

MAINE STATE LEGISLATURE

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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

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HOUSE

Wednesday, May 6, 1981

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Reverend David Bean of Waterville Church of God.

The journal of yesterday was read and approved.

**Papers from the Senate
Reports of Committees
Leave to Withdraw**

Report of the Committee on Education reporting "Leave to Withdraw" on Bill "An Act Relating to the Calculation of State Average Per Pupil Operating Costs" (S. P. 266) (L. D. 748)

Report of the Committee on Education reporting "Leave to Withdraw" on Bill "An Act Relating to the Calculation of State Average Per Pupil Operating Costs and the Basic Education Allocation for Operating Costs" (S. P. 330) (L. D. 960)

Report of the Committee on Transportation reporting "Leave to Withdraw" on RESOLVE, to Designate Certain Parts of Routes 17 and 4 as Scenic Highway (H. P. 107) (L. D. 237)

Report of the Committee on Fisheries and Wildlife reporting "Leave to Withdraw" on Bill "An Act to Change the Head of Tide on the Penobscot River" (S. P. 186) (L. D. 464)

Came from the Senate with the Reports read and accepted.

In the House, the Reports were read and accepted in concurrence.

Messages and Documents

The following Communication:

MAINE ADVISORY COUNCIL ON
VOCATIONAL EDUCATION
Box 17

1 Memorial Circle
Augusta, Maine 04330
(207) 622-4709

4 May 1981

To the Members of the 110th Legislature:

The Maine Advisory Council on Vocational Education (MACVE) is pleased to forward to the members of the 110th Legislature a copy of its Eleventh Annual Report.

MACVE is a policy advisory body to the State Board of Education. It is mandated by Public Law 94-482, The Educational Amendments of 1976. Each year, the Annual Report is the vehicle which carries MACVE's recommendations to the State Board of Education.

MACVE members are dedicated to helping Maine improve vocational education in order to develop Maine's best natural resource — its people.

Sincerely,
CHRISTINE-SZIGETI JOHNSON
Executive Director

Was read and with accompany report ordered placed on file.

Special Sentiment Calendar

In accordance with House Rule 56, the following items (Expressions of Legislative Sentiment)

Recognizing:

Elizabeth S. Hoefler of Phillips, who has been named an alternate in the 1981 National Honor Society Scholarship Program; (H. P. 1422) by Representative Dexter of Kingfield. (Cosponsor: Representative Webster of Farmington)

Lee. G. McLaughlin of Houlton, valedictorian of Houlton High School, class of 1981; (H. P. 1425) by Representative Ingraham of Houlton.

Michael Kramer, for his many contributions to the field of journalism; (H. P. 1426) by Representative Diamond of Bangor. (Cosponsor: Representative Murphy of Kennebunk)

There being no objections, these items were considered passed and sent up for concurrence.

**House Reports of Committees
Leave to Withdraw**

Representative Brown from the Committee on Taxation on Bill "An Act to Increase the Revenue Generated by Power Companies Exporting Electricity" (H. P. 1275) (L. D. 1490) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

Ought to Pass in New Draft

Representative Smith from the Committee on Agriculture on Bill "An Act Relating to Frozen Dessert Products" (H. P. 588) (L. D. 666) reporting "Ought to Pass" in New Draft (H. P. 1427) (L. D. 1578)

Report was read and accepted, the New Draft read once and assigned for second reading later in today's session.

Representative Damren from the Committee on Fisheries and Wildlife on Bill "An Act to Clarify the Inland Fisheries and Wildlife Laws of Maine" (H. P. 15) (L. D. 9) reporting "Ought to Pass" in New Draft (H. P. 1423) (L. D. 1577)

Report was read and accepted, the New Draft read once and assigned for second reading later in today's session.

Ought to Pass in New Draft

Representative Rolde from the Committee on Audit and Program Review on Bill "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Law" (Emergency) (H. P. 89) (L. D. 64) reporting "Ought to Pass" in New Draft (H. P. 1411) (L. D. 1576)

Report was read and accepted, the New Draft read once and assigned for second reading later in today's session.

Divided Report

Majority Report of the Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-297) on Bill "An Act Creating the Maine Clean Indoor Air Act" (H. P. 347) (L. D. 395)

Report was signed by the following members:

Signed:
Senators:

GILL of Cumberland
BUSTIN of Kennebec
HICHENS of York

— of the Senate.

Representatives:

PRESCOTT of Hampden
BRODEUR of Auburn
BOYCE of Auburn
KETOVER of Portland
RICHARD of Madison
HOLLOWAY of Edgecomb
RANDALL of East Machias
MacBRIDE of Presque Isle
MANNING of Portland

— of the House.

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

Report was signed by the following member:
Representative:

McCOLLISTER of Canton

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker, I move the acceptance of the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Canton, Mr. McCollister.

