

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**

or decreases of these programs in service, I would like to pose a question to the chairman of that committee. Is the Appropriations Committee going to work towards a solution to the severe problems of families and children at risk, first in the area of possible loss of funds and, secondly, in the area of preventative programs which help avoid both high social costs as our children and families in crisis face and the high financial cost that may come if we don't have a planned solution?

The SPEAKER: The gentleman from Auburn, Mr. Brodeur, has posed a question through the Chair to the gentleman from Old Town, Mr. Pearson, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Brodeur has posed a question to me. He has consistently demonstrated, since he has been in the legislature, his concern for those who are less fortunate in the state, and I applaud him for that.

He started his remarks by saying that he favored this bill but had taken it off the Consent Calendar because he wanted to make some remarks about something else, of children that are at risk. When he takes it off the Consent Calendar, it puts the bill at risk, and I wish that he would have found some other vehicle to do that.

To answer his question, yes, the Appropriations Committee is concerned and is working within the financial parameters of what we have to deal with in trying to fund human services programs that he mentioned.

Thereupon, the Bill was passed to be engrossed as amended by Committee Amendment "A" and sent up for concurrence.

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 Senate, Majority "Ought Not to Pass" Report Accepted.

Tabled—March 6, 1980 by Mr. Blodgett of Waldoboro.

Pending—Further Consideration.

The SPEAKER: The Chair recognizes the gentleman from Waldoboro, Mr. Blodgett.

Mr. BLODGETT: Mr. Speaker, I move that this item be tabled for two legislative days.

Whereupon, Mr. Tarbell of Bangor requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Waldoboro, Mr. Blodgett, that this matter be tabled pending further consideration and specially assigned for Wednesday, March 12. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Blodgett of Waldoboro requested a roll call vote.

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. 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 Waldoboro, Mr. Blodgett, that this matter be tabled pending further consideration and specially assigned for Wednesday, March 12. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Barry, Beaulieu, Benoit,

Berube, Birt, Blodgett, Brannigan, Brenerman, Brodeur, Brown, K.C.; Carroll, Carter, D.; Chonko, Cloutier, Connolly, Cox, Curtis, Diamond, Dow, Dutremble, D.; Elias, Gray, Gwadosky, Hall, Hickey, Hobbins, Howe, Huber, Jacques, P.; Jalbert, Joyce, Kany, Kelleher, Lizotte, Locke, Lowe, MacEachern, Mahany, Martin, A.; Masterman, Masterton, McHenry, McKean, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, P.; Paul, Pearson, Post, Prescott, Reeves, J.; Rolde, Sewall, Silsby, Simon, Thériault, Tierney, Tozier, Tuttle, Twitchell, Viollette, Vose, Wood, Wyman.

NAY — Aloupis, Austin, Berry, Bordeaux, Boudreau, Bowden, Brown, D.; Brown, K.L.; Call, Churchill, Cunningham, Damren, Davis, Dellert, Dexter, Drinkwater, Dudley, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Higgins, Hunter, Hutchings, Jackson, Kiesman, Leighton, Lougee, Lund, MacBride, Marshall, Matthews, McPherson, Morton, Nelson, A.; Paradis, E.; Payne, Peterson, Rollins, Roope, Sherburne, Small, Smith, Stetson, Stover, Strout, Studley, Tarbell, Torrey, Wentworth.

ABSENT—Baker, Brown, A.; Bunker, Carrier, Carter, F.; Canary, Davies, Doukas, Dutremble, L.; Fowlie, Gowen, Hanson, Hughes, Immonen, Jacques, E.; Kane, Laffin, Lancaster, LaPlante, Leonard, Lewis, Maxwell, McMahon, McSweeney, Peltier, Reeves, P.; Soulas, Sprowl, Vincent, Whittemore, The Speaker.

Yes, 69; No, 51; Absent, 30.

