

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

Wednesday, March 2, 1983

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

Prayer by Father Frank Morin of St. Joseph's Church, Lewiston.

The journal of yesterday was read and approved.

Papers from the Senate

The following Joint Order: (S. P. 319)

WHEREAS, the Belgrade Lakes region is one of the most beautiful and popular recreation areas in the State; and

WHEREAS, in the heart of this region lies the Town of Oakland; and

WHEREAS, on March 1, 1883, the people of the Town of West Waterville adopted the new name of Oakland for their town at a special town meeting; and

WHEREAS, on March 9, 1983, the Maine House of Representatives approved the adoption of the name; and

WHEREAS, on the following day, March 10, 1883, the Maine Senate and the Governor similarly approved the new name for the town; and

WHEREAS, March 10, 1983, is the ONE HUNDREDTH ANNIVERSARY of the adoption of this new name of the Town of Oakland; now, therefore, be it

ORDERED, the House concurring, that we, the Members of the First Regular Session of the One Hundred and Eleventh Legislature now assembled, extend our heartiest congratulations and best wishes to the citizens of Oakland on the historical and memorable occasion of its centennial anniversary; and be it further

ORDERED, upon passage, that a copy of this Order duly attested and bearing the great seal of the State of Maine, be immediately transmitted to the citizens of Oakland in token of the sentiment expressed herein.

Came from the Senate read and passed.

In the House, under suspension of the Rules, the Order was read.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker and Members of the House: The reason for my rising is that when I read through this paper last night, I saw that we were passing an Order in adoption of something that has yet to happen. I wonder if someone could explain to us why. It says on March 9, 1983, the House is going to do something, and on the 10th the Senate is going to do something. Are we aware that that is going to take place?

The SPEAKER: The Chair would advise the gentleman, as the Speaker reads it, it refers to March 9, 1893, a time long since gone by.

The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, I am going to take exception because we are both right. If you look on the blue copy, it says 1983, am I correct, Mr. Speaker?

The SPEAKER: The Chair would advise the gentleman that the "Whereas" deals with the past; the order deals with today. And in reference to March 10, 1983, it will be the 100th anniversary of the adoption of the new name of the Town of Oakland.

Thereupon, the Order received passage in concurrence.

Bill "An Act to Promote Work-site High Blood Pressure Programs for Maine Workers" (S. P. 284) (L. D. 872)

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 Guidelines for Cer-

tain Police Powers" (S. P. 285) (L. D. 873)

Bill "An Act Concerning Hospital Immunity and the Administration of Blood Tests to Juveniles for Operating under the Influence" (S. P. 286) (L. D. 874)

Bill "An Act Concerning Separate Trials Arising from the Same Criminal Episode and Concerning Probation and Suspended Prison Sentences" (S. P. 287) (L. D. 875)

Bill "An Act Concerning the Penalties for Vehicular Manslaughter and for Negotiating a Worthless Instrument" (S. P. 288) (L. D. 876)

Bill "An Act Concerning Records of Arrests of Criminal Offenders" (S. P. 289) (L. D. 877)

Bill "An Act Concerning the Operating after Suspension Law, the Habitual Offender Law and Admission of Identity by the Defendant" (S. P. 290) (L. D. 878)

Bill "An Act Relating to Leases of Dwelling Units in a Multi-unit Residential Building where More than a Month's Rent is Required in Advance" (S. P. 291) (L. D. 879)

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

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

Bill "An Act to Clarify the Tax Status of Time-sharing Condominiums" (S. P. 292) (L. D. 880)

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.

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

Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Require Wholesale Malt Liquor Prices to Remain in Effect for 90 Days" (S. P. 79) (L. D. 190)

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

Unanimous Leave to Withdraw

Report of the Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act to Increase the Supervised Loan Threshold and to Conform Maine Consumer Credit Laws to Federal Laws" (S. P. 77) (L. D. 188)

Report of the Committee on Labor reporting "Leave to Withdraw" on Bill "An Act to Allow Evidence and Testimony from Vocational Experts" (S. P. 156) (L. D. 445)

Report of the Committee on Labor reporting "Leave to Withdraw" on Bill "An Act to Provide Adequate Notice of Job Referrals in the Unemployment Insurance Program" (S. P. 158) (L. D. 447)

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

Ought to Pass in New Draft/New Title

Report of the Committee on State Government on Bill "An Act Regarding Training Requirements for Law Enforcement Officers" (S. P. 65) (L. D. 172) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Require Training for Certain Part-time Law Enforcement Officers" (S. P. 295) (L. D. 881)

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed as amended by Senate Amendment "A" (S-12).

