

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

Friday, February 18, 1983

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

Prayer by the Reverend Paul Cates of the East Vassalboro Friends Meeting Church.

The journal of yesterday was read and approved.

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

Bill "An Act Relating to Handicapped Parking Space Designation" (Emergency) (H. P. 580) (L. D. 728) which was referred to the Committee on Local and County Government in the House on February 10, 1983.

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

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

Messages and Documents

The following Communication: (S. P. 268)
State of Maine

Department of Conservation
State House Station 22
Augusta, Maine 04333

February 15, 1983

The Honorable Gerard P. Conley

President of the Senate

State House Station #3

Augusta, Maine 04333

The Honorable John L. Martin

Speaker of the House of Representatives

State House Station #2

Augusta, Maine 04333

Dear President Conley and Speaker Martin:
As provided by 12 M.R.S.A., Section 685-A, Subsection 8, amendments to the Land Use Regulation Commission's land use standards must be submitted to the Legislature for review and consideration. Accordingly, I am submitting to you an amendment which the Commission adopted on March 17, 1982. If the Legislature chooses to take no action, this amendment will remain in effect as adopted.

The Commission, and the civil divisions within its jurisdiction, participate in the National Flood Insurance Program. It is the opinion of the administering federal agency, the Emergency Management Agency, that incorporation of the federal requirements is necessary in order for the Commission and its jurisdiction to continue to qualify for the Flood Insurance Program.

The incorporation of the federal requirements does not substantively alter the Commission's existing requirements within its P-FP zone, but does provide for the continued availability of Federal Flood Insurance to property owners within its jurisdiction.

Prior to Commission adoption, this amendment to the standards was the subject of a rule making hearing.

I will be happy to meet with the appropriate legislative committee and/or yourselves to further explain this amendment.

Thank you for your consideration.

Sincerely,

S/THOMAS S. RADSKY

Acting Director

Land Use Regulation Commission

Came from the Senate read and with accompanying papers referred to the Committee on Energy and Natural Resources.

In the House, the Communication was read and with the accompanying papers referred to the Committee on Energy and Natural Resources in concurrence.

The following Communication:

State of Maine

Department of Transportation

Transportation Building

State House Station 16

Augusta, Maine 04333

February 14, 1983

111th Maine Legislative Leadership

Transmitted herewith is a copy of our report "An Overview of Size & Weight Laws in Maine & Desirable Adjustments."

These recommendations are submitted in support of specific proposed State legislation and responds to the latest Federal legislation in size and weight issues.

This report is the product of a thorough review of current Size & Weight laws in Maine. The Study was conducted by a committee composed of members from several operating Bureaus and Divisions within MDOT.

We believe that the reader will perceive that a definite relationship exists between size and weight issues and the recently completed "Cost Allocation Study" which was mandated by the 110th Legislature.

We trust that you will find the accompanying report informative and thought provoking.

Very truly yours,

S/GEORGE N. CAMPBELL, Jr.

Commissioner of Transportation

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

The following Communication:

State of Maine

Department of the Attorney General

State House Station 6

Augusta, Maine 04333

February 16, 1983

Ed Pert, Clerk

House of Representatives

State House Station #2

Augusta, Maine 04333

Dear Ed:

Enclosed please find a copy of a digest of all Opinions of the Attorney General which have been issued by my office for the period April 1, 1982 through December 31, 1982. As you may recall, the first installment of this service was issued in April of 1982, and covered all Opinions issued from January 1 through March 31. At that time, I indicated that it was my intention to provide further summaries on a quarterly basis. It appears, however, that the purposes of instituting this service would be equally well served by providing it on a semi-annual basis. Accordingly, I delayed issuing the enclosed summary until the end of 1982, with the intention of providing further summaries at the end of June and December for each succeeding year.

As I indicated at the time of the distribution of the first summary, if you or anyone else wishes to have a copy of any Opinion listed in the digest, you should write our Opinion Clerk, Elaine Chase, at the Office of the Attorney General, State House, Augusta, Maine 04333 or call her at 289-3661. You need only specify the Opinion number, and she will be happy to send you a copy.

I remain anxious to know of any way in which you think our office can further improve the distribution of this material. In any event, I hope that you find it helpful.

