

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Ninth  
Legislature***

OF THE

STATE OF MAINE

**SECOND REGULAR SESSION**

**January 2 to April 3, 1980**

**THIRD SPECIAL SESSION**

**May 22, 1980**

**THIRD CONFIRMATION SESSION**

**July 17, 1980**

**FOURTH CONFIRMATION SESSION**

**July 24, 1980**

**FIFTH CONFIRMATION SESSION**

**September 12, 1980**

**REPORT, HEARING TRANSCRIPT AND  
RELATED MEMORANDA OF THE JOINT  
SELECT COMMITTEE ON INDIAN LAND  
CLAIMS**

this bill until later in today's session when the amendment will be available and we can consider it then. I guess, frankly, if you don't agree with my position, that this bill is far beyond anything justified, then you would vote against the tabling motion, but I would ask somebody to table it for me until later in today's session.

On motion of Mr. Tarbell of Bangor, tabled pending adoption of Committee Amendment "A" as amended by House Amendment "A" thereto.

**Passed to Be Enacted  
Emergency Measure**

An Act to Amend the Health Facilities Information Disclosure Act (S. P. 732) (L. D. 1912) (C. "A" S-427)

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 of same and 3 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Enactor  
Reconsidered**

An Act Providing for Administrative Modifications to Property Tax Laws Administered by the Bureau of Taxation (S. P. 779) (L. D. 1970)

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

On motion of Mr. Kane of South Portland, 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-865) was read by the Clerk.

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: As the Statement of Fact says, the purpose of the amendment is to correct an internal reference. In going over this part of the law, a mistake was made and referred to Subsection 576a instead of 576b.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Gwadosky.

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I couldn't hear the gentleman from South Portland digging through trying to catch the amendment. I wonder if we could have an explanation once again?

The SPEAKER: The gentleman from Fairfield, Mr. Gwadosky, has posed a question through the Chair to anyone who may care to respond.

The Chair recognizes the gentleman from South Portland, Mr. Kane.

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: There was a mistake made, I assume a typographical error, in drawing up this bill and instead of referring to Sections 576 and 576b referred to 576 and 576a.

Thereupon, House Amendment "A" was adopted.

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

**Passed to Be Enacted**

An Act to Revise the Strengthen the Bee Industry Law (H. P. 1745) (L. D. 1861) (H. "B" H-826 to C. "A" H-810)

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

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

Mrs. HUBER: I would request a roll call on this and the reason that I do that is because there is an inconsistency here between the bill that we have been debating the better part of the morning, L. D. 1988, on beekeeping. The consistencies are that we have raised the fees, as does this bill, to the owners of beehives. The inconsistency is that whereas the Performance

Audit and Program Review Committee has levied a fee on out-of-state bees that come into the state in the summer—this bill does not do that but asks for a General Fund appropriation, so I would ask for a roll call on its enactment.

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. Those in favor 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 before the House is on passage to be enacted. Those in favor will vote yes; those opposed will vote no.

**ROLL CALL**

YEA — Bachrach, Barry, Beaulieu, Boudreau, Boudreau, Bowden, Brannigan, Brenerman, Brodeur, Brown, D.; Brown, K.L.; Brown, K.C.; Call, Carrier, Carroll, Carter, F.; Chonko, Cloutier, Conary, Connolly, Cox, Cunningham, Damren, Davies, Davis, Dexter, Diamond, Doukas, Dow, Drinkwater, Dudley, Dutremble, D.; Dutremble, L.; Fenlason, Fowlie, Garsoe, Gillis, Gowen, Gwadosky, Hall, Hickey, Higgins, Hobbins, Howe, Hughes, Hunter, Jackson, Jacques P.; Joyce, Kane, Kany, Kelleher, Lancaster, Leighton, Lewis, Lizotte, Locke, Lougee, Lowe, Lund, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McKean, McMahon, McPherson, McSweeney, Michael, Mitchell, Morton, Nelson, A.; Nelson, N.; Norris, Paradis, E.; Paradis, P.; Paul, Pearson, Peltier, Peterson, Post, Prescott, Reeves, J.; Reeves, P.; Rolde, Rollins, Roope, Sewall, Sherburne, Small, Soulas, Stetson, Stover, Studley, Tarbell, Theriault, Tierney, Torrey, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wentworth, Whittemore, Wood, Wyman.

