

# 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**

Wednesday, April 13, 1983

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

Prayer by Father William Barter of St. Patrick's Catholic Church, Lewiston.

The journal of yesterday was read and approved.

**Papers from the Senate  
Reports of Committees**

**Unanimous Leave to Withdraw**

Report of the Committee on Public Utilities reporting "Leave to Withdraw" on Bill "An Act to Prohibit Unsafe Aboveground Electric Utility Wiring" (S. P. 308) (L. D. 922)

Was 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 Energy and Natural Resources on Bill "An Act to Revise the Structure of the Board of Environmental Protection" (S. P. 280) (L. D. 845) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Reassign Responsibilities Within the Department of Environmental Protection" (S. P. 470) (L. D. 1434)

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed.

In the House, the Report was read and accepted in concurrence, the New Draft read once and assigned for second reading tomorrow.

**Non-Concurrent Matter**

Bill "An Act to Insure Fairness in the Administration of the United States Social Security Act by the State Disability Determination Services" (Emergency) (H. P. 1081) (L. D. 1427) which was referred to the Committee on Health and Institutional Services in the House on April 6, 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.

**Non-Concurrent Matter**

Resolution, Proposing an Amendment to the Constitution of Maine to Undecimate the Highway Fund (H. P. 1087) (L. D. 1430) which was referred to the Committee on Transportation in the House on April 6, 1983.

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

In the House: On motion of Mr. Strout of Corinth, the House voted to adhere.

**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 Authorize a Bond Issue in the Amount of \$25,000,000 to Rehabilitate and Provide an Access Causeway at Portsmouth Naval Prison at Kittery and Establish a Regional Jail Facility for the Northeastern States" (H. P. 1103) (Presented by Representative Carter of Winslow) (Cosponsors: Senators Bustin of Kennebec, Perkins of Hancock and Representative Paradis of Augusta)

(Ordered Printed)

Sent up for concurrence.

**Later Today Assigned**

Bill "An Act to Reestablish the Energy Testing Laboratory of Maine as a Part of Southern Maine Vocational-Technical Institute" (Emergency) (H. P. 1104) (Presented by Representative Thompson of South Portland) (Cospon-

sors: Representatives Benoit of South Portland, Kane of South Portland and Senator Gill of Cumberland) (Submitted by the Department of Business Regulation pursuant to Joint Rule 24)

Was referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

On motion of Mr. Jalbert of Lewiston, the House reconsidered its action whereby the Bill was referred to the Committee on Business Legislation.

The same gentleman moved that the Bill be referred to the Committee on Appropriations and Financial Affairs.

On motion of Mr. Brannigan of Portland, tabled pending the motion of Mr. Jalbert of Lewiston to refer to the Committee on Appropriations and Financial Affairs and later today assigned.

**Energy and Natural Resources**

Bill "An Act to Amend the Department of Environmental Protection Statutes" (H. P. 1105) (Presented by Representative Michaud of East Millinocket) (Cosponsor: Representative Hall of Sangerville) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24)

Bill "An Act Relating to Hazardous Waste Management" (H. P. 1106) (Presented by Representative Jacques of Waterville) (Cosponsors: Senator Kany of Kennebec, Representative Hall of Sangerville and Dexter of Kingfield) (Ordered Printed)

Sent up for concurrence.

**Labor**

Bill "An Act Relating to Attorneys' Fees Under the Workers' Compensation Law" (H. P. 1107) (Presented by Representative Lewis of Auburn)

(Ordered Printed)

Sent up for concurrence.

**Local and County Government**

Bill "An Act to Change Public Hearing Date for Budget Estimates" (H. P. 1108) (Presented by Representative Murphy of Kennebunk) (Cosponsors: Representatives Wentworth of Wells, Daggett of Manchester, and Senator Wood of York)

Bill "An Act to Clarify Method of Payment of Salaries to County Commissioners" (H. P. 1109) (Presented by Representative Murphy of Kennebunk) (Cosponsors: Representatives Wentworth of Wells, Daggett of Manchester, and Senator Wood of York)

(Ordered Printed)

Sent up for concurrence.