Mr. McCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: If we had a bill before us asking to double the present tax on tobacco, I might not like it but I could understand it. But at a time when the State Budget is collapsing under the pressures of run-away infla-

tion, at a time when the elderly cannot be given support for services in their own home but instead are forced into rest homes where their only companionship is the lonely and dying people because they cannot afford anything else, we, the Legislature, are considering a reduction in state revenue? After denying these citizens who gave unselfishly of themselves to support a government that created our present give-away society, we now see the 110th considering an L. D. that is aimed at reducing the levying of a luxury tax, some would call it a sin tax. We do this after a host of restaurateurs and innkeepers testified that the request for no smoking areas were practically non-existent. Their statements were that they were in the business of giving people an atmosphere that they wanted when dining out, and if their customers demanded, they would comply with their wishes and give them no smoking areas, but the people aren't asking for it.

We are eliminating the bookmobile because tax dollars are not available to fund it. Who is paying for this tax service? Basically, the young and the old in rural Maine. Can we afford to take another step toward eliminating a \$25 million revenue service? Why? Because it makes a few people uncomfortable? Yet, most smokers will accommodate if a reasonable request is made. From my own experience, I find that the amiable requests run about 50-50 with the offensive, unreasonable and snide remarks that go along with the request to stop smoking.

I asked a gentleman from the airline industry, who was testifying to the fact that no smoking areas were already available in their facilities, if he felt his arguments could receive a fair hearing before a committee who had already badgered, ridiculed and lectured the opponents of this bill in a hearing room that had posted on four walls no-smoking signs? After looking at one direction of our committee to the other, he very meekly said, yes, he thought he could, but he immediately left the witness stand and left the room and that was the last we saw of him.

In a few days, we will be asked to pass a tax on potatoes, yes, potatoes; yet, we are declaring our intent to reduce our tax base by restricting smoking by law rather than social pressure. Either way, it is foolhardy in our present financial condition. But, ladies and gentlemen, this is only the beginning.

As one of the Senators on the Health and Institutional Services Committee said—she won't be satisfied until the sale of tobacco is banned in the State of Maine.

Another legislator on the same committee says he is considering legislation to ban cigarette machines in Maine. We had Prohibition once, and I believe the Maine Legislature was its midwife. Are we to be party of the spawning of another fiasco in social engineering when we cannot heat the homes of our elderly and our needy? When we cannot make books available to our children, when we must resort to levying a tax on potatoes, it is irrational, it is foolhardy, it is financially irresponsible to do anything to disrupt the state's tax base at this time.

Mr. Speaker, I move indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The gentleman from Canton, Mr. McCollister, moves that this Bill and all its accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Kingfield, Mr. Dexter.

Mr. DEXTER: Mr. Speaker, Men and Women of the House: Here we go again. I was disappointed today in my good friend from Lincoln, Mr. MacEachern, who usually does the indefinite postponement bit, that he didn't do it. Two months ago, that fine gentleman saw the light. In fact, I guess he had seen too many lights in the past and he quit smoking, but there is always someone to take their place.

Frankly, the gentleman from Canton has left me. I don't know, he has rambled on all the way

around this bill instead of addressing the bill. The bill in its present form is strictly public meetings and public meetings only.

Now, right off the bat, we will start talking about rights, we will talk about the right to smoke. You don't have the right to smoke, it is a privilege, and when that privilege infringes upon the rights of others, it is time that that was modified. This is what this L. D. does, it modifies.

Let's talk about the handicapped. We have laws now allowing the handicapped access to public meetings. Is there anyone here who would vote against that?

Have you ever seen anyone suffering from emphysema, watched them climb the stairs here, watched them walk down the hall? Are you going to deny people like that a right to go to a public meeting which concerns them, supported, perhaps, by their tax dollars? If you are, you vote for indefinite postponement. Frankly, I can't see how anyone here in this body could do that.

I was talking with a good friend of mine about a month ago, talking about how bad it was to walk down the streets of Portland because the air is so polluted. I did support a program to address that problem.

The gentleman from Canton said this would restrict cigarette sales. Maybe that would be a good thing. Do you realize how many people suffer from lung diseases related to smoking? About 18 billion anyway.

My neighbor who died recently, a World War II veteran, disabled, he died of lung cancer. A few days before he died, I was talking with him and he said, Ed, you push this bill, it is a good bill. All the time he was telling me this, he was puffing on a weed.

This is a good bill and I hope you people will support it today.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Gillis.

Mr. GILLIS: Mr. Speaker, I would like to pose a question through the Chair. On the definition of public peace, is he referring to just the items in Section 2 of the bill, or is he referring to restaurants and so forth?

The SPEAKER: The gentleman from Calais, Mr. Gillis, has posed a question through the chair to anyone who may care to answer.

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

Mr. BRODEUR: Mr. Speaker and Members of the House: In answer to the gentleman's question, public place has been amended out of the bill, so that no longer applies. We are just talking about public meetings.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Canton, Mr. McCollister, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

16 having voted in the affirmative and 93 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mrs. Prescott of Hampden, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-297) was read by the Clerk and adopted and the bill assigned for second reading later in the day.

