

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eleventh  
Legislature***

OF THE

**STATE OF MAINE**

**Volume I**

**FIRST REGULAR SESSION**

**December 1, 1982 to May 13, 1983**

**HOUSE**

Monday, January 31, 1983

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

Prayer by Reverend E. Richard Wretzel of the East Auburn Baptist Church, Auburn.

The members stood at attention during the playing of the National Anthem by the Deering High School Stage Band of Portland.

The journal of the previous session was read and approved.

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

Bill "An Act to Require the City of Caribou to Establish a Voting District in the Unorganized Township of Connor" (H. P. 125) (L. D. 133) which was referred to the Committee on Local and County Government in the House on January 10, 1983.

Came from the Senate referred to the Committee on Election Laws in non-concurrence.

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

**Messages and Documents**

The following Communication: (H. P. 175)  
State of Maine  
House of Representatives  
Augusta 04333

January 17, 1983

John L. Martin  
Speaker of the House  
111th Legislature  
Gerard P. Conley  
President of the Senate  
111th Legislature

Dear Mr. Speaker and Mr. President:

On January 17, 1983, eleven Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, bills were referred to the Joint Standing Committees on January 17, 1983 as follows:

**Business Legislation**

Bill "An Act to Remove the Sunset Provision on the Regulation of Business Between Motion Picture Exhibitors and Distributors" (H. P. 164) (L. D. 195) (Presented by Representative Jacques of Waterville) (Cosponsors: Representative Diamond of Bangor and Senator Clark of Cumberland)

Bill "An Act to Authorize Either an Engineer or an Architect to Act as a Prime Professional under Certain Circumstances" (H. P. 165) (L. D. 196) (Presented by Representative Jacques of Waterville) (By Request)

Bill "An Act to Amend the Maine Consumer Credit Code Regarding Refinancing Demand Loans Secured by Securities" (H. P. 166) (L. D. 197) (Presented by Representative Perkins of Brooksville)

**Fisheries and Wildlife**

Bill "An Act to Prohibit Shooting Within 100 Yards of any Dwelling During Hunting Season" (H. P. 167) (L. D. 198) (Presented by Representative Lewis of Auburn) (Cosponsors: Representatives Smith of Island Falls, Conners of Franklin and Senator Usher of Cumberland)

Bill "An Act to Require Persons being Licensed to Hunt for the First Time to have Completed a Gun Safety Course" (H. P. 168) (L. D. 199) (Presented by Representative Jacques of Waterville) (Cosponsors: Representatives Conners of Franklin, Matthews of Winslow and Senator Usher of Cumberland)

**Health and Institutional Services**

Bill "An Act to Amend and Supplement Certain Powers of Hospital Administrative District No. 1" (Emergency) (H. P. 169) (L. D. 194) (Presented by Representative MacEachern of Lincoln)

**Judiciary**

Bill "An Act Limiting Positions of Trust for

Prisoners in Jails to those Prisoners Sentenced or Transferred to that Particular Jail" (H. P. 170) (L. D. 200) (Presented by Representative Joyce of Portland)

Bill "An Act Relating to Abortions in the Third Trimester" (H. P. 171) (L. D. 201) (Presented by Representative Stevenson of Unity) (Cosponsors: Representative Parent of Benton and Representative Willey of Hampden) (By Request)

Bill "An Act to Transfer Fayeite from the Northern Kennebec to the Southern Kennebec Judicial Division of the District Court" (H. P. 172) (L. D. 202) (Presented by Representative Daggett of Manchester)

Bill "An Act to Make the Sellers of Intoxicating Liquors Civilly Liable for Certain Injuries Caused by the Intoxication of their Customers" (H. P. 173) (L. D. 203) (Presented by Representative McSweeney of Old Orchard Beach) (Cosponsor: Representative Joyce of Portland)

**Legal Affairs**

Bill "An Act Relating to Liquor Licenses for Incorporated Civic Organizations" (Emergency) (H. P. 174) (L. D. 204) (Presented by Representative Gauvreau of Lewiston) (Cosponsors: Senators Charette of Androscoggin, Usher of Cumberland and Representative Cote of Auburn)

Sincerely,

S/ EDWIN H. PERT

Clerk of the House

S/ JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file and sent up for concurrence.

The following Communication: (H. P. 185)

State of Maine

House of Representatives

Augusta 04333

January 18, 1983

John L. Martin  
Speaker of the House  
111th Legislature  
Gerard P. Conley  
President of the Senate  
111th Legislature

Dear Mr. Speaker and Mr. President:

On January 18, 1983, nine Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, bills were referred to the Joint Standing Committees on January 18, 1983 as follows:

**Judiciary**

Bill "An Act Concerning Visitation Rights for Grandparents of Children Involved in Divorce or Custody Proceedings" (H. P. 176) (L. D. 205) (Presented by Representative Carroll of Limerick) (Cosponsor: Representative Crowley of Stockton Springs)

**Health and Institutional Services**

Bill "An Act to Provide Furloughs from County Jails for 3 Days or More if Reason is Consistent with the Rehabilitation of an Inmate or Prisoner" (H. P. 177) (L. D. 206) (Presented by Representative Joyce of Portland)

**Legal Affairs**

Bill "An Act to Permit Bowling Alleys to Sell Spirituous, Vinous and Malt Liquor" (H. P. 178) (L. D. 207) (Presented by Representative Dillenback of Cumberland) (Cosponsor: Representative Salisbury of Bar Harbor)

**Local and County Government**

Bill "An Act Relating to Appointment of a Chief Deputy in Cumberland County" (H. P. 179) (L. D. 208) (Presented by Representative Joyce of Portland)

**Marine Resources**

Bill "An Act Concerning the Use of Purse Seines in Washington County" (H. P. 180) (L. D. 209) (Presented by Representative Scarpino of St. George)

Bill "An Act to Allow the Use of Purse Seines in Washington County" (H. P. 181)

(L. D. 210) (Presented by Representative Scarpino of St. George)

Bill "An Act to Provide for a Reduced Fee for Lobster Fishing Licenses for Persons 70 years of Age and Older" (H. P. 182) (L. D. 211) (Presented by Representative Conners of Franklin) (Cosponsor: Senator Perkins of Hancock)

**Public Utilities**

Bill "An Act to Clarify the Time during which a Utility is Restricted from Filing a Rate Case under the Public Utility Law" (H. P. 183) (L. D. 212) (Presented by Representative Vose of Eastport) (Cosponsor: Representative Roderick of Oxford)

**State Government**

Bill "An Act to Create a Legislators' Turnpike Pass" (H. P. 184) (L. D. 213) (Presented by Representative Carroll of Limerick)

Sincerely,

S/ EDWIN PERT

Clerk of the House

S/ JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file and sent up for concurrence.