**Orders**

On motion of Representative Nelson of Portland, the following Joint Resolution: (H. P. 465) (Cosponsors: Speaker Martin of Eagle Lake and Senator Conley of Cumberland)

JOINT RESOLUTION Commemorating the "Days of Remembrance" of the Victims of the Nazi Holocaust

WHEREAS, less than 40 years ago, 6 million Jews were murdered in the Nazi Holocaust as part of a systematic program of genocide, and millions of other people suffered as victims of Nazism; and

WHEREAS, the people of the State of Maine should always remember the atrocities committed by the Nazis so that such horrors must never be repeated; and

WHEREAS, the people of the State of Maine should continually rededicate themselves to the principle of equal justice for all people; and

WHEREAS, the people of the State of Maine should remain eternally vigilant against all tyranny, and recognize that bigotry provides a breeding ground for tyranny to flourish; and

WHEREAS, April 10th, has been designated, pursuant to an Act of Congress and internationally, as a Day of Remembrance of Victims

of the Nazi Holocaust, known as Yom Hashoah; and

WHEREAS, the international community will be commemorating the week of April 10th through April 17th, as the "Days of Remembrance" of the victims of the Nazi Holocaust; and

WHEREAS, it is appropriate for the people of the State of Maine to join in this international commemoration; now, therefore, be it

RESOLVED: That We, the Members of the First Regular Session of the 111th Legislature on behalf of the people of the State of Maine, in memory of the victims of the Holocaust, recommit ourselves to the lessons of the Holocaust through this international week of the commemoration and express our common desires to continually strive to overcome prejudice and inhumanity through education, vigilance and resistance; and be it further

RESOLVED: That suitable copies of this Joint Resolution be prepared and transmitted forthwith to the United States Holocaust Memorial Council in Washington, D.C., on behalf of the people of the State of Maine.

The Resolution was read.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Nelson.

Mrs. NELSON: Mr. Speaker, Ladies and Gentlemen of the House: Simply this—that those who forget history are condemned to repeat it.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Baker.

Mr. BAKER: Mr. Speaker, Men and Women of the House: Normally what has simply been said by the Clerk and the gentlewoman from Portland would have been sufficient to commemorate the memory of six million who died at the hands of Nazi tyranny.

I rise this morning only because on the 40th anniversary of the Warsaw ghetto uprising this Tuesday, April 19, the Polish government has seen fit to use the occasion to continue their anti-semitic attacks and to use the occasion to simply level charges against the state of Israel.

The Polish government has consistently used anti-semitism as a part of its policy since the days of Marshall Pilsudski and up to their present efforts to break the free trade union movement of Solidarity, and to its credit, Solidarity has rejected anti-semitism.

I would like to read a portion of a book written by one Vladka Meed who was a survivor of the Warsaw ghetto uprising and who witnessed the attacks on the ghetto from outside the wall. She was a courier who maintained contact between the resistance fighters inside the ghetto and those resistance fighters who were outside the ghetto and those resistance fighters who were outside the ghetto in the forests. She said, "How had they, my friends, people I had lived and worked with, how had they dared, with their pitiful assortment of arms and explosive-filled bottles, to challenge the modern sophisticated weapons of the enemy? We on the Arian side were conscious not only of our admiration for our comrades in arms but, more important, of a sense of guilt at being outside the ghetto at so crucial a time. We should have been over there, in the thick of the fight, amid the roaring fires and crashing walls, dead among the ruins of the ghetto."

"We stared into the flame-red sky over Warsaw. Why was there no response from the rest of the city? Where was the help our neighbors had promised and the rest of the world? Why was it keeping so silent?"

Thereupon, the Resolution was adopted and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

Representative Reeves from the Committee on Judiciary on Bill "An Act to Redefine the Insanity Plea" (H. P. 883) (L. D. 1137) 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 Norton from the Committee on Labor on Bill "An Act to Prevent Discrimination against Seasonal Workers in the Unemployment Insurance Program" (H. P. 269) (L. D. 329) reporting "Leave to Withdraw"

Representative Swazey from the Committee on Labor on Bill "An Act to Protect Workers Injured while in the Employ of Uninsured Employers" (H. P. 330) (L. D. 389) reporting "Leave to Withdraw"

Representative Willey from the Committee on Labor on Bill "An Act Regarding Benefits under the Workers' Compensation Law" (H. P. 846) (L. D. 1096) reporting "Leave to Withdraw"

Representative Lewis from the Committee on Labor on Bill "An Act Concerning Charges to Agricultural Seasonal Employers for Benefits Paid to Unemployed Workers" (H. P. 937) (L. D. 1220) reporting "Leave to Withdraw"

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 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. 716) (L. D. 907) Bill "An Act to Eliminate Reports by District Attorneys to the Attorney General"—Committee on Judiciary reporting "Ought to Pass"

(H. P. 905) (L. D. 1184) Bill "An Act to Establish Vehicular Manslaughter as a Class B Offense under the Criminal Code"—Committee on Judiciary reporting "Ought to Pass"

(S. P. 355) (L. D. 1076) Bill "An Act to Increase Licensing Fees of Agencies Within the Department of Business Regulation"—Committee on Business Legislation reporting "Ought to Pass"

(S. P. 148) (L. D. 439) Bill "An Act to Provide Necessary Statutory Changes as a Result of Certain Laws Relating to Juries" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-52)

