

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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ment No. 3 were taken up out of order by unanimous consent:

Divided Report

Majority Report of the Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (S-170) on Bill "An Act to Provide Loans for Family Farms" (S. P. 470) (L. D. 1326)

Report was signed by the following members:

Senators:

HICHENS of York
SHUTE of Waldo
WOOD of York

—of the Senate.

Representatives:

McCOLLISTER of Canton
LOCKE of Sebec
MICHAEL of Auburn
LISNIK of Presque Isle
SMITH of Island Falls
MAHANY of Easton
SHERBURNE of Dexter
CALLAHAN of Mechanic Falls

—of the House.

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

Report was signed by the following members:

Representatives:

CONARY of Oakland
NELSON of New Sweden

—of the House.

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed.

In the House: Reports were read.

On motion of Mr. Mahany of Easton, the Majority "Ought to Pass" Report was accepted in non-concurrence and the Bill read once. Committee Amendment "A" (S-170) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Curtail the Practice of Plea Bargaining" (S. P. 515) (L. D. 1437)

Report was signed by the following members:

Senators:

DEVOE of Penobscot
KERRY of York

— of the Senate.

Representatives:

REEVES of Newport
DRINKWATER of Belfast
HOBBINS of Saco
SOULE of Westport
LIVESAY of Brunswick
BENOIT of South Portland
LUND of Augusta
O'ROURKE of Camden

— of the House.

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

Report was signed by the following members:

Senator:

CONLEY of Cumberland

— of the Senate.

Representatives:

CARRIER of Westbrook
JOYCE of Portland

— of the House.

Came from the Senate the Majority "Ought Not to Pass" Report read and accepted.

In the House: Reports were read.

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

Mr. HOBBINS: Mr. Speaker, I move acceptance of the Majority "Ought Not to Pass" Report in concurrence.

On motion of Mr. Joyce of Portland, tabled pending the motion of Mr. Hobbins of Saco to accept the Majority Report in concurrence and specially assigned for Monday, May 11.

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

Divided Report

Majority Report of the Committee on Health and Institutional Services reporting "Ought Not to Pass" on Bill "An Act to Permit the Use of the Drug Dimethyl Sulfoxide for Human Consumption" (S. P. 389) (L. D. 1147)

Report was signed by the following members:

Senators:

BUSTIN of Kennebec
GILL of Cumberland
HICHENS of York

— of the Senate.

Representatives:

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

— of the House.

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

Report was signed by the following member:

Representative:

McCOLLISTER of Canton

— of the House.

Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted.

In the House: Reports were read.

On motion of Mrs. Prescott of Hampden, the Majority "Ought Not to Pass" Report was accepted in concurrence.

The following papers appearing on Supplement No. 5 were taken up out of order by unanimous consent:

Consent Calendar

First Day

(S. P. 403) (L. D. 1208) Bill "An Act to Authorize Revenue Bond Financing for the Agricultural and Fishing Industries"—Committee on State Government reporting "Ought to Pass" (S. P. 481) (L. D. 1364) Bill "An Act to Amend the Definition of Home Improvement Note Set Forth in the Maine Housing Authorities Act"—Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-180)

No objections being noted, the above items were ordered to appear on the Consent Calendar of May 11, under listing of Second Day.

(H. P. 912) (L. D. 1078) Bill "An Act Authorizing and Directing the Bureau of Mental Health to Enhance and Protect the Rights of Recipients of Mental Health Services"—Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-339)

On the objection of Mr. Brodeur of Auburn, was removed from the Consent Calendar.

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

Mr. BRODEUR: Mr. Speaker and Members of the House: The reason I took this off is just to say that this bill authorizes the Bureau of Mental Health to promulgate rules for the rights of recipients of mental health services. It is a unanimous committee report. The rules will have to be accepted by the Committee on Health and Institutional Services before they are implemented, and I would just like to say that if members of the legislature should be the ones doing that, they ought to amend the bill in that form.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-339) was read by the Clerk and adopted and the Bill assigned for second reading the next

legislative day.

The following paper appearing on Supplement No. 7 was taken up out of order by unanimous consent:

Passed to Be Enacted

An Act to Regulate the Taking of Mahogany Quahogs (H. P. 17) (L. D. 11) (C. "A" H-281)

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.

Orders of the Day

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

SENATE REPORT—"Ought to Pass" as Amended by Committee Amendment "A" (S-143)—Committee on Agriculture on Bill "An Act to Clarify the Definition of Commercial Applicator in the Maine Pesticides Control Act of 1975" (S. P. 373) (L. D. 1115)

—In Senate, Passed to be Engrossed as Amended by Committee Amendment "A" (S-143) as Amended by Senate Amendment "A" (S-172) thereto.

Tabled—May 6 by Representative Mahany of Easton.

Pending—Acceptance of the Committee Report.

