

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

Thursday, February 17, 1983

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

Prayer by the Reverend Donald Smith of the Buxton Center Baptist Church, Buxton.

The journal of yesterday was read and approved.

**Papers from the Senate
Unanimous Leave to Withdraw**

Report of the Committee on Agriculture reporting "Leave to Withdraw on Bill 'An Act to Provide Funding for the Potato Blossom Festival' (S. P. 134) (L. D. 553)

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

**Referred to Committee on
Health and Institutional Services**

Report of the Committee on Business Legislation on Bill "An Act to Establish the Third-party Prescription Program Act" (S. P. 199) (L. D. 621) reporting that it be referred to the Committee on Health and Institutional Services.

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on Health and Institutional Services.

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

**Referred to Committee on
Aging, Retirement and Veterans**

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Establish Wage-based, Cost-of-Living Adjustments for Retired State Employees, Teachers and Beneficiaries" (S. P. 209) (L. D. 630) reporting that it be referred to the Committee on Aging, Retirement and Veterans.

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on Aging, Retirement and Veterans.

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

Non-Concurrent Matter

Bill "An Act to Permit Bowling Alleys to Sell Spirituous, Vinous and Malt Liquor" (H. P. 178) (L. D. 207) which Failed of Passage to be Engrossed in the House on February 14, 1983.

Came from the Senate passed to the engrossed in non-concurrence.

In the House:

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

Mr. COX: Mr. Speaker, I move that the House recede and concur.

The SPEAKER: The gentleman from Brewer, Mr. Cox, moves that the House recede and concur.

The Chair recognizes the gentleman from West Bath, Mr. Stover.

Mr. STOVER: Mr. Speaker and Members of the House: This is the same piece of legislation that the House defeated earlier in the week. I would ask you to vote no on the pending motion and reaffirm that decision. I would ask for a roll call.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. 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.

Mr. Cashman of Old Town requested permission to be excused from voting pursuant to Joint Rule 10, which was granted.

The SPEAKER: The pending question is on the motion of the gentleman from Brewer, Mr. Cox, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Andrews, Armstrong, Bonney, Bott, Carter, Cote, Cox, Crouse, Dillenback, Erwin, Greenlaw, Gwadosky, Higgins, H.C.; Hobbins, Kane, Kelleher, Kiesman, MacEachern, Macomber, Manning, McSweeney, Michael, Murray, Paradis, E.J.; Paradis, P.E.; Paul, Perkins, Perry, Racine, Rotondi, Salisbury, Soule, Studley, Swazey, Theriault, Tuttle, Walker, Weymouth, Willey, Zirkilton.

NAY—Ainsworth, Allen, Anderson, Beau-lieu, Bell, Benoit, Bost, Brodeur, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carroll, D.P.; Carroll, G.A.; Chonko, Clark, Conary, Conners, Cooper, Crowley, Daggett, Day, Dexter, Diamond, Drinkwater, Dudley, Foster, Handy, Hayden, Hickey, Higgins, L.M.; Holloway, Ingraham, Jalbert, Joseph, Joyce, Kelly, Ketover, Kilcoyne, LaPlante, Lebowitz, Lewis, Lisnik, Livesay, Locke, MacBride, Martin, A.C.; Martin, H.C.; Masterman, Matthews, K.L.; Matthews, Z.E.; Maybury, Mayo, McCollister, McHenry, McPherson, Melendy, Mitchell, E.H.; Murphy, Nelson, Norton, Parent, Pines, Randall, Reeves, J.W.; Reeves, P.; Richard, Ridley, Roberts, Roderrick, Scarpino, Seavey, Sherburne, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stevens, Stevenson, Stover, Strout, Tammaro, Vose, Webster, Wentworth.

ABSENT—Baker, Brannigan, Brown, K.L.; Carrier, Connolly, Curtis, Davis, Gauvreau, Hall, Jackson, Jacques, Lehoux, Mahany, Masterton, McGowan, Michaud, Mitchell, J.; MoHolland, Nadeau, Pouliot, Rolde, Small, Telow, Thompson, The Speaker.

EXCUSED—Cashman.

Yes, 40; No, 85; Absent, 25; Excused, 1.

The SPEAKER: Forty having voted in the affirmative and eighty five in the negative, with twenty five being absent and one excused, the motion does not prevail.

Thereupon, on motion of Mr. Stover of West Bath, the House voted to adhere.