(S. P. 307) (L. D. 921) Bill "An Act to Improve the Identification of Persons Prescribing Medicines on Hospital Prescription Blanks"—Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (S-54)

(H. P. 775) (L. D. 1005) Bill "An Act to Amend the Laws Relating to Fees for Private Investigator and Security Guard Licenses"—Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-128)

(H. P. 927) (L. D. 1206) Bill "An Act Concerning Inspection of Hotel Records by Police Officers"—Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-129)

(H. P. 851) (L. D. 1101) Bill "An Act to Amend the Laws Relating to Transportation or Cutting of Christmas Trees"—Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-130)

(H. P. 871) (L. D. 1125) Bill "An Act to Require Annual Disclosure of Interest in Agricultural Land in Maine"—Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-131)

There being no objections, the above items were ordered to appear on the Consent Calendar of April 14 under the listing of Second Day.

#### Consent Calendar

##### Second Day

In accordance with House Rule 49, the following items appeared on the Consent Ca-

lendar for the Second Day:

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

(S. P. 233) (L. D. 675) Bill "An Act Concerning Dates for Harness Racing" (C. "A" S-51)

(H. P. 980) (L. D. 1281) Bill "An Act to Authorize the Public Utilities Commission to Hold Joint Hearings with Federal Public Utility Regulatory Bodies"

(H. P. 981) (L. D. 1282) Bill "An Act to Remove the Jurisdiction of the Public Utilities Commission over Certain Dealers of Gas in Liquid Form" (C. "A" H-125)

(H. P. 151) (L. D. 159) Bill "An Act Relating to the Maine State Lottery Law" (C. "A" H-127)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were passed to be engrossed or passed to be engrossed as amended 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

Bill "An Act to Provide Confidentiality of Library Records" (S. P. 472) (L. D. 1436)

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

Mr. Murphy of Kennebunk offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-132) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. Murphy.

Mr. MURPHY: Mr. Speaker, Men and Women of the House: The amendment which was just delivered to your desks excludes the Maine State Law Library at the request of the Maine State Law Library. It is a very noncontroversial amendment. The Chairman of the Judiciary Committee, who is also a cosponsor of the bill, was aware of it.

The reason for the amendment is that it would be very expensive for the Law Library to change over and I don't want to be critical of lawyers, but the Law Library indicated that lawyers, when they tend to check out books from the State Law Library, or papers, seem to take a little longer in returning the papers than most normal patrons do and the Law Library is able to use those library records in terms of getting information to other lawyers who need that material. Those lawyers desirous of the material are able to lean a little bit upon the other lawyers and improve circulation. So for the cost that would be incurred by the state and also the ease of getting materials back and available to other lawyers, we would hope that we could adopt this amendment.

Thereupon House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" and sent up for concurrence.

Bill "An Act Concerning the Penalties for Negotiating a Worthless Instrument" (S. P. 471) (L. D. 1435)

Bill "An Act to Restrict Reimbursement of Mileage to Boards and Commissions to no More than that received by State Employees" (H. P. 1102) (L. D. 1448)

Bill "An Act Relating to Justices and Judges of the Supreme Judicial, Superior and District Courts" (H. P. 1088) (L. D. 1415)

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.

#### Passed to Be Engrossed

##### Amended Bill

Bill "An Act to Provide for the Use of Major Credit Cards at Selected State Liquor Stores"

(S. P. 160) (L. D. 448) (C. "A" S-50)

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

The SPEAKER: The Chair recognizes the gentlewoman from Presque Isle, Mrs. MacBride.

Mrs. MacBRIDE: Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed, and I further request a roll call.

The SPEAKER: The gentlewoman from Presque Isle, Mrs. MacBride, moves that this Bill and all its accompanying papers be indefinitely postponed in non-concurrence.

The gentlewoman may proceed.

Mrs. MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will indefinitely postpone this bill today. Do we really want to extend credit for something that is not needed, not necessary and possibly harmful? Do we really want to trade several million dollars in revenue from increased liquor sales for more than that amount to help solve the problems of problem drinkers?

We have started on a good course in this legislature, I believe. We have one of the toughest driving and drinking laws in the country. We have money going solely to help people with alcohol problems, and people with these problems, as well as their families, are reaching out to us for help with the various bills that are in the legislature this year. Let's not undo all that we are trying to do to help those in trouble.

I hope you will vote against credit cards for liquor sales. I think we will be sorry if we put this piece of legislation into law.

The SPEAKER: A roll call has been requested. 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.

The SPEAKER: The pending question is on the motion of the gentlewoman from Presque Isle, Mrs. MacBride, that this Bill and all its accompanying papers be indefinitely postponed in non-concurrence. All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentlewoman from Auburn, Mrs. Cote.

