

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

riere, Lisnik, MacEachern, Macomber, Mahany, Manning, Masterton, McCollister, McGowan, McHenry, McKean, McSweeney, Michaud, Mitchell, E.H.; Mitchell, J.; Nadeau, Norton, Paradis, P.; Perry, Peterson, Pouliot, Prescott, Racine, Reeves, P.; Roberts, Rolde, Sherburne, Smith, C.B.; Smith, C.W.; Soulas, Soule, Swazey, Telow, Theriault, Thompson, Tuttle, Vose, Webster.

NAY—Aloupis, Armstrong, Bell, Bordeaux, Brown, D.; Brown, K.L.; Cahill, Callahan, Carrier, Conary, Conners, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Fowlie, Gavett, Hanson, Higgins, L.M.; Huber, Hunter, Hutchings, Jackson, Jordan, Kelleher, Lancaster, Lewis, Livesay, Locke, Lund, MacBride, Martin, A.; Masterman, Matthews, McPherson, Michael, Murphy, O'Rourke, Paradis, E.; Pearson, Post, Randall, Reeves, J.; Ridley, Stevenson, Stover, Strout, Studley, Tarbell, Treadwell, Walker, Wentworth, Weymouth.

ABSENT—Baker, Cunningham, Gillis, Gwadosky, Hickey, Holloway, Jalbert, Joyce, Martin, H.C.; Moholland, Nelson, A.; Nelson, M.; Paul, Perkins, Richard, Salisbury, Small, Twitchell, The Speaker.

Yes, 73; No, 58; Absent, 19; Vacant, 1.

The SPEAKER Pro Tem: Seventy-three having voted in the affirmative and fifty-eight in the negative, with nineteen being absent, the motion does not prevail.

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

Mr. PEARSON: Mr. Speaker, having voted on the prevailing side, I now ask reconsideration of this and further ask that this be tabled for one legislative day.

Mrs. Huber of Falmouth requested a roll call vote.

The SPEAKER Pro Tem: 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 Pro Tem: The pending question before the House is on the motion of the gentleman from Old Town, Mr. Pearson, that this be tabled for one legislative day pending his motion to reconsider. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Austin, Beaulieu, Benoit, Boisvert, Brannigan, Brenerman, Brodeur, Brown, A.; Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Dudley, Erwin, Fitzgerald, Foster, Gowen, Hall, Hayden, Higgins, H.C.; Hobbins, Ingraham, Jacques, Kane, Kany, Kelleher, Ketter, Kiesman, Kilcoyne, LaPlante, Laverriere, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Masterton, McCollister, McGowan, McHenry, McKean, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Nadeau, Norton, Paradis, P.; Pearson, Perry, Peterson, Post, Pouliot, Prescott, Racine, Reeves, P.; Roberts, Rolde, Sherburne, Smith, C.B.; Smith, C.W.; Soulas, Soule, Strout, Studley, Swazey, Telow, Theriault, Thompson, Tuttle, Vose, Webster.

NAY—Aloupis, Armstrong, Bell, Bordeaux, Boyce, Brown, D.; Brown, K.L.; Cahill, Callahan, Carrier, Conary, Conners, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Fowlie, Gavett, Hanson, Higgins, L.M.; Huber, Hunter, Hutchings, Jackson, Jordan, Lancaster, Lewis, Livesay, Lund, MacBride, Martin, A.; Masterman, Matthews, McPherson, Murphy, O'Rourke, Paradis, E.; Randall, Reeves, J.; Ridley, Stevenson, Stover, Tarbell, Treadwell, Walker, Wentworth, Weymouth.

ABSENT—Baker, Berube, Cunningham, Gillis, Gwadosky, Hickey, Holloway, Jalbert,

Joyce, Martin, H.C.; Mollohand, Nelson, A.; Nelson, M.; Paul, Perkins, Richard, Salisbury, Small, Twitchell, Mr. Speaker.

Yes, 80; No, 50; Absent, 20; Vacant, 1.

The SPEAKER pro tem: Eighty having voted in the affirmative and fifty in the negative, with twenty being absent, the motion does not prevail.