The following Communication: (H. P. 191)

State of Maine

House of Representatives

Augusta 04333

January 19, 1983

John L. Martin  
Speaker of the House  
111th Legislature  
Gerard P. Conley  
President of the Senate  
111th Legislature

Dear Mr. Speaker and Mr. President:

On January 19, 1983, five Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, bills were referred to the Joint Standing Committees on January 19, 1983 as follows:

**Election Laws**

Bill "An Act Relating to Boards of Voter Registration" (H. P. 186) (L. D. 228) (Presented by Representative Handy of Lewiston) (Cosponsor: Representative Baker of Portland)

**Public Utilities**

Bill "An Act to Clarify Filing Fee Requirements for Public Utilities Commission Approval of Electric Utilities' Purchase of Electric Power and Conversions" (H. P. 187) (L. D. 229) (Presented by Representative Weymouth of West Gardiner)

**Taxation**

Bill "An Act to Permit the Interstate Commerce Exemption on Sales Tax to Persons who Lease Vehicles Which are Placed in Interstate Commerce" (H. P. 188) (L. D. 230) (Presented by Representative Conners of Franklin)

**Transportation**

Bill "An Act to Prohibit the Use of Headphones while Operating a Vehicle on a Public Way" (H. P. 189) (L. D. 231) (Presented by Representative Beaulieu of Portland) (Cosponsor: Representative McCollier of Canton)

Bill "An Act Requiring Return of Fees to Certain Persons Who Paid for Highway Use Permits" (H. P. 190) (L. D. 232) (Presented by Representative Conners of Franklin)

Sincerely,

S/ EDWIN PERT

Clerk of the House

S/ JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file and sent up for concurrence.

The following Communication: (H. P. 214)

State of Maine

House of Representatives

Augusta 04333

January 21, 1983

John L. Martin  
Speaker of the House  
111th Legislature  
Gerard P. Conley  
President of the Senate  
111th Legislature

Dear Mr. Speaker and Mr. President

On January 21, 1983, twenty Bills were received by the Clerk of the House.

Pursuant to the provision of Joint Rule 14, bills were referred to the Joint Standing Committees on January 21, 1983 as follows:

#### **Appropriations & Financial Affairs**

Bill "An Act Appropriating \$5,000 for the Pink Panthers of Millinocket to Represent Maine in the Cherry Blossom Festival" (Emergency) (H. P. 194) (L. D. 238) (Presented by Representative Clark of Millinocket) (Cosponsors: Representative Michaud of East Millinocket and Senator Pray of Penobscot)

#### **Business Legislation**

Bill "An Act to Require that Hospitals Furnish Itemized Bills" (H. P. 195) (L. D. 239) (Presented by Representative Beaulieu of Portland) (Cosponsor: Senator Erwin of Oxford)

#### **Election Laws**

Bill "An Act to Amend the Election Laws Concerning Signatures and Names" (H. P. 196) (L. D. 240) (Presented by Representative Racine of Biddeford) (Cosponsors: Representatives Lehoux of Biddeford, Clark of Millinocket, and Pouliot of Lewiston)

Bill "An Act to Clarify the Election Laws" (H. P. 197) (L. D. 241) (Presented by Representative Baker of Portland) (Cosponsor: Representative Handy of Lewiston)

Bill "An Act to Allow Voter Registration and Party Enrollment on the Same Form" (H. P. 198) (L. D. 242) (Presented by Representative Murray of Bangor) (Cosponsor: Representative Michaud of East Millinocket)

#### **Energy & Natural Resources**

Bill "An Act to Create the Longfellow Wilderness Preserve" (H. P. 199) (L. D. 243) (Presented by Representative Mitchell of Freeport) (Cosponsor: Representative Dexter of Kingfield)

#### **Fisheries & Wildlife**

Bill "An Act to Change the Law Regarding Hunting of Moose by Nonresidents" (H. P. 200) (L. D. 244) (Presented by Representative McHenry of Madawaska)

Bill "An Act to Provide that the Partridge Hunting Season must close by November 15th each Year" (H. P. 201) (L. D. 245) (Presented by Representative Kelly of Camden)

#### **Public Utilities**

Bill "An Act to Clarify Utility Financing of Energy Conservation" (H. P. 202) (L. D. 246) (Presented by Representative Ridley of Shapleigh) (Cosponsors: Representatives Weymouth of West Gardiner, Vose of Eastport, and Senator Emerson of Penobscot)

Bill "An Act Concerning Emergency Telephone Numbers" (H. P. 203) (L. D. 247) (Presented by Representative Swazey of Bucksport)

#### **State Government**

Bill "An Act Concerning Compensation for Legislators who Attend Meetings on County Budgets" (H. P. 204) (L. D. 248) (Presented by Representative McHenry of Madawaska) (Cosponsor: Representative Theriault of Fort Kent)

#### **Taxation**

Bill "An Act to Provide Sales Tax Equity for Lessees of Depreciable Machinery and Equipment" (H. P. 205) (L. D. 249) (Presented by Representative Armstrong of Wilton) (Cosponsors: Representatives

Sherburne of Dexter and McCollister of Canton)

Bill "An Act to Increase the Exemption from Taxation of Parsonages used by Religious Societies to the Value of \$50,000" (H. P. 206) (L. D. 250) (Presented by Representative Daggett of Manchester)

Bill "An Act to Provide an Income Tax Credit for Oil and Gas Furnace Automatic Vent Dampers" (H. P. 207) (L. D. 251) (Presented by Representative McHenry of Madawaska)

Bill "An Act to Exempt Certain Paralegic Individuals from Property Taxation" (H. P. 208) (L. D. 252) (Presented by Representative Armstrong of Wilton) (By Request)

#### **Transportation**

Bill "An Act Relating to the Registration Period for Certain Motor Vehicles" (H. P. 209) (L. D. 253) (Presented by Representative McHenry of Madawaska) (Cosponsor: Representative Theriault of Fort Kent)

Bill "An Act to Make the Photographic Drivers' License Optional Rather than Mandatory" (H. P. 210) (L. D. 254) (Presented by Representative McHenry of Madawaska)

Bill "An Act to Change the Requirements for Motor Vehicle Inspections" (H. P. 211) (L. D. 255) (Presented by Representative McHenry of Madawaska)

Bill "An Act to Repeal the Requirement for an Audible Warning when Passing in a Motor Vehicle" (H. P. 212) (L. D. 256) (Presented by Representative Higgins of Scarborough)

Bill "An Act to Prohibit the Wearing of Head Phones or Ear Phones while Operating a Motor Vehicle" (H. P. 213) (L. D. 257) (Presented by Representative Kelly of Camden)

Sincerely,  
S/ EDWIN H. PERT  
Clerk of the House  
S/ JOY J. O'BRIEN  
Secretary of the Senate

Was read and ordered placed on file and sent up for concurrence.

The following Communication: (H. P. 217)  
State of Maine  
House of Representatives  
Augusta 04333

January 24, 1983

John L. Martin  
Speaker of the House  
111th Legislature  
Gerard P. Conley  
President of the Senate  
111th Legislature

Dear Mr. Speaker and Mr. President:

On January 24, 1983, two Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, bills were referred to the Joint Standing Committees on January 24, 1983 as follows:

#### **Business Legislation**

Bill "An Act to Provide for Establishment of Employee Cooperative Corporations" (H. P. 215) (L. D. 258) (Presented by Representative Baker of Portland) (Cosponsor: Speaker Martin of Eagle Lake)

#### **Transportation**

Bill "An Act Concerning Drivers' Tests for the Elderly" (H. P. 216) (L. D. 259) (Presented by Representative McCollister of Canton)

Sincerely,  
S/ EDWIN H. PERT  
Clerk of the House  
S/ JOY J. O'BRIEN  
Secretary of the Senate

Was read and ordered placed on file and sent up for concurrence.