NAY — Aloupis, Austin, Baker, Benoit, Berube, Blodgett, Brown, A.; Curtis, Dellert, Gavett, Huber, Hutchings, MacBride, McHenry, Nadeau, Nelson, M.; Smith, Sprowl.

ABSENT — Berry, Birt, Bunker, Carter, D.; Churchill, Elias, Fillmore, Gray, Hanson, Immonen, Jacques, E.; Jalbert, Kiesman, Laffin, LaPlante, Leonard, Payne, Silsby, Simon, Strout.

Yes, 112; No, 18; Absent 20.

The SPEAKER: One hundred and twelve having voted in the affirmative and eighteen in the negative, with twenty being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

**(Off Record Remarks)**

On motion of Mrs. Nelson of Portland, recessed until the sound of the gong.

**After Recess  
12:25 P.M.**

The House was called to order by the Speaker.

**Consent Calendar  
Second Day**

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

(H. P. 1638) (L. D. 1747) Resolution, Proposing an Amendment to the Constitution of Maine to Amend the Referendum and Initiative Provisions" (C. "A" H-881)

No objections having been noted at the end of the Second Legislative Day, the House Paper was passed to be engrossed as amended and sent up for concurrence.

(H. P. 1787) (L. D. 1906) Bill "An Act Establishing the Child and Family Services and Child Protection Act" (C. "A" H-882)

On the objection of Mr. Higgins of Scarborough, was removed from the Consent Calendar.

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Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-882) was read by the Clerk.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: Again, I had a small problem with this particular fiscal note on this bill. While it does indicate that their is an appropriation of \$38,100, I would call your attention to this Committee Amendment, which has a filing number of H-882, and on Page 5 of the amendment, at the top of the page, after it indicates that there is a \$38,000 appropriation, it appears to me that there would be a further fiscal impact and I will read to you what the amendment says.

The bill contains no appropriation for the Department of Human Services. The Bill may reduce the department's cost for custody and foster care, as it will allow the department to place children in other settings, such as adoptions. However, the bill will also result in additional court hearing and legal expenses for the department.

The department is requesting no additional appropriation for these anticipated expenses, as they would prefer to have the bill enacted during this session. This will assess the effect of the bill under departmental operations during the coming year.

I don't have any particular problem with the legislation, and I don't really care to debate the legislation necessarily, because I am not sure as I understand it, at least at this point. It is a unanimous report out of Judiciary, so I assume that it must be very needed and worthwhile. What I am objecting to, as I did with the other bill earlier today, is that we seem to be passing legislation or trying to pass legislation with no money attached when we know that there is going to be money needed in the next year, in the next biennium.

I guess I would pose a question to anyone, and I see the chairman is in his seat now, perhaps he could explain why this is needed and, more importantly, why we don't need an additional appropriation for the Department of Human Services.

I look further down in the bill, in the Statement of Fact, and it also indicates that this bill is in conflict with L. D. 1881, L. D. 1813, 1821, 1835 and 1829. I don't know how they are going to decipher all that out because I sure know I am not going to, but maybe someone could explain that conflict as well.

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

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

Mr. HOBBS: Mr. Speaker, Men and Women of the House: It appears now that we are coming down to a point where every bill is being scrutinized and read very closely by the good gentleman from Scarborough, Mr. Higgins. I would suggest that the members of this body would look at other pieces of legislation which we pass involving law and order issues in the past. Everytime, ladies and gentlemen of this body, that we enact a bill affecting the Maine Criminal Code, it has some type of effect, either positive or negative, upon the fiscal impact of the State of Maine, whether it is mandatory jail sentences, whether it is increasing operating under the influence penalties or whatever.

It is very difficult to determine costs in the future involving legal expense and whether or not in fact particular procedures which we adopt or which we modify will, in fact, have a fiscal impact upon the State Treasury.

