

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, February 7, 1983

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

Prayer by the Reverend George Bland of the South Paris Congregational Church, Augusta.

The members stood at attention for the Pledge of Allegiance to the Flag.

The journal of the previous session was read and approved.

Papers from the Senate
Non-concurrent Matter

Bill "An Act to Provide for Leaves of Absence for Employees Elected to the Legislature, Excluding Employees Covered under Provisions Dealing with Teachers" (H. P. 349) which was referred to the Committee on State Government in the House on February 1, 1983.

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

In the House: On motion of Mr. Gwadosky of Fairfield, the House voted to recede and concur.

Non-concurrent Matter

Bill "An Act Relating to the Nonliability of Physicians or Other Persons who Voluntarily Report Physical or Mental Impairments of Licensees to the Secretary of State" (H. P. 367) which was referred to the Committee on Transportation in the House on February 1, 1983.

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

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

Messages and Documents

The following Communication: (S. P. 175)

The Senate of Maine
Augusta

February 1, 1983

Honorable Richard R. Charette

Honorable Harold R. Cox

Chairs

Joint Standing Committee on Legal Affairs

State House

Augusta, Maine 04333

Dear Chair Charette and Cox:

Please be advised that Governor Joseph E. Brennan is nominating James V. Gibbons of South Portland for reappointment to the Maine State Liquor Commission.

Pursuant to Title 3 MRSA Section 151-A, this nomination will require review by the Joint Standing Committee on Legal Affairs and confirmation by the Senate.

Sincerely,

S/GERARD P. CONLEY

President of the Senate

S/JOHN L. MARTIN

Speaker of the House

Came from the Senate read and referred to the Committee on Legal Affairs.

In the House, was read and referred to the Committee on Legal Affairs in concurrence.

The following Communication: (S. P. 176)

The Senate of Maine
Augusta

February 1, 1983

The Honorable Gerard P. Conley

President of the Maine Senate

111th Legislature

The Honorable John L. Martin

Speaker of the Maine House

111th Legislature

Dear President Conley and Speaker Martin:

Please be advised that today eleven (11) bills were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committee on February 1, 1983 as follows:

Business Legislation:

Bill, An Act to Clarify the Definition of Chiro-

practic. (S. P. 164) (L. D. 519) (Presented by Senator Pray of Penobscot) (Cosponsored by Senator Charette of Androscoggin, Representative Gwadosky of Fairfield and Representative Higgins of Scarborough.)

Bill, An Act to Prohibit Unfair Competition from the State in Video Productions. (S. P. 165) (L. D. 520) (Presented by Senator Clark of Cumberland)

Education:

Bill, An Act Concerning Certain Inequities under the Education Laws. (S. P. 166) (L. D. 521) (Presented by Senator Collins of Knox.) (Cosponsored by Representative Scarpino of St. George.)

Energy and Natural Resources:

Bill, An Act to Create the Nuclear Activity Consent Law. (S. P. 167) (L. D. 522) (Presented by Senator Carpenter of Aroostook) (Cosponsored by Senator Wood of York and Representative Diamond of Bangor)

Judiciary:

Bill, An Act Relating to Criminal Offenses on the Penobscot Reservation. (S. P. 168) (L. D. 523) (Presented by Senator Pearson of Penobscot) (Cosponsored by Representative Cashman of Old Town)

Bill, An Act Relating to Probate Proceedings. (S. P. 169) (L. D. 524) (Presented by Senator Pearson of Penobscot) (Cosponsored by Representative Cashman of Old Town)

Labor:

Bill, An Act to Clarify the Negotiability of Pay Rates Under the State Employees Labor Relations Act. (S. P. 170) (L. D. 525) (Presented by Senator Bustin of Kennebec) (Cosponsored by Senator Hayes of Penobscot and Representative Rolde of York.)

Local and County Government:

RESOLVE, to Name the Brook and Pond Located on the West Poland Road in Oxford County and on the West Shore of Thompson Lake in Honor of the Perkins Family. (S. P. 171) (L. D. 526) (Presented by Senator Twitchell of Oxford.)

Bill, An Act to Provide All Municipalities with the Option to Establish a Local Board of Assessment Review. (S. P. 172) (L. D. 527) (Presented by Senator Perkins of Hancock) (Cosponsored by: Representative Chonko of Topsham, Representative H.C. Higgins of Portland and Representative Brown of Bethel.)

Marine Resources:

Bill, An Act to License the Harvest of Seaweeds. (S. P. 173) (L. D. 528) Submitted by the Department of Marine Resources pursuant to Joint Rule 24. (Presented by Senator Minkowsky of Androscoggin) (Cosponsored by: Representative Cahill of Woolwich, Representative Scarpino of St. George and Representative Crowley of Stockton Springs.)

