

# 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 25, 1983

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

Prayer by Father Bertrand Poussard of St. Louis Church, Auburn.

The journal of yesterday was read and approved.

**Papers from the Senate**

Bill "An Act Relating to Agricultural Contracts" (S. P. 272) (L. D. 835)

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

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

**Later Today Assigned**

Bill "An Act to Abolish County Subsidies to the Superior Court System" (S. P. 271) (L. D. 824)

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

(The Committee on Reference of Bills had suggested reference to the Committee on Judiciary)

In the House, on motion of Mr. McHenry of Madawaska, tabled pending reference in concurrence and later today assigned.

Bill "An Act to Require Oil Dealers to Adjust Contract Prices for Budget Customers when Cash Retail Prices are Reduced" (S. P. 269) (L. D. 822)

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

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

Bill "An Act to Enable School Districts to Develop and Administer an Orderly Procedure for Filling Vacancies and Laying off Teachers" (S. P. 270) (L. D. 823)

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

In the House, was referred to the Committee on Education in concurrence. (Later Reconsidered)

Bill "An Act to Clarify the Rights of Health Care Providers" (S. P. 252) (L. D. 814)

Bill "An Act to Require Physicians to Report to the Board of Registration in Medicine Whether or not they Accept Medicare Assignments" (S. P. 266) (L. D. 811)

Came from the Senate referred to the Committee on Health and Institutional Services and ordered printed.

(The Committee on Reference of Bills had suggested reference to the Committee on Business Legislation)

In the House, were referred to the Committee on Health and Institutional Services in concurrence.

Bill "An Act to Provide for the Negotiation of Union Security Provisions" (S. P. 267) (L. D. 812)

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

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

Bill "An Act to Provide Additional Tax Credits for Businesses Providing New Jobs in Areas of High Unemployment" (S. P. 276) (L. D. 836)

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

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

Bill "An Act to Require Baffles in any Interstate Tank Carrier of Hazardous Waste Shipments" (S. P. 262) (L. D. 807)

Bill "An Act to Require the Use of Seat Belts in all Motor Vehicles" (S. P. 263) (L. D. 808)

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

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

**Referred to the Committee on Judiciary**

Report of the Committee on Aging, Retirement and Veterans on Bill "An Act to Eliminate Needless Employment of an Actuary to Determine Equivalency under Judicial Retirement" (S. P. 132) (L. D. 425) reporting that it be referred to the Committee on Judiciary.

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on Judiciary.

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

**Non-concurrent Matter**

Bill "An Act to Provide Equitable Health Care for Alcoholism and Drug Dependency Treatment" (H. P. 623) (L. D. 775) which was referred to the Joint Standing Committee on Alcoholism Services in the House on February 16, 1983.

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

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

**Messages and Documents**

The following Communication:

State of Maine

House of Representatives

Speakers' Office

Augusta, Maine 04333

February 24, 1983

The Honorable Vincent L. McKusick

Chief Justice

Supreme Judicial Court

156 Federal Street

Portland, Maine 04101

Dear Mr. Chief Justice:

We are pleased to invite you and as many of the Justices of the Maine Supreme Judicial Court as may be able to attend to a Joint Convention of the 111th Maine Legislature on Thursday, March 3, at 11:00 A.M.

We would be pleased to hear from you at that time any message you may care to deliver on the State of the Judiciary.

Sincerely,

S/GERARD P. CONLEY

President of the Senate

S/JOHN L. MARTIN

Speaker of the House

The Communication was read and 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:

**Aging, Retirement and Veterans**

Bill "An Act to Amend the Fraud Provisions of the Maine State Retirement System Statutes" (H. P. 693) (Presented by Representative Perry of Mexico) (Cosponsors: Representatives Stevenson of Unity and Paradis of Old Town)

(Ordered Printed)

Sent up for concurrence.

**Agriculture**

Bill "An Act Concerning Solids in Milk" (H. P. 694) (Presented by Representative Michael of Auburn)

(Ordered Printed)

Sent up for concurrence.