As in the earlier bill which the good gentleman tabled, he questioned the fiscal impact. It was very difficult—and I will explain later on that particular issue—to determine whether or

not there will be a fiscal impact.

As far as this particular piece of legislation is concerned, this particular bill is the result of numerous studies and numerous bills that have been presented to the Maine Legislature. This committee, the Judiciary Committee, has worked on these pieces of legislation. We have been told that the impact from a financial standpoint will require a \$38,100 appropriation, which they can definitely assess as far as the impact of this legislation is concerned.

As far as future costs because of court hearings or legal expenses, those can't be determined, you couldn't put a price tag on it, because we don't know whether in fact that is going to be the result.

If you want to nit-pick on every single bill and everything we do in this body, I would suggest you look at every bill because there is a potential impact financially on every bill we pass in this legislature.

I apologize if we cannot be anymore specific than the \$38,100 price tag on this particular piece of legislation. I would suggest that you take the total bill, read it and find out what type of change it is in the law and then ask yourself whether or not in fact it is required, whether it is needed, then I want you to take into consideration whether or not in fact we want to put a price tag on future costs as far as court expense or whatever, because they can't determine it, I can't understand it and I don't think a bill should go down the drain because of a potential cost factor which we don't know whether or not in fact it has.

If it was a substantial impact, this bill would have a fiscal note on it more so than it does now.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I do sincerely thank the gentleman from Saco, Mr. Hobbins, for his explanation. I am not trying to nit-pick pieces of legislation, but time and time again—I have served on the Appropriations Committee only but two sessions, but that has been long enough for me to realize that everytime we come back into session, January next year, whoever is sitting on the Appropriations Committee, some department will come in and say, well, you passed this bill last session and there was no money on it, but all of a sudden we need two or three more people to administer a law that you passed.

I am not trying to impugn the integrity of anybody on the Judiciary Committee at all. I simply asked for an explanation, the gentleman has given us one. I think it is adequate, but I think realistically, if you will look at the particular sentences that I read to you, it does open up several questions, and I think the gentleman has answered them, as I say, adequately.

I feel that it is unfortunate that manytimes we deal with pieces of legislation in here that have some future economic impact on the state budget and we don't know about it. I am just saying that we should make a conscious decision, yes or no.

Thereupon, Committee Amendment "A" was adopted.

Under suspension of the Rules, the Bill was read the second time, passed to be engrossed as amended and sent up for concurrence.

Supplement No. 2 was taken up out of order by unanimous consent:

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker and Members of the House: Before you on Supplement No. 2 is a joint order that would bring back from the legislative files L. D. 1718, An Act Concerning Membership on the Board of Trustees of the Van Buren Light and Power District. This bill was before our committee, the Public Utilities Committee, this session to deal with a problem that had been inadvertently created last year.

Unfortunately, we didn't fully appreciate the problem that we had created last year in dealing with other legislation on this same subject and it wasn't until the Representative from Van Buren, Mr. Violette, carried on some extensive conversations with the member of the other body who was chairing the committee and myself that we were finally convinced that we were in error, that we had made a mistake. So we would like to correct that mistake and we would like to do it as soon as possible so that we don't affect the elections that are upcoming in Van Buren.

We ask your support to bring this back from the legislative files so we can correct the error that we did make.

On motion of Mr. Davies of Orono, the following Joint Order: (H. P. 1942)

WHEREAS, the Legislature, on February 7th and 8th of 1980, accepted the ought-not-to-pass report of the Joint Standing Committee on Public Utilities on L. D. 1718, "AN ACT Concerning Membership on the Board of Trustees of the Van Buren Light and Power District;" and

WHEREAS, the action of the Legislature removed a provision of the charter of the Van Buren Light and Power District that has been a part of the district charter since its inception; and

WHEREAS, the removal of this provision may have a very serious and adverse effect upon the district, now, therefore, be it

ORDERED, the Senate concurring, that bill "AN ACT Concerning Membership on the Board of Trustees of the Van Buren Light and Power District," H. P. 1607, L. D. 1718, be recalled from the Legislative files to the House.