The following Communication: (H. P. 233)

State of Maine  
House of Representatives  
Augusta 04333

January 25, 1983

John L. Martin  
Speaker of the House  
111th Legislature  
Gerard P. Conley  
President of the Senate  
111th Legislature

Dear Mr. Speaker and Mr. President:

On January 25, 1983, fifteen Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, bills were referred to the Joint Standing Committees on January 25, 1983 as follows:

#### **Education**

Bill "An Act to Penalize Administrative Units for Employing Noncertified Teachers" (Emergency) (H. P. 218) (L. D. 266) (Presented by Representative Allen of Washington)

#### **Health and Institutional Services**

Bill "An Act to Amend the Annual Review of Fees Law" (H. P. 219) (L. D. 267) (Presented by Representative Rolde of York)

Bill "An Act to Amend the Medicaid Co-payment Law" (H. P. 220) (L. D. 268) (Presented by Representative Rolde of York)

#### **Judiciary**

Bill "An Act Relating to Motor Vehicle Violations within the Penobscot Nation" (H. P. 221) (L. D. 269) (Presented by Representative Cashman of Old Town) (Cosponsor: Senator Pearson of Penobscot)

Bill "An Act Relating to Motor Vehicle Violations" (H. P. 222) (L. D. 270) (Presented by Representative Cashman of Old Town) (Cosponsor: Senator Pearson of Penobscot)

Bill "An Act to Certifying Indian Representatives" (H. P. 223) (L. D. 271) (Presented by Representative Cashman of Old Town) (Cosponsor: Senator Pearson of Penobscot)

Bill "An Act Affirming the Confidential Nature of Vital Statistics" (H. P. 224) (L. D. 272) (Presented by Representative Kelleher of Bangor)

Bill "An Act to Provide for Mandatory Jail Sentences for Repeat Offenders who Commit Certain Crimes on or to a Person 60 Years of Age or Older" (H. P. 225) (L. D. 273) (Presented by Representative Joyce of Portland)

Bill "An Act Relating to Bail Procedures" (H. P. 226) (L. D. 274) (Presented by Representative Curtis of Waldoboro)

#### **Marine Resources**

Bill "An Act to Amend the Maine Sardine Law" (H. P. 227) (L. D. 275) (Presented by Representative Vose of Eastport)

#### **State Government**

Bill "An Act to Amend the Maine Administrative Procedure Act to Require Legislative Approval of Rules and Regulations" (H. P. 228) (L. D. 276) (Presented by Representative Brown of Livermore Falls) (Cosponsors: Representatives Jackson of Harrison and Sproul of Augusta)

#### **Taxation**

Bill "An Act to Amend the Sales Tax Law to Allow Credit to be Given on Any Sales Tax Due on New or Rebuilt Parts when Used Parts are Traded in for Credit" (H. P. 229) (L. D. 277) (Presented by Representative Connors of Franklin)

Bill "An Act Concerning the Rate of Return on Investment Factor under the Railroad Excise Tax" (H. P. 230) (L. D. 278) (Presented by Representative Kelleher of Bangor) (Cosponsors: Senator Wood of York, Representatives Manning of Portland and Brown of Bethel)

#### **Transportation**

Bill "An Act to Require Headlights on Vehicles to be Used at Certain Times" (H. P.

231) (L. D. 279) (Presented by Representative Rolde of York)  
 Bill "An Act to Permit Wreckers to Use Flashing Red Lights on Limited Access Highways" (H. P. 232) (L. D. 280) (Presented by Representative Rolde of York)

Sincerely,  
 S/ EDWIN H. PERT  
 Clerk of the House  
 S/ JOY J. O'BRIEN  
 Secretary of the Senate

Was read and ordered placed on file and sent up for concurrence.

The following Communication: (H. P. 248)  
 State of Maine  
 House of Representatives  
 Augusta 04333

January 26, 1983

John L. Martin  
 Speaker of the House  
 111th Legislature  
 Gerard P. Conley  
 President of the Senate  
 111th Legislature

Dear Mr. Speaker and Mr. President:

On January 26, 1983, thirteen Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, bills were referred to the Joint Standing Committees on January 26, 1983 as follows:

#### **Agriculture**

Bill "An Act to Permit Compensation to be Paid to Beekeepers for Damage Done by Bears" (H. P. 235) (L. D. 282) (Presented by Representative Daggett of Manchester)

Bill "An Act Concerning the Transmission of Rabies by Unvaccinated Dogs" (H. P. 236) (L. D. 283) (Presented by Representative Drinkwater of Belfast)

Bill "An Act Concerning Domestic Animals Running at Large" (H. P. 238) (L. D. 285) (Presented by Representative Drinkwater of Belfast)

Bill "An Act to Prevent the Improper Tethering of Animals" (H. P. 237) (L. D. 284) (Presented by Representative Drinkwater of Belfast)

Bill "An Act Concerning Cruelty to Animals" (H. P. 239) (L. D. 286) (Presented by Representative Drinkwater of Belfast)

Bill "An Act Regarding Official Refusal on Neglect of Duty" (H. P. 241) (L. D. 288) (Presented by Representative Drinkwater of Belfast)

Bill "An Act to Prohibit the Creation of a Nuisance by Habitually Barking Dogs" (H. P. 240) (L. D. 287) (Presented by Representative Drinkwater of Belfast)

Bill "An Act Regarding Official Refusal on Neglect of Duty" (H. P. 241) (L. D. 288) (Presented by Representative Drinkwater of Belfast)

Bill "An Act Regarding Official Refusal on Neglect of Duty" (H. P. 241) (L. D. 288) (Presented by Representative Drinkwater of Belfast)

Bill "An Act Regarding Official Refusal on Neglect of Duty" (H. P. 241) (L. D. 288) (Presented by Representative Drinkwater of Belfast)

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Bill "An Act Regarding Official Refusal on Neglect of Duty" (H. P. 241) (L. D. 288) (Presented by Representative Drinkwater of Belfast)

Bill "An Act Regarding Official Refusal on Neglect of Duty" (H. P. 241) (L. D. 288) (Presented by Representative Drinkwater of Belfast)

Bill "An Act to Establish Grandparents' Visitation Rights" (H. P. 245) (L. D. 292) (Presented by Representative Ketover of Portland) (Cosponsors: Speaker Martin of Eagle Lake, Representatives Theriault of Fort Kent and Baker of Portland)

#### **Local and County Government**

Bill "An Act to Establish Minimum Standards for the Recording of Plats and Maps in Registries of Deeds" (H. P. 246) (L. D. 293) (Presented by Representative Mitchell of Freeport) (Cosponsor: Representative Michaud of East Millinocket)

Bill "An Act to Increase the Level of Compensation for Part-time Deputy Sheriffs" (H. P. 247) (L. D. 294) (Presented by Representative Mitchell of Freeport)

Sincerely,  
 S/ EDWIN H. PERT  
 Clerk of the House  
 S/ JOY J. O'BRIEN  
 Secretary of the Senate

Was read and ordered placed on file and sent up for concurrence.