Divided Report

Later Today Assigned

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill, "An Act to Permit the Publication of the Names of Juveniles in Connection with Arrests and Court Appearances" (H. P. 742) (L. D. 880)

Report was signed by the following members:

Senators:

CONLEY of Cumberland
KERRY of York

— of the Senate.

Representatives:

JOYCE of Portland
LUND of Augusta
SOULE of Westport
HOBBINS of Saco
LIVESAY of Brunswick
BENOIT of South Portland

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-300) on same Bill.

Report was signed by the following members:

Senator:

DEVOE of Penobscot

— of the Senate.

Representatives:

DRINKWATER of Belfast
REEVES of Newport
CARRIER of Westbrook
O'ROURKE of Camden

— of the House.

Reports were read.

On motion of Ms. Benoit of South Portland, tabled pending acceptance of either Report and later today assigned.

Divided Report

Later Today Assigned

Majority Report of the Committee on Local and County Government reporting "Ought Not to Pass" on Bill, "An Act to Provide a Referendum to Abolish Bounty Government and Authorize Reassignment of its Functions and Duties to Appropriate State and Municipal Departments and Agencies" (H. P. 1040) (L. D. 1259)

Report was signed by the following members:

Senators:

AULT of Kennebec
PERKINS of Hancock

— of the Senate.

Representatives:

RIDLEY of Shapleigh
STOVER of West Bath
PARADIS of Old Town
McHENRY of Madawaska
CURTIS of Waldoboro
ARMSTRONG of Wilton

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Report was signed by the following members:

Senator:

CHARENTE of Androscoggin

— of the Senate.

Representatives:

LaPLANTE of Sabattus
WENTWORTH of Wells
SWAZEY of Bucksport
ROBERTS of Buxton

— of the House.

Reports were read.

On motion of Mrs. Mitchell of Vassalboro, tabled pending acceptance of either Report and later today assigned.

Consent Calendar

First Day

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

(H. P. 1387) (L. D. 1564) RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Tree Growth Tax Law — Committee on Taxation reporting "Ought to Pass"

No objections being noted, this item was ordered to appear on the Consent Calendar later in today's session under the listing of Second Day.

Consent Calendar

Second Day

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

(H. P. 976) (L. D. 1164) Bill, "An Act to Establish Restrictive Covenants for Property Affected by Hazardous Waste" (C. "A" H-301)

(H. P. 840) (L. D. 1006) Bill, "An Act to Provide Free Fishing Licences to Mentally Retarded and Chronically Mentally Ill Persons" (C. "A" H-302)

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

Passed to Be Engrossed

Bill, "An Act to Provide a Right-of-way to Pedestrians Against Drivers Entering Private Ways" (S. P. 457) (L. D. 1305)

Was reported by the Committee on Bills in the Second Reading, read the second time and passed to be engrossed in concurrence.

Second Reader

Later Today Assigned

Bill, "An Act to Bring the Maine Traveler Information Services Act into Conformity with the United States Constitution" (S. P. 427) (L. D. 1249) (Emergency) (C. "A" S-121)

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

On motion of Mr. Higgins of Scarborough, tabled pending passage to be engrossed as amended and later today assigned.

Orders of the Day

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

Bill, "An Act to Permit Persons 15 years of Age and Older to Work until 10 P. M." (H. P. 877) (L. D. 1046)

Tabled — May 5 (Till Later Today) by Representative Beaulieu of Portland.

Pending — Passage to be Engrossed.

Mrs. Beaulieu of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-288) was read by the Clerk and adopted.

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

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

Bill, "An Act to Exempt Certain Signs from the Billboard Law" (S. P. 378) (L. D. 1136)

Tabled — May 4 by Representative Brannigan of Portland.

Pending — Adoption of Committee Amendment "A" (S-119)

On motion of Mrs. Mitchell of Vassalboro, tabled pending adoption of Committee Amendment "A" and later today assigned.

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

House Divided Report — Majority (7) "Ought to Pass" — Minority (5) "Ought Not to Pass" — Committee on Agriculture and Bill, "An Act to Coordinate Agriculture and Energy Related Activities in State Government" (H. P. 648) (L. D. 753)

Tabled — May 4 by Representative Mahany of Easton.

Pending — Motion of the same gentleman to Accept the Majority "Ought to Pass" Report.

On motion of Mr. Mahany of Easton, tabled pending the motion of the same gentleman to accept the Majority "Ought to Pass" Report and later today assigned.

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

Bill, "An Act Providing Collective Bargaining Rights to Legislative Employees" (H. P. 323) (L. D. 384)

Tabled — May 5 by Representative Diamond of Windham.

Pending — Passage to be Engrossed.

On motion of Mr. Davies of Orono, tabled pending passage to be engrossed and later