The Order was read.

The SPEAKER: The Chair will order a vote. Pursuant to the rule, this requires a two-thirds vote of all the members present and voting. All those in favor of this Order receiving passage will vote yes; those opposed will vote no.

A vote of the House was taken.

89 having voted in the affirmative and none in the negative and 89 being more than two-thirds, the Order received passage and was sent up for concurrence.

By unanimous consent, ordered sent forthwith.

The following paper appearing on Supplement No. 3 was taken up out of order by unanimous consent:

#### Bill Held

Bill, "An Act to Authorize a Bond Issue in the Amount of \$4,500,000 for Energy Conservation Improvements for Public School Buildings and the University of Maine" (S. P. 734) (L. D. 1913) (S. "A" S-443 to C. "A" S-429) — In House, Passed to be Engrossed as Amended by Committee Amendment "A" as amended by Senate Amendment "A" thereto on March 11 Held at the Request of Mrs. Mitchell of Vassalboro.

The SPEAKER: The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker and Members of the House: When the bill we passed yesterday concerning the bond issue for energy conservation for public schools was sent to engrossing, an error in drafting was discovered, so at this point, I would like to take us through the parliamentary procedure necessary to correct that error and put on an amendment which does exactly the same things substantively but puts it in correct form.

Thereupon, on motion of Mrs. Mitchell of Vassalboro, the House reconsidered its action whereby the Bill was passed to be engrossed.

On further motion of the same gentlewoman, the House reconsidered its action whereby Senate Amendment "A" to Committee Amendment "A" was adopted, and on motion of the same gentlewoman, the Amendment was indefinitely postponed in non-concurrence.

The same gentlewoman offered House

Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-884) was read by the Clerk and adopted.

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

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

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

Bill "An Act to Allow the Commissioner of Marine Resources to Exercise Limited Authority over the Conservation of Atlantic Salmon" (H. P. 1630) (L. D. 1740) which was tabled earlier in the day pending the motion of Mr. Fowlie of Rockland to recede. (In House, passed to be engrossed as amended by House Amendment "B" (H-809); In Senate, passed to be engrossed as amended by Committee Amendment "A" (H-785) as amended by Senate Amendment "B" thereto (S-448) in non-concurrence)

Mr. Fowlie withdrew his motion to recede. On motion of the same gentleman, the House voted to insist and ask for a committee of conference.

The Chair appointed the following conferees on the part of the House:

FOWLIE of Rockland  
MacEACHERN of Lincoln  
GILLIS of Calais

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

Bill "An Act to Increase Registration Fees for Watercraft" (H. P. 1835) (L. D. 1939) (C. "A" H-872) which was tabled earlier in the day pending adoption of Committee Amendment "A" as amended by House Amendment "A" thereto.

On motion of Mr. Leonard of Woolwich, tabled pending adoption of Committee Amendment "A" as amended by House Amendment "A" thereto and tomorrow assigned.

The SPEAKER: The Chair would call your attention to an Order that was introduced by the gentleman from Millinocket, Mr. Marshall, House Paper 1923, dealing with diesel tax study, on which the gentlewoman from Owl's Head, Mrs. Post, requested a ruling from the Chair on the order.

Whereupon, Mr. Marshall of Millinocket withdrew the Order.

#### Orders of the Day

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

Bill, "An Act to Appropriate Money for the Maine Energy Resources Development Fund and to Permit the use of Those Funds for Demonstration Projects" (H. P. 1713) (L. D. 1819)

—In House, Minority "Ought to Pass" as Amended by Committee Amendment "A" (H-811) Report Accepted and the bill Passed to be Engrossed on March 4, 1980.

—In the Senate, Majority "Ought Not to Pass" Report Accepted.

Tabled—March 10, 1980 by Mr. Blodgett of Waldoboro.

Pending—Further Consideration.

On motion of Mr. Tierney of Lisbon Falls, tabled unassigned pending further consideration.

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

Bill, "An Act to Establish an Environmental Health Program" (S. P. 698) (L. D. 1834)

Tabled—March 11, 1980 by Mrs. Huber of Falmouth.