

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

Tuesday, April 5, 1983

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

Prayer by Father Rene Mathieu of St. Augustine's Church, Augusta.

The members stood at attention during the playing of the National Anthem by the Houlton High School Band.

The journal of the previous session was read and approved.

Papers from the Senate Reports of Committees

Unanimous Leave to Withdraw

Report of the Committee on Judiciary reporting "Leave to Withdraw" on 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)

Report of the Committee on Health and Institutional Services reporting "Leave to Withdraw" on Bill "An Act to Clarify the Rights of Health Care Providers" (S. P. 252) (L. D. 814)

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

Fisheries and Wildlife

Bill "An Act Relating to Coyote Control" (H. P. 1071) (Presented by Representative McGowan of Pittsfield)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act Relating to Rehabilitation under the Workers' Compensation Law" (H. P. 1070) (Presented by Representative Joseph of Waterville) (Cosponsor: Representative McGowan of Pittsfield)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act Concerning Use of the Term 'Wrestling'" (H. P. 1069) (Presented by Representative Tuttle of Sanford) (Cosponsors: Representatives Jacques of Waterville, Tammam of Baileyville and McGowan of Pittsfield) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)

Sent up for concurrence.

Orders

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

ORDERED, that Representative Allan Bonney of Falmouth be excused March 28 for the duration of his illness.

House Reports of Committees

Unanimous Ought Not to Pass

Representative Murray from the Committee on Business Legislation on Bill "An Act to Set Limits on Deposits of Returnable Containers" (H. P. 840) (L. D. 1090) reporting "Ought Not to Pass"

Representative McGowan from the Committee on Public Utilities on Bill "An Act to Authorize the Public Utilities Commission to Conduct a Study on the Costs of Electrical Space Heating in Residential Units" (H. P. 779) (L. D. 1008) reporting "Ought Not to Pass"

Representative Lewis from the Committee on Public Utilities on Bill "An Act Relating to New Installations of Pay Telephones" (H. P. 449) (L. D. 542) 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 Mitchell from the Committee on Energy and Natural Resources on Bill "An Act to Amend the Subdivision Law" (H. P. 504) (L. D. 602) reporting "Leave to Withdraw"

Representative Hall from the Committee on Energy and Natural Resources on Bill "An Act to Make Allocations from the Low-Level Waste Siting Fund for the Fiscal Years Ending June 30, 1984, and June 30, 1985" (Emergency) (H. P. 933) (L. D. 1216) reporting "Leave to Withdraw"

Representative Murray from the Committee on Business Legislation on Bill "An Act to Ensure the Safe Operation and Installation of Boilers used by Electric Utilities" (H. P. 861) (L. D. 1124) reporting "Leave to Withdraw"

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

Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-104) on Bill "An Act to Increase the Compensation Benefits for Employees Formerly Working for a Bankrupt Employer" (H. P. 762) (L. D. 993)

Report was signed by the following members:

Senators:

DUTREMBLE of York

HAYES of Penobscot

— of the Senate.

Representatives:

WILLEY of Hampden

BEAULIEU of Portland

LEWIS of Auburn

NORTON of Biddeford

GAUVREAU of Lewiston

ZIRNKILTON of Mount Desert

SWAZEY of Bucksport

TAMMARO of Baileyville

TUTTLE of Sanford

— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following member:

Senator:

SEWALL of Lincoln

— of the Senate.

Reports were read.

On motion of Mrs. Beaulieu of Portland, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-104) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Election Laws reporting "Ought to Pass" as amended by Committee Amendment "A" (H-109) on Bill "An Act to Allow Voter Registration and Party Enrollment on the Same Form" (H. P. 309) (L. D. 368)

Report was signed by the following members:

Senators:

PEARSON of Penobscot

USHER of Cumberland

— of the Senate.

Representatives:

STEVENSON of Unity

MARTIN of Brunswick

NADEAU of Lewiston

ROBERTS of Buxton

MICHAUD of East Millinocket

HANDY of Lewiston

PARADIS of Augusta

— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Senator:

REDMOND of Somerset

— of the Senate.

Representatives:

CAHILL of Woolwich

WENTWORTH of Wells

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Nadeau.

Mr. NADEAU: Mr. Speaker, I move acceptance of the Majority "Ought to Pass" Report.

The SPEAKER: The gentleman from Lewiston, Mr. Nadeau, moves that the Majority "Ought to Pass" Report be accepted.

The Chair recognizes the gentlewoman from Woolwich, Mrs. Cahill.

