

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

Non-Concurrent Matters

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) which was Finally Passed in the House on February 25, 1982.

Came from the Senate with the Bill and Accompanying Papers referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

In the House:

The **SPEAKER**: The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. **PEARSON**: Mr. Speaker, I move that we adhere.

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

Mr. **TARBELL**: Mr. Speaker, I move we recede and concur.

The **SPEAKER**: The gentleman from Bangor, Mr. Tarbell, moves that we recede and concur.

The gentleman may proceed.

Mr. **TARBELL**: Mr. Speaker, Ladies and Gentlemen of the House: What this long document before you is, it essentially is an attempt to carry over and maintain some of these bills until the body comes back into session on another day, also to facilitate the maintenance of these measures so that we can deal with them on another day.

So I would urge you to support the recede and concur motion.

The **SPEAKER**: The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. **PEARSON**: Mr. Speaker, Ladies and Gentlemen of the House: This is the 51st day of the session. We had time enough to deal with these matters. If we come back some other day, they can be removed from the legislative files and, furthermore, the Governor can put them in his call.

I would suggest that the members reject the motion to recede and concur and then vote to adhere on each and every item.

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

Mrs. **POST**: Mr. Speaker, I would like to pose a parliamentary question. When we adjourn sine die, what happens to bills which are in committee at that time?

The **SPEAKER**: The Chair would advise the gentleman that they are all dead.

The Chair will order a vote. The pending question is on the motion of the gentleman from Bangor, Mr. Tarbell, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

55 having voted in the affirmative and 68 having voted in the negative, the motion did not prevail.

Thereupon, the House voted to adhere.

RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to the Veterans' Property Tax Exemption (H. P. 1737) (L. D. 1722) (Emergency) which was Finally Passed in the House on February 25, 1982.

Came from the Senate with the Bill and Accompanying Papers referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

In the House:

The **SPEAKER**: The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. **PEARSON**: Mr. Speaker, I move that we adhere.

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

Mr. **JALBERT**: Mr. Speaker, I would like to pose a parliamentary question. I have seen this action before over the many years and we know what the fate of all these bills is going to

be, and in my opinion, having seen it and the point has not been questioned, I would like to ask why we couldn't act on all of these bills at one time by having the Clerk read them all off and then act on them. We know what we are going to do, and by reading the bills and having the gentleman from Old Town make his motion to adhere is just a waste of time, Mr. Speaker. It has been done before, believe me.

I move, Mr. Speaker, that we take all of these bills and ask the Clerk to read all these bills and then the good gentleman from Old Town, Mr. Pearson, will make his motion that we adhere on them and I think we can all agree on this thing. We know what is going to happen, and I hope we can agree on it. If we can't agree on it, I would like to have a vote as to whether we can agree or not, Mr. Speaker.

Thereupon, on motion of Mr. Jalbert of Lewiston, under suspension of the rules, the following non-concurrent matters were read by the Clerk.

An Act to Clarify Fish Inspection Responsibilities (H. P. 1742) (L. D. 1731) which was Passed to be enacted in the House on March 18, 1982.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Life Bond Authorizations (S. P. 753) (L. D. 1756) which was Finally Passed in the House on February 25, 1982. (Having previously been Passed to be Engrossed as Amended by Committee Amendment "A" (S-385).)

RESOLVE, Authorizing the City of South Portland to Bring a Civil Action Against the State (H. P. 1782) (L. D. 1772) (Emergency) which was Finally Passed in the House on March 2, 1982. (Having previously been Passed to be Engrossed as Amended by Committee Amendment "A" (H-600).)

An Act to Amend the Maine Medical Compact (S. P. 766) (L. D. 1824) which was Passed to be Enacted in the House on March 24, 1982. (Having previously been passed to be Engrossed as Amended by Committee Amendment "A" (S-416).)

An Act to Require Reporting of Abuse of Elderly or Incapacitated Adults (S. P. 779) (L. D. 1847) which was Passed to be Enacted in the House on March 29, 1982. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (S-414) as amended by Senate Amendment "A" (S-433) thereto.)

An Act Concerning Salaries of District Court Judges (H. P. 1869) (L. D. 1863) which was Passed to be Enacted in the House on March 12, 1982. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (H-633).)

An Act Relating to the Selection and Services of Traverse and Grand Jurors (S. P. 793) (L. D. 1869) which was Passed to be Enacted in the House on April 1, 1982. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (S-444) as amended by Senate Amendment "A" (S-448) thereto.)