In the House, the Report was read and accepted in concurrence and the New Draft read once. Senate Amendment "A" (S-12) was read by the Clerk and adopted in concurrence and the New Draft assigned for second reading tomorrow.

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:

Business Legislation

Bill "An Act to Extend Consumers Freedom of Choice Regarding Insured Mental Health Services" (H. P. 743) (Presented by Representative Rolde of York) (Cosponsors: Senator Clark of Cumberland, Representatives Pines of Limestone and Conary of Oakland)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Amend the Law Governing Construction Permits and the Examination of Plans by the Office of State Fire Marshal" (H. P. 744) (Presented by Representative Beaulieu of Portland) (Cosponsors: Senator Charette of Androscoggin, Representatives Swazey of Bucksport, and Studley of Berwick) (Submitted by the Department of Public Safety pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act to Transfer Residual Jurisdiction of the Public Utilities Commission Over Municipal Transit Districts to the Department of Transportation" (H. P. 745) (Presented by Representative Matthews of Winslow) (Cosponsors: Representatives Baker of Portland, Paradis of Old Town, and Senator Emerson of Penobscot) (Submitted by the Public Utilities Commission pursuant to Joint Rule 24)

Bill "An Act Relating to Deposits and Termination of Utility Service for Nonresidential Customers" (H. P. 746) (Presented by Representative Joseph of Waterville) (Cosponsors: Representatives Richard of Madison, Bost of Orono, and Senator Twitchell of Oxford) (Submitted by the Public Utilities Commission pursuant to Joint Rule 24)

Bill "An Act to Remove the Requirement that Certain Municipal Water Utilities Secure Approval of the Public Utilities Commission to Issue Short-term Debt" (H. P. 747) (Presented by Representative Vose of Eastport) (Cosponsors: Senator Kany of Kennebec, Representatives Weymouth of West Gardiner, and McGowan of Pittsfield) (Submitted by the Public Utilities Commission pursuant to Joint Rule 24)

Bill "An Act to Amend the Act Restricting Rate Increase Proposals by Public Utilities" (H. P. 748) (Presented by Representative McGowan of Pittsfield) (Cosponsors: Representatives Lewis of Auburn, Ridley of Shapleigh, and Senator Kany of Kennebec) (Submitted by the Office of the Public Advocate pursuant to Joint Rule 24)

Bill "An Act to Require the Public Utilities Commission to Expediently Process Consumer Complaints" (H. P. 749) (Presented by Representative Crowley of Stockton Springs) (Cosponsors: Representatives Carroll of Gray, Hayden of Durham, and Senator Kany of Kennebec) (Submitted by the Office of the Public Advocate pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act to Authorize the Maine Turnpike Authority to Receive Applications and Approve Descriptive and Directional Signs on the Maine Turnpike" (H. P. 750) (Presented by Representative Macomber of South Portland)

(Ordered Printed)

Sent up for concurrence.

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

Representative Michaud from the Committee on Election Laws on Bill "An Act to Require Proof of Residency for Voter Registration" (H. P. 147) (L. D. 155) 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 Racine from the Committee on Business Legislation on Bill "An Act Requiring Prior Notice for Closure of a Demand Deposit Account" (H. P. 539) (L. D. 692) reporting "Leave to Withdraw"

Representative Murray from the Committee on Business Legislation on 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) (L. D. 560) 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 Judiciary reporting "Ought Not to Pass" on Bill "An Act to Require Mandatory Jail Sentences for Trafficking or Furnishing Drugs" (H. P. 122) (L. D. 130)

Report was signed by the following members:
Senators:

TRAFTON of Androscoggin
VIOLETTE of Aroostook
COLLINS of Knox

- of the Senate.

Representatives:

SOULE of Westport
BENOIT of South Portland
LIVESAY of Brunswick
FOSTER of Ellsworth
REEVES of Newport
HOBBINS of Saco
CARRIER of Westbrook

- of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (H. P. 742) (L. D. 929) on same Bill.

Report was signed by the following members:
Representatives:

DRINKWATER of Belfast
HAYDEN of Durham
JOYCE of Portland

- of the House.

Reports were read.

Mr. Soule of Westport moved acceptance of the Majority "Ought Not to Pass" Report.

On motion of Mr. Joyce of Portland, tabled pending the motion of Mr. Soule of Westport to accept the Majority Report and tomorrow assigned.

Divided Report

Tabled and Assigned

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Make Possession of Marijuana a Criminal Offense" (H. P. 140) (L. D. 148)

Report was signed by the following members:
Senators:

TRAFTON of Androscoggin
VIOLETTE of Aroostook
COLLINS of Knox

- of the Senate.

