

# 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**  
**INDEX**

**SECOND CONFIRMATION SESSION**  
**July 16, 1982**  
**INDEX**

**HOUSE**

Wednesday, March 10, 1982

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

Prayer by Captain Charles Brant of the Salvation Army, Augusta.

The journal of yesterday was read and approved.

**House Reports of Committees****Leave to Withdraw**

Representative Crowley from the Committee on Aging, Retirement and Veterans on Bill "An Act to Permit Maine Employees from the Town of Orono to Withdraw from the Maine State Retirement System" (H. P. 1991) (L. D. 1967) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

**Consent Calendar**

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

(H. P. 1955) (L. D. 1927) Bill "An Act to Allow the Transfer of Aquaculture Leases"—Committee on Marine Resources reporting "Ought to Pass"

(H. P. 1742) (L. D. 1731) Bill "An Act to Clarify Fish Inspection Responsibilities"—Committee on Marine Resources reporting "Ought to Pass"

(H. P. 1901) (L. D. 1886) Bill "An Act to Provide a Data Input and Retrieval System for the Workers' Compensation Commission"—Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-640)

There being no objections, these items were ordered to appear on the Consent Calendar of March 11, 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:

(S. P. 817) (L. D. 1921) Bill "An Act Relating to Fuel Adjustment Clause of Natural Gas Utilities"

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

(S. P. 868) (L. D. 2013) Bill "An Act to Amend the Terms of the Directors of the Auburn Water and Sewerage Districts"

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

(S. P. 785) (L. D. 1850) Bill "An Act to Raise the Annual Public Utilities Commission Regulatory Fund Assessments to \$1,300,000" (C. "A" S-402)

(H. P. 1882) (L. D. 1875) Bill "An Act Concerning Look-Alike Drugs" (C. "A" H-638)

(H. P. 1935) (L. D. 1919) Bill "An Act to Amend the Uniform Commercial Code Regarding Investment Securities" (C. "A" H-639)

(H. P. 2111) (L. D. 2036) Bill "An Act to Establish 'Free Look' Requirements for Medicare Supplement Policies" (Emergency)

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

**Passed to Be Engrossed**

Bill "An Act to Revise the Education Laws" (Emergency) (S. P. 897) (L. D. 2042)

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

**Amended Bill**

RESOLUTION, Proposing an Amendment to the Constitution of Maine Prohibiting Bond

Issues of Less than \$2,000,000 (H. P. 1792) (L. D. 1782) (C. "A" H-597)

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 item of Unfinished Business:

Bill, "An Act to Permit Physicians' Assistants to Take Blood Samples in Cases Involving Operating Under the Influence" (H. P. 2028) (L. D. 2004)

Tabled—March 10 (Until Later Today) by Representative McHenry of Madawaska.

Pending—Adoption of Committee Amendment "A" (H-634)

Mr. McHenry of Madawaska offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-635) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted and the Bill assigned for second reading later in the day.

**(Off Record Remarks)**

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

Mr. HIGGINS: Mr. Speaker, I move we reconsider our action of earlier in the day whereby L. D. 1782 was passed to be engrossed.

The SPEAKER: The gentleman from Scarborough, Mr. Higgins, moves that the House reconsider its action whereby Resolution Proposing an Amendment to the Constitution of Maine Prohibiting Bond Issues of Less than \$2,000,000, House Paper 1792, L. D. 1782, was passed to be engrossed as amended by Committee Amendment "A" H-597. Is there objection?

The Chair hears objection.

The Chair will order a vote. All those in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

33 having voted in the affirmative and 75 having voted in the negative, the motion did not prevail.

By unanimous consent, unless previous notice was given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk was authorized today to send to the Senate, thirty minutes after the House recessed, all matters requiring Senate concurrence.

On motion of Mr. MacEachern of Lincoln, Recessed until four-thirty in the afternoon.

**After Recess**

4:30 p.m.

The House was called to order by the Speaker.

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

**Passed to be Enacted  
Emergency Measure**

An Act to Permit the Town of Freeport to Withdraw from the Maine State Retirement System (S. P. 837) (L. D. 1960) (C. "A" S-398)

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. 104 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 Relating to the Publication of a Con-

solidated Map of the State (H. P. 1843) (L. D. 1838) (C. "A" H-623)

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. 108 voted in favor of same and 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

**Passed to Be Enacted  
Emergency Measure**

An Act to Repeal the Maine Bid Preference Law (H. P. 1904) (L. D. 1889) (C. "A" H-624)

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

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I would just pose a question through the Chair. I recall when this bill went through initially several years ago and there was quite a bit of debate and concern over it. Does this completely eliminate the bid preference law that we did pass several years ago and just how is this going to affect the law?

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 gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: The present Maine bid preference on our books allows a 5 percent — if a Maine firm is within 5 percent of the lowest bid, then the Maine firm has had an opportunity to meet that lowest bid, and this legislature did recently enact that.

We have this bill before us which would repeal the Maine bid preference law as a result of a problem in that some other states are now interested in retaliating against any states that do have preference laws. The State of Pennsylvania has retaliated against any Maine bidders.

There is a firm in the southern part of the state which is interested in as much as \$2 million worth of business in Pennsylvania and was not even allowed to bid.

I will say that our committee was totally open-minded on this issue and we waited to hear from our purchasing agent, basically Stuart Sabean, before making any judgments on it.

We do have some Maine firms who have used our preference law. We have approximately \$60 million worth of business and about \$30 million that would come under our Maine bid preference law, and we have felt that in the past it kept perhaps \$300,000 worth of business in the state as a result of our preference. But on balance, it seemed that we were losing much more by having the law than we were by repealing it.