The SPEAKER: Sixty-nine having voted in the affirmative and fifty-one in the negative, with thirty being absent, the motion does prevail.

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

Mr. HOBBSINS: Mr. Speaker, is the House in possession of L. D. 1964?

The SPEAKER: The Chair would answer in the affirmative, having been held at the request of the gentleman from Saco, Mr. Hobbins. It is Bill "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency) (S. P. 770) (L. D. 1964), which was passed to be engrossed as amended by House Amendments "B" (H-844), "C" (H-847), "D" (H-848), and "E" (H-849) and Senate Amendment "A" (S-426) in the House on March 7, 1980.

Mrs. Post of Owl's Head moved that the House reconsider its action whereby the Bill was passed to be engrossed.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Owl's Head, Mrs. Post, that the House reconsider its action whereby the Bill was passed to be engrossed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

72 having voted in the affirmative and 18 having voted in the negative, the motion did prevail.

Mrs. Post of Owl's Head offered House Amendment "H" and moved its adoption.

House Amendment "H" (H-856) was read by the Clerk.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: What this amendment does, it removes from the errors and inconsistency bill reference to a particular section of the law which we are dealing with under another bill which is presently before us dealing with a general revision of public property tax laws. We are dealing with it under another bill and this would present another inconsistency for us to deal with next year if we don't accept this particular amendment now.

Thereupon, House Amendment "H" was adopted.

The SPEAKER: The Chair recognizes the gentleman from New Sweden, Mr. Nelson.

Mr. NELSON: Mr. Speaker, I move we reconsider our action whereby House Amendment "E" was adopted.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Wood.

Mr. WOOD: Mr. Speaker, I have a feeling that that is my amendment. I don't have it, but I hope we do not reconsider.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from New Sweden, Mr. Nelson, that the House reconsider its action whereby House Amendment "E" was adopted. All those in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

50 having voted in the affirmative and 45 having voted in the negative, the motion did prevail.

The SPEAKER: The Chair recognizes the gentleman from New Sweden, Mr. Nelson.

Mr. NELSON: Mr. Speaker, Ladies and Gentlemen of the House: In many cases over the years, owners of dogs and other animals have been known to perform operations on animals to prevent them from bearing young. In other words, the animals were neutered. At the present time, a certificate must be obtained from a veterinarian to show that a dog has been neutered before the owner can obtain a license for the dog at the minimum fee. In some cases, dogs have been neutered by other than veterinarians. Perhaps four or five years ago, and in a case like this, the owners would have to pay the veterinarian a large price for the examination which, in my area would be \$7 just to show the dog had been neutered.

It is my opinion that an affidavit signed by the owner of the dog in the presence of the town clerk would be the proper way to handle the situation.

I move that House Amendment "E" be indefinitely postponed and hope you will go along with me.

The SPEAKER: The Chair recognizes the gentleman from Wells, Mrs. Wentworth.

Mrs. WENTWORTH: Mr. Speaker and Members of the House: If we start not accepting previously required certificates for our dogs who have been spayed or neutered, there is going to be a big problem in many towns and cities. Not only would that make a problem, but then they would start saying "accept a statement for a rabies shot" and if your child then is bitten, you have no proof and no way to know when that dog received his shot.

Any veterinarian, for a price of a certificate, will give you a copy. This would only apply to new dogs anyway, because all others would already have been indicated on their records.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Wood.

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would not indefinitely postpone this amendment.

The Errors and Inconsistency Bill is supposed to be just that, for errors and inconsistencies. The Committee on Agriculture discussed this issue last year, and I think when the errors and inconsistencies bill came out with this proposal in it, it was a substantive change to the law and therefore I eliminated it by my amendment. If we defeat this amendment, then we have this very substantial change back in the errors and inconsistency bill.

The Dog Licensing Act was just passed last year. I don't think there have been enough problems to warrant an amendment at this time. In the future, if we see a problem, we will always have another session to deal with it.

