

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

INDEX

FIRST SPECIAL SESSION

AUGUST 3, 1981

INDEX

FIRST CONFIRMATION SESSION

AUGUST 28, 1981

INDEX

SECOND SPECIAL SESSION

SEPTEMBER 25, 1981

INDEX

THIRD SPECIAL SESSION

DECEMBER 9, 1981

INDEX

following Joint Order: (H.P. 1616)

Ordered, the Senate concurring, that Bill "An Act to Revise the Salaries of Certain County Officers," House Paper 1508, Legislative Document 1622, be recalled from the Governor's desk to the House.

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

By unanimous consent, ordered sent forthwith to the Senate.

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

The following Communication:

Committee on Audit and Program Review
June 1, 1981

The Honorable John L. Martin
Speaker of the House
State House

Augusta, Maine 04333

Dear Speaker Martin:

The Committee on Audit and Program Review is pleased to report that it has completed all business placed before it by the first regular session of the 110th Maine Legislature. Total Number of bills received in Committee — 1

Unanimous Reports — 1

Ought to Pass in New Draft — 1

Respectfully submitted,
S/GEORGETTE B. BERUBE
House Chairman

The Communication was read and ordered placed on file.

The following paper appearing on Supplement No. 8 was taken up out of order by unanimous consent:

Special Sentiment Calendar

In accordance with House Rule 56, the following item (Expression of Legislative Sentiment)

Recognizing:

Captain Charles L. Mull, of Brunswick, who received the Military Community Council's prestigious Joshua Chamberlain award for community service on May 30, 1981. (S. P. 669)

There being no objections, this expression of Legislative Sentiment was considered passed in concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Create an Appellate Division of the Workers' Compensation Commission" (H. P. 1252) (L. D. 1476) which was tabled earlier in the day and later today assigned pending further consideration.

Thereupon, the House voted to recede and concur.

The Chair laid before the House the following matter:

Bill "An Act to Amend the Provisions Concerning the Operation of the Operation after Suspension and Habitual Offender Laws and Certain Nonsentencing Provisions of the operating under the Influence Law" (H. P. 556) (L. D. 635) (In the House, passed to be enacted) (In the Senate, passed to be engrossed as amended by Committee Amendment "A" (H-501) as amended by Senate Amendment "A" (S-325) thereto and Senate Amendment "A" (S-310) in non-concurrence) which was tabled and later today assigned pending the motion of Mr. Strout of Corinth to recede and concur (roll call ordered).

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

Mr. WEBSTER: Mr. Speaker, I have on my desk here a Senate Amendment to L. D. 635 and I don't even know much about the bill, but it appears to me that the Senate amendment with filing number 325, the Statement of Fact, it is simply a technical amendment to make the bill conform to changes made by the Governor's operating under the influence bill. I assume

that is what we are voting on.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Corinth, Mr. Strout, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Armstrong, Austin, Baker, Beaulieu, Bell, Berube, Boisvert, Bordeaux, Boyce, Brannigan, Brenerman, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Carrier, Carroll, Clark, Conary, Connors, Crowley, Curtis, Damren, Davies, Davis, Day, Dexter, Diamond, G.W.; Diamond, J.N.; Drinkwater, Dudley, Erwin, Fowlie, Gavett, Gillis, Hall, Hanson, Hayden, Hickey, Higgins, H.C.; Holloway, Hunter, Hutchings, Ingraham, Jackson, Jacques, Jordan, Joyce, Kelleher, Ketover, Kiesman, Lancaster, LaPlante, Lewis, Lisnik, Livesay, Locke, Lund, MacBride, MacEACHERN, Macomber, Mahany, Manning, Martin, A.; Martin, H.C.; Masterman, Matthews, McCollister, McGowan, McHenry, McKean, McPherson, McSweeney, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, A.; Nelson, M.; Norton, O'Rourke, Paradis, E.; Pearson, Perkins, Perry, Peterson, Post, Prescott, Randall, Reeves, P.; Rolde, Salsbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soulas, Soule, Stevenson, Stover, Strout, Studley, Swazey, Tarbell, Telow, Thompson, Treadwell, Tuttle, Twitshell, Vose, Walker, Webster, Wentworth, Weymouth, Mr. Speaker.