Sincerely,

S/JAMES E. TIERNEY

Attorney General

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

**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 to Provide Legislative Participation in the Allocation of Consumer Settlements" (Emergency) (H. P. 647) (Presented by Representative Kiesman of Fryeburg) (Cosponsors: Senators Diamond of Cumberland, Perkins of Hancock and Representative Connolly of Portland)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act to Provide for Lower Insurance Rates for Drivers Over Age 55 Who Take Defensive Driving Courses" (H. P. 648) (Presented by Representative Joyce of Portland)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act to Provide Compensation for Denial of Educational Opportunity" (H. P. 649) (Presented by Representative Andrews of Portland) (Cosponsors: Senator Hayes of Penobscot, Representatives Connolly of Portland and Matthews of Caribou)

(Ordered Printed)

Sent up for concurrence.

(Later Reconsidered)

Legal Affairs

Bill "An Act to Increase Penalties on Minors who Present False Identification Cards to Purchase Liquor" (H. P. 650) (Presented by Representative Rolde of York)

Bill "An Act to Permit Fraternal Organizations to have Game Machines on Premises When the Proceeds are Used for Charitable Purposes" (H. P. 651) (Presented by Representative Ingraham of Houlton) (Cosponsor: Representative Tuttle of Sanford)

Bill "An Act to Deny Certain State Funds to Any Person Who Refuses to Register under the United States Military Selective Services Act" (H. P. 652) (Presented by Representative Lehoux of Biddeford) (Cosponsors: Representatives Paradis of Old Town and Tuttle of Sanford)

(Ordered Printed)

Sent up for concurrence.

Orders

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

ORDERED, that Representative Patricia Stevens of Bangor be excused February 22 through February 25 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative H. Stedman Seavey of Kennebunkport be excused February 22 through February 25 for personal reasons.

House Reports of Committees

Unanimous Leave to Withdraw

Representative Tuttle from the Committee on Labor on Bill "An Act to Deduct from Workers' Compensation Benefits any Social Security Retirement Benefits Received by an Injured Employee" (H. P. 334) (L. D. 393) reporting "Leave to Withdraw"

Representative Cox from the Committee on Legal Affairs on Bill "An Act to Provide a 3-day Waiting Period on the Sale of Handguns" (H. P. 445) (L. D. 538) reporting "Leave to Withdraw"

Representative Cox from the Committee on Legal Affairs on RESOLVE, Authorizing Gerald Pelletier to Bring Civil Action Against the State of Maine (H. P. 417) (L. D. 500) reporting "Leave to Withdraw"

Representative Melendy from the Committee on Marine Resources on Bill "An Act to Amend the Maine Sardine Law" (H. P. 227) (L. D. 275) reporting "Leave to Withdraw"

Representative Cox from the Committee on Legal Affairs on Bill "An Act to Permit Games of Chance Distributors to Sell to Certain Unlicensed Organizations" (H. P. 341) (L. D. 400) reporting "Leave to Withdraw"

Representative McHenry from the Committee on Local and County Government on Bill "An Act to Permit Sheriff Deputies to Run for Municipal Office" (H. P. 273) (L. D. 333) 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 Business Legislation

Representative Cox from the Committee on Legal Affairs on Bill "An Act Relating to Unreasonable or Unjust Rent in Mobile Home Parks" (H. P. 340) (L. D. 399) reporting that it be referred to the Committee on Business Legislation.

Report was read and accepted, the Bill referred to the Committee on Business Legislation and sent up for concurrence.

Ought to Pass in New Draft

Representative Murray from the Committee on Business Legislation on Bill "An Act Concerning Qualifications for Appointment to the Board of Commissioners of the Profession of Pharmacy" (H. P. 111) (L. D. 118) reporting "Ought to Pass" in New Draft (H. P. 653) (L. D. 813)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Tuesday, February 22.

Divided Report Tabled and Assigned

Majority Report of the Committee on State Government reporting "Ought Not to Pass" on Resolution, Proposing an Amendment to the Constitution of Maine to Limit Maine Senators to not More than Five Consecutive Two-Year Terms, and to Limit Maine Representatives to not More than Five Consecutive Two-Year Terms (H. P. 352) (L. D. 410)

Report was signed by the following members:
Senators:

HICHENS of York
BALDACCI of Penobscot
VIOLETTE of Aroostook
- of the Senate.