Finally, although I am not familiar with the techniques used by individuals to neuter their animals, I am not sure that I would approve of those techniques and I don't think we should either.

The SPEAKER: The Chair will order a vote.

The pending question is on the motion of the gentleman from New Sweden, Mr. Nelson, that House Amendment "E" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

45 having voted in the affirmative and 67 having voted in the negative, the motion did not prevail.

Thereupon, House Amendment "E" was adopted.

The Bill was passed to be engrossed as amended by House Amendments "B", "C", "D", "E", "H" and Senate Amendment "A" in non-concurrence and sent up for concurrence.

The following paper appearing on Supplement No. 2 was taken up out of order by unanimous consent.

On motion of Mrs. Post of Owl's Head, the following Joint Order: (H. P. 1934)

ORDERED, the Senate concurring, that the Joint Standing Committee on Taxation report out a bill to establish the municipal cost components for the unorganized territory for services to be rendered in fiscal year 1981.

The order was read and passed and sent up for concurrence.

The Chair laid before the House the following matter:

SENATE JOINT ORDER (S. P. 772) relative to the Joint Standing Committee on Audit and Program Review studying the operating and proposed expansion of the Office of Energy Resources, which was tabled earlier in the day pending passage in concurrence.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I wholeheartedly support this order. In fact, I can live with the amendment but I believe I could have lived with the original order.

I would just ask the question, what does the Office of Energy Resources do and what does it have to report to this legislature? What has it reported to the past legislature and what did it report to the one before that?

The Department was created in 1974 because of the apparent need that the government should be in the position, through an agency, to handle emergency situations dealing with fuel and the availability of it. When that office was originally created, it was to transfer principally fuel from one area of the state to another. For example, if they happened to have an abundance of fuel in Portland or Lewiston and there was a need for it in Aroostook County or Washington County, this particular agency was there to see if one company would be willing to transfer fuel to another.

But what else has it done and how productive has it been and how beneficial has it been to the people of Maine? I honestly don't know the answer to those questions.

I think the Office of Energy Resources is operating now under the reasonable position of trying to promote conservation in the state, and if there is one thing that we haven't promoted, it is conservation over in that department by the number of personnel that is apparently working there.

You know, I look at the fuel adjustment program that the feds have given to the State of Maine and to other states in this nation, and I question, what is it going to be like next year in terms of pumping dollars back into the hands of the citizens of Maine to try to defray their fuel costs? They may give us \$20 million next year, probably 15 more employees; they may give us \$30 million the following year and a number of employees, but here we are in this state, as well as every other state, faced with cutbacks in Title 20, which certainly affects us, the possibility of no more revenue sharing, which certainly is going to affect us, and the

proliferation of increased numbers of people over in the Department of Energy Resources.

I comment the author of this order and I think that we should seriously look at it, because I really would like to know, what are we getting for our money?

Granted, the federal government is putting in most of the dollars, but if I am getting a new lesson in finances, I guess those federal tax dollars come from all of us, whether we live in California or here in the State of Maine.

I just question, are we getting our just value for the dollars that are going into the Department of Energy Resources?

This government of ours is concerned about employees and what the benefits are, and I would hope that we would seriously look into the fact of should we have 47 employees down there? I don't really think we should, but if this order is going to give this House and the other body more information pertaining to what that office does, then I see no real reason why we shouldn't pass it.

The SPEAKER: The Chair recognizes the gentleman from Lisbon Falls, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: It is, from my review of this order which I have just read for the first time, that it strikes singularly a peculiar precedent for legislative action, a precedent which I do not think, at first blush at least, can be done by legislative order.

If you will read the order carefully, you will see that it calls for the legislature to impose a freeze on hiring in a particular department, a department with which we have very little, if any, contact by way of funding. I know it has never been done, that being the responsibility for the executive branch as opposed to the legislative branch, but in that it may be the appropriate way to go, I would like to have someone table it pending the outcome of legal research on the subject.

