

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Tenth  
Legislature***

OF THE

**STATE OF MAINE**

**SECOND REGULAR SESSION**

**January 6, 1982 to April 13, 1982**

**INDEX**

**FOURTH SPECIAL SESSION**

**April 28, 1982 and April 29, 1982**

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**FIFTH SPECIAL SESSION**

**May 13, 1982**

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**SECOND CONFIRMATION SESSION**

**July 16, 1982**

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Connolly, Cox, Crowley, Cunningham, Curtis, Damren, Davies, Davis, Day, Diamond, G.W.: Diamond, J.N.: Dillenback, Drinkwater, Erwin, Fitzgerald, Foster, Fowlie, Gavett, Gowen, Gwadosky, Hall, Hanson, Hayden, Hickey, Higgins, L.M.: Hobbins, Holloway, Huber, Hutchings, Ingraham, Jackson, P.T.: Jacques, Joyce, Kany, Ketover, Kiesman, LaPlante, Laverriere, Lewis, Lisnik, Livesay, Locke, Lund, MacBride, Macomber, Manning, Martin, A.: Martin, H.C.: Masterman, Master-ton, Matthews, McCollister, McGowan, McHenry, McPherson, Michael, Michaud, Mitchell, E.H.: Mitchell, J.: Moholland, Murphy, Nadeau, Nelson, A.: Nelson, M.: Norton, O'Rourke, Paradis, E.: Paradis, P.: Paul, Pearson, Perry, Pines, Post, Randall, Reeves, J.: Reeves, P.: Richard, Ridley, Rolde, Salisbury, Sherburne, Small, Smith, C.B.: Smith, C.W.: Soulas, Soule, Stevenson, Stover, Strout, Studley, Swazey, Tarbell, Telow, Theriault, Thompson, Treadwell, Tuttle, Twitchell, Vose, Walker, Wentworth, Weymouth, Willey.

ABSENT—Higgins, H.C.: Jalbert, Kane, Lancaster, Perkins, Peterson, Racine, The Speaker.

Yes. 18; No. 125; Absent 8.

The SPEAKER: Eighteen having voted in the affirmative and one hundred twenty-five in the negative, with eight being absent, the motion does not prevail.

Thereupon, on motion of Mr. McHenry of Madawaska, tabled pending passage to be engrossed and later today assigned.

#### Passed to Be Engrossed Amended Bill

Bill "An Act to Ensure Consistency in State and Federal Laws Concerning Job Opportunities for Welfare Recipients" (H. P. 1811) (L. D. 1796) (C. "A" H-646)

Was reported by the Committee on Bills in the Second Reading, read the second time, the House Paper was passed to be engrossed as amended and sent up for concurrence.

The following papers appearing on Supplement No. 1 were taken up out of order by unanimous consent:

#### Passed to Be Engrossed Emergency Measure

An Act to Fund and Implement Collective Bargaining Agreements Relating to Vocational-Technical Institute Employees (H. P. 2084) (L. D. 2023) (S. "A" S-403 to C. "A" H-630)

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. 139 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.

An Act to Amend the Maine Turnpike Authority Statutes (H. P. 2165) (L. D. 2064) (C. "A" H-648)

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

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

Mr. HIGGINS: Mr. Speaker and Members of the House: I wish before we enact this today, if in fact we do, that we could have perhaps a brief explanation of the change in the law. You're all aware, we did amend and change substantially the Maine Turnpike Authority statutes last session, and I guess this is essentially a recodification of that, but I wish for the record that someone could explain briefly how it is intending to accomplish that. My concern, basically, is that the bill was not printed and on our desks until last Friday, the public hearing was on Friday morning and it is up for enactment on Monday. I have somewhat of a concern about that and I think other members of the House do as well, and I wish someone could

briefly tell us why this has to be handled in such a fashion and exactly what the bill does, since it is a pretty good size document.

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 Windham, Mr. Diamond.

Mr. DIAMOND: Mr. Speaker, Men and Women of the House: This bill, 2064, is a result of legislation we passed last year. Last year, regarding the turnpike, we debated a long time about how we finally wanted to have the Turnpike Authority end up, or have it end up at all. What we decided last year, after a great deal of debate, was that we would keep the Authority and that we would also retain the closed system. That process generates this year a speculation of about \$15.2 million, half of that money which is from out-of-state traffic.