The following Communication: (H. P. 258)  
 State of Maine  
 House of Representatives  
 Augusta 04333

January 27, 1983

John L. Martin  
 Speaker of the House  
 111th Legislature  
 Gerard P. Conley  
 President of the Senate  
 111th Legislature

Dear Mr. Speaker and Mr. President:

On January 27, 1983, nine Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, bills were referred to the Joint Standing Committees on January 27, 1983 as follows:

#### **Aging Retirement and Veterans**

Bill "An Act to Remove the 4% Ceiling on the Cost-of-Living Allowances for State Pensioners" (H. P. 249) (L. D. 299) (Presented by Representative Sproul of Augusta)

Bill "An Act to Remove the 4% Ceiling on the Cost-of-Living Allowances for State Pensioners" (H. P. 249) (L. D. 299) (Presented by Representative Sproul of Augusta)

Bill "An Act to Remove the 4% Ceiling on the Cost-of-Living Allowances for State Pensioners" (H. P. 249) (L. D. 299) (Presented by Representative Sproul of Augusta)

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Bill "An Act to Remove the 4% Ceiling on the Cost-of-Living Allowances for State Pensioners" (H. P. 249) (L. D. 299) (Presented by Representative Sproul of Augusta)

Bill "An Act to Remove the 4% Ceiling on the Cost-of-Living Allowances for State Pensioners" (H. P. 249) (L. D. 299) (Presented by Representative Sproul of Augusta)

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Bill "An Act to Remove the 4% Ceiling on the Cost-of-Living Allowances for State Pensioners" (H. P. 249) (L. D. 299) (Presented by Representative Sproul of Augusta)

Bill "An Act to Remove the 4% Ceiling on the Cost-of-Living Allowances for State Pensioners" (H. P. 249) (L. D. 299) (Presented by Representative Sproul of Augusta)

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representative Lisnik of Presque Isle) (Cosponsor: Senator Carpenter of Aroostook)  
 Bill "An Act to Amend the Charter of the Augusta Sanitary District" (H. P. 256) (L. D. 306) (Presented by Representative Sproul of Augusta) (Cosponsors: Representatives Hickey of Augusta, Paradis of Augusta and Senator Bustin of Kennebec)

#### **State Government**

JOINT RESOLUTION to Ratify an Amendment to the Federal Constitution to Provide for Representation of the District of Columbia in the Congress (H. P. 257) (L. D. 307) (Presented by Representative Baker of Portland) (Cosponsors: Senator Clark of Cumberland, Representatives Master-ton of Cape Elizabeth and Maybury of Brewer)

Sincerely,  
 S/ EDWIN H. PERT  
 Clerk of the House  
 S/ JOY J. O'BRIEN  
 Secretary of the Senate

Was read and ordered placed on file and sent up for concurrence.

The following Communication: (H. P. 192)  
 State of Maine  
 House of Representatives  
 Speaker's Office  
 Augusta, Maine 04333

January 20, 1983

Hon. Edwin H. Pert  
 Clerk of the House  
 Hon. Joy J. O'Brien  
 Secretary of the Senate  
 State House  
 Augusta, Maine 04333

Dear Clerk Pert and Secretary O'Brien:

This is to notify you that pursuant to Chapter 454 of the Public Laws of 1981, An Act Promoting Alcoholism Prevention, Education, Treatment and Research, and Joint Order (H. P. 118) passed in the House on January 10, 1983, and in the Senate on January 11, 1983, we have today appointed the following members to the Joint Select Committee on Alcoholism Services:

Senator Beverly Bustin, Senate Chairman  
 Senator Kenneth Hayes  
 Senator Barbara Gill  
 Senator Thomas Perkins  
 Rep. Neil Rolde, House Chairman  
 Rep. Alfred Brodeur  
 Rep. Lorraine Chonko  
 Rep. Polly Reeves  
 Rep. Phyllis Erwin  
 Rep. Martin Hayden  
 Rep. Russell Day  
 Rep. John Masterman  
 Rep. Kenneth Matthews

Sincerely,  
 JOHN L. MARTIN  
 Speaker of the House  
 GERARD P. CONLEY  
 President of the Senate

Was read and ordered placed on file and sent up for concurrence.

The following Communication:  
 The Maine Development Foundation  
 One Memorial Circle, Augusta, Maine 04330  
 207/622-6345

January 25, 1983

Representative John L. Martin  
 Speaker of the House  
 State House Station 2  
 Augusta, ME 04333

Dear John:

Accompany this letter are 165 copies of the Maine Development Foundation's 1982 Report to Corporators. The Annual Report is to be distributed to each member of the Legislature pursuant to MRSA c. 107 §925 of the Foundation's enabling legislation.

Thank you, and if you have questions or comments concerning the report, please call me at any time.

Best regards,  
S/ NATHANIEL H. BOWDITCH  
President

Was read and ordered placed on file.

The following Communication: (H. P. 234)  
Department of Business Regulation  
STATE CLAIMS BOARD  
State House Station 35  
Augusta, Maine 04333

January 17, 1983

The Honorable John L. Martin  
Speaker of the House  
House of Representatives  
State House  
Augusta, Maine 04333

Re: Report of Small Claims to Legislature  
Dear Representative Martin:  
Herewith is Report of Small Claims which were received in this office during 1982 and which is being submitted to you for your information and records in accordance with Title 5 M.R.S.A., Section 1510-A, Subsection 8. A similar report is also being submitted to the Honorable Gerard P. Conley, President of the Senate, and if you or your staff should have any questions in connection with this report, please communicate with this office.

Very truly yours,  
S/ RONALD M. ROY  
Chief Counsel

Was read and with the 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 Committee:

##### **Business Legislation**

Bill "An Act Relating to Ownership of Stock in Maine Financial Institutions" (H. P. 259) (Presented by Representative Brannigan of Portland)

Bill "An Act Relating to the Capitalization and Board of Directors of the Maine Fidelity Life Insurance Company" (H. P. 260) (Presented by Representative Brannigan of Portland)

Bill "An Act to Amend Maine's Laws Relating to Credit Unions" (H. P. 261) (Presented by Representative Mitchell of Vassalboro) (Cosponsors: Representative Racine of Biddeford, Senator Diamond of Cumberland and Gill of Cumberland)

Bill "An Act Relating to the Flash Point of Kerosene" (H. P. 262) (Presented by Representative Kelleher of Bangor) (Cosponsor: Representative Hall of Sangerville)

Bill "An Act to Provide Consistency in the Filing of Mechanics' Liens" (H. P. 263) (Presented by Representative Brannigan of Portland)

(Ordered Printed)

Sent up for concurrence.

##### **Energy and Natural Resources**

Bill "An Act to Amend the Authority of the Department of Environmental Protection to Identify Hazardous Waste" (H. P. 264) (Presented by Representative Andrews of Portland) (Cosponsors: Senator Kany of Kennebec, Representatives Allen of Washington and Hall of Sangerville)

(Ordered Printed)

Sent up for concurrence.

##### **Fisheries and Wildlife**

Bill "An Act Concerning Registration of Deer in Unorganized Territories" (H. P. 265) (Presented by Representative Clark of Millinocket) (Cosponsors: Senator Usher of Cumberland, Representatives MacEachern of Lincoln and Jacques of Waterville)

Bill "An Act Relating to Hunting and Fishing by Disabled Persons" (H. P. 266) (Presented by

Representative Armstrong of Wilton)  
(Ordered Printed)  
Sent up for concurrence.

##### **Judiciary**

Bill "An Act to Revise the Laws Pertaining to Prerequisite Attachment, Execution of Judgments, Disclosures of Assets and Exemptions" (H. P. 267) (Presented by Representative Manning of Portland)

(Ordered Printed)

Sent up for concurrence.

##### **Labor**

Bill "An Act to End Discrimination Against Chiropractic Services under the Workers' Compensation Law" (H. P. 268) (Presented by Representative Beaulieu of Portland) (Cosponsor: Representative Theriault of Fort Kent)

Bill "An Act to Prevent Discrimination against Seasonal Workers in the Unemployment Insurance Program" (H. P. 269) (Presented by Representative Kelleher of Bangor)

Bill "An Act to Protect Unemployed Workers from Excessive Delays in Eligibility Determination in the Unemployment Compensation Program" (H. P. 270) (Presented by Representative Kelleher of Bangor)

(Ordered Printed)

Sent up for concurrence.