The following Enactor was taken up out of order by unanimous consent:

**Passed to Be Enacted
Emergency Measure**

An Act to Clarify Legislative Intent on Setting Insurance Rates for Workers' Compensation Insurance (H. P. 598) (L. D. 744)

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

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Armstrong.

Mr. ARMSTRONG: Mr. Speaker, I would like to pose a question to the sponsor of this bill or someone on the Business Legislation Committee. I would like to have a brief summary of what this bill would do.

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

Mr. DIAMOND: Mr. Speaker and Members of the House: As you know, a couple of years ago the legislature tried or did enact legislation dealing with the workers' compensation system. As the result of a question about the legislative intent, this legislation was introduced by the gentleman from Eagle Lake, Mr. Martin, in an attempt to simply clarify our intent in enacting that earlier legislation. It is not a substantive change, but it clarifies in Title 24-A the intent of the legislation that we enacted in the past and reiterates what is already spelled out in Title 39, the section of the law that deals with workers' compensation.

Title 24-A, which is addressed in this bill, is the section that deals with the rate setting powers of the superintendent of insurance, and insurance in particular, we are just trying to tie the two pieces together to clarify the intent of the legislation that was passed by the legislature in the 110th and make it clear

whether or not rate requests will be approved or disapproved, that the legislature does have certain standards that it wants and that there are certain pieces of information that must be considered in determining whether to approve or reject a rate request. I hope that answers the gentleman's question.

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Armstrong.

Mr. ARMSTRONG: Mr. Speaker, does this in fact change the powers of the superintendent of insurance?

The SPEAKER: The gentleman from Wilton, Mr. Armstrong, has posed another question through the Chair to anyone who may care to answer.

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

Mr. DIAMOND: Mr. Speaker, to answer the gentleman's question, the answer is no.

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 of this Bill being passed to be enacted will vote yes; those opposed will vote no.

A vote of the House was taken.

126 having voted in the affirmative and none in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

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 Amend the Charter of the Eagle Lake Water District to Provide for the Election of Trustees (H. P. 588) (L. D. 669)

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. 128 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.

By unanimous consent, ordered sent forthwith.

**Petitions, Bills and Resolves
Requiring Reference**

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

State Government

RESOLVE, Authorizing the State Director of Public Improvements to Convey a Right-of-way Across the Elizabeth Levinson Center in Bangor (H. P. 645) (Presented by Representative Murray of Bangor)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Establish a State Standard for the Taxation of Boats" (H. P. 646) (Presented by Representative Rolde of York)

(Ordered Printed)

Sent up for concurrence.

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

Representative Murray from the Committee on Business Legislation on Bill "An Act to Permit Signs for Seasonal Lobster Pounds under the Maine Traveler Information Services' Law" (H. P. 34) (L. D. 39) reporting "Ought Not to Pass"

Representative Murray from the Committee on Business Legislation on Bill "An Act Concerning the Location of Directional Signs under the Maine Traveler Information Services' Law" (H. P. 50) (L. D. 55) 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 Theriault from the Committee on Aging, Retirement and Veterans on Bill "An Act to Clarify the Role of the Actuary in the Retirement System" (H. P. 286) (L. D. 345) reporting "Leave to Withdraw"

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

Referred to Committee on Health and Institutional Services

Representative Brannigan from the Committee on Business Legislation on Bill "An Act Concerning Continuing Education for Physicians" (H. P. 470) (L. D. 570) reporting that it be referred to the Committee on Health and Institutional Services.

Report was read and accepted, the Bill referred to the Committee on Health and Institutional Services and sent up for concurrence.

Consent Calendar**First Day**

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

(H. P. 287) (L. D. 346) Bill "An Act for the Repeal of Obsolete Provisions of the Retirement Allowance Adjustment Fund" — Committee on Aging, Retirement and Veterans reporting "Ought to Pass"

(H. P. 289) (L. D. 348) Bill "An Act to Amend the Provision Relating to the Notification of Participating Districts about Changes in Statutes" — Committee on Aging, Retirement and Veterans reporting "Ought to Pass"

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

Consent Calendar**Second Day**

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

(H. P. 46) (L. D. 51) Bill "An Act Relating to the Fuel Adjustment Clause of Natural Gas Utilities (C. "A" H-12)

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

Passed to Be Engrossed

Bill "An Act to Allow the District Court to Grant Restitution in Cases of Unfair Trade Practices" (S. P. 241) (L. D. 664)

