

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 6, 1982 to April 13, 1982

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FOURTH SPECIAL SESSION

April 28, 1982 and April 29, 1982

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FIFTH SPECIAL SESSION

May 13, 1982

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SECOND CONFIRMATION SESSION

July 16, 1982

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Committee Amendment "A" as amended by House Amendment "B" thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "B" thereto in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mrs. Post of Owl's Head, the House reconsidered its action of earlier in the day whereby An Act to Provide an Alternative Withdrawal Procedure from the Tree Growth Tax Law for the 1982 Tax Year, House Paper 2241, L.D. 2101, was passed to be enacted.

The SPEAKER: The Chair recognizes the gentlewoman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: When this L.D. was enacted earlier this morning, a statement was read on the record in regards to L.D. 2068 which we had passed previously. After having discussions with the individual who made that statement on the record, I want to clarify one of the last sentences that was made. The sentence was, L.D. 2068 makes it clear that water utilities which own forest lands may continue to keep their land under tree growth and receive the tax benefits of that program.

More correctly, that statement should say that L.D. 2068 made it clear that water utilities that had charter restrictions which prevent commercial harvesting of trees or require a primary use of the land other than commercial harvesting will be able to keep their land under tree growth and receive the tax benefits of that program. If they do not have charter restrictions in those areas, they would be treated as other landowners are treated across the state.

The SPEAKER: The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

121 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.

By unanimous consent, ordered sent forthwith.

On motion of Mr. Paul of Sanford,
Recessed until two o'clock in the afternoon.

After Recess
2:00 p.m.

The House was called to order by the Speaker.

The following papers appearing on Supplement No. 7 were taken up out of order by unanimous consent:

Passed to Be Engrossed

Bill "An Act Implementing Certain Recommendations of the Citizens' Commission to Evaluate the Department of Environmental Protection" (S. P. 968) (L. D. 2130)

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

Mr. McHenry of Madawaska offered House Amendment "A" (H-750) and moved its adoption.

House Amendment "A" (H-750) was read by the Clerk and adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

Bill "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency) (S. P. 969) (L. D. 2136)

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

Mr. Hobbins of Saco offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-738) was read by the Clerk and adopted.

Mr. McSweeney of Old Orchard Beach offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-739) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentlewoman from Augusta, Ms. Lund.

Ms. LUND: Mr. Speaker, Men and Women of the House: I hope that you will not accept House Amendment "B". This was part of the bill when it came up to the Judiciary Committee. We looked at it and it seemed to me that the question of permitting a person elected on a school board to serve as a volunteer fireman in the town of Old Orchard Beach was a matter of policy and not a matter of an error or omission, so it was the unanimous decision of the Judiciary Committee not to include this in the errors and inconsistencies bill.

Mrs. Beaulieu of Portland requested a vote on the adoption of House Amendment "B".

The SPEAKER: The pending question is on the adoption of House Amendment "B". All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. McSweeney of Old Orchard Beach 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. 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 adoption of House Amendment "B" (H-739). All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Baker, Boisvert, Boyce, Brannigan, Brenerman, Brown, A.; Brown, D.; Carroll, Chonko, Clark, Conary, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Hall, Hickey, Hobbins, Jackson, P.C.; Jacques, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Lisnik, Locke, Macomber, Manning, Martin, H.C.; McCollister, McGowan, McHenry, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Murphy, Norton, Paradis, E.; Paradis, P.; Paul, Pearson, Perkins, Perry, Post, Randall, Reeves, P.; Ridley, Roberts, Salsbury, Smith, C.B.; Soulas, Strout, Swazey, Theriault, Thompson, Twitchell, Vose, The Speaker.

NAY—Aloupis, Armstrong, Austin, Beaulieu, Bell, Benoit, Berube, Bordeaux, Brodeur, Brown, K.L.; Cahill, Callahan, Carter, Conners, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Gavett, Gowen, Gwadnosky, Hanson, Higgins, L.M.; Holloway, Hunter, Hutchings, Ingraham, Jackson, P.T.; Jordan, Klesman, Lancaster, Lewis, Lund, MacBride, MacEachern, Martin, A.; Masterman, Masterton, Matthews, McPherson, Nadeau, Nelson, A.; Nelson, M.; Peterson, Pines, Racine, Reeves, J.; Richard, Sherburne, Small, Smith, C.W.; Soule, Stevenson, Stover, Studley, Tarbell, Telow, Treadwell, Walker, Webster, Wentworth, Willey.

ABSENT—Carrier, Cunningham, Dudley, Fowlie, Gillis, Hayden, Higgins, H.C.; Huber, Jalbert, Laverrerie, Livesay, Mahany, Moholland, O'Rourke, Pouliot, Rolde, Tuttle, Weymouth.

Yes, 67; No, 66; Absent, 18.

The SPEAKER: Sixty-seven having voted in the affirmative and sixty-six in the negative, with eighteen being absent, House Amendment "A" is adopted.

