

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 Tenth
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

MAY 4, 1981 to JUNE 19, 1981

INDEX

FIRST SPECIAL SESSION

AUGUST 3, 1981

INDEX

FIRST CONFIRMATION SESSION

AUGUST 28, 1981

INDEX

SECOND SPECIAL SESSION

SEPTEMBER 25, 1981

INDEX

THIRD SPECIAL SESSION

DECEMBER 9, 1981

INDEX

Bill Recalled from Legislative Files

(Pursuant to Joint Order — House Paper 1569)

BILL, "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Law" (H. P. 1411) (L. D. 1576)

On motion of Mr. Reeves of Newport, under suspension of the rules, the House reconsidered its action whereby it voted to adhere.

On further motion of the same gentleman, the House voted to recede.

On motion of the same gentleman, House Amendment "C" was indefinitely postponed.

The same gentleman offered House Amendment "E" and moved its adoption.

House Amendment "E" (H-503) was read by the Clerk.

Mrs. Berube of Lewiston offered House Amendment "A" to House Amendment "E" and moved its adoption.

House Amendment "A" to House Amendment "E" (H-506) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MacEACHERN: Mr. Speaker, I move the indefinite postponement of House Amendment "A" to House Amendment "E".

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, Members of the House: I was really hoping beyond hope that we would be given the same free passage that House Amendment "E" has been given but I guess we will have to explain ours.

The original recommendation transferred the inspection stations away from public safety to the Secretary of State. At that time, there was considerable concern over that transfer. The committee then met and, after speaking with many of you, we unanimously agreed a week ago to bring out a so-called compromise amendment which would place the inspectors of the inspection stations not under the Secretary of State's Department but rather under the Department of Public Safety; more precisely, the Traffic Division of the State Police. This is what the amendment does. It places five civilian inspectors, who will be devoting one hundred percent of their time to inspecting the gasoline stations or the stations that do the inspection of cars, they will be under the State Police, and in so doing, the taxpayers of this state will be saving about \$356,000 over the next biennium.

I would urge that you vote against the indefinite postponement of this amendment.

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask a couple of questions through the Chair to the gentlelady from Lewiston, Mrs. Berube.

One is the total savings of this L. D. with her House Amendment, and maybe she could give us the difference if this House Amendment wasn't adopted. My second question is, what additional revenues are contained in this bill by new fees?

The SPEAKER: The gentleman from Corinth, Mr. Strout, has posed questions through the Chair to anyone who may care to respond.

The Chair recognizes the gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, Members of the House: If the gentleman will give me five minutes, I will open up the book and I will give you the correct answer. I know that there is an increase in fees but that has nothing to do with the amendment that we are discussing at this time, it is in the original document of Sunset Review L. D. 64. I think there is an increase in fee from \$10 to \$20 for those who have lost their license, driver's license, in order to reinstate it.

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: The reason why I asked

that question is, I think it makes a difference to me. I heard earlier this week that there would be a savings to the state around \$2 million if this L. D. passed. It is my understanding, I guess, that she doesn't have the increased revenues before her. I have heard indications that there might be from \$500,000 to \$700,000 additional revenues here, and I think we are being told that there would be a net savings to the state of \$2 million, and I question whether we are going to have that savings when we are increasing, the way I read it in the bill, Sections 92 and 94, driver license fees for automobile dealers are going to go from \$20 to \$50; snowmobile trailer dealers are going to go from \$10 to \$15, and there are a couple of other sections in here that have increases.

The SPEAKER: The Chair would advise the gentleman from Corinth, Mr. Strout, that at the present time the only matter before us is not the bill but only the amendment which deals with, as the Chair understands it, the question of the state police. So the Chair would ask him to restrict his remarks to that at the present time.