Finally Passed Emergency Measure

RESOLVE, for laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1981 (H.P. 1498) (L.D. 1618)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and two-thirds vote of all the members elected to the House being necessary, a total was taken. 130 voted in favor of same and 2 against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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

Enactor

Tabled and Assigned

An Act Relating to State Participation in Local Leeway under the School Finance Act (S.P. 265) (L.D. 747) (C. "A" S-251)

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

On motion of Mr. Pearson of Old Town, tabled pending passage to be enacted and specially assigned for Tuesday, May 26.

Passed to Be Enacted

An Act Requiring an Annual Report on Safety Problems by Nuclear Power Plants (S.P. 420) (L.D. 1242) (C. "A" S-253)

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

Enactor

Tabled and Assigned

An Act to Create a Bond Issue for Energy Conservation and Conversion for Small Business (S.P. 489) (L.D. 1390) (C. "A" S-255)

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

On motion of Mrs. Mitchell of Vassalboro, tabled pending passage to be enacted and specially assigned for Tuesday, May 26.

An Act to Require the Department of Human Services to Provide Home-based Care as an Alternative to Nursing Home Care (S.P. 614) (L.D. 1620)

An Act to Remove the Towns of Medford, Osborn and Great Pond and Lakeville Plantation from the Maine Forestry District (H.P. 252) (L.D. 292) (H. "A" H-403 to C. "A" H-380)

An Act to Clarify the Law Prohibiting Persons under Disabilities from Getting Married (H.P. 320) (L.D. 349) (C. "A" H-402)

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

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

Passed to Be Enacted

An Act to Clarify the Domestic Violence Statutes (H.P. 636) (L.D. 726) (C. "A" H-425)

An Act Clarifying Municipal Authority to Invest Funds (H.P. 884) (L.D. 1053) (C. "A" H-393)

An Act to Improve County Budget and Financial Procedures (H.P. 1095) (L.D. 1292) (C. "A" H-418)

An Act to Adopt the Maine Municipal and Rural Electrification Cooperative Agency Act

(H.P. 1096) (L.D. 1295) (C. "A" H-421)

An Act to Establish an Arson Reporting Immunity Act (H.P. 1272) (L.D. 1487) (C. "A" H-427)

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

Enactor

Tabled and Assigned

An Act to Provide for the Election of Jury Trials in Certain Criminal Cases (H.P. 1328) (L.D. 1527)

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

On motion of Mr. Tarbell of Bangor, tabled pending passage to be enacted and specially assigned for Tuesday, May 26.

The following papers appearing on Supplement No. 4 were taken up out of order by unanimous consent:

Finally Passed

Emergency Measure

RESOLVE, to Change an Authorized Expenditure of Franklin County for the Year 1981 (H.P. 1509) (L.D. 1623)

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. 129 voted in favor of same and one against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act to Encourage Motorists to Protect Children in Motor Vehicles by Use of Approved Child Safety Seats (H.P. 1360) (L.D. 1545) (C. "A" H-411)

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

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

Mr. STROUT: Mr. Speaker, before I discuss this issue, I would ask if there should not be a fiscal note on this bill?

The SPEAKER: In response to the question, the Chair would answer in the negative.

The gentleman may proceed.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: You have heard the answer from the Speaker. The problem I had with this L.D. is where it requires the Commissioner of Public Safety to develop and implement a public information education program and I feel that it would require some money somewhere. I know the sponsor of the bill has told me that money to the highway from federal funds will be used to implement these programs. However, in our tight restraints here in the State of Maine, in the Department of Transportation, which funds the State Police to the tune of 72 percent, I think it is imperative upon me to question how we are going to require our Commissioner of Public Safety to implement, even if it is only an audio-visual aid program and a television program, an oral or written safety information program, there has to be money somewhere to pay for this L.D.

I read also in the amendment that the Commissioner shall conduct a study to ascertain the nature and extent of any reduction in the number and rate of injuries and deaths of children under four years of age. I think anytime in the past that we have ever had a study, there has been a requirement for some monies appropriated to take care of the study.

It also says that the Commissioner shall prepare and submit a report to the legislature no later than March 1, 1983. I don't know, there must be money somewhere in that department to conduct these studies and prepare these reports.

