

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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In compliance with the Constitution and laws of the State of Maine, I have the honor to herewith report the return of votes cast in Representative District 70 at the Special Election held on February 23, 1982, according to a review of the returns made by the Governor, to fill the vacancy that existed in that district, as follows:

Barbara W. Grover, Plymouth 391
Ralph M. Willey, Hampden 550
S/JAMES S HENDERSON
Deputy Secretary of State

The Communication was read and ordered placed on file.

The following paper appearing on Supplement No. 2 was taken up out of order by unanimous consent:

The following Communication:
State of Maine
OFFICE OF THE SECRETARY OF STATE
To Edwin H. Pert,
Clerk of the House of Representatives
of the One Hundred and Tenth Legislature:

In compliance with the Constitution and laws of the State of Maine, I hereby certify that a Special Election was held on February 23, 1982, in Representative District 70 for the purpose of electing a Representative to the One Hundred and Tenth Legislature: that Ralph M. Willey of Hampden having received a plurality of all votes cast in District 70, as contained in a report to the Governor on February 25, 1982, appears to have been elected a Representative to the One Hundred and Tenth Legislature. In Witness Whereof, I have caused the Great Seal of the State of Maine to be hereunto affixed this twenty-fifth day of February in the year of our Lord, One Thousand Nine Hundred and Eighty-two.

S/JAMES HENDERSON
Deputy Secretary of State

The Communication was read and ordered placed on file.

At this point, the Speaker announced the presence in the Hall of the House of Representative-elect Willey from Hampden and appointed the following members to escort the Representative-elect to the Office of the Governor to enable him to receive and subscribe the oaths necessary to qualify him to enter upon his official duties:

Representatives:
HIGGINS of Scarborough
SHERBURNE of Dexter
ALOUPIIS of Bangor
KELLEHER of Bangor
REEVES of Newport

Subsequently, Representative Higgins reported that the necessary oath had been taken by Representative Willey to qualify him to enter upon his official duties and the Speaker assigned him to Seat 70.

The following paper appearing on Supplement No. 5 was taken up out of order by unanimous consent:

Leave to Withdraw

Report of the Committee on Transportation reporting "Leave to Withdraw" on Bill "An Act Relating to the Safety of Herring Spotter Planes" (S. P. 838) (L. D. 1961)

Came from the Senate with the Report read and accepted.

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

The following papers appearing on Supplement No. 6 were taken up out of order by unanimous consent:

Passed to Be Enacted

An Act to Provide Assistance in the Marketing of Maine Agricultural Products (H. P. 1900) (L. D. 1885)

Finally Passed

RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands (H. P. 1739) (L. D. 1728) (C. "A" H-594)

1728) (C. "A" H-594)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, the Bill passed to be enacted, the Resolve finally passed, signed by the Speaker and sent to the Senate.

Divided Report Tabled and Assigned

Majority Report of the Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-606) on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Prevent Combining more than One Bond Issue Item on a Single Bond Issue Bill (H. P. 1793) (L. D. 1783)

Report was signed by the following members:

Senators:
AULT of Kennebec
GILL of Cumberland — of the Senate.

Representatives:
BELL of Paris
DILLENBACK of Cumberland
DIAMOND of Bangor
KANY of Waterville
GWADOSKY of Fairfield
MASTERTON of Cape Elizabeth
BOYCE of Auburn
SMALL of Bath — of the House.

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

Report was signed by the following members:

Senators:
VIOLETTE of Aroostook — of the Senate.

Representatives:
PARADIS of Augusta
McGOWAN of Pittsfield — of the House.

Reports were read.

On motion of Mr. Pearson of Old Town, tabled pending acceptance of either Report and tomorrow assigned.

Consent Calendar

First Day

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

(H. P. 1922) (L. D. 1904) RESOLVE, Authorizing the Maine Forest Service to Convey by Bid Sale of the State's Interest in Certain Real Estate in the Maine Forestry District and to Use the Proceeds for Energy-saving Improvements to Other Existing Fire Control Buildings—Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-609)

There being no objections, this item was ordered to appear on the Consent Calendar of Friday, February 26, under the listing of Second Day.

Consent Calendar

Second Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar under the listing of Second Day:

(S. P. 771) (L. D. 1821) Bill "An Act Establishing a Directional Sign at Exit 8 of the Maine Turnpike Indicating St. Joseph's College" (C. "A" S-389)

(S. P. 739) (L. D. 1724) Bill "An Act to Adjust the Fees for Licenses Issued by the Arborist Examining Board" (C. "A" S-388)

(H. P. 1728) (L. D. 1713) Bill "An Act to Adjust the Fees for Licenses of the Electrician's Examining Board" (C. "A" H-607)

(H. P. 1776) (L. D. 1766) Bill "An Act to Require Removal of Motor Vehicles from Great Ponds, Rivers and Streams" (C. "A" H-608)

(S. P. 812) (L. D. 1908) Bill "An Act Relating

to the Terms of the Public Utilities Commissioners"

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were passed to be engrossed in concurrence and the House Papers were passed to be engrossed and sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Strout of Corinth,
Recessed until four-thirty in the afternoon.

After Recess

4:30 p.m.

The House was called to order by the Speaker.