On motion of Mr. Mahany of Easton, retabled pending acceptance of the Committee Report and specially assigned for Monday, May 11.

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

Bill "An Act to Authorize the Extension of Old Orchard Pier" (S. P. 476) (L. D. 1359)

Tabled—May 7 by Representative Hobbins of Saco.

Pending—Acceptance of Committee Report.

Thereupon, the Report was accepted and the Bill read once. Under suspension of the rules, the Bill was read the second time, passed to be engrossed in concurrence.

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

Bill "An Act to Coordinate Agriculture and Energy Related Activities in State Government" (H. P. 648) (L. D. 753)

Tabled—May 7 by Representative Sherburne of Dexter.

Pending—Passage to be Engrossed.

On motion of Mr. Michael of Auburn, tabled pending passage to be engrossed and specially assigned for Tuesday, May 12.

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

Bill "An Act to Clarify the Inland Fisheries and Wildlife Laws of Maine" (H. P. 1423) (L. D. 1577) (H. "A" H-312)

Tabled—May 7 by Representative Diamond of Windham.

Pending—Passage to be Engrossed.

Mr. MacEachern of Lincoln offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-340) was read by the Clerk and adopted.

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

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

Bill "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Law" (Emergency) (H. P. 1411) (L. D. 1576) (H. "B" H-319)

Tabled—May 7 by Representative Berube of Lewiston.

Pending—Adoption of House Amendment "A" (H-307)

The SPEAKER: The Chair recognizes the gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker and Members

of the House: Although the sunset report has been out since January and the revised draft, which is basically the same thing, has been out for one week, there apparently seems to be some concerns still raised and a lot of people are saying they don't know what is in the bill, so I will ask that perhaps someone would table it for one legislative day only and hopefully, this weekend, those of you who have some valid concerns and questions can contact members of the committee who will be delighted to give you the true facts.

Thereupon, on motion of Mr. Diamond of Windham, tabled pending adoption of House Amendment "A" and specially assigned for Monday, May 11.

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Armstrong.

Mr. ARMSTRONG: Mr. Speaker, is the House in possession of House Paper 1040, L. D. 1259, Bill "An Act to Provide a Referendum to Abolish County Government and Authorize Re-assignment of its Functions and Duties to Appropriate State and Municipal Departments and Agencies?"

The SPEAKER: The Chair would answer in the affirmative, having been held at the request of the gentleman from Wilton.

Mr. ARMSTRONG: Mr. Speaker, I move that we reconsider our action whereby this Bill was passed to be engrossed on May 7 and I would further move that this item be tabled for two legislative days.

Whereupon, Mr. Carter of Winslow requested a division.

The SPEAKER: The pending question is on the motion of the gentleman from Wilton, Mr. Armstrong, that this be tabled for two legislative days pending his motion to reconsider. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

54 having voted in the affirmative and 57 having voted in the negative, the motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: We had a very good debate on this bill yesterday. Nothing has come to my attention that is drastically wrong with the bill other than what I stated yesterday, and I would hope that you would vote against the motion to reconsider so we can send this bill on its way.

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Armstrong.

Mr. ARMSTRONG: Mr. Speaker, Men and Women of the House: I know this is late in the week and late in the day, so I hoped what I had to say could have been postponed until the first of the week.

My reasons for holding this bill are several. First of all, I was one of the signers of the Majority "Ought Not to Pass" Report. Secondly, I have to admit that I am an unabashed supporter of county government and as such I felt that I must speak on this bill. I also believe that some of you good people here in the Legislature might be willing to reconsider your vote of yesterday when you consider some of the possible ramifications of this L. D. if enacted and passed into law.

Some of the proponents of this bill will argue that the bill doesn't do anything, it is just an opinion poll. My reply is that I think the Legislature has something better to do than conduct public opinion polls by a statewide referendum.

Also, I would object that this particular poll singles out counties. I believe it was brought out yesterday, why don't we also poll the public and ask them if they favor the abolishment of the State Legislature, how about state government, how about abolishing state income tax, state sales taxes? How about asking the public if they want to abolish the federal government, the national Congress, the Internal Revenue

Service? Many such polls might produce surprising results.

I would further have to insist that this L. D. does not stipulate cost nor options, cannot produce an informed and educated response in the voters. To get an educated response, the L. D., in my opinion, should be amended to include a fiscal note that states that the option, state agencies taking over county government functions, will, by anyone's best guess, cost more money, so that the voter can make his choice with the knowledge of what he as a taxpayer can expect to be charged for.

Earl Weaver, a baseball coach, I think it was, said that he had an awful lot of good hitters, an awful lot of good catchers and good fielders, good pitchers and good umpires, and he would have a heck of a team if he could just get them down out of the grandstands and onto the field.