Bill "An Act to Clarify the Determination of Axles on Motor Farm Trucks" (H. P. 620) (L. D. 746)

Bill "An Act to Permit the Use of Illuminated Signs on Motor Trucks, Semitrailers and Truck Tractors" (H. P. 621) (L. D. 747)

Bill "An Act to Insure Prompt Answers to Petitions Filed by Employers and Employees" (H. P. 328) (L. D. 387)

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

Later Today Assigned

Bill "An Act to Eliminate the Requirement that Persons Over 75 Years of Age Take Periodic Driving Tests" (H. P. 19) (L. D. 15)

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

On motion of Mr. Carroll of Limerick, tabled pending passage to be engrossed and later

today assigned.

Bill "An Act to Apply Uniform Penalties for Local School Administrative Units that Employ Uncertified Personnel" (H. P. 644) (L. D. 772)

Resolution, Proposing an Amendment to the Constitution of Maine to Extend the Tenure for Sheriffs from Two years to Four years (S. P. 111) (L. D. 263)

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

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

Bill "An Act to Allow the Department of Environmental Protection to Recover Indirect Costs from All Dedicated Funds in the Same Manner as Indirect Costs are Recovered from the Department of Environmental Protection Federal Funds" (S. P. 243) (L. D. 732)

Came from the Senate referred to the Committee on Appropriations and Financial Affairs and ordered printed.

In the House, was referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act Relating to Motor Vehicle Inspections" (S. P. 244) (L. D. 733)

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

In the House, was referred to the Committee on Transportation in concurrence.

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

Passed to Be Enacted

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) (C. "A" H-9)

An Act to Clarify the Authority of Municipal Officers to Charge Interest on Delinquent Sewer Accounts (S. P. 95) (L. D. 226)

An Act to Provide for Identification on Den-tures (H. P. 377) (L. D. 460)

An Act Relating to a Fund for Ferry Replacement at Frye Island (S. P. 57) (L. D. 164)

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 Chair laid before the House the following matter:

Bill "An Act to Eliminate the Requirement that Persons Over 75 Years of Age Take Periodic Driving Tests" (H. P. 19) (L. D. 15) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Mr. Carroll of Limerick offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-13) was read by the Clerk.

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

Mrs. MITCHELL: Mr. Speaker, I would like to pose a question through the Chair to any member of the committee that would care to answer. I would like an explanation of this amendment and I would like some discussion as to how often the vision test is required of a person who is 80 or over?

The SPEAKER: The gentlewoman from Vassalboro, Mrs. Mitchell, has posed a question through the Chair to anyone who may care to respond.

The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Members of the House: People 80 years old or older will be taking eye tests every two years; that is retaining

that part of the present law. We have repealed the part of the law that says that people who are 65 and older shall take a driver's test. They will still be taking an eye test and their license will be issued for four years. In other words, what we are telling the public and the people is that the people from 65 to 75 are no longer second class citizens. They are treated the same as all others are in regards to taking a driver's test, the driver's exam. They will take an eye test; their license will be issued for four years, and that is what this amendment does.

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

Mrs. MITCHELL: Mr. Speaker, I would like to pose one additional question through the Chair to any member of the committee or Representative Carroll.

Under current law, a person who has reached the age of 65 must take a vision test every two years — do you have statistics to show that that is no longer necessary, that people's vision does not change particularly after the age of 65? Because your amendment would require the vision test be given every four years as opposed to every two years between the age of 65 and 80. Do you have statistics to say that the vision does not deteriorate or does not need to be checked during that time period?

The SPEAKER: The gentlewoman from Vassalboro, Mrs. Mitchell, has posed another question through the Chair to any member who may respond if they so desire.

The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: At the public hearing, it was brought to the attention of the committee that people's eyes when they are younger and become 40 years old, they do have some changes in their eyes but as we get older, our eye condition stabilizes and we go along for quite a number of years without any changes in their glasses. It was also brought out that people from 65 up to the age of 80 have very little change in their eyes; the statistics have shown this. Therefore, that is the reason we felt they could go four years without an eye test.

They did point out to us, and also were informed by others, that at the age of 80 they do start developing eye problems and it would be a very good idea if we kept the test at every two years for 80 and over.

On motion of Mr. Strout of Corinth, tabled pending adoption of House Amendment "A" and tomorrow assigned.

(Off Record Remarks)

On motion of Mr. Clark of Millinocket, Adjourned until nine o'clock tomorrow morning.