My final reason for opposing this L.D. is that it says in the final paragraph of the Committee

Amendment "Termination: This section shall remain in effect only until June 30, 1983, and as of that date, it is repealed unless a later enacted statute deletes or extends this date." I just want to remind the members of this House that you are starting a program that is going to be voluntarily put into effect, and I can assure you that maybe in 1982 or somewhere down the road, you are going to be faced with monies to continue this child restraint program.

I would ask that when the vote is taken on this, we have a roll call.

The SPEAKER: The Chair recognizes the gentlewoman from Pittston, Mrs. Reeves.

Mrs. REEVES: Mr. Speaker, Ladies and Gentlemen of the House: The federal public highway money is now being used by the Department of Transportation to conduct a public information and education program on this very important issue of the death of young children in car accidents and encourage people to use these safety seats and child restraints in cars. This money is already being used by our department to conduct this kind of advertising.

As I told you a couple of days ago, legislation to encourage the use of child safety seats and seatbelts for young children is a top priority all around the country. We have a precedent for this voluntary public education and information law in other states, and I think that we should go ahead and do this now.

A report in two years could tell us a great deal about how much impact this kind of program can have on the State of Maine and on the incident of child deaths, and I urge you to vote for this law.

The SPEAKER: The Chair recognizes the gentlewoman from Paris, Miss Bell.

Miss BELL: Mr. Speaker, Ladies and Gentlemen of the House: I think the merits of the concepts here are laudable. I have some problems with how it would be implemented. I think if our intent really were to provide an educational program, there are other ways to do this.

For example, yesterday many of you attended the hospice tea that took place at the Blaine House. There we saw people from many communities putting in energies at the grass-root level. I have been involved with the health education program in the Oxford Hills area whereby people at that level provide information where the people involved can make informed decisions as to how they would like to operate in their own lives.

This bill smells like a mandate to me, and that is why it first made me uncomfortable. It has been watered down or amended considerably, but I think that this type of legislation is just not proper at this time and a comprehensive approach should be taken.

Coming from public safety, where there are law enforcement officers dealing with many critical issues at this time, I would question their patience in providing the appropriate information. I would oppose this bill.

The SPEAKER: The Chair recognizes the gentlewoman from South Portland, Mrs. Thompson.

Mrs. THOMPSON: Mr. Speaker, Men and Women of the House: The original bill called for penalties against the drivers of cars who were transporting children under four years of age with no appropriate seat restraints. I think the committee, in deliberating that original bill, has come up with an adequate and fair compromise. We are talking about educating people about the necessity of keeping their children, four years of age and younger, in seat restraints.

I think probably when the committee heard the testimony, they were stunned by some of the statistics that I would like to read to you. In the past decade, 47 children under five years of age were killed and 3,000 children under five years of age were severely injured. The National Highway Traffic Safety Administration Research Information says that if those children were restrained in their cars, 75 percent

of them, or 2,000 of them, would not have been either killed or severely injured.

When a child is in a car unrestrained by an appropriate device, it is tantamount to playing on a third story rooftop. Young children who move about unrestrained cause accidents by disturbing and distracting the drivers.

Another fact, the safety device, a \$25 car seat, is a minor expense when you consider the cost of a car radio, for instance. And based on estimates from the National Highway Traffic Safety Administration, \$250,000 for each fatality, \$10,000 for each injury to the cost of Maine, for four lives and 270 serious injuries it costs Maine \$3 million a year when the cost of insurance is considered.

Of course, the financial statistics pale when you consider the unmeasurable cost of a dead child.

I think the committee is merely talking about educating the public about the necessity of child restraint devices. I urge you to support this bill.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to make some very brief points.

First of all, I think this bill has already had a good educational effect. There has been quite a bit of publicity in the paper, and hopefully some parents have read it and felt the need to have some child safety seats.

I would remind you that the chiefs of police and the state police have supported the bill and also support the amended version. I think one of the biggest objections I have heard to this bill is that it won't really do much and why clutter up the books, and to that, I would just simply respond that if it would keep one child from going through a windshield and mangled and killed, then I would be happy to have our books cluttered.