NAY — Brodeur, Carter, Connolly, Cox, Cunningham, Dillenback, Fitzgerald, Gowen, Gwadnosky, Hobbins, Huber, Jalbert, Kane, Kany, Kilcoyne, Masterton, Michal, Michaud, Paul, Pouliot, Racine, Reeves, J.; Richard, Ridley, Roberts, Theriault.

ABSENT — Benoit, Chonko, Foster, Higgins, L. M., Laverriere, Paradis, P.

Yes, 118; No, 26; Absent, 6; Vacant, 1.

The SPEAKER: One hundred eighteen having voted in the affirmative and twenty-six in the negative, with six being absent, the motion does prevail.

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

(Off Record Remarks)

On motion of Mr. Jalbert of Lewiston,
Recessed until 3:15 in the afternoon.

After Recess
3:15 p.m.

The House was called to order by the Speaker.

The following paper appearing on Supplement No. 11 was taken up out of order by unanimous consent:

The following Communication:
The Senate of Maine
Augusta

June 3, 1981

The Honorable Edwin H. Pert
Clerk of the House
110th Maine Legislature
State House
Augusta, Maine 04333
Dear Clerk Pert:

The President today appointed the following members of the Senate to the Committee of Conference on Bill, "An Act to Provide a Referendum to Abolish County Government and Authorize Reassignment of its Functions and Duties to Appropriate State and Municipal Departments and Agencies," (H. P. 1040) (L. D. 1259).

Senators:

PERKINS of Hancock
BROWN of Washington
EMERSON of Penobscot

Respectfully,

MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

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

Passed to Be Engrossed Amended Bill

Bill "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency) (S. P. 649) (L. D. 1677) (S. "A" S-315, "B" S-317, "C" S-318, "D" S-319, "E" S-320, "F" S-321 and "G" S-322 to S. "A" S-314)

Was reported by the Committee on Bills in the Second Reading and read the second time.

On motion of Mr. Hobbins of Saco, the House reconsidered its action whereby Senate Amendment "A" as amended by Senate Amendments "A", "B", "C", "D", "E", "F", "G" thereto was adopted.

The same gentleman offered House Amendment "B" to Senate Amendment "A" and moved its adoption.

House Amendment "B" to Senate Amendment "A" (H-525) was read by the Clerk and adopted.

Mr. Hobbins of Saco offered House Amendment "C" to Senate Amendment "A" and moved its adoption.

House Amendment "C" to Senate Amendment "A" (H-526) was read by the Clerk and adopted.

Mr. Hobbins of Saco offered House Amendment "D" to Senate Amendment "A" and moved its adoption.

House Amendment "D" to Senate Amendment "A" (H-527) was read by the Clerk and adopted.

Mr. Hobbins of Saco offered House Amendment "E" to Senate Amendment "A" and moved its adoption.

House Amendment "E" to Senate Amendment "A" (H-529) was read by the Clerk and adopted.

Mr. Jacques of Waterville offered House Amendment "F" to Senate Amendment "A" and moved its adoption.

House Amendment "F" to Senate Amendment "A" (H-532) was read by the Clerk.

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

Mr. HOBBS: Mr. Speaker, I would like to pose a question to the gentleman from Waterville, Mr. Jacques. Could you explain to us what the amendment's intent is?

The SPEAKER: The gentleman from Saco, Mr. Hobbins, has posed a question through the Chair to the gentleman from Waterville, Mr. Jacques, and the Chair recognizes that gentleman.

Mr. JACQUES: Mr. Speaker and Members of the House: I would love to answer the gentleman's question.