**Appropriations and Financial Affairs**

Bill "An Act Appropriating \$150,000 to Operate 6 Regional Emergency Medical Services Councils" (H. P. 695) (Presented by Representative Carroll of Gray) (Cosponsors: Senator Diamond of Cumberland, Representatives Drinkwater of Belfast and LaPlante of Sabattus) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Bill "An Act to Provide State Funding for Literacy Volunteers" (H. P. 696) (Presented by Representative Locke of Sebec) (Cosponsors: Senator Collins of Knox, Hayes of Penobscot and Representative Mayo of Thomaston) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Bill "An Act to Fund a Marketing Study of the Effects of Lowering Liquor Prices Throughout the State" (H. P. 697) (Presented by Representative Rolde of York)

(Ordered Printed)

Sent up for concurrence.

**Fisheries and Wildlife**

Bill "An Act Concerning the Season for Raccoon Hunting" (H. P. 698) (Presented by Representative Strout of Corinth) (By Request)

(Ordered Printed)

Sent up for concurrence.

**Health and Institutional Services**

Bill "An Act Relating to Prison Visits" (H. P. 699) (Presented by Representative Connolly of Portland) (Cosponsor: Representative Nelson of Portland)

(Ordered Printed)

Sent up for concurrence.

**Judiciary**

Bill "An Act to Amend the Procedure for Assessing Surveying Costs in Court Cases" (H. P. 700) (Presented by Representative Soule of Westport)

Bill "An Act Relating to Bail Commissioners" (H. P. 701) (Presented by Representative Connolly of Portland) (Cosponsor: Representative Joyce of Portland)

(Ordered Printed)

Sent up for concurrence.

**Labor**

Bill "An Act Regarding Interest Under the Workers' Compensation Act" (H. P. 702) (Presented by Representative Beaulieu of Portland)

(Ordered Printed)

Sent up for concurrence.

**Legal Affairs**

Bill "An Act Relating to the Storage of Malt Beverages under the Liquor Law" (H. P. 703) (Presented by Representative Higgins of Scarborough)

(Ordered Printed)

Sent up for concurrence.

**State Government**

Bill "An Act Concerning the Power of State Commissioners to Terminate Unclassified Employees" (H. P. 704) (Presented by Representative Willey of Hampden)

Bill "An Act to Provide for Competitive Bidding on Public Improvements" (H. P. 705) (Presented by Representative Jacques of Waterville)

(Ordered Printed)

Sent up for concurrence.

**Taxation**

Bill "An Act to Provide for an Income Tax Credit for Parents who Pay Private School Tuition" (H. P. 706) (Presented by Representative Lewis of Auburn) (Cosponsor: Representative Racine of Biddeford)

Bill "An Act to Shift Part of the Property Tax Burden to the Sales Tax" (H. P. 707) (Presented by Representative Cashman of Old

Town) (Cosponsors: Senator Violette of Aroostook and Representative Hall of Sangerville)

Bill "An Act Relating to Municipal Tax Liens for Nonpayment of Taxes" (H. P. 708) (Presented by Representative Brown of Livermore Falls) (Cosponsor: Senator Dow of Kennebec) (Ordered Printed)

Sent up for concurrence.

#### Orders

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

ORDERED, that Representative Louis Jalbert of Lewiston be excused for the duration of his illness.

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

Representative Beaulieu from the Committee on Labor on Bill "An Act Concerning Unemployment Compensation" (H. P. 410) (L. D. 493) reporting "Leave to Withdraw"

Representative Higgins from the Committee on Taxation on Bill "An Act to Provide a State Income Exemption for Federal Pensions" (H. P. 494) (L. D. 591) reporting "Leave to Withdraw"

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

#### Divided Report Tabled and Assigned

Majority Report of the Committee on Health and Institutional Services reporting "Ought Not to Pass" on Bill "An Act to Require the Use of Generic Drugs in the Low-Cost Drug Program for the Elderly" (H. P. 157) (L. D. 182)

Report was signed by the following members:

Senator:

GILL of Cumberland

— of the Senate.