Mr. Perkins of Brooksville offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-740) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: What you are doing with this amendment is taking away from the department about \$2,800 this year in collecting funds. If this is passed, next year I am going to come in with a bill to strip the whole thing because what you are doing is making it so your taxpayers are going to have to pick up the tab for what the Christmas tree association is supposed to be doing, and to me it is wrong.

I was very much in favor of this when we had the bill in its original form, but in this, to allow part of the industry to have the protection for far less money than the rest of the Christmas tree growers is wrong.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, I move the indefinite postponement of House Amendment "C".

The SPEAKER: The gentleman from Saco, Mr. Hobbins, moves the indefinite postponement of House Amendment "C".

The gentleman may proceed.

Mr. HOBBS: Mr. Speaker, Men and Women of the House: This particular issue came before the legislature during the last session. It appeared that there was a conflict in what to do with this whole issue of taxation. It is my understanding that both reports that were addressing this issue were defeated by this body.

The Department of Conservation and many other individuals realize that this issue has brought along some problems, especially among the association members.

The Judiciary Committee was presented with this amendment and after careful consideration, it was thought to be substantive, it was thought that because the legislature, during the last session, addressed this issue, in fact defeated both reports which had conflicting fee schedules, that this particular session of the legislature should not vote upon, or the Committee on Judiciary should not present to you in the errors bill this particular amendment. It was felt it was substantive and it could be addressed during the next legislative session.

I urge you to vote to indefinitely postpone this amendment.

The SPEAKER: The Chair recognizes the gentleman from Brooksville, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I ran into this last January when my town clerk brought it to my attention. She said, what new law have you people passed that our little people who take one load of bows to make wreaths all at once have to pay \$12 instead of \$1.50? I looked into it and found out that when the laws were recodified in 1979, this section was entirely left out.

Even Forestry didn't understand it in 1980 because they continued to charge the \$1.50 regardless of the law. It was only this last fall that they found it.

This is a pure error, and I hope you will go along with the amendment.

The SPEAKER: The Chair recognizes the gentleman from East Machias, Mr. Randall.

Mr. RANDALL: Mr. Speaker and Members of the House: I just want to rise today to say that Representative Perkins from Blue Hill is certainly right on target, and I would certainly urge the support of House Amendment "C". This is an error. I was told by my town clerk this very last November when I went in to get a license to haul some tips about a couple of miles across town that it was a \$12 fee, that by accident it was up there and wouldn't I come down to the legislature and try to do something about it. So I certainly support House Amendment "C" today and urge your support of it.

The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Conners.

Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: We have a good many

elderly people that make probably \$75 to \$100 or \$125 on Christmas trees to give them a little money for Christmas. To get those bows to their homes it costs them \$12 out of whatever little they make just to transport that brush.

I have one piece of land about a mile from my house and whatever brush I get from there, I have to pay \$12 for.

A lot of people in my district bank their houses with brush, and they have to have a \$12 transportation permit to get that brush over the road and to their homes, and I hope that you will go along with this amendment.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Ms. Lund.

Ms. LUND: Mr. Speaker and Members of the House: My impression of the errors and inconsistencies bill is not to right the wrongs that the legislature in previous sessions has done. If, indeed, it was to do that, it would take us many years to get through our job.

This amendment that you have before you, Amendment "C", is not a mere matter of a comma or a part that was left out, it is a matter that was debated last session, and it was decided not to put it into law last session.

I do not believe it is proper to put it in under errors and inconsistencies.

The SPEAKER: The pending question is on the motion of the gentleman from Saco, Mr. Hobbins, that House Amendment "C" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no. A vote of the House was taken.

53 having voted in the affirmative and 71 having voted in the negative, the motion did not prevail.

Thereupon, House Amendment "C" was adopted.

Mr. Dexter of Kingfield offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-741) was read by the Clerk and adopted.

Mr. Carroll of Limerick offered House Amendment "E" and moved its adoption.

House Amendment "E" (H-744) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Diamond.

Mr. DIAMOND: Mr. Speaker, Men and Women of the House: I am not going to delay matters. I would just like to know if the gentleman from Limerick, Mr. Carroll, might just quickly explain what this amendment does.

The SPEAKER: The gentleman from Windham, Mr. Diamond, has posed a question through the Chair to the gentleman from Limerick, Mr. Carroll, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: In Section 102, there is a change here from 'chapter' to 'section.' That just cleans up the language in the law to satisfy the bonding houses.

Also, in Section 104, we have 'reconstruction' underlined. Also, down at the end, it says 'reconstruction or operation' It just cleans up language in the law to satisfy the bonding houses.

Thereupon, House Amendment "E" was adopted.