Mrs. CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: I would ask you today not to accept the Majority Report of this committee. I am opposed to this bill because I believe that voter registration and party enrollment should be two separate and distinct acts and I would ask for a division.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Nadeau.

Mr. NADEAU: Mr. Speaker, Members of the House: I hope you will accept the Majority "Ought to Pass" Report.

This is, incidentally, the first Divided Report out of Election Laws this session, which we are kind of proud of. We have worked in a very cooperative spirit on the committee and there has been very little division along party lines and this, indeed, is not along party lines, but I certainly can respect the position of the opposition.

However, what this bill does—as you know, currently the voter registration enrollment is on separate cards, you can register the voter on one card and enroll them on a separate card. What this bill is attempting to do is consolidate that on one form, basically for simplicity.

As we have all been encouraging people to do over the years, get involved in the political process, we have all been interested in strengthening the two-party system and this bill is aimed at doing just that. When you have people out there, justices of the peace, notaries and legislators registering voters, it simply makes it easier to enroll people when it is on the same form. We have changed this bill; in past years, it was simply checking off Republican or Democrat on an enrollment card—this time, what the card will have incorporated into it, are separate signatures for each party enrollment so if you want to enroll in the Democratic Party on that same card, rather than just check a box, you will have to check the box but also sign your name so there is no chance of any misunderstanding. We have made it very clear that when you check off that square next to the Democrat or Republican, you have to sign your name so there is no chance of accidents there.

We feel that this bill is a relatively simple thing. We have had some support from the Clerks; some opposed it because of their filing purposes but we have been assured from the Deputy Secretary of State that it is still possible to have a double filing system for Clerks if they so desire, so there is really nothing here that is going to cause problems at the local level and we feel it will help us in terms of getting some spirit going and strengthening the two-party system.

I would ask for a roll call.

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

The SPEAKER: The pending question before the House is on the motion of the gentleman

from Lewiston, Mr. Nadeau, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Anderson, Andrews, Armstrong, Baker, Beaulieu, Benoit, Bost, Bott, Brannigan, Brodeur, Brown, A.K.; Brown, D.N.; Carrier, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cooper, Cote, Cox, Crouse Crowley, Daggett, Diamond, Drinkwater, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hickey, Higgins, H.C.; Hobbins, Jackson, Jacques, Jalbert, Joseph, Joyce, Kane, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Macomber, Manning, Martin, A.C.; Masterman, Matthews, K.L.; Matthews, Z.E.; McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Norton, Paradis, P.E.; Parent, Paul, Perry, Pouliot, Racine, Reeves, J.W.; Reeves, P.; Richard, Ridley, Roberts, Rotondi, Smith, C.B.; Soucy, Soule, Stevens, Stevenson, Strout, Swazey, Tammaro, Telow, Theriault, Thompson, Tuttle, Vose, Walker, The Speaker.

NAY—Bell, Bonney, Cahill, Callahan, Conary, Connors, Davis, Day, Dexter, Dillenback, Dudley, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Kiesman, Lebowitz, Livesay, Masterton, Maybury, McPherson, Murphy, Paradis, E.J.; Perkins, Pines, Randall, Roderick, Salsbury, Scarpino, Seavey, Smith, C.W.; Sproul, Stover, Webster, Zirkilton.

ABSENT—Brown, K.L.; Curtis, Hayden, Keller, Lewis, MacBride, Mahany, Martin, H.C.; Mayo, Rolde, Sherburne, Small, Willey.

Yes, 99; No, 38; Absent, 13; Vacant, 1.

The SPEAKER: Ninety-nine having voted in the affirmative and thirty-eight in the negative, with thirteen being absent and one vacant, the motion does prevail.

The Bill was read once. Committee Amendment "A" (H-109) was read and adopted and the Bill assigned for Second Reading tomorrow.

Consent Calendar First Day

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

(H. P. 311) (L. D. 370) Bill "An Act Relating to the Posting of Performance Bonds for Rezoning"—Committee on Energy and Natural Resources reporting "Ought to Pass"

(H. P. 817) (L. D. 1057) Bill "An Act Exempting Interstate Domestic Flights from the Bottle Bill"—Committee on Business Legislation reporting "Ought to Pass"

(H. P. 681) (L. D. 837) Bill "An Act to Improve the Operation of the Maine Real Estate Commission"—Committee on Business Legislation reporting "Ought to Pass"

(H. P. 832) (L. D. 1086) Bill "An Act to Amend the Requirements and Adjust the Fees for the Licensing, Inspection and Permitting of Fireworks Displays and the Storage and Transportation of Explosives and Flammable Liquids"—Committee on Legal Affairs reporting "Ought to Pass"