An Act to Provide Retired Teachers, State Employees and Beneficiaries with a Cost-of-living Increase (H. P. 1891) (L. D. 1877) which was Passed to be Enacted in the House on March 29, 1982. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (H-679).)

An Act to Revise the Procedure for Municipalities Withdrawing from the Maine Forestry District (H. P. 1911) (L. D. 1883) (Emergency) which was Passed to be Enacted in the House on April 5, 1982. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (H-707).)

An Act to Provide Assistance in the Marketing of Maine Agricultural Products (H. P. 1900) (L. D. 1885) which was Passed to be Enacted in the House on February 25, 1982.

An Act to Provide a Data Input and Retrieval System for the Workers' Compensation Commission (H. P. 1901) (L. D. 1886) which was

Passed to be Enacted in the House on March 18, 1982. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (H-640).)

An Act to Amend the Exemption from Sales and Use Tax for the Sale of Certain Instrumentalities of Interstate or Foreign Commerce (H. P. 1905) (L. D. 1890) (Emergency) which was Passed to be Enacted in the House on April 6, 1982. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (H-723) and House Amendment "A" (H-734).)

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 (H. P. 1922) (L. D. 1904) which was Finally Passed in the House on March 3, 1982. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (H-609).)

An Act Revising Executive Salary Ranges (S. P. 813) (L. D. 1909) which was Passed to be Enacted in the House on March 11, 1982. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (S-397) as amended by Senate Amendment "A" (S-399) thereto.)

An Act to Provide Financial Assistance to Students of Osteopathic Medicine (S. P. 831) (L. D. 1939) which was Passed to be Enacted in the House on March 24, 1982. (Having previously been Passed to be Engrossed as amended by Senate Amendment "A" (S-422).)

An Act to Eliminate the 2c Excise Tax Imposed on Jet Fuel Used by International Flights (H. P. 1974) (L. D. 1949) (Emergency) which was Passed to be Enacted in the House on April 5, 1982. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (H-719).)

An Act Relating to State Entitlement of Certain School Administrative Districts (H. P. 1984) (L. D. 1956) (Emergency) which was Passed to be Enacted in the House on March 29, 1982. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (H-685).)

An Act to Provide State Funding for Literacy Volunteers (S. P. 847) (L. D. 1982) which was Passed to be Enacted in the House on March 29. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (S-434).)

An Act to Equalize Health Insurance Benefits for Retired State Employees (S. P. 850) (L. D. 1983) which was Passed to be Enacted in the House on March 24, 1982.

An Act to Provide for a Comprehensive Career and Occupational Information System (H. P. 2015) (L. D. 1985) which was Passed to be Enacted in the House on April 7, 1982. (Having previously been Passed to be Engrossed as amended by Senate Amendment "A" (S-411).)

An Act to Authorize the Treasurer of State to Issue Tax Exempt Commercial Papers (H. P. 2021) (L. D. 1986) which was Passed to be Enacted in the House on March 24.

An Act Relating to Harness Racing at Agricultural Fairs, the State Stipend and Parimutuel Pools (S. P. 864) (L. D. 2006) (Emergency) which was Passed to be Enacted in the House on April 5, 1982. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (S-424).)

An Act to Clarify Solar Energy Tax Exemptions (H. P. 2066) (L. D. 2007) which was Passed to be Enacted in the House on April 5, 1982. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (H-726).)

An Act to Provide for the Storage and Disposal of Illegal and Obsolete Pesticides and Handling Empty Pesticide Containers (S. P. 905) (L. D. 2047) (Emergency) which was Passed to

be Enacted in the House on March 24, 1982. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (S-417)

An Act to Authorize the Repair, Maintenance and Improvement of the Building and Grounds of the Statehouse (H. P. 2144) (L. D. 2050) which was Passed to be Enacted in the House on March 24, 1982. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (H-655)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Authorize the Credit of the State to be Loaned to Secure Funds for Loans to Parents of Maine Students Attending Institutions of Higher Education (S. P. 920) (L. D. 2061) which was Finally Passed in the House on March 25, 1982.

An Act Appropriating Funds for the Agent Orange Information Committee (S. P. 945) (L. D. 2084) (Emergency) which was Passed to be Enacted in the House on March 25, 1982.

An Act to Adjust Levels of Compensation for Members of the Legislature and the Senate Secretary and House Clerk (H. P. 2233) (L. D. 2091) which was Passed to be Enacted in the House on April 7, 1982. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (H-746) as amended by Senate Amendment "B" (S-469) thereto and House Amendment "A" (H-748)

An Act to Identify Freshwater Wetlands (H. P. 2236) (L. D. 2094) which was Passed to be Enacted in the House on March 29, 1982.