The Bill was passed to be engrossed as amended by House Amendments "A", "B", "C", "D" and "E" and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following papers appearing on Supplement No. 8 were taken up out of order by unanimous consent:

Consent Calendar

Second Day

(H. P. 2261) (L. D. 2107) Bill "An Act to Require the Maine Guarantee Authority in Certain Instances to Repay the State for Money Borrowed on its Behalf by the State" (Emergency)

(H. P. 2233) (L. D. 2091) Bill "An Act to

Adjust Levels of Compensation for Constitutional Officers, Members of the Legislature and the Senate Secretary and House Clerk" (C. "A" H-746) (Later Reconsidered)

There being no objections, the above items were passed to be engrossed or passed to be engrossed as amended and sent up for concurrence.

Second Reader

Later Today Assigned

Bill "An Act to Create the Maine Condominium Act" (S. P. 870) (L. D. 2019) (H "A" H-743 and S. "A" S-451 to C. "A" S-447)

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

On motion of Ms. Benoit of South Portland, tabled pending passage to be engrossed as amended and later today assigned.

On motion of Mrs. Mitchell of Vassalboro, the House reconsidered its action whereby Bill "An Act to Adjust Levels of Compensation for Constitutional Officers, Members of the Legislature and the Senate Secretary and House Clerk" House Paper 2233, L. D. 2091, was given Consent Calendar Second Day notification.

On motion of the same gentlewoman, tabled pending acceptance of the Committee Report and tomorrow assigned

The following paper appearing on Supplement No. 9 was taken up out of order by unanimous consent:

Recalled from the Governor's Desk

Pursuant to Joint Order—H. P. 2321

An Act to Revise the Salaries of Certain County Officers (Emergency) (H. P. 2280) (L. D. 2126) — In House, passed to be enacted on March 31; in Senate, passed to be enacted on March 31.

On motion of Mr. LaPlante of Sabattus, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be enacted.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

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

House Amendment "A" (H-745) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. LaPlante.

Mr. LaPLANTE: Mr. Speaker, I would just like to explain what this amendment does. We had a typographical error in the bill. The retroactive date had been typed retroactive to January 1, 1981, and we doubted that anybody wanted to pay their statutory officers back for two years, so we brought it back up and changed the date to make it retroactive to January 1, 1982, this year.

Thereupon, House Amendment "A" was adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

The following papers appearing on Supplement No. 10 were taken up out of order by unanimous consent:

Special Sentiment Calendar

The following items:

Recognizing:

Ocena Additon, of Leeds, who celebrated the 90th anniversary of her birth on March 17, 1982; (S. P. 978)

Sergeant Paul J. Lessard, of Winthrop, who has retired after 23 years of service as a Maine State Police Officer; (S. P. 979)

Baxter State Park acting director, Buzz Caverly, rangers: Bob Howes; Loren Goode; Tom Chase; Chris Drew; and Barry McArthur, and

park staff: Shirley Brewster; Janice Caverly; Mary Cummings; Joan King; and Barbara Snowman for their dedication to the principles on which the park was created, and their helpfulness which makes the experiences of park visitors truly memorable; (H. P. 2329) by Representative Tarbell of Bangor.

There being no objections, the above items were passed in concurrence or sent up for concurrence.

Consent Calendar

First Day

(S. P. 931) (L. D. 2076) Bill "An Act to Amend the Maine Implementing Act with Respect to the Houlton Band of Maliseet Indians"—Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-463)

There being no objections, under suspension of the rules, the above item was given Consent Calendar Second Day notification and passed to be engrossed as amended in concurrence.

By unanimous consent, ordered sent forthwith to Engrossing.

The Chair laid before the House the following matter:

Bill "An Act to Protect the Atlantic Salmon Fisheries in the Lower Penobscot River from Veazie to the Southernmost Point of Verona Island" (S. P. 906) (L. D. 2048) (Bill recalled from the Governor's Desk pursuant to Joint Order (S. P. 971)—In Senate, passed to be engrossed as amended by Committee Amendment "A" (S-436) as amended by Senate Amendment "B" (S-460)

Thereupon, the House voted to recede and concur.

By unanimous consent, ordered sent forthwith to Engrossing.

The Chair laid before the House the following matter:

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1982 (Emergency) (H. P. 2300) (L. D. 2133) which was tabled and later today assigned pending further consideration. In Senate-passed to be engrossed as amended by Senate Amendment "A" (S-459); in House, passed to be engrossed.

On motion of Mr. Paul of Sanford, the House voted to recede.

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

House Amendment "A" (H-752) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Paul.

Mr. PAUL: Mr. Speaker and Members of the House: This amendment is necessary because this language as voted on by the delegation was left out of the budget bill when it was somewhere in between the County Government Committee and Legislative Assistance. So, rather than going to the expense of having a four or five page budget redraft bill, we just opted to have the one-page amendment.

I move for the adoption of the amendment.

Thereupon, House Amendment "A" was adopted.

Senate Amendment "A" (S-459) was read by the Clerk and adopted.

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

The Chair laid before the House the following matter:

JOINT RESOLUTION Memorializing Congress to Call a Constitutional Convention to Limit the Annual Federal Budget (H. P. 2322) which was tabled and later today assigned pending adoption.

Mrs. Mitchell of Vassalboro offered House Amendment "A" and moved its adoption.