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 passage to be enacted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Beaulieu, Benoit, Berube, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Carroll, Chonko, Clark, Connolly, Cox, Crowley, Davies, Davis, Dexter, Diamond, G.W.; Diamond, J.N.; Drinkwater, Erwin, Fitzgerald, Foster, Fowlie, Gowen, Gwadosky, Hall, Hanson, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Huber, Ingraham, Joyce, Kane, Kany, Kelleher, Ketover, Kiesman, Kilcoyne, LaPlante, Laverriere, Lisnik, Livesay, Locke, Lund, MacBride, Macomber, Mahany, Manning, Martin, A.; Matthews, McCollister, McGowan, McKean, McPherson, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Murphy, Nadeau, Nelson, M.; Norton, Paradis, P.; Pearson, Perry, Pouliot, Prescott, Racine, Randall, Reeves, P.; Richard, Rolde, Small, Smith, C.B.; Soulas, Soule, Stevenson, Stover, Swazey, Tarbell, Telow, Theriault, Thompson, Tuttle, Vose, Walker, Webster, Wentworth, Mr. Speaker.

NAY—Aloupis, Armstrong, Austin, Bell, Bordeaux, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Carrier, Carter, Conary, Connors, Curtis, Damren, Day, Dillenback, Dudley, Gavett, Holloway, Hunter, Hutchings, Jackson, Jacques, Jordan, Lancaster, Lewis, MacEachern, Masterman, Masterion, McHenry, Nelson, A.; O'Rourke, Paradis, E.; Peterson, Post, Reeves, J.; Ridley, Roberts, Salisbury, Sherburne, Smith, C.W.;

Strout, Studley, Treadwell, Weymouth.
ABSENT—Baker, Cunningham, Gillis, Jalbert, Martin, H.C.; Moholland, Paul, Perkins, Twitchell.

Yes, 94; No, 47; Absent, 9; Vacant, 1.

The SPEAKER: Ninety-four having voted in the affirmative and forty-seven in the negative, with nine being absent, the bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

By unanimous consent, all preceding Enactors were ordered sent forthwith to the Senate, with the exception of L. D. 1498.

An Act Authorizing Reasonable Fees for Nonresident Users and Public Libraries (H. P. 548) (L. D. 624) (C. "A" H-415)

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

The Chair laid before the House the following matter:

Bill "An Act to Amend the Petroleum Liquids Transfer Vapor Recovery Law" (Emergency) (S. P. 602) (L. D. 1600) (C "A" S-259) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

On motion of Mr. Hall of Sangerville, tabled pending passage to be engrossed and specially assigned for Tuesday, May 26.

At this point, Speaker Martin returned to the rostrum.

Speaker MARTIN: The Chair would thank the gentleman from Fairfield, Mr. Gwadosky, for presiding.

Thereupon, the Sergeant-at-Arms escorted Mr. Gwadosky to his seat on the floor, amid the applause of the House, and Speaker Martin resumed the Chair.

The Chair laid before the House the following matter:

Bill "An Act to Control the Cost of Workers' Compensation Rates to Maine Employers" (H. P. 1483) (L. D. 1611) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Mr. Brannigan of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-453) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, I would like to hear an explanation of this amendment.

The SPEAKER: The gentleman from Yarmouth, Mr. Jackson, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the gentleman from Portland, Mr. Brannigan.

Mr. BRANNIGAN: Mr. Speaker, Members of the House: I did go over this yesterday, but I can understand why, after the long debate, people would not remember the things I said.

This amendment, first of all, takes care of a few technical errors that were in the bill such as in section 4, which said 22 and should have said 23.

When the bill was printed we had not had reports back from the Finance Office or from the Attorney General's Office and we have incorporated some of their suggestions, most of which are clarifying. One clarifies the relationship of this state fund to the Bureau of Insurance, putting it under Title 24-A, except those provisions which are in the bill which would exempt it from 24-A. It clarifies the start up date, the start up date for giving of policies, issuing of policies will be in January of 1983, but the start up costs and preparations will begin as any other L.D.

It deals with an issue of clarifying how the