We can do it better, the state can do it better. Certainly, one of the premises of this L. D. is that the state can do it better. I will not take the time to debate that issue, but do we really want to give up our county seats and have the state take over our registry of deeds, our registry of probate, our sheriff departments and our courthouses? This, I submit, is the only logical conclusion of this L. D. The real reason why I would urge all my friends here in the Legislature to defeat this bill is the real loss of local control as the state continues to take over county government functions and the undeniable fact that if we are, in fact, concerned about costs, this is not the way to go.

Let me give you just one example, and I have many but I will keep it to one. For instance, compare county sheriffs' salaries with those of other law enforcement officials. County sheriffs, at the present time, average \$14,700 per year statewide. Municipal police chiefs average \$18,140. State troopers average \$16,400; state corporals, \$17,900, state police sergeants \$19,600. When the state takes over the function of running the sheriff departments, I am sure that there is going to have to be a significant salary adjustment just in that one area.

The same differentials usually hold true in comparing other county salaries with state salaries at all levels. So what you can do, you can take your present county budgets that you are so dissatisfied with and just the first year tack on 25 to 30 percent more just to bring the salaries in line when the state takes over these functions, even if they keep the same people.

Consider the loss of local control. Much of the map of Maine north of the I-95 corridor contains unincorporated townships and plantations, and the county commissioners do, in fact, serve as a board of selectmen to these people.

Take the case of Maudie Frickett, this is a true case but I have used Maudie's name maybe in vain here. Maudie is alive and well and she lives on the East Kennebec Mountain Road, which is a gravel road, in Langtown, Langtown, for those of you who don't know it, is located in the woods between Rangeley and Stratton in North Franklin County. Usually about this time of the year, or a little earlier in April, the road goes to pot, so Maudie gets into her pickup truck, drives to Farmington, where the county seat is in Franklin County, either on the second or the fourth Tuesday of the month to meet with the county commissioners to complain about a big mud hole in her road. When Maudie gets there, the commissioners, at least in our county, will know who she is, where she lives, probably who her father and her grandfather were, and they will probably even know where the mud hole is in the road that she is complaining about. They also know that if the county doesn't fix her road, Maudie will be there at the next meeting to find out why it wasn't fixed and raise some Cain about it. Within a day or two after her visit, the mud hole will be filled with a couple loads of gravel.

Under this bill, poor Maudie will find herself

dealing with a commissioner by the name of Campbell in the Maine DOT. My guess is that chances are good that Maudie would probably end up talking with at least 75 people at the DOT building down here before she could find someone who would even know where Langtown is, much less the East Kennebec Mountain Road.

We are, in fact, talking about the loss of local control and local services to thousands of people in rural Maine. Thus, good people and friends here in the 110th Legislature, I realize nobody owes me a vote, which I am glad of and I don't think I owe anybody else one, but I would urge you to support my motion to reconsider this L. D. and then I will further ask that you vote for the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I will try to be very brief. I know the hour is late and we all want to go home.

The good gentleman from Wilton, Mr. Armstrong, makes light of the fact that we are asking the opinion of the taxpayers and citizens of this good state, how they feel about county government. He suggests that we also poll the citizens to see if they want to abolish the legislature. I submit to the good gentleman that if the Legislative Research Committee had hired a firm or an individual to conduct this study to determine the feasibility of doing away with the legislature, and they recommended that it should be done, I guarantee him that I would stand here and offer the same type of referendum for the citizens of the state. This has not been done.

He speaks of loss of local control. Local control is something that I hold very dear to my heart. Those of you who know me know that I serve on a local town council, I have been involved in local affairs for quite a number of years. My dealings with county government have convinced me that there is no such thing as local control when it comes to county government. Even the legislature has a difficult time to control the activities of the county commissioners and county government.

The good gentleman also makes assumptions that I think are quite premature on who is going to take control over whom and how and how expensive it will be. I think this is nothing more than just a smokescreen. I think it is premature. The question, if the referendum is answered in a positive tone by the voters of this state, will be addressed by the legislature, and I would hope that you would all vote against the motion to reconsider.

Mr. Speaker, I ask that when the vote is taken, it be taken by the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from West Bath, Mr. Stover.

Mr. STOVER: Mr. Speaker, Ladies and Gentlemen of the House: I rise as a supporter of Mr. Armstrong's motion. I was one of those that signed the "ought not to pass" report.

I was in county government for 18 years, and over the period of time that I served, I saw the ballot shorter. Every time they said, "we are taking away an elective office and we are going to improve the system." Well, we saw them take away the clerk of courts, take that off the ballot. I find it is costing just as much to screw up the court system as it ever did. We still have two people in the clerk of court's office, we still have a part-time man serving as clerk of courts that is supposed to take care of both Lincoln and Sagadahoc Counties.

They said, of course, we don't need the county attorney anymore, he is elected by the people here and everybody knows him, so we should get this on a professional basis, so they go to work and they have a district attorney who lives down in Rockland or somewhere and nobody ever sees him. They have a full-time person that he appoints that is supposed to