

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Twelfth  
Legislature***

OF THE

STATE OF MAINE

**Volume I**

**FIRST REGULAR SESSION**

**December 5, 1984 - June 20, 1985**

and then UMA has 3,100, a two year campus with no dorms, very similar to a community college and very similar to the VTI campuses throughout the State of Maine and they are sitting out there competing with all the other University of Maine campuses for that Student Incentive Scholarship Program.

Once again, are we going to set monies aside for UMA also? All this amendment is doing is setting aside monies, outside of the needs based on formula, outside of whether you need it or not, reserved for a particular institution or institutions in the State of Maine and I think that is unfair. I don't think that is why the formula was set up in the first place and I think you have got to vote here on fairness and not on whether we support the VTIs, whether we support the University of Maine, whether we support Maine Maritime Academy—we have to look at the actual formula whether this is fair to all students.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Small.

Representative SMALL: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will, indeed, vote to indefinitely postpone this amendment. I am very happy today to be in agreement with the Representative from Caribou, Representative Crouse. He has done a very good job of explaining this.

I guess my criteria for supporting this is the question of whether we grant money according to a student need or according to what school they attend and I hope we will choose the money according to the student need.

The SPEAKER: The Chair recognizes the Representative from Stockton Springs, Representative Crowley.

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: There is one added bit of information that you should know about the need based formula that is used here. When you go to a school like Bowdoin, Bates or Colby and the cost of attending is \$14,000, you could be from a home of a \$35,000 income and be eligible for MSISP money, this is never going to happen down to the VTIs because of the base. They do not have to pay \$14,000 but the students that go to the VTIs, many of them are just as needy, they happen to be just a little bit older. The average age is about 23 years old and a lot of them are independent students, they are not with their fathers and mothers so I think they need this little bit of help.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Roberts.

Representative ROBERTS: Mr. Speaker, Ladies and Gentlemen of the House: I think the original purpose of this bill was to remove the VTI students from competing with Bowdoin, Bates and Colby and that was and is accomplished in the bill. So, under the bill, they will no longer be competing but what the amendment does is not only they do not have to compete with Bowdoin, Bates, and Colby, they don't have to compete with the University of Maine in Augusta, Farmington and the rest of the university system.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Brown.

Representative BROWN: Mr. Speakers, Ladies and Gentlemen of the House: I would just like to remind everyone that this bill was a bill that was recommended to the Education Committee and we spent many, many hours on it. The majority of the committee decided that the way the bill was written was the fairest way to go so I hope that you will support the motion to indefinitely postpone the amendment.

The SPEAKER: The pending question before the House is the motion of the Representative from Caribou, Representative Crouse, that Senate Amendment "A" (S-88) be indefinitely postponed. Those in favor will vote yes;

those opposed will vote no.

#### ROLL CALL No. 68

YEAS:—Armstrong, Begley, Bell, Bost, Bragg, Brannigan, Brown, A.K.; Cahill, Callahan, Carter, Chonko, Coles, Conners, Cooper, Crouse, Davis, Dexter, Diamond, Duffy, Erwin, Foss, Foster, Greenlaw, Gwadosky, Hale, Harper, Hayden, Hepburn, Higgins, H.C.; Higgins, L.M.; Holloway, Ingraham, Jackson, Lacroix, Lawrence, Lebowitz, Lisnik, MacBride, Manning, Martin, H.C.; Matthews, Mayo, McCollister, Mills, Mitchell, Murphy, T.W.; Nadeau, G.R.; Nicholson, Parent, Paul, Pines, Priest, Randall, Rice, Richard, Rioux, Roberts, Rotondi, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stetson, Stevens, A.G.; Stevens, P.; Stevenson, Taylor, Theriault, Warren, Webster, Wentworth, Weymouth, Whitcomb

NAYS:—Aliberti, Allen, Baker, A.L.; Baker, H.R.; Bonney, Boutillier, Brodeur, Brown, D.N.; Carrier, Carroll, Cashman, Clark, Connolly, Cote, Crowley, Daggett, Descoteaux, Dillenback, Drinkwater, Handy, Hichborn, Hickey, Hillock, Høglund, Jacques, Joseph, Kane, Lander, Law, Lord, Macomber, Masterman, McGowan, McHenry, McPherson, Melendy, Michael, Michaud, Moholland, Murphy, E.M.; Murray, Nadeau, G.G.; Nelson, Nickerson, O'Gara, Paradis, E.J.; Paradis, P.E.; Perry, Pouliot, Racine, Reeves, Ridley, Rolde, Ruhlin, Rydell, Salsbury, Scarpino, Seavey, Simpson, Strout, Swazey, Tammamaro, Tardy, Telow, Vose, Walker, Willey

ABSENT:—Beaulieu, Bott, Dellert, Farnum, Jalbert, Kimball, McSweeney, Zirkilton, The Speaker

75 having voted in the affirmative and 67 in the negative with 9 being absent, the motion did prevail.