##### **Legal Affairs**

Bill "An Act to Require Liquor Price Equity at Certain Border Area Liquor Stores" (H. P. 271) (Presented by Representative Tuttle of Sanford) (Cosponsors: Senator Twitchell of Oxford, Representatives Paul of Sanford and Kiesman of Fryeburg)

Bill "An Act to Provide for Special Exception Agency Liquor Stores in Communities of Over 30,000 Population" (H. P. 272) (Presented by Representative Beaulieu of Portland)

(Ordered Printed)

Sent up for concurrence.

##### **Local and County Government**

Bill "An Act to Permit Sheriff Deputies to Run for Municipal Office" (H. P. 273) (Presented by Representative Carroll of Gray)

Bill "An Act to Ratify Dedication of Fort Sumner Park in the City of Portland" (H. P. 274) (Presented by Representative Beaulieu of Portland)

(Ordered Printed)

Sent up for concurrence.

##### **Business Legislation**

Bill "An Act to Revise the Law Concerning the Investment of Municipal Funds" (Emergency) (H. P. 275) (Presented by Representative Brannigan of Portland) (Cosponsors: Senator Sewall of Lincoln, Representatives Racine of Biddeford and Perkins of Brooksville)

Committee on Local and County Government was suggested.

On motion of Mr. McHenry of Madawaska, was referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

##### **Marine Resources**

Bill "An Act to Prohibit Possession of Lobsters by Scallop Boats" (H. P. 276) (Presented by Representative Salsbury of Bar Harbor)

(Ordered Printed)

Sent up for concurrence.

##### **State Government**

Bill "An Act Prohibiting Bond Issues of Less than \$2,000,000.00" (H. P. 277) (Presented by Representative Jackson of Harrison) (Cosponsors: Representatives Armstrong of Wilton, Roderick of Oxford and Senator Twitchell of Oxford)

Bill "An Act to Prevent Combining more than one Bond Issue Item in a Single Bond Issue Bill and to Correct Statutory Provisions Relating to

Showing Bond Interest on Ballots" (H. P. 278) (Presented by Representative Jackson of Harrison) (Cosponsors: Representatives Armstrong of Wilton, Roderick of Oxford and Senator Twitchell of Oxford)

RESOLVE, Authorizing the Conveyance of a Certain Unused Building and Land Owned by the State to the Town of Wells for \$10,000 (H. P. 282) (Presented by Representative Wentworth of Wells)

(Ordered Printed)

Sent up for concurrence.

##### **Taxation**

Bill "An Act to Authorize Tax Liens on Personal Property" (H. P. 279) (Presented by Representative Brannigan of Portland)

(Ordered Printed)

Sent up for concurrence.

##### **Transportation**

Bill "An Act to Require the Load on Gravel Trucks to be Covered when Operating on a Public Way" (H. P. 280) (Presented by Representative Mitchell of Freeport) (Cosponsor: Representative Carroll of Gray)

Bill "An Act Concerning Maine Turnpike Commuter Passes" (H. P. 281) (Presented by Representative Paul of Sanford)

(Ordered Printed)

Sent up for concurrence.

##### **Orders**

On motion of Representative McSweeney of Old Orchard Beach, it was

ORDERED, that Weston R. Sherburne of Dexter be excused for the duration of his illness.

AND BE IT FURTHER ORDERED, that Representative John Telow of Lewiston be excused February 11 to 18 for personal reasons.

#### **House Reports of Committees Unanimous Ought Not to Pass**

Representative Cooper from the Committee on State Government on Resolution Proposing an Amendment to the Constitution of Maine to Prevent Initiated Legislation Rejected by the Electors at Referendum from being Reinitiated Unless Accompanied by Twice the Number of Signatures Required (H. P. 59) (L. D. 65) reporting "Ought Not to Pass"

Representative Carroll from the Committee on Transportation on Bill "An Act to Repeal the Motor Vehicle Inspection Law" (H. P. 20) (L. D. 16) reporting "Ought Not to Pass"

Representative Erwin from the Committee on Fisheries and Wildlife on Bill "An Act Concerning the Type of Hunter Orange Clothing which must be Worn while Hunting" (H. P. 116) (L. D. 123) reporting "Ought Not to Pass"

Representative MacEachern from the Committee on Fisheries and Wildlife on Bill "An Act to Increase the Compensation Paid to Agents for Issuing Nonresident Hunting and Fishing Licenses" (H. P. 55) (L. D. 61) reporting "Ought Not to Pass"

Were placed in the Legislative files without further action pursuant to Joint Rule 15, and sent up for concurrence.

#### **Unanimous Leave to Withdraw**

Representative Cashman from the Committee on Taxation on Bill "An Act to Repeal the Retroactive Provision for Annual Indexation of the Individual Income Tax System" (Emergency) (H. P. 8) (L. D. 4) reporting "Leave to Withdraw"

Representative Hickey from the Committee on Aging, Retirement and Veterans on Bill "An Act Concerning Retirement Benefits for Chief Administrative Officers of Participating Local Districts" (H. P. 65) (L. D. 71) reporting "Leave to Withdraw"

Representative MacEachern from the Committee on Fisheries and Wildlife on Bill "An Act to Permit Nonresident Students attending Maine Colleges and Universities on a Full-time

Basis to Purchase Resident Hunting and Fishing Licenses" (H. P. 109) (L. D. 116) reporting "Leave to Withdraw"

Representative Roderick from the Committee on Fisheries and Wildlife on Bill "An Act to Permit the Killing of Deer for Humane Reasons" (H. P. 37) (L. D. 42) reporting "Leave to Withdraw"

Representative Joyce from the Committee on Judiciary on Bill "An Act Relating to Escape of Prisoners" (H. P. 142) (L. D. 150) reporting "Leave to Withdraw"

Were placed in the Legislative Files without further action pursuant to Joint Rule 15, and sent up for concurrence.

#### **Referred to the Committee on Local and County Government**

Representative Gwadosky from the Committee on State Government on Bill "An Act Concerning Compensation for Legislators who Attend Meetings on County Budgets" (H. P. 204) (L. D. 248) reporting that it be referred to the Committee on Local and County Government.

Report was read and accepted, the Bill referred to the Committee on Local and County Government and sent up for concurrence.

#### **Ought to Pass in New Draft**

Representative Ingraham from the Committee on Local and County Government on Bill "An Act to Deorganize Elliottsville Plantation" (Emergency) (H. P. 101) (L. D. 108) reporting "Ought to Pass" in New Draft (H. P. 283) (L. D. 308)

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

By unanimous consent, ordered sent forthwith.

#### **Ought to Pass in New Draft/New Title**

Representative Rotondi from the Committee on Local and County Government on Bill "An Act to Provide for the Surrender by Plantation 21 of its Organization" (Emergency) (H. P. 126) (L. D. 134) reporting "Ought to Pass" in New Draft/New Title Bill "An Act to Deorganize Plantation 21" (Emergency) (H. P. 284) (L. D. 309)

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

By unanimous consent, ordered sent forthwith.

#### **Consent Calendar**

##### **First Day**

In accordance with House Rule 56, the following item appeared on the Consent Calendar for the First Day:

##### **First Day**

(H. P. 79) (L. D. 83) Bill "An Act to Include the Public Advocate as a Member of the Energy Resources Advisory Board"—Committee on State Government reporting "Ought to Pass"

No objections being noted, the above item was ordered to appear on the Consent Calendar later in the day under the listing of the Second Day.

