state employees to be running a lottery.

I feel rather strongly about this measure. I know what some areas are like, I know what they want and what they don't want because I spend a great deal of time in that area, owning some property in another county which is strictly a summer area.

This is a bad piece of legislation. It has been gone over time and again. I don't want to see the bill come back. Only once in history since prohibition days, only once has there been an attempt made to eliminate state liquor stores as we know them now. In the state of Oregon, and that went to referendum and was roundly and soundly defeated, only one state has attempted it. No other state has ever tried it and I hope no other state ever does.

I would like to go along with the motion of the gentleman from Brewer, Mr. Cox. I think it is sound, I think it is logical and I think it is good.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: In the last session of this legislature, an attempt was made to get the state out of the business of running retail liquor stores. This was defeated. Ordinarily, the shortest distance between two points is a straight line, and this attempt was the straight line. Now the shortest distance between two points is a tunnel, and that seems to be the approach that is being taken now. Having failed to get the state out of the business of operating liquor stores, now we are seeing all of these bills come in to, in one way or another, liberalize the ability to open agency stores, and I think we should soundly defeat this present attempt.

Mr. Callahan of Mechanic Falls requested 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 on the motion of the gentleman from Brewer, Mr. Cox, that the House accept the Majority "Ought Not to Pass" Report in concurrence. Those in favor will vote yes; those opposed will vote no.

**ROLL CALL**

YEA—Armstrong, Baker, Beaulieu, Bell, Benoit, Berube, Bordeaux, Boyce, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown K.L.; Cahill, Callahan, Carroll, Chonko, Clark, Conary, Connors, Connolly, Cox, Crowley, Cunningham, Curtis, Damren, Davies, Davis, Day, Dexter, Diamond, G.W.; Diamond, J.N.; Dillenback, Drinkwater, Foster, Fowlie, Gavett, Gillis, Gowen, Gwadodsky, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Holloway, Huber, Hunter, Hutchings, Jacques, Jalbert, Jordan, Joyce, Kany, Ketover, Kiesman, Kilcoyne, Lancaster, Laplante, Laverriere, Lewis, Lisnik, Livesay, Locke, Lund, MacBride, Macomber, Mahany, Manning, Martin, A.; Martin, H.C.; Masterman, Master-ton, Matthews, McColister, McGowan, McHenry, McPherson, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Nadeau, Nelson, A.; O'Rourke, Paradis, E.; Pearson, Perkins, Perry, Pines, Post, Pouliot, Randall, Reeves, J.; Reeves, P.; Ridley, Salsbury, Sherburne, Small, Smith, C.B.; Smith C.W.; Soule, Stevenson, Stover, Strout, Swazey, Tar-

bell, Telow, Theriault, Thompson, Treadwell, Walker, Webster, Wentworth, Weymouth.

NAY—Aloupis, Austin, Boisvert, Carter, Erwin, Hall, Ingraham, Jackson, P.C.; Kelleher, MacEachern, Moholland, Murphy, Norton, Paradis, P.; Paul, Racine, Richard, Roberts, Rolde, Soulas, Studley, Tuttle, Twitchell, Vose.

ABSENT—Carrier, Dudley, Fitzgerald, Hanson, Hobbins, Jackson, P.T.; Kane, Nelson, M.; Peterson, Mr. Speaker.

Yes, 116; No, 24; Absent, 10; Vacant 1.

The SPEAKER: One hundred and sixteen having voted in the affirmative and twenty-four in the negative, with ten being absent and one vacant, the Majority "Ought Not to Pass" Report is accepted in concurrence.

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

Bill "An Act to Provide for New Home Construction and Development" (Emergency) (S. P. 862) (L. D. 2003)

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

In the House, referred to the Committee on State Government in concurrence.

#### Tabled and Assigned

Bill "An Act Relating to Harness Racing at Agricultural Fairs, the State Stipend and Pari-mutuel Pools" (Emergency) (S. P. 864) (L. D. 2006)

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

In the House, on motion of Mrs. Post of Owl's Head, tabled pending reference in concurrence and assigned for Tuesday, February 23.

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

#### Consent Calendar First Day

(S. P. 767) (L. D. 1825) Bill "An Act Concerning Grandfather Provisions with the Oil Burnerman's Licensing Law" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-386)

(S. P. 753) (L. D. 1756) RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Life of Bond Issues Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-385)

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 23, under the listing of the Second Day.

The following paper appearing on Supplement No. 7 was taken up out of order by unanimous consent:

Bill "An Act to Clarify Solar Energy Tax Exemptions" (H. P. 2066) (Presented by Representative Huber of Falmouth) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

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

The following papers appearing on Supplement No. 8 were taken up out of order by unanimous consent:

Bill "An Act to Clarify the Effect of an Attorney's Opinion on the Procedures for Initiating Amendments to Municipal Charters" (H. P. 2069) (Presented by Representative Brown of Gorham) (Cosponsors: Representative Tarbell of Bangor and LaPlante of Sabattus and Senator Perkins of Hancock) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27)

Bill "An Act Converting Grand Lake Stream Plantation into the Town of Grand Lake

Stream" (Emergency) (H. P. 2068) (Presented by Representative Moholland of Princeton) (Cosponsor: Senator Brown of Washington) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27)

Bill "An Act to Permit and Regulate the Location of Group Homes in Residential Districts" (H. P. 2067) (Presented by Representative Benoit of South Portland) (Cosponsors: Senator Violette of Aroostook and Representative Gowen of Standish) (Submitted by the Department of Mental Health and Mental Retardation pursuant to Joint Rule 24) (Later Reconsidered)

Were Referred to the Committee on Local and County Government, ordered printed and sent up for concurrence.

The following papers appearing on Supplement No. 9 were taken up out of order by unanimous consent:

Bill "An Act to Amend the Medical Practice Act" (H. P. 2070) (Presented by Representative Nelson of Portland) (Cosponsor: Representative Brannigan of Portland) (Governor's Bill)

Committee on Business Legislation was suggested.

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

Bill "An Act Creating the Housing Opportunities for Maine (HOME) Program and Governing Program Funds Appropriated by this Act to the Maine State Housing Authority" (Emergency) (H. P. 2071) (Presented by Representative Martin of Eagle Lake) (Cosponsors: Representative Murphy of Kennebunk, Senators Conley of Cumberland and Ault of Kennebec) (Governor's Bill)

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

On motion of Mr. LaPlante of Sabattus, the House reconsidered its action whereby Bill "An Act to Permit and Regulate the location of Group Homes in Residential Districts" (H. P. 2067) was referred to the Committee on Local and County Government.

On further motion of the same gentleman, the Bill was referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

By unanimous consent, all matters acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

#### (Off Record Remarks)

On motion of Mrs. Erwin of Rumford, Adjourned until Tuesday, February 23rd at ten o'clock in the morning.