

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

Volume II

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MAY 4, 1981 to JUNE 19, 1981

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Erwin, Fitzgerald, Gwadosky, Hall, Hayden, Higgins, H. C.; Hobbins, Jacques, Joyce, Kane, Kany, Ketover, Lancaster, LaPlante, Lisnik, Livesay, MacEachern, Macomber, Mahany, Manning, McGowan, Michael, Michaud, Mitchell, E. H.; Mitchell, J.; Moholland, Nadeau, Paradis, P.; Pearson, Perkins, Perry, Post, Pouliot, Prescott, Reeves, J.; Reeves, P.; Richard, Ridley, Roberts, Rolde, Smith, C. B.; Soule, Telow, Theriault, Thompson, Tuttle, Twitchell, Vose, Webster, The Speaker.

ABSENT: Austin, Carrier, Connolly, Fowlie, Jalbert, Leighton, Locke, Martin, H. C.; O'Rourke, Paul.

Yes, 74; No, 67; Absent, 9; Vacant, 1.

The SPEAKER: Seventy-four having voted in the affirmative and sixty-seven in the negative, with nine being absent and one vacant, the motion does prevail.

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

By unanimous consent, unless previous notice was given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk was authorized today to send to the Senate, thirty minutes after the House recessed for lunch and also thirty minutes after the House adjourned for the day, all matter passed to be engrossed in concurrence and all matters that required Senate concurrence; and that after such matters had been so sent to the Senate by the Clerk, no motion to reconsider would be allowed.

(Off Record Remarks)

On motion of Mr. O'Rourke of Camden.
Recessed until four-thirty in the afternoon.

After Recess

The House was called to order by the Speaker.

At this point, the rules were suspended to allow members to remove their jackets.

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 Amend the Maine Consumer Credit Code to Increase the Availability of First Mortgage Residential Loan Funds. (H.P. 719) (L.D. 851) (C. "A" H-257)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and two-thirds vote of all the members elected to the House being necessary, a total was taken. 101 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 to Require that Services Performed by Chiropractors be Offered as Optional Coverage under all Group Health Insurance Policies and Group Health Care Contracts (S.P. 329) (L.D. 959) (H. "A" H-275 to C. "A" S-136)

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.

An Act to Increase the Number of Signatures Required to Initiate Rule-making Proceedings under the Maine Administrative Procedure Act. (S.P. 522) (L.D. 1452) (C. "A" S-142)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, I would like to ask any member of the State Government Committee, what is the reason for this bill being in now and what is the difference in the

number of signatures that are required now and the difference of signatures that will be required under this bill?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: There are a number of bills about the Administrative Procedures Act, in particularly the rule-making authority, before this body. This is the single bill that dealt with a modification of an existing rule as opposed to putting forth a new rule. It is for that reason that it is here before you as a single entity. You will be getting the others shortly.

This particular bill would limit the persons who could seek to modify an existing rule to voters within the State of Maine. Right now the law just reads "persons." So anyone, a pile of people could come in from New Hampshire or anywhere else in the country, or people who are not Americans, and they could seek to modify our rules. So we definitely wanted to change that so they would be registered voters in the State of Maine.

Secondly, it is 100 people now who can basically force a new rule-making proceeding for an existing rule, and that figure would be up—the suggestion in the bill itself was 500, but our committee did not see fit to go that high. We did not believe it was necessary to go that high, so it was a much more moderate figure, I think it was 150 that we decided was a reasonable figure.

I would like to point out that if any person has a problem with an existing rule, they can write to an agency and ask them to begin rule-making proceedings. The agency can either begin those new rule-making proceedings or they must, in writing, say why they decided not to do so.

I would hope that this would be a reasonable bill, and I would hope it would go on to enactment.

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

An Act to Increase the Minimum Base Salary for Executive Administrative or Professional Employees (H.P. 430) (L.D. 477)

An Act to Clarify the Duties of the Register of Deeds (H.P. 766) (L.D. 936) (S. "A" S-156 to C. "A" H-217; H. "A" H-228)

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.

An Act to Establish an Agricultural Exemption from Workers' Compensation for Certain Wood Lot Operations (H.P. 937) (L.D. 1107) (C. "A" H-264)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. McHenry.

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to clarify something. I am afraid that the state might be in the position that we were in a couple of years ago when a farmer came back and said that we had exempted them from workers' comp and therefore he wasn't liable to suit. I just want to make sure that the farmers know that if they do not have sufficient coverage, they will be liable to suit. That is the point I wanted to make, and also that I am sure that liability insurance for all our farmers is going to go up because of this bill. But the farmers, as I understand it, are all for this bill—very well. I just wanted to make sure that they know they will be able to be sued.

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

An Act Relating to Burial Expenses for Veterans (H.P. 1104) (L.D. 1309) (H. "A" H-268)

An Act to Raise Survivors' Benefits in the Maine State Retirement System (S.P. 464) (L.D. 1320) (C. "A" S-152)

An Act to Clarify that the Contract Bar Rule does not Apply to Unit Clarification Proceedings under the State Employee Labor Relations Act (H.P. 1253) (L.D. 1477)

An Act to Amend the Spruce Budworm Suppression Laws (H.P. 1334) (L.D. 1530) (C. "A" H-267)

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

Mr. NADEAU: Mr. Speaker, is the House in possession of Resolve for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1981, House Paper 1358, L.D. 1540?

The SPEAKER: The Chair would answer in the affirmative, having been held at the request of the gentleman from Lewiston, Mr. Nadeau.

The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, I move that we reconsider whereby we passed this bill to be engrossed.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that we reconsider our action whereby this Bill was passed to be engrossed.

The gentleman may proceed.

Mr. JALBERT: Mr. Speaker and Members of the House: I am not going to hoorah, I am just going to state my position. I was vehemently opposed to not taking one person off this program. We had a meeting yesterday, and here is the motion that I made, and I will quote verbatim—last week you voted with me on this thing. When we had the meeting, I addressed the chairman of the delegation, I looked at the gentleman from Auburn, Mr. Brodeur, and I said to him, I will make a motion now that we indefinitely postpone your amendment. If I win, I expect you to withdraw you amendment—he is nodding yes; that was the understanding. If I lose, I will join the majority. The majority was 8 to 6, and on that level, it committed me, nobody else, to keep my word. Others are joining with me, I can assure you of that.

I thank you for what you did last week, but the position now has changed as far as I am concerned. It has nothing to do with party, it has nothing to do with Auburn or the county or this man. I am just sorry to take up so much of your time.

On that level, Mr. Speaker, so I can have a motion made later on, because then I would not be able to make that motion because I would not be on the prevailing side because I was not here, but then a motion will be made, if you people are kind enough to follow my light and go along and let us reconsider whereby this bill was engrossed, the motion will then be made to reconsider whereby the amendment failed of passage. When that motion is passed, if you are kind enough to pass it, I will get up and make a motion that the amendment pass, which will put things in order, and we will be through with this thing concerning Androscoggin County and Lewiston.

We have many things to do, I don't think we ought to debate it too long, at least I don't want to. I have given you my position, I am going to keep my word to the very end.

Mr. Speaker, when the vote is taken, I ask for a roll call, because a roll call is going to be asked for later on anyway, and I ask you people to go along with my motion to reconsider whereby this bill was passed to be engrossed.