#### **(Off Record Remarks)**

##### **House at Ease**

Called to order by the Speaker.

On motion of Mr. Hickey of Augusta, Recessed until the sound of the gong.

##### **After Recess 12:40 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:

#### **Unanimous Ought Not to Pass**

Representative Brannigan from the Committee on Business Legislation on Bill "An Act to Authorize Either an Engineer or an Architect to Act as a Prime Professional under Certain Circumstances" (H. P. 165) (L. D. 196) reporting "Ought Not to Pass"

Was placed in the Legislative Files without further action pursuant to Joint Rule 15, and sent up for concurrence.

#### **Unanimous Leave to Withdraw**

Representative Brannigan from the Committee on Business Legislation on Bill "An Act Concerning the Qualifications for Licensure as a Practical Nurse" (H. P. 29) (L. D. 34) reporting "Leave to Withdraw"

Was placed in the Legislative Files without further action pursuant to Joint Rule 15, and sent up for concurrence.

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

#### **Passed to Be Enacted Emergency Measure**

An Act to Deorganize Plantation 21 (H. P. 284) (L. D. 309)

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.

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

#### **Passed to Be Enacted Emergency Measure**

An Act to Deorganize Elliottsville Plantation (H. P. 283) (L. D. 308)

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.

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

#### **Unanimous Ought Not to Pass**

Representative Carroll from the Committee on Transportation on Bill "An Act Relating to Initial Registration Plates" (H. P. 60) (L. D. 66) reporting "Ought Not to Pass"

Representative Carroll from the Committee on Transportation on Bill "An Act to Change the License Plate Slogan" (H. P. 61) (L. D. 67) reporting "Ought Not to Pass"

Were placed in the Legislative Files without further action pursuant to Joint Rule 15, and sent up for concurrence.

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

#### **Unanimous Leave to Withdraw**

Representative Carroll from the Committee on Transportation on Bill "An Act Concerning Signs on the Maine Turnpike" (H. P. 62) (L. D. 68) reporting "Leave to Withdraw"

Representative Carroll from the Committee on Transportation on Bill "An Act to Permit Hitchhiking" (H. P. 64) (L. D. 70) reporting "Leave to Withdraw"

Were placed in the Legislative Files without further action pursuant to Joint Rule 15, and sent up for concurrence.

The following paper appearing on Supplement

ment No. 6 was taken up out of order by unanimous consent:

#### **Divided Report**

Majority Report for the Committee on State Government reporting "Ought Not to Pass" on Bill "An Act to Amend Eligibility Requirements Under the H.O.M.E. Program" (H. P. 69) (L. D. 75)

Report was signed by the following members:

##### **Senators:**

VIOLETTE of Aroostook  
BALDACCI of Penobscot

— of the Senate.

##### **Representatives:**

GWADOSKY of Fairfield  
KETOVER of Portland  
SALSBURY of Bar Harbor  
COOPER of Windham  
LaPLANTE of Sabattus  
DILLENBACK of Cumberland  
PARADIS of Augusta

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (H. P. 285) (L. D. 310) on same Bill.

Report was signed by the following members:

##### **Representatives:**

HOLLOWAY of Edgecomb  
LEBOWITZ of Bangor  
SPROUL of Augusta

— of the House.

##### **Senator:**

HICHENS of York  
— of the Senate—abstaining.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Gwadosky.

Mr. GWADOSKY: Mr. Speaker, I move that we accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The gentleman from Fairfield, Mr. Gwadosky, moves that the Majority "Ought Not to Pass" Report be accepted.

The SPEAKER: The Chair recognizes the gentleman from Bath, Ms. Small.

Ms. SMALL: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will not accept the Majority "Ought Not to Pass" Report on this so that we can later go on and accept the Minority "Ought to Pass" Report.

This legislation is simply the same as the amendment that I had a year ago on the Governor's HOME Bill. What it does, it tells the Housing Authority not to allow first time home buyers to buy apartments with four units. It limits them to single-family units or duplexes.

The reason we presented this bill is—of course, it is not as necessary now because the Governor's Home Bill interest rates are actually higher than the standard interest rates that are going now—but should interest rates go back up to 16 percent, it is very difficult for a first-time home buyer to buy a single-unit home under 16 percent interest rates. It is not difficult for someone to buy an apartment with four units under 16 percent. The reason for this is, you simply charge rents to pay your mortgage so you can actually live in a four-unit apartment, not pay any rent, and have your mortgage covered, but it is difficult to buy a single-family dwelling, even a duplex.

In the committee we argued that people were making a profit using lower interest rates, or subsidized interest rates by the state, and buying a four-unit apartment. Well, they may be making a profit but this is not the sole criteria for not allowing this. If they make a profit, fine. The problem is, there is a limited amount of monies and by allowing people to buy apartment buildings under this program, it uses up monies that could be used by the person buying the single-family unit. This is the people that we are trying to reach.

I supported the Home Bill; I saw there was a need for first-time home buyers who were trying to buy a house that could not pay \$700 or



\$800 a month mortgage payments, but for them to extend it to a four-unit or three-unit apartment building I feel is unnecessary and it takes monies that could be used by the first-time home buyer for a single or double unit home. This is why I object to this.

I would request a roll call, Mr. Speaker.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote 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 Chair recognizes the gentleman from Fairfield, Mr. Gwadosky.

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: It was last year, during the second session of the 110th Legislature, that the Maine Legislature enacted the Housing Opportunities for Maine Program. The issue before us today deals with one of the sub-programs of that general program, specifically that area of subsidizing interest and principal for low-income persons to purchase their first home.

The purpose of the minority report, the amendment, which is identical to the one that was presented last year and ultimately defeated, is to delete the opportunity for somebody to buy a home that has more than two units. Philosophically, the reasons are that residences with three or more units is a commercial venture and that the state should not be involved in subsidizing the commercial landlord. I guess it sounds all well and good, but philosophically I think that you have to take a look at the facts.

Since the program has been instituted, 1,056 individuals have been assisted in purchasing their first home. Of that total, less than five have been for more than two units. So, while it sounds like we're having a big problem of people taking advantage of the state, it really isn't a problem. It is a philosophical problem that doesn't bear when you look at the numbers. If anything, I think that although they are arguing that we shouldn't be providing this money for even these five people to rent apartments, I think I would argue just the opposite because, if anything, the state should be encouraging the opportunity for low-income people, who don't have the additional money to buy even a single home, we should allow them at least the opportunity to buy a home that may have three or four apartments so that they can supplement their own income. It's just good housing policy and good social policy for us to be doing this.

It is for these reasons that the majority of our committee felt that this was an unnecessary amendment and I would urge you to support the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Ms. Small.

Ms. SMALL: Mr. Speaker, I just want to clarify one point, if I may ask Mr. Gwadosky a question. Representative Gwadosky mentioned low-income people being able to take advantage of this, and perhaps my perception of low income is different than his, but what is the minimum income you have to earn before you can come under the HOME Program?

The SPEAKER: The gentlewoman from Bath, Ms. Small, has posed a question through the Chair to the gentleman from Fairfield, Mr. Gwadosky, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. GWADOSKY: Mr. Speaker and Members of the House: There are a number of criteria to fall under this program, but the income level is \$28,000 for combined gross income.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Fairfield, Mr. Gwadosky, that

the Majority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEAS—Ainsworth, Allen, Anderson, Andrews, Baker, Beaulieu, Bonney, Bost, Brannigan, Brodeur, Brown, A.K.; Carrier, Carroll, D.P.; Carroll, G.A.; Cashman, Chonko, Clark, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Dillenback, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Jalbert, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lebowitz, Lehoux, Lisnik, MacEachern, Macomber, Mahany, Manning, Masterton, Matthews, Z.E.; Maybury, Mayo, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Perkins, Perry, Pouliot, Racine, Reeves, P.; Richard, Roberts, Rolde, Rotondi, Salsbury, Smith, C.B.; Soucy, Soule, Stevens, Strout, Swazey, Tammaro, Telow, Theriault, Thompson, Tuttle, Vose, Mr. Speaker.