Representatives:

LEBOWITZ of Bangor
COOPER of Windham
GWADOSKY of Fairfield
KETOVER of Portland
LaPLANTE of Sabattus
PARADIS of Augusta
- of the House.

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

Report was signed by the following members:
Representatives:

SPROUL of Augusta
DILLENBACK of Cumberland
SALSBURY of Bar Harbor
HOLLOWAY of Edgcomb
- of the House.

Reports were read.

On motion of Mr. Diamond of Bangor, tabled pending acceptance of either Report and assigned for Tuesday, February 22.

Consent Calendar First Day

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

(H. P. 345) (L. D. 404) Bill "An Act to Amend the Charter of the Hallowell Water District"—Committee on Public Utilities reporting "Ought to Pass"

(H. P. 346) (L. D. 405) Bill "An Act to Amend the Charter of the Winthrop Water District"—Committee on Public Utilities reporting "Ought to Pass"

(H. P. 332) (L. D. 391) Bill "An Act to Insure an Employee is Notified of his Rights to Workers' Compensation"—Committee on Labor Reporting "Ought to Pass" as amended by Committee Amendment "A" (H-14)

(H. P. 129) (L. D. 137) Bill "An Act Amending the Charter of the Aroostook Prestile Treatment District and the Charter of the Presque Isle Sewer District to Authorize the Withdrawal of Municipalities from the Aroostook Prestile Treatment District"—Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-15)

(H. P. 339) (L. D. 398) Bill "An Act to Authorize Licensees Under the Liquor Laws to Serve as a Law Enforcement Officer"—Committee on Legal Affairs reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 22, under the listing of Second Day.

Consent Calendar Second Day

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

(H. P. 287) (L. D. 346) Bill "An Act for the Repeal of Obsolete Provisions of the Retirement Allowance Adjustment Fund"

(H. P. 289) (L. D. 348) Bill "An Act to Amend the Provision Relating to the Notification of Participating Districts about Changes in Statutes"

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

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

Passed to Be Enacted Emergency Measure

An Act to Establish Directional Signs on the Maine Turnpike, one at Exit 7 for the Southern Maine Vocational-Technical Institute, and another at Exit 4 for the University of New England (H. P. 585) (L. D. 666)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 108 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to be Enacted

An Act Concerning the Marking of Wild Birds (H. P. 156) (L. D. 181)

An Act Regarding Passengers on Motorcycles (H. P. 587) (L. D. 668)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

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

Passed to Be Enacted

An Act to Transfer Fayette from the Northern Kennebec to the Southern Kennebec Judicial Division of the District Court (H. P. 172) (L. D. 202)

An Act to Repeal the Requirement for an Audible Warning when Passing in a Motor Vehicle (H. P. 212) (L. D. 256)

An Act Relating to the Purchasing and Printing of Forms for State Government (H. P. 584) (L. D. 665)

An Act Pertaining to Inspection of Fire Trucks (H. P. 586) (L. D. 667)

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.

Orders of the Day

The Chair laid before the House the first tabled and today assigned 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)

Tabled—February 17, 1983, by Representative Strout of Corinth

Pending—Adoption of House Amendment "A" (H-13)

Mr. Carroll of Limerick requested permission to withdraw House Amendment "A",

which was granted.

Thereupon, the Bill was passed to be engrossed and sent up for concurrence.

On motion of Mr. Carter of Winslow, the House reconsidered its action of earlier in the day whereby Bill "An Act to Provide Compensation for Denial of Educational Opportunity" (H. P. 649) was referred to the Committee on Education.

On further motion of the same gentleman, tabled pending reference and assigned for Tuesday, February 22.

Order Out of Order

On motion of Mrs. Mitchell of Vassalboro, the following Joint Order: (H. P. 654)

ORDERED, the Senate concurring, that when the House and Senate adjourn, they adjourn to Tuesday, February 22, 1983, at nine o'clock in the morning.

The Order was received out of order by unanimous consent, read and passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Mr. Michael of Auburn, Adjourned until Tuesday, February 22, at nine o'clock in the morning.