Mr. STROUT: Mr. Speaker, I understand it. I will keep my remarks to the amendment, but I do have to say that if this amendment is adopted, I would still think that it might make the bill in jeopardy.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Lincoln, Mr. MacEachern, that House Amendment "A" to House Amendment "E" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mrs. Beurbe of Lewiston requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. 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 Chair recognizes the gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, the motion before us right now is to indefinitely postpone a unanimous recommendation from the committee. Last week, we failed to pass the bill, that is to recede and concur with the Senate, by a mere three votes. It was our understanding at that time that a great concern was raised because of the transfer to the Secretary of State's Department. We have rectified that. The savings, if the amendment is accepted, is \$356,000 for the biennium. I think it boils down to, are we going to address the concerns also for the taxpayers, our constituents, are we going to address this issue on logic, or are we going to listen to a bureaucracy that insists that they cannot function with civilians within their own department? I think I have heard that argument this morning in the hall of the House.

The committee has reviewed many programs within three departments. We did so keeping in mind the cost effectiveness of the program, could it be handled any other way in a less expensive manner but at the same time not taking away any of the services to the general public, the people who foot the bills? I think this recommendation, which was originally in L. D. 64, does not take away services from the general public.

The nine troopers involved will not be out of a job. The legislature enacted Part I last week, it funds 12 new positions. They can only be transferred if they so choose. If they have other problems that are personnel problems, then I think those should be addressed via the route of collective bargaining. We have, I think, identified some good reasons why civilians would do the inspection.

I also heard earlier today that they couldn't vote for this amendment because the civilians would not wear a uniform and when they

walked into the filling station or garage that does the inspection of cars, they would not carry any weight. You know, we have the sanitation inspectors from the Department of Human Services who can close any establishment if they are defying the law, and I would like to see any filing station owner defy an Internal Revenue man who walks in in civilian clothes.

These people will have the same power of summons if there is a violation. I think what we tried to do in the committee is to balance between what is justifiable and what is self-perpetuating, and I think, from speaking to many many people outside this building, in my home community especially, they all favor the recommendation.

I would hope that you would vote against indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Island Falls, Mr. Smith.

Mr. SMITH: Mr. Speaker and Members of the House: I think it was mentioned here today that the troopers spend 28 percent of their time inspecting. Why does it need five people full time to do what nine are doing on 28 percent of their time? I can't understand the reasoning why; if we are really saving money, it shouldn't take more than three full time.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mrs. Berube.

Mrs. BERUBE: The figures, Mr. Smith, come directly from the Department of Public Safety; in fact, the supervisor of the department, 28.2 percent of their time is inspecting the stations; speaking engagements, 5.1 percent of their time. And in the officers' own handwriting they say that the equivalent of the nine troopers who are now doing this is five full time inspectors.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mrs. Huber.

Mrs. HUBER: Mr. Speaker, I guess I find it kind of ludicrous to know that we have a select committee or whatever, it is working on the highway problem, and here this House is faced with an obvious opportunity to save several hundred thousand dollars in that account. I feel firmly confident that under the supervision of the state police and trooper Clark, the five civilian employees, who would be paid less than state troopers, who would retire on a normal 25-year basis as opposed to the 20-year retirement for state police, would drive smaller cars with less official equipment, perhaps, than the state troopers, but all these things have absolutely nothing to do with the effectiveness of the inspection program. I would certainly urge you to support the good gentlewoman and to vote against indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: For the life of me, I can't figure out any savings. The question that hasn't been answered, how are they going to travel. Are they going to travel in state police cars? Are we going to buy them cars and typewriters and go through the whole works of a whole new administration?

I am satisfied the way it is and there is no way they can prove to me, with all the conversation we have had in this House, that this is a savings of even \$2. We are getting good service from these people that are on the highway now. They know their job and have been doing it well, and they do a lot of other work, admitted even by the opposition, they are only spending about 28 percent of their time on this particular inspection thing and they are full-time officers while they are doing that. I can't see hiring anymore people on the state payroll. I would be against putting people on the state payroll in any department at this time. I don't want to put anymore people to work in the Highway Department or any other department.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to belabor this, but there are a couple of points which I made in previous debates on the issue. The committee did look at shifting some of the responsibilities in other areas where the state police receive special money from special accounts, such as their inspecting of games of chance and beano, and we rejected that idea, but as I stated yesterday, the state police helps fund their positions through a special account in this regard where they sell stickers, they get fees from mechanics' licenses and they get the fees from the station licenses. That is sort of the bottom line, I think, in their opposition to this measure.