(H. P. 562) (L. D. 712) RESOLVE, to Authorize a Pole and Transmission Line Easement on Chokecherry Island and Mattanawcook Island and a Portion of the Penobscot River in the County of Penobscot—Committee on Public Utilities reporting "Ought to Pass"

(H. P. 63) (L. D. 69) Bill "An Act to Exempt Carriers of Wood Products from Cargo Insurance Requirements"—Committee on Business Legislation reporting Ought to Pass as amended by Committee Amendment "A" (H-113)

No objections being noted, the above items were ordered to appear on the Consent Calendar of April 6 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. 747) (L. D. 959) Bill "An Act to Remove the Requirement that Certain Municipal Water Utilities Secure Approval of the Public Utilities Commission to Issue Short-Term Debt" (C. "A" H-98)

(H. P. 247) (L. D. 294) Bill "An Act to Increase the Level of Compensation for Part-time Deputy Sheriffs" (C. "A" H-103)

There being no objections at the end of the Second Legislation Day, the House Papers were passed to be engrossed as amended and sent up for concurrence.

(H. P. 348) (L. D. 407) Bill "An Act Creating the Passamaquoddy Water District" (Emergency) (C. "A" H-107)

On the request of Mr. Vose of Eastport, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-107) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Vose.

Mr. VOSE: Mr. Speaker, I move the indefinite postponement of Committee Amendment "A" and wish to speak briefly to my motion.

The SPEAKER: The gentleman from Eastport, Mr. Vose, moves that Committee Amendment "A" be indefinitely postponed.

The gentleman may proceed.

Mr. VOSE: Mr. Speaker, Ladies and Gentlemen of the House: Unfortunately, the wrong Committee Amendment reached the floor on this bill. We have the correct one being amended and I will offer that amendment tomorrow.

Thereupon, Committee Amendment "A" was indefinitely postponed and the Bill assigned for second reading tomorrow.

(H. P. 367) (L. D. 598) 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 the State"

(S. P. 323) (L. D. 968) Bill "An Act to Equalize Health Insurance Benefits for Retired State Employees" (C. "A" S-41)

No objections having been noted, the Senate Paper was passed to be engrossed as amended in concurrence and the House paper was passed to be engrossed and sent up for concurrence.

Second Reader Tabled and Assigned

Bill "An Act to Require Campaign Contributions to be Reported in the Lobbyist Disclosure Law" (S. P. 456) (L. D. 1352)

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

On motion of Mr. Gwadosky of Fairfield, tabled pending passage to be engrossed and tomorrow assigned.

Passed to Be Engrossed

Bill "An Act Concerning School Transportation Contracts" (H. P. 1062) (L. D. 1385)

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

Amended Bill

Bill "An Act Pertaining to the Political Rights of State Employees" (S. P. 439) (L. D. 1318) (S. "A" S-42)

Was reported by the Committee on Bills in the Second Reading, read the second time, the Senate Paper was passed to be engrossed as amended in concurrence.

Orders of the Day

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

HOUSE REPORT—"Ought to Pass"—Committee on Local and County Government on Bill "An Act Concerning the Financial Responsibility of the County for Medical Expenses of Prisoners" (H. P. 671) (L. D. 854)

Tabled—March 30, 1983 by Representative McHenry of Madawaska.

Pending—Acceptance to Committee Report.

On motion of Mr. McHenry of Madawaska, retabled pending acceptance of the Committee Report and tomorrow assigned.

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

SENATE REPORT—"Ought to Pass" as amended by Committee Amendment "A" (S-34)—Committee on Business Legislation on Bill "An Act to Amend the Maine Consumer Credit Code" (S. P. 219) (L. D. 656)

Tabled—March 31, 1983 by Representative Brannigan of Portland.

Pending—Acceptance of Committee Report.

On motion of Mr. Brannigan of Portland, retabled pending acceptance of the Committee Report and tomorrow assigned.

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

Non-Concurrent Matter Tabled and Assigned

Bill "An Act Relating to the Licensing of Dental Radiographers" (H. P. 996) (L. D. 1329) which was referred to the Committee on Health and Institutional Services in the House on March 25, 1983.

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

In the House: On motion of Mrs. Nelson of Portland, tabled pending further consideration and tomorrow assigned.

(Off Record Remarks)

On motion of Mr. Murray of Bangor, Adjourned until nine o'clock tomorrow morning.