Representatives:

BRODEUR of Auburn

SEAVEY of Kennebunkport

PINES of Limestone

MAYBURY of Brewer

RICHARD of Madison

CARROLL of Gray

NELSON of Portland

WEBSTER of Farmington

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-23) on same bill.

Report was signed by the following members:

Senators:

BUSTIN of Kennebec

CARPENTER of Aroostook

— of the Senate.

Representatives:

MELENDY of Rockport

MANNING of Portland

— of the House.

Reports were read.

On motion of Mrs. Nelson of Portland, tabled pending acceptance of either Report and assigned for Monday, February 28.

#### Consent Calendar First Day

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

(H. P. 487) (L. D. 584) Bill "An Act to Amend the Biannual Meetings Between County and Municipal Law Enforcement Officers" — Committee on Local and County Government reporting "Ought to Pass"

No objections being noted, the above item was ordered to appear on the Consent Calendar of February 28, under listing of Second Day.

#### Consent Calendar Second Day

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

(H. P. 371) (L. D. 454) Bill "An Act to Clarify the Application of Ordinary Death Benefits to Participating Local Districts"

(H. P. 372) (L. D. 455) Bill "An Act to Clarify the Law Relating to Employees of Local Districts Who may Withdraw from the Maine State Retirement System"

(H. P. 274) (L. D. 334) Bill "An Act to Ratify Dedication of Fort Sumner Park in the City of Portland"

(H. P. 276) (L. D. 336) Bill "An Act to Prohibit Possession of Lobsters by Scallop Boats"

(H. P. 155) (L. D. 180) Bill "An Act to Amend the Banking Code Regarding Minimum Amount Entitled to Interest" (C. "A" H-25)

(H. P. 110) (L. D. 117) Bill "An Act Regarding Premium Discounts for Workers' Compensation Insurance of Small Businesses" (C. "A" H-26)

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

#### Passed to be Engrossed

Bill "An Act Relating to the Practice of Veterinary Medicine" (S. P. 273) (L. D. 815)

Bill "An Act Relating to Ownership of Stock in Maine Financial Institutions" (H. P. 682) (L. D. 838)

Bill "An Act to Amend the Banking Code Regarding Loans to Directors of Financial Institutions" (H. P. 683) (L. D. 839)

Bill "An Act to Require Printed or Typewritten Names to Accompany Signatures on Documents Filed in the Registry of Deeds" (H. P. 692) (L. D. 863)

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

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 Papers were passed to be engrossed and sent up for concurrence.

#### Amended Bill

##### Tabled and Assigned

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) (C. "A" H-24)

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

On motion of Mrs. Nelson of Portland, tabled pending passage to be engrossed and specially assigned for Tuesday, March 1.

#### Orders of the Day

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

Bill, "An Act to Amend the Banking Code Regarding Directors' Meetings and Regarding Service Corporations" (H. P. 295) (L. D. 354)

Tabled—February 23, 1983 by Representative Brannigan of Portland.

Pending—Adoption of Committee Amendment "A" (H-18)

On motion of Mr. Brannigan, retabled pending adoption of Committee Amendment "A" and assigned for Monday, February 28.

The Chair laid before the House the following matter:

Bill "An Act to Abolish County Subsidies to the Superior Court System" (S. P. 271) (L. D. 824) which was tabled and later today assigned pending reference in concurrence.

Thereupon, the Bill was referred to the Committee on Appropriations and Financial Affairs in concurrence.

On motion of Mrs. Beaulieu of Portland, the House reconsidered its action of earlier in the day whereby Bill "An Act to Enable School Districts to Develop and Administer an Orderly Procedure for Filling Vacancies and Laying off Teachers" (S. P. 270) (L. D. 823) was referred to the Committee on Education in concurrence.

On motion of the same gentlewoman, the Bill was referred to the Committee on Labor in non-concurrence and sent up for concurrence.

#### (Off Record Remarks)

On motion of Mr. Pouliot of Lewiston, Adjourned until Monday, February 28, at nine o'clock in the morning.