Thereupon, on motion of Mr. Garsoe of Cumberland, tabled pending passage in concurrence and tomorrow assigned.

The Chair laid before the House the following matter:

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) which was tabled earlier in the day pending adoption of Senate Amendment "A" to Committee Amendment "A" (S-443).

Thereupon, Senate Amendment "A" to Committee Amendment "A" (S-433) was adopted in concurrence.

Committee Amendment "A" as amended by Senate Amendment "A" (S-429) thereto was adopted in concurrence.

The Bill was assigned for second reading tomorrow.

The Chair laid before the House the following matter:

Bill "An Act to Provide Broad Public Representation on the Board of Pesticides Control and to Improve the Level of Information Available to it and the Public" (H. P. 1891) (L. D. 1966) which was tabled earlier in the day pending further consideration. (Passed to be engrossed as amended by House Amendment "A" (H-829) in the House on March 4; In Senate, passed to be engrossed as amended by House Amendment "A" and Senate Amendment "B" (S-444) in non-concurrence).

Thereupon, the House voted to recede and concur.

The Chair laid before the House the following matter:

Bill "An Act to Permit the Department of Transportation to Acquire Railroad Operating Equipment" (S. P. 666) (L. D. 1720) which was tabled earlier in the day pending further consideration. (In House, passed to be Enacted. In

Senate, passed to be engrossed as amended by Committee Amendment "A" (S-411) as amended by Senate Amendment "B" (S-422) thereto and Senate Amendment "A" (S-422) in non-concurrence).

In the House, the House voted to recede and concur.

The Chair laid before the House the following matter:

Bill "An Act to Establish County Corrections' Improvement Fund" (H. P. 1761) (L. D. 1886) which was tabled earlier in the day pending acceptance of the "Leave to Withdraw" Report.

On motion of Mrs. Prescott of Hampden, tabled pending acceptance of the Committee Report and tomorrow assigned.

(Off Record Remarks)

On motion of Mr. Blodgett of Waldoboro, the House reconsidered its action of earlier in the day whereby I.B. 2, Bill "An Act to Prohibit the Generation of Electric Power by Means of Nuclear Fission," was referred to the Committee on Energy and Natural Resources in concurrence.

On further motion of the same gentleman, the Bill was referred to the Committee on Public Utilities, in non-concurrence and sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Tierney of Lisbon Falls, Recessed until the sound of the gong.

After Recess
5:15 P.M.

The House was called to order by the Speaker.

The Chair laid before the House the following matter:

Bill "An Act to Amend Allocations from the Highway Fund for the Fiscal Years from July 1, 1979 to June 30, 1980 and from July 1, 1980 to June 30, 1981, Decrease the State Aid Bonus from 40% to 20%, and Revise Drivers' License and Examination Fees" (Emergency) (H. P. 1723) (L. D. 1827) which was tabled earlier in the day pending further consideration. (In House, the Bill and accompanying papers were recommitted to the Committee on Transportation; In Senate, passed to be engrossed as amended by Committee Amendment "A" (H-812) as amended by Senate Amendment "B" (S-434) thereto in non-concurrence).

On motion of Mr. Carroll of Limerick, the House voted to recede from its action whereby the Bill was recommitted to the Committee on Transportation.

Senate Amendment "A" to Committee Amendment "A" was read by the Clerk.

On motion of Mr. Carroll of Limerick, Senate Amendment "B" to Committee Amendment "A" was indefinitely postponed in non-concurrence.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: We now have the bill pretty well cleaned up, ready for some more amendments.

Thereupon, under suspension of the rules, Mr. Morton of Farmington offered House Amendment "F" to Committee Amendment "A" and moved its adoption.

House Amendment "F" to Committee Amendment "A" (H-873) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: We have seen this highway funding situation go back and forth, receive all sorts of consideration, and it looks