NAYS—Armstrong, Bell, Bott, Brown, D.N.; Brown, K.L.; Cahill, Callahan, Conary, Curtis, Davis, Dexter, Drinkwater, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Kiesman, Lewis, Livesay, MacBride, Masterman, Matthews, K.L.; McPherson, Murphy, Parent, Paul, Pines, Randall, Reeves, J.W.; Ridley, Roderick, Scarpino, Seavey, Sherburne, Small, Smith, C.W.; Sproul, Stevenson, Stover, Studley, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilston.

ABSENT—Benoit, Carter, Connors, Day, Dudley, Locke, Martin, A.C.; Martin, H.C.; McCollister.

Yes, 94; No, 48, Absent, 9.

The SPEAKER: Ninety-four having voted in the affirmative and forty-eight in the negative, with nine being absent, the motion does prevail.

Sent up for concurrence.

The following papers appearing on Supplement No. 7 were 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 Concerning the Misuse of Fuel Assistance Benefits" (H. P. 70) (L. D. 76)

Report was signed by the following members:

Sensors:

CHARETTE of Androscoggin  
DANTON of York

— of the Senate.

Representatives:

COX of Brewer  
HANDY of Lewiston  
COTE of Auburn  
McSWEENEY of Old Orchard Beach  
SWAZEY of Bucksport

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Report was signed by the following members:

Sensor:

SHUTE of Waldo

— of the Senate.

Representatives:

DILLENBACK of Cumberland  
STUDLEY of Berwick  
DUDLEY of Enfield  
PERRY of Mexico  
STOVER of West Bath

— of the House.

Reports were read.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I would move that the House accept the Majority "Ought Not to Pass" Report and would speak to my motion.

The SPEAKER: The gentleman from Brewer,

Mr. Cox, moves that the Majority "Ought Not to Pass" Report be accepted.

The gentleman may proceed.

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: In the opinion of the majority of the committee, this bill is simply not necessary, it is not important enough, if there are any so-called misuses in this program, for us to further clutter our statutes or further clog court dockets in order to punish some person who receives fuel assistance for giving or selling some of the fuel that the person receives, regardless of the reason why this is done. Really, we have received no hard information that there is any amount of this taking place and the move seems to be generated as much from a vague and amorphous opinion that is widely spread that there are tremendous abuses in welfare and that this bill seems to be making scapegoats of those people who do receive fuel and for some reason might feel it necessary to sell or otherwise transfer some portion of this fuel that they receive to some other people.

It would be very difficult to enforce and expensive if the entities who are handling this are going to have to check with everyone who receives it periodically to see if he has 200 gallons in his tank, which they might think he needed to have, and there seems to be 25 gallons missing, someone is going to have to bring charges against this person and bring them into court.

It wouldn't make the person liable for a civil offense and a fine up to \$250, and making the person ineligible to receive any further benefits under the program for the balance of the calendar year or the heating year, whichever would be applicable in the same case.

I would hope that you would accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Dillenback.

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill that is a matter of philosophy. We heard somebody speak previously about philosophy — this is a philosophy bill.

When a person receives aid for fuel \$350 to \$400 to help them heat their home, take care of their family, and they have a number of cords of wood dumped in their yard, instead of using that fuel to take care of their home or their family, they turn around and sell this fuel and use the money for whatever they wish to do.

This bill is not a perfect bill, to be very frank, because I suggested to the committee that we make several small amendments to it, but the thing that bothered me most about this bill is that the people who are administering this fuel assistance to the people are suggesting that it is perfectly all right for people to do this. I don't think that is what the intent of the bill is. Surely, if someone moves from one residence to another, they should be able to transfer the fuel or sell the fuel, but if somebody wants to go out and buy a bottle of liquor or buy something else, I don't think they have the right to sell that fuel.

The argument was brought forth, what if somebody has, over a period of time, accumulated enough money to buy their fuel and then they have the wood delivered to their home, why shouldn't they be able to sell it? My comment to that is, if they have enough money to buy the fuel, they didn't need it in the first place.

We have all sorts of programs; all this asks for is a small fine, and you know and I know that they will never pay the fine anyhow. Furthermore, they could go to their town and receive the assistance, so that was another change that should have been made in the bill, but this committee would not consider doing that. I had hoped there would be an amendment on the floor to take care of this.

I cannot believe in my heart and I cannot believe that the people on this floor today will vote to allow people to get fuel assistance and



then turn around and sell the fuel for the money that they want to use in any way. I don't think that is the American way and I hope that we have asked for a vote on this issue today.

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

Mr. WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to ask you to oppose the motion by Representative Cox. I believe that this bill has merit and is a good idea. I believe the working people of my district, the working people of the state, are tired of the abuses in the social programs.

Why is it illegal to sell Food Stamps and illegal to abuse the AFDC program in this state but it is not illegal to sell fuel? I am not talking about fuel oil, that is included, I am concerned about fuel wood, people taking wood, as Representative Dillenback has mentioned, and selling it. I want to know why those things are illegal and those things are no more difficult to administer, as Representative Cox mentioned, than this bill would be.

I submitted this bill because I believe there is some slight imperfection in this law and I believe that the fuel assistance program was established under good reasoning to assist the poor and the needy people in this state to heat their homes. It was not intended to be an item that once you received it you could turn around and do whatever you wanted to with it. This is happening, and even if it isn't happening, that is not the point, the people know they can do it and I assure you that it is being done.

As a taxpayer, I resent the imperfection of this law to allow people to abuse the system.

I will agree with Representative Dillenback that L. D. 76, the bill we are debating here today, has faults, and I have submitted to Legislative Research an amendment which addresses all the concerns that Representative Dillenback has. If you will defeat this motion by Representative Cox, I intend to offer that amendment and I believe it would address the concerns that he has and many members of this legislature have; it concerns me.

When somebody leaves a community for some reason, leaves their home, I would amend this bill to say that they may dispose of the fuel that they have received because obviously they are not going to cart 10 cords of wood from Farmington to Bangor or wherever they move. My concern is that we address the abuse in this program, the abuse that we all know is there.

I ask you to vote today against Representative Cox's motion, because I believe that the working people in this state want something done about the abuse in the social service programs and this is an area where we can do that. I ask you to vote against Representative Cox's motion so I may submit my amendment and we can pass this law.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: When this bill was being heard a few days ago in the Legal Affairs Committee, I took time to go down and listen to the testimony presented by Mr. Webster and he repeated down there, as he has up here, the alleged abuses in this program — alleged abuses — he was questioned repeatedly by the committee and he fumbled, dogged, walked and never came up with any concrete answers. If there is anything that infuriates me any more, it is to have people make general indictments about programs in this state and that is exactly what he did, that is exactly what he is doing here today, he is trying to color or discolor social service programs that operate in this state.

The state of Maine can be proud of the fuel assistance program we have in this state. We spend \$25 million. You know what the error rates on that \$25 million, questionable cost, less than \$3,000; that is just another whole segment of the program that we have operating in the state. To come in here and blanket

the indictment of Food Stamps or any other social programs in this state in a very clever way bothers me as a legislator.