In addition — I don't know if I should say this but it is true — in a way, we keep much of our business here in Maine through the law by having a bid preference list. In other words, those who are interested in bidding on many state contracts can sign up with the director of Purchasing and thereby be on any list that goes out if there is something in their area of interest. Those are basically all Maine firms.

So, even though we repeal this preference, we do have means of encouraging preference of Maine business still.

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 will vote yes those opposed will vote no.

A vote of the House was taken.

112 having voted in favor and 8 against, the Bill was passed to be enacted.

Signed by the Speaker and sent to the Senate.

#### Enactor

##### Tabled and Assigned

An Act to Increase the Working Capital of the State Liquor Commission (H. P. 1807) (L. D. 1792)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. On motion of Mr. Kelleher of Bangor, tabled pending passage to be enacted and tomorrow assigned.

#### Enactor

##### Tabled and Assigned

An Act Relating to the Compensation of Public Utilities' Commissioners (H. P. 1921) (L. D. 1903) (C. "A" H-626)

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

On motion of Mr. Connolly of Portland, tabled pending passage to be enacted and tomorrow assigned.

##### Passed to Be Enacted

An Act to Establish Procedures for Withdrawal of Participating Local Districts from the Maine State Retirement System (H. P. 1953) (L. D. 1924) (C. "A" H-629)

An Act to Permit Persons Employed by Games of Chance Licenses as Bartenders to Operate and Conduct Certain Licensed Games of Chance (H. P. 2030) (L. D. 1996)

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.

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

##### Consent Calendar

###### Second Day

(H. P. 1955) (L. D. 1927) Bill "An Act to Allow the Transfer of Aquaculture Leases"

(H. P. 1742) (L. D. 1731) Bill "An Act to Clarify Fish Inspection Responsibilities"

(H. P. 1901) (L. D. 1886) Bill "An Act to Provide a Data Input and Retrieval System for Workers' Compensation Commission" (C. "A" H-640)

No objection having been noted, the above items were passed to be engrossed and sent up for concurrence.

##### Passed to Be Engrossed

###### Amended Bill

Bill "An Act to Permit Physicians' Assistants to Take Blood Samples in Cases Involving Operating Under the Influence" (H. P. 2028) (L. D. 2004) (H. "A" H-635 to C. "A" H-634)

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.

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

##### Leave to Withdraw

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Limit the State's Ability to Make Lease-purchase Agreements" (S. P. 769) (L. D. 1827)

Came from the Senate with the Report read and accepted.

In the House, the Report was read and accepted in concurrence.

##### Consent Calendar

###### First Day

(S. P. 774) (L. D. 1845) Bill "An Act to Permit the Superintendent of Insurance to Promulgate Rules Requiring Provisions in Group Health Contracts Providing for Conversion to Individual Coverage Upon Termination of Group Coverage" — Committee on Business

Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-405)

No objections having been noted, the above item was ordered to appear on the Consent Calendar of March 11, under listing of Second Day.

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

##### Leave to Withdraw

Representative Armstrong from the Committee on Aging, Retirement and Veterans on Bill "An Act to Authorize Sagadahoc County to Withdraw from the Maine State Retirement System" (Emergency) (H. P. 2026) (L. D. 1994) reporting "Leave to Withdraw"

Representative LaPlante from the Committee on Local and County Government on Bill "An Act to Permit Counties to Charge a Service Fee for Use of the County Jail" (H. P. 1814) (L. D. 1799) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

The following papers appearing on Supplement No. 6 were taken up out of order by unanimous consent:

Bill "An Act Relating to the Sale and Purchase of Herring" (H. P. 2162) (Presented by Representative Post of Owl's Head) (Cosponsor: Representative Hanson of Kennebunkport) (Governor's Bill)

Bill "An Act to Provide the Authority to the Commissioner of Marine Resources to Register a Trademark" (Emergency) (H. P. 2163) (Presented by Representative FOWLIE of Rockland) (Cosponsor: Representative Hanson of Kennebunkport) (Governor's Bill)

Were referred to the Committee on Marine Resources, ordered printed and sent up for concurrence.

##### Ought Not to Pass

Representative Jackson from the Committee on Business Legislation on Bill "An Act Regulating Certain Practices Between Television, Radio and Phonograph Manufacturers and Repair Facilities" (H. P. 1993) (L. D. 1969) reporting "Ought Not to Pass"

Pursuant to Joint Rule 22, this item was placed in the Legislative files and sent up for concurrence.

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

##### Ought Not to Pass

Representative Carter from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide for Matching Funds for Gypsy Moth Control" (H. P. 1992) (L. D. 1968) reporting "Ought Not to Pass"

Was placed in the Legislative Files without further action pursuant to Joint Rule 22 and sent up for concurrence.

##### Consent Calendar

###### First Day

(H. P. 1835) (L. D. 1832) Bill "An Act to Allow Priority Social Service Program Funds to Match Appropriate Federal Funds" — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-643)

There being no objections, the above item was ordered to appear on the Consent Calendar of March 11, under the listing of Second Day.

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

An Act to Prohibit Public Drinking on School Premises Without Requiring Prior Warning by a Law Enforcement Officer (H. P. 1929) (L. D. 1912) (S. "A" S-400)

Tabled—March 9 by Representative Mitchell of Vassalboro.

Pending—Passage to be Enacted.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

##### (Off Record Remarks)

On motion of Mrs. Roberts of Buxton, Adjourned until eight-thirty tomorrow morning.