Finally Passed Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Life of Bond Authorizations (S. P. 753) (L. D. 1756) (C. "A" S-385)

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

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

Mr. BRODEUR: Mr. Speaker and Members of the House: I would pose a question through the Chair. Would somebody please explain this Constitutional Amendment?

The SPEAKER: The gentleman from Auburn, Mr. Brodeur, 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: Actually, it is a good thing that this question was raised. It certainly is appropriate for us to have something on the record whenever we pass a constitutional amendment.

This proposed constitutional resolution, if approved by the voters, would enable the legislature to automatically deauthorize a bond issue if no debt has been issued within five years from the date of the original ratified amendment authorization and the legislature does not act within two years after the five year period expires to extend the issuance period for a further five years.

There are really several reasons for this. It would formalize a review process for the state's capital improvement program. It requires legislative reevaluation of the capital project for which the authorization had been outstanding and inactive. Not only would this provide for a reexamination of the amount of bonds authorized, but of the project itself to assure that it remains of current value both economically and financially.

Given rapid changes in inflation, interest costs and technology, an institutionalized capital program review will enable the state to avoid or cancel projects whose benefits may no longer be cost effective or timely.

This particular constitutional amendment was a unanimously approved amendment from the State Government Committee. We do, at this time, have approximately \$189 million worth of authorized—that is not only voted upon and approved by the legislature but also approved by the voters of the State of Maine and not yet issued. One reason we have so many and so much is that particularly with highway funding, you certainly need to know you have the authorization or the approval to go ahead with a costly project, and yet certainly it perhaps may be unwise to issue bonds until you actually need that capital, so that is one reason. Certainly it makes sense to go ahead with this particular constitutional amendment just to reevaluate. It makes good financial management sense, and I certainly hope you approve it.

The SPEAKER: The pending question is on final passage. This being a Constitutional

Amendment, it requires a two-thirds vote of the House. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

103 having voted in the affirmative and one having voted in the negative, the Resolution was finally passed.

Signed by the Speaker and sent to the Senate.

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

On motion of Representative LaPlante of Sabattus, the following Joint Order: (H. P. 2113)

Ordered, the Senate concurring, that the Joint Standing Committee on Local and County Government report out a bill to the House to extend the time for the apportionment of county taxes.

Thereupon, the Order received passage and was sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Emergency Measure Tabled and Assigned

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1982 (H. P. 2000) (L. D. 1958) (S. "A" S-387)

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

On motion of Mr. LaPlante of Sabattus, tabled pending final passage and specially assigned for Monday, March 1.

Finally Passed Emergency Measure

RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to the Veterans' Property Tax Exemption (H. P. 1737) (L. D. 1722)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary a total was taken. 119 voted in favor and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent of the Senate.

Passed to Be Enacted

An Act Concerning Grandfather Provisions with the Oil Burnerman's Licensing Law (S. P. 767) (L. D. 1825) (C. "A" S-386)

An Act to Clarify the Boundary Between the Town of Waterford and the Township of Albany (H. P. 1864) (L. D. 1858)

An Act to Clarify the Term "Account" in the Probate Code (H. P. 1780) (L. D. 1770)

Finally Passed

RESOLVE, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory (H. P. 1831) (L. D. 1813)

RESOLVE, Reimbursing Great Pond on Account of Taxes Lost Due to Lands Being Classified Under the Maine Tree Growth Tax Law (H. P. 1736) (L. D. 1721)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, the Bills passed to be enacted and the Resolves finally passed, signed by the Speaker and sent to the Senate.

Orders of the Day

The Chair laid before the House the first item of Unfinished Business:

BILL, "An Act to Allocate Funds from the Low-level Waste Siting Fund" (Emergency) (H. P. 1751) (L. D. 1741)

—In House, Passed to be Engrossed on February 9, 1982.

—In Senate, Passed to be Engrossed as Amended by Senate Amendment "A" (S-383) in non-concurrence.

Tabled—February 19, 1982 by Representative Twitchell of Vassalboro.

Pending—Further Consideration.

On motion of Mrs. Mitchell of Vassalboro, tabled pending further consideration and tomorrow assigned.

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

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Lincoln County for the Year 1982 (Emergency) (H. P. 2001) (L. D. 1959)

Tabled—February 23 by Representative LaPlante of Sabattus.

Pending—Final Passage.

On motion of Mr. LaPlante of Sabattus, retabled pending final passage and specially assigned for Monday, March 1.

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

An Act to Transfer Certain Responsibilities for Insect Nuisance Identification from the Department of Conservation to the Department of Agriculture, Food and Rural Resources (S. P. 741) (L. D. 1726)

Tabled—February 24 by Representative Mahany of Easton.

Pending—Passage to be Enacted.

On motion of Mr. Mahany of Easton, 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-610) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

(Off Record Remarks)

The Chair laid before the House the following matter:

Bill "An Act to Extend the Time for the Apportionment of County Taxes" (Emergency) (H. P. 2102) (L. D. 2025) which was tabled and later today assigned pending acceptance of the Committee Report.

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

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: Due to a mixup, this bill cannot be before us. I move that L. D. 2025 be indefinitely postponed.

Thereupon, the Bill was indefinitely postponed and sent up for concurrence.

On motion of Mr. Tarbell of Bangor,

Adjourned until twelve o'clock noon tomorrow.