Public Utilities:

Bill, An Act Concerning Cable Television. (S. P. 174) (L. D. 529) (Presented by Senator Durtremble of York)

Sincerely,

S/JOY J. O'BRIEN

Secretary of the Senate

S/EDWIN H. PERT

Clerk of the House

Came from the Senate read and ordered placed on file.

In the House, was read and ordered placed on file in concurrence.

The following Communication: (S. P. 185)

The Senate of Maine
Augusta

February 2, 1983

The Honorable Gerard P. Conley

President of the Maine Senate

111th Legislature

The Honorable John L. Martin

111th Legislature

Dear President Conley and Speaker Martin:

Please be advised that today six: bills were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on February 2, 1983 as follows:

Health and Institutional Services:

Bill, An Act to Reinstate the Authority of the Division of Eye Care to Carry out Certain Aspects of its Prevention of Blindness Program. (S. P. 181) (L. D. 548) (Presented by Senator Hichens of York) (Cosponsored by: Representative Macomber of South Portland.)

Bill, An Act to Provide Itemized Hospital Bills to Medicare Beneficiaries and Medicaid Recipients. (S. P. 182) (L. D. 549) (Presented by Senator Najarian of Cumberland) (Cosponsored by: Representative Murphy of Kennebec and Representative A. Perkins of Brooksville.)

Labor:

Bill, An Act to Provide for the Negotiation of Seniority Provisions. (S. P. 177) (L. D. 544) (Presented by Senator Hayes of Penobscot) (Cosponsored by Representative Baker of Portland.)

Bill, An Act to Repeal the Nonnegotiability of Educational Policies. (S. P. 178) (L. D. 545) (Presented by Senator Hayes of Penobscot) (Cosponsored by: Representative Bost of Orono and Representative Beaulieu of Portland.)

Bill, An Act to Require Participation in Good Faith in Fact Finding. (S. P. 179) (L. D. 546) (Presented by Senator Hayes of Penobscot) (Cosponsored by Representative Bost of Orono, Representative A. Brown of Gorham and Representative Matthews of Caribou)

State Government:

RESOLVE, Approving the 1983 Draft and Arrangement of the Constitution of Maine Made by the Chief Justice of the Judicial Court and Providing for its Publication and Distribution. (S. P. 180) (L. D. 547) (Presented by Senator Trafton of Androscoggin) (Cosponsor: Representative Hobbins of Saco.)

Sincerely,

S/JOY J. O'BRIEN

Secretary of the Senate

S/EDWIN H. PERT

Clerk of the House

Came from the Senate read and ordered placed on file.

In the House, was read and ordered placed on file in concurrence.

Petitions, Bills and Resolves
Requiring Reference

The following Bills were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Appropriations and Financial Affairs

Bill "An Act Authorizing a Bond Issue in the Amount of \$2,700,000 for the Purposes of Stabilizing and Restoring the Unique Historic Structures of the State" (H. P. 455) (Presented by Representative Rolde of York)

Bill "An Act Relating to Administration of Appropriations and Allocations for the Maine Human Services Council" (Emergency) (H. P. 456) (Presented by Representative Kelleher of Bangor)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act to Reduce Oversight Responsibilities of the Superintendent of Insurance with Respect to the Maine Self-Insurance Guarantee Association" (H. P. 457) (Presented by Representative Brannigan of Portland)

Bill "An Act to Amend the Consumer Credit Code Regarding the Interest Rate which can be Charged on Mobile Home Loans" (Emergency) (H. P. 458) (Presented by Representative Conary of Oakland) (Cosponsor: Senator Twitchell of Oxford)

(Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act to Change the Date of the Primary Election" (H. P. 459) (Presented by Representative Tuttle of Sanford)
(Ordered Printed)
Sent up for concurrence.

Energy and Natural Resources

Bill "An Act to Provide for an Analysis of the Future of Maine's Forest Resources" (H. P. 460) (Presented by Representative Brown of Bethel) (Cosponsors: Representative Hall of San-
gerville and Senator Pearson of Penobscot)
(Ordered Printed)
Sent up for concurrence.

Marine Resources

Bill "An Act to Protect Underwater Electric Cables and to Increase the Penalties for Violations" (H. P. 461) (Presented by Representative Perkins of Brooksville) (Cosponsors: Representatives Zirkilton of Mount Desert, Salsbury of Bar Harbor and Senator Perkins of Hancock)
(Ordered Printed)
Sent up for concurrence.

State Government

Bill "An Act Concerning Display of the State Flag at Customs Offices Within the State" (H. P. 462) (Presented by Representative Ingraham of Houlton)
(Ordered Printed)
Sent up for concurrence.