I guess the thing that has finally convinced me to go along with the rest of the committee is that there has been talk of changing the inspection system. I know the Committee on Transportation has looked at this, has had a study of it, has even recommended making changes, and it bothers me, if we set up this funding mechanism for the state police, that we have it in concrete and we will never be able to change the system. I am not sure what kind of a job they do. One of the things that bothers me most is the difficulty as a citizen getting an inspection sticker. If you don't have your own regular garage where you do business all the time, I know I once spent four hours going from Kittery to Ogunquit just trying to get an inspection sticker, and being treated rather rudely in many of the stations.

I just feel if we ever are going to want to change things, perhaps this is the time to do it.

The SPEAKER: The Chair recognizes the gentleman from Newport, Mr. Reeves.

Mr. REEVES: Mr. Speaker and Members of the House: I agree that this bill has really been belabored on this floor several times in the past two weeks. I do not intend to rise and prolong this debate, but there are a couple of things that I would like to point out.

First of all, Mr. Rolde's problem of not being able to obtain a sticker at a given garage, a given time, is not going to be affected in any way by this bill or the amendment before us at the present time.

I have heard it said many times, and I have disagreed each time and I am going to disagree once more. I cannot honestly believe that this amendment is going to save any amount of money, anywhere near the amount that has been mentioned on this floor.

I would like to further state that I cannot possibly imagine how five persons can cover the inspection work involved throughout this great State of Maine. You are talking about five persons. Ladies and gentlemen, I don't know how many of you have been from Kittery to Fort Kent and from Calais to Rumford, but I can tell you, it is no short haul.

I think we all realize that we have 16 counties in this state. You are talking about five individuals. Let's try to look at this from a realistic standpoint. Sixteen counties — I can almost visualize that one area might be Aroostook, Washington and Hancock counties, a huge area. I can visualize the next unit probably consisting of Penobscot, Piscataquis and Somerset counties, another large area. I could envision a third covering Waldo, Knox, Lincoln and Sagadahoc, another large area. We are still left with six more counties. You would have left Kennebec, Androscoggin, Franklin, Oxford, another large area. We are still left with Cumberland and York. If you think that five persons can cover these huge districts at a cost savings, I submit that it is false economy.

I can envision that certain people will be back here next year, or at least the next session, requesting, and justifiably so, more personnel because they will be unable to handle it. When they come back, justifiably so, and ask the second session of this 110th, or the next session, the 111th, for more men, I am certain that they will justify it and more men and more ex-

pense will be authorized.

I think that this proposal is really asking for either an impossible dream or a total nightmare. I think that the proposal is unrealistic. I honestly can't see any way possible that five men can do it, even if they were five Supermen. I urge you to vote for the indefinite postponement of House Amendment "A" to House Amendment "E".

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Gillis.

Mr. GILLIS: Mr. Speaker and Members of the House: In reply to the Representative's query as to how we could expect five people to do the work that is being done by the state police now, it is very simple. You have state police on there that are putting in 28 percent of their time doing the job. We are putting five people on 100 percent of the time.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: A trooper is a trained person, he retires in 20 years because of his enforcement activity. A civilian would not retire this soon. It is hard to understand why the state police, in all their wisdom, haven't hired civilians before.

Most of the savings are there because of this retirement activity.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Lincoln, Mr. MacEachern, that House Amendment "A" to House Amendment "E" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from Auburn, Mr. Brodeur.

Mr. BRODEUR: Mr. Speaker, I request leave of the House to pair my vote with the gentleman from Lewiston, Mr. Jalbert. If he was here, he would be voting yes; I would be voting no.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Racine.

Mr. RACINE: Mr. Speaker, I would like to ask permission to pair my vote with Mr. Richards of Madison. If he were here, he would be voting nay; I would be voting yea.