Mrs. COTE: Mr. Speaker, I would like to pair my vote with the gentlewoman from Sabattus, Miss LaPlante. If she were here, she would be voting yea; if I were voting, I would be voting nay.

#### ROLL CALL

YEA—Allen, Anderson, Bell, Benoit, Bonney, Bost, Brodeur, Brown, A.K.; Clark, Connors, Connolly, Cooper, Cox, Crowley, Curtis, Daggett, Davis, Day, Diamond, Drinkwater, Foster, Gauvreau, Gwadosky, Higgins, L.M.; Kelly, Lebowitz, Lisnik, Livesay, Locke, MacBride, Martin, A.C.; Masterman, Matthews, Z.E.; McHenry, Michaud, Mitchell, E.H.; Mitchell, J.; Murphy, Norton, Parent, Paul, Pines, Randall, Reeves, J.W.; Richard, Scarpino, Seavey, Sherburne, Smith, C.B.; Smith, C.W.; Sproul, Stevenson, Stover, Strout, Thompson, Walker, Webster, Wentworth, Weymouth, Willey.

NAY—Ainsworth, Andrews Armstrong, Baker, Bott, Brannigan, Brown, K.L.; Cahill, Callahan, Carroll, D.P.; Cashman, Chonko, Conary, Crouse, Dillenback, Erwin, Greenlaw, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Holloway, Ingraham, Jackson, Jalbert, Joseph, Joyce, Kane, Kelleher, Kiesman, Kilcoyne, Lehoux, Lewis, MacEachern, Macomber, Manning, Martin, H.C.; Maybury, McCollister, McGowan, McPherson, McSweeney, Melendy, Michael, Moholland, Murray, Nadeau, Nelson, Paradis, P.E.; Perkins, Perry, Pouliot, Racine, Reeves, P.; Roberts, Rodrick, Rolde, Rotondi, Salsbury, Soucy, Soule, Stevens, Swazey, Tammaro, Telow, Tuttle, Vose, Zirkilton.

ABSENT—Beaulieu, Brown, D.N.; Carrier, Carroll, G.A.; Carter, Dexter, Dudley, Hobbins, Jacques, Ketover, Mahany, Masterton, Matthews, K.L.; Paradis, E.J.; Ridley, Small, Theriault, The Speaker.

PAIRED—Cote-LaPlante.

Yes, 60; No, 69; Absent, 18; Paired, 2; Vacant, 2.

The SPEAKER: Sixty having voted in the affirmative and sixty-nine in the negative, with eighteen being absent and two paired, the motion does not prevail.

Thereupon, the Bill was passed to be engrossed as amended by Committee Amendment "A" S-50 in concurrence.

By unanimous consent, ordered sent forthwith to Engrossing.

#### **Passed to Be Enacted**

An Act to Eliminate the Requirement that Supreme Judicial Court Briefs Be Bound (S. P. 145) (L. D. 436)

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

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

Tabled—April 12, 1983 by Representative Gwadosky of Fairfield.

Pending—Passage to be Enacted.

On motion of Mrs. Mitchell of Vassalboro, tabled pending passage to be enacted and later today assigned.

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

Bill, "An Act to Expand the Tourism Promotion Program" (Emergency) (S. P. 451) (L. D. 1372)

—In Senate, Referred to the Committee on Appropriations and Financial Affairs.

—In House, Referred to the Committee on State Government in non-concurrence.

Tabled—April 12, 1983 by Representative Connolly of Portland.

Pending—Motion of the same gentleman to reconsider Reference.

On motion of Mr. Connolly of Portland, retabled pending his motion to reconsider reference and tomorrow assigned.

#### **(Off Record Remarks)**

On motion of Mr. Pouliot of Lewiston, Recessed until the sound of the gong.

#### **After Recess**

10:30 a.m.

The House was called to order by the Speaker.

The Chair laid before the House the following matter:

Bill "An Act to Reestablish the Energy Testing Laboratory of Maine as a Part of Southern Maine Vocational-Technical Institute" (Emergency) (H. P. 1104) which was tabled earlier in the day and later today assigned pending the motion of Mr. Jalbert of Lewiston that the Bill be referred to the Committee on Appropriations and Financial Affairs.

On motion of Mr. Jalbert of Lewiston, tabled pending his motion to refer the bill to the Committee on Appropriations and Financial Affairs and tomorrow assigned.

The Chair laid before the House the following matter:

An Act Pertaining to the Political Rights of State Employees (S. P. 439) (L. D. 1318) (S. "A" S-42) which was tabled earlier in the day and later today assigned pending passage to be

enacted.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### **(Off Record Remarks)**

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