An Act to Extend the Health Facilities Information Disclosure Act and to Authorize the Charging of Fees for the Dissemination of Information (H. P. 2238) (L. D. 2096) (Emergency) which was Passed to be Enacted in the House on April 6, 1982.

An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Law (H. P. 2239) (L. D. 2098) (Emergency) which was Passed to be Enacted in the House on April 6, 1982. (Having previously been Passed to be Engrossed as amended by House Amendment "A" (H-695) as amended by Senate Amendment "D" (S-461) thereto and House Amendment "B" (H-696) and Senate Amendments "B" (S-457) and "C" (S-458)

All came from the Senate with the Bills and Accompanying Papers referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, I move that we adhere on all the items that have been read.

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

Mr. TARBELL: Mr. Speaker, I move that we recede and concur with the Senate and would speak briefly.

The SPEAKER: The gentleman from Bangor, Mr. Tarbell, moves that the House recede and concur.

The gentleman may proceed.

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I have made the recede and concur motion so that we might refer these matters off of the Appropriations Table to one committee, the Appropriations Committee, so that we might, in the next 50 minutes remaining this evening, have some chance of holding these measures over to our next session.

I would just like to remind you briefly that what we have attempted to do tonight, some of us in the other body, is to pass a bare-bones \$1.4 million carry-over budget to fund certain areas of state government that need that money this week, next week and the week after, not for next year's budget but right now. That was defeated by this body.

We attempted to also make ourselves, the State of Maine, put ourselves in a position under the community block grants, \$5 million

worth of federal funds which needed to be done by April 30, and we were not able to do that, also refer the housing bill, along with these measures of the table, to the Appropriations Committee so that a joint order might be entertained by this body and the other body so that we can carry them over. We thought that at the very least these several actions would maintain the major items that we are all interested in before us in a live fashion so that we could deal with them.

I would urge you to recede and concur, and I would ask for a roll call.

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

Mr. JALBERT: Mr. Speaker, did I understand you to say on a query made by someone earlier that any bills that were in committee or laying around when we adjourn, or if we adjourn sine die, are dead?

The SPEAKER: The Chair would answer in the affirmative at the present time.

Mr. JALBERT: Mr. Speaker, I move the previous question.

The SPEAKER: In order for the Chair to entertain a motion for the previous question, it must have the expressed desire of one third of the members present and voting. If you are in favor of the previous question, you will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one third of the members present having voted for the previous question, the motion for the previous question was entertained.

The SPEAKER: The question now before the House is, shall the main question be put now. This is debatable for five minutes by any one member.

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

Mr. KELLEHER: Mr. Speaker and Members of the House: Obviously, the majority of us here tonight do not want to shut off debate, so I just suggested we go to the vote.

The SPEAKER: The pending question is, shall the main question be put now? All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

19 having voted in the affirmative and 96 having voted in the negative, the main question was not ordered.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, a parliamentary inquiry. Can these bills be carried over, held over to a special session?

The SPEAKER: In order for the Chair to respond, it needs additional information.

Mr. PEARSON: Mr. Speaker, since we do not know whether or not or when we are going to have a special session, how can you carry a bill over, or bills over, to an unannounced time?

The SPEAKER: The Chair would advise the gentleman from Old Town, Mr. Pearson, that the other body has, in fact, passed a joint order, but the order is not coming to this body, the rules not having been suspended. Therefore, the order will not be before this body, and unless such an order is passed, there is no provision to carry over any bill.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I just feel it is incumbent to pass on to members of this body the actions that happened in the other body.

The gentleman from Old Town, Mr. Pearson, has posed a question relative to whether or not these bills could be held over. The answer is, yes, if the Democrat party in the other body chose to suspend the rules so that we might send the joint order down here forthwith.

I am disturbed with that. I am also disturbed with the fact that the good gentlewoman from Woolwich, Mrs. Cahill, a little while ago, indicated that the other body, the minority party in the other body, failed to give the majority

party in that body the right to suspend the rules so that they might offer an amendment, and then they failed to enact a bill which we agreed to right here just a few minutes ago on a tie vote. It is my understanding that that bill cost the state some \$5 million in federal funds. That is probably as irresponsible an act as we did here just a few minutes ago on the housing bill, and I will admit that, but it doesn't make it anymore right or anymore respectable. But it is being played by both sides of the aisle and it ought to be well documented that that is the way it is being done. I don't like it.