Secondly, last year we also allowed for interchanges to be built near communities that might promote economic development.

Thirdly, we allowed for \$4.7 million to be issued over to the Department of Transportation to help that department with its awesome responsibilities.

Fourthly, we also allowed for a commuter pass system which guaranteed those who travelled the turnpike daily or on a very routine basis at least a 50 percent discount. Then, at the end of all that, we asked that the Authority find bond counsel and make recommendations, legal recommendations, for implementation of those recommendations plus a toll fare increase, an increase which has not been made, by the way, since 1958.

So the reason we are here today is to put those recommendations into effect, and the reason that you had this bill on your desks as of last Friday, and the hearing was last Friday, is because the printing just never got done, the final draft wasn't put together.

The Department of Transportation agrees with this fully, the Maine Turnpike Authority agrees with this fully. It came out of the Transportation Committee with a unanimous "ought to pass" and the only reason we are trying to push it through quickly—and, by the way, this will not take place until Thursday because the other body has adjourned—but the only reason we are trying to put this through quickly is because the toll fare increase, which was part of that recommendation we made last year, takes a number of weeks to put together. If we are going to have this all come to a head by this summertime when, number one, the bonds are paid up and, number two, the summer traffic comes in, we need a few weeks to get ready for that.

That is basically what it is, and I would answer any further questions anyone might have regarding the turnpike.

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. A vote of the House was taken.

128 having voted in the affirmative and 3 having voted in the negative, the Bill was passed to be enacted.

Signed by the Speaker and sent to the Senate.

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

Bill "An Act Implementing Certain Recommendations of the Citizens' Commission to Evaluate the Department of Environmental Protection" (S. P. 925) (L. D. 2066)

Came from the Senate referred to the Committee on Energy and Natural Resources and ordered printed.

In the House, the Bill was referred to the Committee on Energy and Natural Resources in concurrence.

On motion of Mr. Higgins of Scarborough, the House reconsidered its action whereby the Bill was referred to the Committee on Energy and Natural Resources in concurrence.

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

Mr. HIGGINS: Mr. Speaker, I intended to be recognized a little sooner. In passing, I only wanted to make a brief remark, and that, I guess, is similar to the one on the last bill. I have a great deal of concern that with 13 days left we are experiencing some additional bills coming in, especially bills of the magnitude that this one is, and I guess the hearing is already scheduled for Wednesday. I point that out simply because we have been facing a backlog of bills and the legislative process has backed up, and my concern, again, is that with 13 days left and the size of this bill and the implications that it has I think could be unfortunate.

With that, I move that the bill be referred to the Committee on Energy and Natural Resources.

Thereupon, on motion of Mr. Higgins of Scarborough, the Bill was referred to the Committee on Energy and Natural Resources in concurrence.

#### Passed to Be Enacted

An Act to Revise the Fair Credit Reporting Act and to Conform it to Recent Maine Judicial Decisions (H. P. 1727) (L. D. 1712) (S. "A" S-404; C. "A" H-631)

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.

The following paper appearing on Supplement No. 3 was taken up out of order by unanimous consent:

From the Senate, the following Joint Order: (S. P. 926)

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Thursday, March 18, 1982, at eleven o'clock in the morning.

Came from the Senate read and passed. In the House, the Order was read and passed in concurrence.

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

The following Communication: (S. P. 927)  
**State of Maine**  
**Senate Chamber**  
**President's Office**

March 15, 1982

Honorable Dana C. Devoe  
Honorable Barry J. Hobbins  
Chairmen  
Joint Standing Committee on Judiciary  
State House

Augusta, Maine 04333  
Dear Committee Chairmen:

Please be advised that Governor Joseph E. Brennan is nominating Millard E. Emanuelson of Machias for reappointment to the District Court for the Judge-at-Large seat.

Pursuant to Title 4 M.R.S.A. Section 157, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,  
S/JOSEPH SEWALL  
President of the Senate  
S/JOHN L. MARTIN  
Speaker of the House

Came from the Senate read and referred to the Committee on Judiciary.

In the House, the Communication was read and referred to the Committee on Judiciary in concurrence.

#### Orders of the Day

The Chair laid before the House the first