Whereupon, the Bill was assigned for Second Reading, Monday, May 20, 1985.

#### Non-Concurrent Matter

An Act to Require Eye Protection for Persons Riding Motorcycles (H.P. 465) (L.D. 666) (C. "A" H-111) which was passed to be enacted in the House on May 10, 1985.

Came from the Senate with the Bill and accompanying papers indefinitely postponed in the non-concurrence.

The House voted to recede and concur.

#### Messages and Documents

The following Communication:

DEPARTMENT OF FINANCE  
AND ADMINISTRATION  
BUREAU OF CENTRAL COMPUTER  
SERVICES  
STATE OFFICE BUILDING  
STATE HOUSE STATION 61  
AUGUSTA, MAINE 04333

May 9, 1985

Governor Joseph E. Brennan and Members of the 112th Legislature:

In accordance with Chapter 41 of the Resolves of 111th Legislature, the attached report of findings is hereby submitted. As instructed in the Resolve, this is a combined report of the Department of Human Services, the Department of Mental Health and Mental Retardation, the Division of Community Services of the Executive Department, and the Bureau of Central Computer Services of the Department of Finance and Administration.

This report contains the findings of the Departments; descriptions of current systems and planned improvements for the Division of Community Services, the Department of Human Services and the Department of Mental Health and Mental Retardation; descriptions of interdepartmental information sharing efforts and finally a commitment to future report accomplishments and future plans for data streamlining efforts.

On page 15 if this report, we have committed to issuing (through the Interdepartmental Committee) reports to the Human Resources

Committee in December, 1985 and December, 1986.

Respectfully Submitted,  
S/ ARTHUR W. HENRY, Jr.  
Director, Central Computer Services

On behalf of the:  
Department of Human Services  
Department of Mental Health and  
Mental Retardation  
Division of Community Services  
Bureau of Central Computer Services  
Was read and with accompanying report ordered placed on file.

The following Communication:

State of Maine  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE 04333

To the Honorable Members of the 112th Maine Legislature:

I am returning without my signature or approval L.D. 1379, "An Act to Require Notice of Smoking Policy in Restaurants."

The bill addresses an issue of concern to many Maine citizens, and to me as Governor: namely, how to control the effects of smoking in public places.

Already this year I have signed into a law two bills dealing with the subject. The first prohibits smoking in retail stores over a certain size. The second requires all businesses to establish smoking policies for their work areas. In each bill there are civil penalties and fines established for violators.

This bill is like the two I have signed already, in that it deals with the effects of smoking in public places. It is unlike the other two, however, in that it does not include any sanction for those who violate the law.

The absence of sanctions renders the bill meaningless. Some would obey the law, but others would not. In effect, this bill is little more than a recommendation by the Legislature that restaurants have a smoking policy.

Laws without teeth, like laws that are not enforced, should not be part of the Maine statutes. They foster disrespect for the law and our legal institutions—including the Legislature.

For this reason, I must veto this bill.

Sincerely,  
S/ JOSEPH E. BRENNAN  
Governor

Was read and ordered placed on file.

The accompanying Bill "An Act to Require Notice of the Smoking Policy in Restaurants" (H.P. 970) (L.D. 1379)

On motion of Representative Diamond of Bangor, tabled pending reconsideration and specially assigned for Monday, May 20, 1985.

#### Petitions, Bills and Resolves Requiring Reference

The following Bills and Resolves were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

##### Business and Commerce

Bill "An Act to Permit the Incorporation of Subsidiary Trust Companies" (Emergency) (H.P. 1056) (L.D. 1536) (Presented by Representative BRANNIGAN of Portland) (Cosponsors: Senator BUSTIN of Kennebec, Representatives TELOW of Lewiston and ARMSTRONG of Wilton) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Bill "An Act to Limit the Grounds for Termination of an Insurance Agency Appointment" (Emergency) (H.P. 1057) (L.D. 1537) (Presented by Representative BRANNIGAN of Portland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed.)

Sent up for concurrence.