Taxation

Bill "An Act to Provide a Trade-in Credit for the Sales Tax on Campers" (H. P. 463) (Presented by Representative Soule of Westport)
(Ordered Printed)
Sent up for concurrence.

Study Report

Committee on Energy and Natural Resources
Representative Michaud from the Committee on Energy and Natural Resources to which was referred the study relative to the feasibility of current-type turbines for hydropower production pursuant to Joint Order H.P. 2400 have had the same under consideration and ask leave to submit its findings and to report that the accompanying RESOLVE, Authorizing and Directing the Joint Standing Committee on Energy and Natural Resources to Contract for an Engineering Study of Maine River Sites to Determine the Feasibility of Current-type Turbines for Hydropower Production (Emergency) (H. P. 453) (L. D. 550) be referred to this Committee for public hearing and printed pursuant to Joint Rule 19.

Report was read and accepted, the Resolve referred to the Committee on Energy and Natural Resources, ordered printed and sent up for concurrence.

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

Representative Mitchell from the Committee on Energy and Natural Resources on Bill "An Act to Amend the Subdivision Law" (H. P. 13) (L. D. 9) reporting "Leave to Withdraw"

Representative Ridley from the Committee on Energy and Natural Resources on Bill "An Act to Amend the Maine Christmas Tree Law to Include Registration for Transportation" (H. P. 39) (L. D. 44) reporting "Leave to Withdraw"

Representative Michaud from the Committee on Energy and Natural Resources on Bill "An Act to Exempt Gold Panning from State Regulation" (H. P. 54) (L. D. 60) reporting "Leave to Withdraw"

Representative Michaud from the Committee on Energy and Natural Resources on Bill "An Act to Enable the Sale of Camp Lots to Owners under the Direction of the Bureau of Public Lands" (H. P. 98) (L. D. 105) reporting "Leave to Withdraw"

Representative Bott from the Committee on

Education on Bill "An Act to Modify the Criteria for Establishing a School Administrative District" (H. P. 51) (L. D. 56) reporting "Leave to Withdraw"

Representative Roberts from the Committee on Local and County Government on Bill "An Act to Establish Minimum Standards for the Recording of Plats and Maps in Registries of Deeds" (H. P. 246) (L. D. 293) reporting "Leave to Withdraw"

Representative Higgins from the Committee on Taxation on Bill "An Act to Permit Municipalities to Set More Than One Date After Which Interest Shall Accrue for Nonpayment of Municipal Property Taxes" (H. P. 124) (L. D. 132) reporting "Leave to Withdraw"

Representative Higgins from the Committee on Taxation on Bill "An Act to Require Public Institutions to Pay Sales Tax on Income Received from the Rental of Rooms for Meetings" (H. P. 113) (L. D. 120) reporting "Leave to Withdraw"

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

Ought to Pass in New Draft/New Title

Representative Stover from the Committee on Legal Affairs on Bill "An Act Relating to Furnishing Liquor to Certain Persons" (H. P. 36) (L. D. 41) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Relating to Furnishing or Allowing Consumption of Liquor by Certain Persons" (H. P. 454) (L. D. 551)

Report was read and accepted, the New Draft given its first reading and assigned for second reading, Tuesday, February 8.

Consent Calendar**Second Day**

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

(S. P. 21) (L. D. 22) Bill "An Act Relating to the Annual Observance of Saint Jean-Baptiste"

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was passed to be engrossed in concurrence.

Second Reader**Tabled and Assigned**

Bill "An Act Providing for an Additional District Court Judge Within the Judicial Division of Southern Androscoggin County" (H. P. 437) (L. D. 530)

Was reported by the Committee on Bills in the Second Reading and read the second time.

On motion of Representative Mitchell of Vassalboro, tabled pending passage to be engrossed and specially assigned for, Thursday, February 10.

Passed to Be Engrossed

Bill "An Act to Authorize a New Federally-funded Telephone System at Camp Keyes" (Emergency) (H. P. 369) (L. D. 344)

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

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

Unanimous Leave to Withdraw

Representative Bost from the Committee on Public Utilities on Bill "An Act to Change the Number of Trustees on the Caribou Utilities District Board from 3 Members to 5 Members." (H. P. 102) (L. D. 109) reporting "Leave to Withdraw"

Representative Salsbury from the Committee on State Government on Bill "An Act to Create a Legislators' Turnpike Pass" (H. P. 184) (L. D. 213) 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 No. 2 was taken up out of order by unanimous consent:

Consent Calendar**First Day**

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

(H. P. 15) (L. D. 11) Bill "An Act to Establish a Boundary Line Between the Towns of Burnham, Unity and Unity Township"—Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-6)

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 9, under listing of Second Day.

(Off Record Remarks)

On motion of Mrs. Martin of Brunswick.
Adjourned to Wednesday, February 9, at nine o'clock in the morning.