

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 engaged.

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