

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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tlemen of the House: Could we have just a brief explanation of Senate Amendment "B"? I can't seem to find it.

The SPEAKER: The gentleman from Scarborough, Mr. Higgins, has posed a question through the Chair to anyone who may care to answer.

(At Ease)

The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, for the benefit of the rest of the members of the House, the Senator from Portland, Senator Conley, has informed us that this is purely a clarification on the collective bargaining bill that we passed for county employees earlier in this session, and while I am on my feet, Senate Amendment "A" was an emergency preamble that was necessary to the bill.

Thereupon, Senate Amendment "B" was adopted in concurrence.

Under suspension of the rules, the Bill was read the second time and passed to be engrossed as amended in concurrence.

By unanimous consent, ordered sent forthwith to Engrossing.

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

**Passed to Be Enacted
Emergency Measure**

An Act to Make Allocations from the Highway Fund and Appropriations from the General Fund for the Fiscal Years Ending June 30, 1982, and June 30, 1983, to Establish a Local Road Assistance Program, to Continue the Maine Turnpike Authority and to Adjust Highway Fund Revenue (H. P. 1696) (L. D. 1691)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

Mr. Racine of Biddeford 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 passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentlewoman from Bethel, Miss Brown.

Miss BROWN: Mr. Speaker, I request permission to pair my vote with the gentleman from Brooksville, Mr. Perkins. If he were here, he would be voting yes; I would be voting no.

ROLL CALL

YEA—Aloupis, Baker, Beaulieu, Bell, Benoit, Berube, Boisvert, Boyce, Brannigan, Brenerman, Brodeur, Brown, D.; Cahill, Callahan, Carroll, Chonko, Clark, Conary, Connolly, Cox, Crowley, Cunningham, Curtis, Davies, Davis, Day, Diamond, G.W.; Diamond, J.N.; Dillenback, Drinkwater, Fitzgerald, Foster, Fowlie, Gillis, Gowen, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Huber, Ingraham, Jackson, Jacques, Jalbert, Jordan, Joyce, Kane, Kelleher, Kilcoyne, Lancaster, LaPlante, Laverriere, Lisnik, Locke, Lund, Macomber, Mahany, Manning, Masterton, Matthews, McCollister, McGowan, McHenry, McKean, McPherson, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J. Moholland, Nadeau, Nelson, M.; O'Rourke, Paradis, E.; Paradis, P.; Pearson, Perry, Post, Pouliot, Prescott, Randall, Reeves, P.; Richard, Ridley, Roberts, Sherburne, Small, Smith, C.B.; Soule, Stevenson, Stover, Trout, Tarbell, Telow, Theriault, Thompson, Treadwell, Tuttle, Webster, Weymouth, The Speaker.

NAY—Armstrong, Austin, Bordeaux, Brown, A.; Carrier, Conners, Damren, Dexter, Gavett, Hanson, Hunter, Hutchings, Kiesman, Lewis, Livesay, MacBride, Martin, A.; Masterman, Murphy, Nelson, A.; Norton, Paul, Peterson, Racine, Reeves, J.; Salsbury, Smith, C.W.; Soulas, Studley, Walker, Wentworth.

ABSENT—Carter, Dudley, Erwin, Kany, Ketter, MacEachern, Martin, H.C.; Rolde, Swazey, Twitchell, Vose.

PAIRED—Brown, K.L.—Perkins.

Yes, 106; No, 31; Absent, 11; Paired, 2; Vacant, 1.

The SPEAKER: One hundred six having voted in the affirmative and thirty-one in the negative, with two paired and eleven absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

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

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Concerning Workers' Compensation Cost Containment" (H. P. 502) (L. D. 553) have had the same under consideration and ask leave to report: that they are unable to agree.

Signed:

Representatives:
MITCHELL of Vassalboro
DIAMOND of Windham
HIGGINS of Scarborough
— of the House.

Senator:
SEWALL of Lincoln
SUTTON of Oxford
BROWN of Washington
— of the Senate.

Report was read and accepted and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following paper appearing on Supplement No. 6 was taken up out of order by unanimous consent:

The following Communication:
THE SENATE OF MAINE
AUGUSTA

June 19, 1981

The Honorable Edwin H. Pert

Clerk of the House
110th Maine Legislature
State House
Augusta, Maine 04333

Dear Clerk Pert:

The Senate today voted to Adhere to its former action on Bill, "An Act to Create a Fuel Efficiency Adjustment Program and Other Highway Revenue Adjustments," (H. P. 1652) (L. D. 1689).

Respectfully,
S/MAY M. ROSS
Secretary of the Senate

The Communication was read and ordered placed on file.

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

**Passed to Be Enacted
Emergency Measure**

An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine (S. P. 701) (L. D. 1692) (S. "A" S-374 and S. "B" S-375)

Was reported that 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. 123 voted in favor of same and none against, and accordingly the Bill was passed to be enacted.

signed by the Speaker and sent to the Senate.

By unanimous consent, all matters acted upon were ordered sent forthwith to the Senate.

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

The following Communication:
OFFICE OF THE GOVERNOR
Augusta, Maine

June 19, 1981

To the Honorable Members of
the 110th Maine Legislature

I am returning without my signature, or my approval, L. D. 1688, "AN ACT to Establish Temporary Minimum Prices to be Paid to Milk Dealers and Retailers and to Facilitate Compliance of the Milk Commission with Recent Cases before the Maine Courts".

I cannot, in good conscience, ask Maine consumers to bear an artificial 30 to 40 cents increase in the price of a gallon of milk.

I cannot, in good conscience, condone or acquiesce in price fixing for this vital commodity.

I cannot, in good conscience, assist in reversing a judgment by the Supreme Court of this State that the prices compelled by the Commission were based on standards that ignored the law and relied on unaudited evidence.

This decision is based on two fundamental principles:

First, I believe the free market is generally the fairest and most efficient way to deliver to the people the goods they want in the quality and quantity they desire.

The free market affords no special privilege based on political clout and guarantees no minimum price to protect the inefficient.

The free market tolerates no reliance on artificial advantages granted by the government.

The free market allows people to compete vigorously, to lower prices to their fair value and to innovate changes for the benefit of all.

It is the free enterprise system which has allowed this nation to become so rich and bountiful.

The Maine Milk Commission, with its guaranteed minimum retail prices, its protection for inefficiency and its creation of a special class, is the very antithesis of the free enterprise system.

Second, I believe that a government of the people ought to commit itself to doing the greatest good for the greatest number of its citizens. And it ought to limit itself to doing for the people only that which they cannot better do for themselves.

It is true that there may be some dislocations, some mergers, other rearrangements resulting from this change in milk marketing.

No doubt the post-World War II trend of attrition in both dairies and farms will continue. In 1945 there were over 1,000 dealers, sub-dealers and dairies in Maine.

In 1945 there were over 5,000 individual dairy farms. Despite the existence of price-fixing during all that time, by 1981 there were just 79 dealers and sub-dealers — of which only 17 were active processing dairies.

And in 1981, there were fewer than 1,100 dairy farms — and more than half of those are on the Boston market unprotected by the Commission.

It is hardly surprising retail price fixing of milk has failed.

If we fix the price of milk, why not fix the price of cheese, eggs, potatoes or blueberries or other Maine products?

The answer is obvious; that is that it just wouldn't work.

And the same applies here.

The impact of the significant reduction in milk prices for nearly 400,000 households in Maine is real and it is substantial.

It means more Maine families can afford to buy more milk, or they can spend the savings