The gentleman from Lewiston is correct. We should adjourn sine die. There is no sense in fooling around, posturing ourselves into whatever position we want to be in and accomplishing nothing.

I think it is unfortunate, I don't like it, I said that before, and I don't think anybody in this body particularly enjoys it. And if they do, I am sure they are in one heck of a small minority.

We are not serving the interests of the people of the state by doing either of those actions, but it is being done by both sides. I am not going to stand here and have the majority party in the other body or the minority party in this body attempt to be intimidated or feel guilty or responsible for this legislature's inaction. We are all responsible, every single one of us, Republicans and Democrats alike. I will accept my responsibility and you should as well.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: I just thought I better correct something on the record as I understand it. And first of all, I would like to say that I did vote with the Minority Leader, Representative Higgins, on his motion regarding the community development block grant, but it is my understanding that the people of the State of Maine would not really lose any monies if the State of Maine did not administer the community development block grants. It would just be that they would be administered by HUD out of the Manchester, New Hampshire office. We would still be entitled to the same grants; they would just not be administered by the state.

The only reason I felt I needed to rise and say this is that I heard that same error on the record in the other body.

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 gentleman from Bangor, Mr. Tarbell, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Austin, Bell, Bordeaux, Brown, D.; Brown, K.L.; Cahill, Callahan, Conary, Connors, Curtis, Damren, Davis, Day, Dillenback, Drinkwater, Foster, Gillis, Hanson, Higgins, L.M.; Holloway, Huber, Hutchings, Ingraham, Jackson, P.T.; Jordan, Kiesman, Lancaster, Lewis, Livesay, Lund, MacBride, Masterman, Matthews, McPhereson, Nelson, A.; Paradis, E.; Perkins, Peterson, Pines, Randall, Reeves, J.; Salsbury, Sherburne, Small, Smith, C.W.; Stevenson, Stover, Strout, Tarbell, Telow, Treadwell, Walker, Wentworth, Weymouth, Willey.

NAY—Baker, Beaulieu, Boisvert, Boyce, Brannigan, Brenerman, Brodeur, Brown, A.; Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Dudley, Erwin, Fitzgerald, Gowen, Gwadodsky, Hall, Hayden, Hickey, Hobbins, Jacques, Jalbert, Joyce, Kane, Kany, Kelleher,

Ketover, Kilcoyne, LaPlante, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A.; Martin, H.C.; McCollister, McGowan, McHenry, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Norton, Paradis, P.; Paul, Pearson, Perry, Post, Pouliot, Racine, Reeves, P.; Richard, Ridley, Smith, C.B.; Soule, Swazey, Theriault, Thompson, Twitchell, Vose, Mr. Speaker.

ABSENT—Armstrong, Benoit, Berube, Carrier, Cunningham, Dexter, Fowlie, Gavett, Higgins, H.C.; Hunter, Jackson, P.C.; Laverriere, Masterton, Nelson, M.; O'Rourke, Roberts, Rolde, Soulas, Studley, Tuttle, Webster.

Yes, 56; No, 74; Absent, 21.

The SPEAKER: Fifty-six having voted in the affirmative and seventy-four in the negative, with twenty-one being absent, the motion does not prevail.

Thereupon, on motion of Mr. Pearson of Old Town, the House voted to adhere.

The SPEAKER: Is there objection to all these matters being sent forthwith?

The Chair hears objection.

Enactor Reconsidered

An Act Implementing Certain Recommendations of the Citizens' Commission to Evaluate the Department of Environmental Protection (S. P. 968) (L. D. 2130) (H. "B" H-750; S. "A" S-473 to H. "C" H-763)

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

On motion of Mrs. Huber of Falmouth, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

On further motion of the same gentlewoman, under suspension of the rules, the House reconsidered its action whereby House Amendment "B" was adopted and on motion of the same gentlewoman, the Amendment was indefinitely postponed.

The same gentlewoman offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-769) was read by the Clerk and adopted.

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

(Off Record Remarks)

The SPEAKER: The Chair recognizes the gentleman from Easton, Mr. Mahany.

Mr. MAHANY: Mr. Speaker and Members of the House: I move that the House adjourn sine die pursuant to the provisions of Title 3, Chapter 1, Section 2.

The SPEAKER: The gentleman from Easton, Mr. Mahany, moves that the House adjourn sine die pursuant to Title 3. Is this the pleasure of the House?

The motion prevailed and at 11:27 P.M., Eastern Standard Time, Tuesday, April 13, 1982, the Speaker declared the House adjourned without day.