Representatives:

BENOIT of South Portland
FOSTER of Ellsworth
HAYDEN of Durham
REEVES of Newport
HOBBINS of Saco
SOULE of Westport
LIVESAY of Brunswick

- of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-34) on same Bill.

Report was signed by the following members:
Representatives:

DRINKWATER of Belfast
CARRIER of Westbrook
JOYCE of Portland

- of the House.

Reports were read.

Mr. Soule of Westport moved acceptance of the Majority "Ought Not to Pass" Report.

On motion of Mr. Joyce of Portland, tabled pending the motion of Mr. Soule of Westport to accept the Majority Report and tomorrow assigned.

Consent Calendar

First Day

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

(S. P. 105) (L. D. 237) Bill "An Act to Amend the Banking Code Regarding Directors' Meetings and Regarding Service Corporations" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-11)

On the objection of Mr. Brannigan of Portland, was removed from the Consent Calendar.

On motion of the same gentleman, the Bill was recommitted to the Committee on Business Legislation in non-concurrence and sent up for concurrence.

Consent Calendar

Second Day

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

(S. P. 162) (L. D. 450) RESOLVE, to Authorize the Commissioners of Cumberland County to Reimburse the Town of Standish \$4,620.21 Unexpended Retirement Funds

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

(H. P. 251) (L. D. 301) Bill "An Act to Correct Certain Errors in the Maine Condominium Act" (Emergency) (C. "A" H-31)

(H. P. 386) (L. D. 469) Bill "An Act to Provide a Statewide Office of School Volunteer Programs" (C. "A" H-33)

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

Passed to Be Engrossed

Amended Bill

Bill "An Act to Revise the Mexico Water District Charter" (H. P. 422) (L. D. 505) (C. "A" H-28)

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

Mrs. Ketover of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-35) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-28) and House Amendment "A" (H-35) and sent up for concurrence.

Passed to Be Enacted

Emergency Measure

An Act to Increase the Tax on Fire Insurance Premiums (H. P. 661) (L. D. 821)

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. 107 voted in favor same and 4 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 Relating to the Practice of Veterinary Medicine (S. P. 273) (L. D. 815)

Was 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 SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Jacques.

Mr. JACQUES: Mr. Speaker, is the House in possession of L.D. 398?

The SPEAKER: The Chair would answer in the affirmative. Bill "An Act to Authorize Licensees Under the Liquor Laws to Serve as a Law Enforcement Officer" House Paper 339, L. D. 398, is in the possession of the House, having been held at the request of the gentleman from Waterville, Mr. Jacques.

The Chair recognizes the same gentleman.

Mr. JACQUES: Mr. Speaker, having voted on the prevailing side whereby this Bill was passed to be enacted, I would like to move reconsideration and further move that it be tabled for one legislative day.

Thereupon, on motion of Mr. Jacques of Waterville, tabled pending his motion to reconsider whereby the Bill was passed to be enacted and tomorrow assigned.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Mitchell.

Mr. MITCHELL: Mr. Speaker, is the House in possession of House Paper 733?

The SPEAKER: The Chair would answer in the affirmative, Bill "An Act to Clarify Citizen Standing in Environmental Litigation," House Paper 733, is in the possession of the House, having been held at the request of Mr. Mitchell of Freeport.

On motion of the same gentleman, the House reconsidered its action whereby the Bill was referred to the Committee on Judiciary.

On further motion of the same gentleman, the Bill was referred to the Committee on Energy and Natural Resources, ordered printed and sent up for concurrence.

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

The following Communication:

Maine Apportionment Commission

March 1, 1983

Honorable Edwin H. Pert

Clerk of the House

111th Legislature

Augusta, ME 04333

Dear Clerk Pert,

I have the honor to submit herewith the Report of the Apportionment Commission established pursuant to the Constitution, Article IV, Part 3, Section I-A. This report conveys pursuant to the Constitution Article IV, Part I, Section 3, and Maine Revised Statutes Annotated, Title 21, Section 1571-A the Commission's recommended plans for the First and Second Congressional Districts, and the Maine House of Representatives and also includes the plan for the Maine State Senate.

Sincerely,

S/ROGER L. MALLAR

Chairman

Apportionment Commission

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

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

On motion of Representative Mitchell of Vassalboro, the following Joint Order: (H. P. 751)

ORDERED, the Senate concurring, that the Legislative Council be authorized to employ staff to draft legislation implementing the apportionment of the House of Representatives, and Senate and 2 congressional districts and necessary funds shall be allocated from the Legislative Account.

The Order was read and passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Mr. Drinkwater of Belfast,
Adjourned until nine o'clock tomorrow
morning.