The bill deserves no merit, the majority of the committee felt so, and I hope that we support Mr. Cox's motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. Perry.

Mr. PERRY: Mr. Speaker, Ladies and Gentlemen of the House: The issue here is permissiveness to commit acts which may be legal under the law but very distasteful for the taxpayers. Fraudulent recipients have a compounding effect. They deprive the needy, they also encourage further illegal applications. The problem exists in other entitlement programs, so if we are to cure this problem, we may help solve some of the other programs. The taxpayers back home are aware of this problem and I am made aware of it every week. In this day of tight money, these practices of waste and fraud must be stopped.

This bill will not cure everything but it will be a deterrent to those who might want to take a chance.

I urge you to vote to accept the Minority Report.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Lisnik.

Mr. LISNIK: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to Representative Webster. In calling my CAP people back home, they administered about 5,000 clients for this program, and the lady said they documented about four instances of abuses over that 5,000 clients. She said it would just be a monster to try to trail these people around and find out just what the abuses were and they certainly were not capable of doing that.

I am wondering, Mr. Webster, how many abuses did you document from your community? It seems to me that four clients out of a total of 5,000 certainly wouldn't warrant the sort of legislation that you are asking here today.

The SPEAKER: The gentleman from Presque Isle, Mr. Lisnik, has posed a question through the Chair to the gentleman from Farmington, Mr. Webster, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: Representative Lisnik, I serve in the capacity at home where I put in furnaces and do oil burner work for a living and I know of two cases myself of individuals who abuse the system.

I am not sure that the point is how many people have abused it. I believe that the intent of this legislation, the intent of the original law, was not to have any abuses and I am not saying that we can correct them all.

When I spoke in front of the committee, I asked the committee to support this bill because I believe it is going to be a good incentive, a good way of saying, hey, if you abuse the system, you are going to be penalized.

The way it is now under current law, you are allowed to do whatever you want with that fuel once you receive it and I believe that, unfortunately, some people are going to abuse it. I believe that this would be a deterrent to the people who are receiving assistance that don't need it. I doubt that there would be many people getting this assistance that don't need it, but I know of the two cases. In both cases I know of personally, the people received the fuel because they fall in the guidelines. They in turn sold it once they received it.

Your implication, Representative Lisnik, that there is going to have to be some type of squad set up to follow these people around is very distasteful to me. The reason it is because — how many squads, how many people do we have policing the force now under the Food Stamp Program? We don't have anybody out there checking every food stamp person that receives that or any other government

program.

This bill would be administered the same way that any other bill is that we pass. If someone complains about an abuse, it will be researched and find out if there is any legal reasoning behind that complaint.

I would ask for a roll call, Mr. Speaker.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Lisnik.

Mr. LISNIK: Mr. Speaker, Ladies and Gentlemen of the House: I have some testimony from Jadine O'Brien and she stated that on a statewide level last year there was something like 12 cases that were reported — state wide 12 cases — at a cost of \$400.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Having worked in the fuel assistance program as a field worker, I just want to clarify something. Most of the people who receive help under the fuel assistance receive oil or electricity. They do not receive any payments directly, that goes directly to the dealer, so we would only be talking of any possible abuses through those people who receive fire wood, which is a very small percentage, and I would ask if anyone knows what that percentage is. I know in my own town it would probably be about one percent of the people in the town who are receiving fuel assistance that receive fire wood, and that would be the only area in which this type of possible abuse could occur.

I would also wonder what the current law is under the federal regulations as to what these people are supposed to do with that fund.

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

The Chair recognizes the gentlewoman from Wells, Mrs. Wentworth.

Mrs. WENTWORTH: Mr. Speaker and Members of the House: I hadn't intended to speak on this and probably Representative Webster will be surprised that I am agreeing with him for once, but in my town we have several people who have been complained against for having wood delivered and selling it. First they were told by the wood delivers, take it so we can keep delivering it to you. When we approached the CAP director, he said, I have been told from Augusta that if they qualify they must be delivered wood to; what they do with it is their own business.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote 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 is on the motion of the gentlemen from Brewer, Mr. Cox, that the Majority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEAS—Ainsworth, Allen, Andrews, Baker, Beaulieu, Bost, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Erwin, Gauvreau, Gwadnosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Jalbert, Joseph, Joyce, Kane, Kelleher Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, MacEachern, Macomber, Mahany, Manning, Matthews, Z.E.; Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Mitchell, J. Moholland, Murray, Nadeau, Nelson, Norton, Paradis, P.E.; Pouliot, Reeves, P. Richard, Roberts, Rolde, Rotondi, Smith, C.B.; Soucy, Soule, Stevens, Swazey, Tammaro, Theriault, Thompson, Vose, The Speaker.

NAYS—Anderson, Armstrong, Bell, Bonney, Bott, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carrier, Conary, Cooper, Curtis, Davis, Dexter, Dillenback, Drinkwater, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Kiesman, Lebowitz, Lewis, Livesay, MacBride, Masterman, Masterton, Matthews, K.L.; Maybury, McPherson, Michael, Michaud, Murphy, Paradis, E.J.; Parent, Paul, Perkins, Perry, Pines, Racine, Randall, Reeves, J.W. Ridley, Roderick, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.W.; Sproul, Stevenson, Stover, Strout, Studley, Telow, Tuttle, Walker, Webster, Wentworth, Weymouth, Willey, Zirnkilton.

ABSENT—Benoit, Connors, Day, Dudley, Locke, Martin, A.C.; Martin, H.C.; Mitchell, E.H. Yes, 76; No, 67; Absent, 8.

The SPEAKER: Seventy-six having voted in the affirmative and sixty-seven in the negative, with eight being absent, the motion does prevail.

Sent up for concurrence.

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

#### **Consent Calendar**

##### **Second Day**

(H. P. 79) (L. D. 83) Bill "An Act to Include the Public Advocate as a Member of the Energy Resources Advisory Board"

There being not objection, the above item was passed to be engrossed and sent up for concurrence.

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

#### **Consent Calendar**

##### **First Day**

(S. P. 72) (L. D. 178) Bill "An Act to Amend the Maine Guarantee Authority Act to Allow for More Expansive Development in the State" — Committee on State Government reporting "Ought to Pass"

There being objection, the above item 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 and passed to be engrossed in concurrence.

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

Mr. JALBERT: Mr. Speaker, wherein it concerns L. D. 76, Bill "An Act Concerning the Misuse of Fuel Assistance Benefits," having voted on the prevailing side on the "ought not to pass" report, I move that this matter be reconsidered and when you vote, I would like to ask you to vote against me. But in view of the fact that the gentleman from Farmington is not in his seat, I would further move that this be tabled until tomorrow morning.

Subsequently, Mr. Jalbert of Lewiston withdrew his motion to table for one day.

Mr. JALBERT: I hope when you vote to reconsider you vote against me.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, having voted on the prevailing side, now moves that we reconsider our action of earlier in the day whereby the Majority "Ought Not to Pass" Report was accepted on Bill "An Act Concerning the Misuse of Fuel Assistance Benefits," House Paper 70, L. D. 76. All those in favor of reconsideration will say yes; those opposed will say no.

A viva voce vote being taken, the motion to reconsider did not prevail.

#### **(Off Record Remarks)**

On motion of Mr. Lehoux of Biddeford,  
Adjourned until nine-thirty tomorrow morning.