ROLL CALL

YEA — Aloupis, Armstrong, Beaulieu, Bordeaux, Boyce, Brannigan, Brown, D.; Callahan, Chonko, Clark, Conary, Connors, Damren, Day, Dexter, Diamond, G. W.; Drinkwater, Dudley, Erwin, Foster, Fowlie, Gavett, Gowen, Gwadosky, Hanson, Hayden, Higgins, L.M.; Hobbins, Hunter, Ingraham, Jacques, Jordan, Kelleher, Ketover, Kiesman, Kilcoyne, Lancaster, Locke, MacEachern, Mahany, Masterman, Matthews, McPherson, McSweeney, Michaud, Mitchell, E.H.; Murphy, Nelson, A.; O'Rourke, Paradis, E.; Pearson, Perkins, Perry, Post, Pouliot, Prescott, Reeves, J.; Ridley, Roberts, Salsbury, Sherburne, Smith, C.B.; Soulas, Soule, Stevenson, Strout, Studley, Tarbell, Theriault, Thompson, Treadwell, Tuttle, Webster, Wentworth, Weymouth, Mr. Speaker.

NAY — Austin, Baker, Bell, Benoit, Berube, Boisvert, Brennerman, Brown, A.; Brown, K.L.; Cahill, Carrier, Carroll, Carter, Connolly, Cox, Crowley, Cunningham, Curtis, Davies, Diamond, J.N.; Dillenback, Fitzgerald, Gillis, Hall, Hickey, Higgins, H.C.; Holloway, Huber, Hutchings, Jackson, Joyce, Kane, Kany, LaPlante, Lewis, Lisnik, Livesay, Lund, MacBride, Macomber, Manning, Martin, A.; Masterton, McGowan, McHenry, McKean, Michael, Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, Paradis, P.; Paul, Peterson, Randall, Reeves, P.; Rolde, Small, Smith, C.W.; Stover, Swazey, Telow, Vose, Walker.

ABSENT — Davis, Laverriere, Martin, H.C.; McCollister, Twitchell.

PAIRED — Brodeur-Jalbert; Racine-Richard.

Yes, 76; No, 65; Absent, 5; Paired, 4;

Vacant, 1.

The SPEAKER: Seventy-six having voted in the affirmative and sixty-five in the negative, with five being absent and four paired, the motion does prevail.

Thereupon, House Amendment "E" was adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

SENATE DIVIDED REPORT—Majority (12)—"Ought to Pass" in New Draft (S. P. 642) (L. D. 1662)—Minority (1) "Ought Not to Pass" Committee on Health and Institutional Services on Bill "An Act to Establish and Coordinate Training, Education and Employment Programs for Recipients of Aid to Families with Dependent Children" (S. P. 437) (L. D. 1278) which was tabled and later today assigned pending the motion of Mrs. Prescott of Hampden to accept the Majority Report in concurrence.

Thereupon, the Report was accepted in concurrence and the New Draft read once.

Senate Amendment "A" (S-301) was read by the Clerk and adopted in concurrence.

The New Draft was assigned for second reading the next legislative day.

The following papers appearing on Supplement No. 11 were taken up out of order by unanimous consent:

Leave to Withdraw

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Make Changes in the Tree Growth Tax Law" (S. P. 472) (L. D. 1328)

Came from the Senate with the Report read and accepted.

In the House, the Report was read and accepted in concurrence.

Non-Concurrent Matter

Bill "An Act to Promote Alcohol and other Drug Abuse Education and Rehabilitation" (H. P. 1533) (L. D. 1645) which was passed to be engrossed in the House on May 28, 1981.

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

In the House:

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

Mr. CONNOLLY: Mr. Speaker, I move that the House recede and concur.

The SPEAKER: The gentleman from Portland, Mr. Connolly, moves that the House recede and concur.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to disagree with the gentleman from Portland, Mr. Connolly, but perhaps he could tell us why. It was my understanding that this Bill had a unanimous Committee Report out of Education, and if someone has changed their mind in here why this bill should be killed, I guess I would like to know why.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: In response to the question, this bill was really seen by the Committee on Education as a backup, a second effort, if the other bill that deals with the same subject matter, alcohol and drug abuse education, were not to pass this legislation, or not to be dealt favorably by the legislature, then this bill would be given a shot. But the decision now is that the issue should be fought out in the other bill that has come out from the Taxation Committee