I promised you that we wouldn't be addressing the bear situation again, but we do have a problem here. It has been brought to my attention that some people who are shooting our bear, when they field dress the bear, are doing so in a way that the sex of the bear cannot be determined when the bear is tagged. That probably sounds kind of funny, but the whole thing is, what they are doing is, they are telling the guy at the tagging station that all the bear they are shooting are males. I don't believe any of us are foolish enough to believe that. I can just see them coming back and telling us, we want our spring bear hunt back because all the bear we shot were males. What has been done is, when they cannot tell what the sex of the bear is, they are going to be putting down "sex undetermined." This amendment will make sure that the sex of the bear will be determined when it is tagged and I think it will solve a lot of problems for us in the future, in the next session or the 111th or somewhere down the line. And anybody who is hunting bear correctly, I

feel will have no objection to doing this.

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

Mr. PAUL: Mr. Speaker and Members of the House: We have looked at the amendment and several members of the committee have a problem with it. Not to belabor it, but there are a couple of practical problems with this type of an amendment. When you field dress an animal, it is very crucial that the sex organs of the animal be removed in order to preserve the animal.

Under this amendment, as we understand it, you would be required to leave the sex organs on the animal so the sex could be determined. So I guess from a practical standpoint, quite honestly, several of us do have problems with it. We don't believe that this is of an emergency nature and I thereby request indefinite postponement and would request a division.

The SPEAKER: The gentleman from Sanford, Mr. Paul, has moved that House Amendment "F" to Senate Amendment "A" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

32 having voted in the affirmative and 61 having voted in the negative, the motion did not prevail.

Thereupon, House Amendment "F" to Senate Amendment "A" was adopted.

Mr. DAVIES of Orono offered House Amendment "A" to Senate Amendment "A" and moved its adoption.

House Amendment "A" to Senate Amendment "A" (H-522) was read by the Clerk and adopted.

Senate Amendment "A" as amended by Senate Amendments "A", "B", "C", "D", "E", "F", "G" and House Amendments "A", "B", "C", "D", "E" and "F" thereto was adopted in non-concurrence.

The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

At this point, the rules were suspended for the purpose of allowing members to remove their jackets for the remainder of the session.

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

Bill, "An Act to Make Corrections and Clarifications in the Education Laws" (Emergency) (H. P. 220) (L. D. 298) (C. "A" (H-509))

Tabled — June 2 by Representative Connolly of Portland.

Pending — Passage to be Engrossed.

Mr. Connolly of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-530) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker and Members of the House: This amendment just clarifies the residency requirements for members of school boards, and it would provide that in order to be a member of a school board and residency established in that community, that you would have to be a registered voter in that community.

Thereupon, House Amendment "A" was adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

Bill "An Act to Reform the Regulation of Carriers of Passengers and Freight" (H. P. 1576) (L. D. 1678) which was tabled and later

today assigned (In House, passed to be engrossed.) (In Senate, passed to be engrossed as amended by Senate Amendment "A" S-323)

On motion of Mr. Davies of Orono, the House voted to recede.

Senate Amendment "A" (S-323) was read and adopted in concurrence.

The same gentleman offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-534) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker, Ladies and Gentlemen of the House: To allay any fears that anyone might have that we are trying to slip something by, this corrects a technical mistake. We had passed the bill earlier in the session that this bill would have repealed. This amendment will make sure that that bill that we passed earlier in this session will stay on the books.

Thereupon, House Amendment "A" was adopted.

Mr. Davies of Orono offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-535) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker and Members of the House: My speech on the last amendment applies to this one. It restores a provision that was inadvertently removed by the allocation made in Section 2 of the bill and reflects changes that were made in Public Law Chapter 263.

Thereupon, House Amendment "B" was adopted.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Gillis.

Mr. GILLIS: Mr. Speaker, I would like to direct a question through the Chair to the sponsor of this amendment.

Would the sponsor of this amendment please explain to the House what effect this may have on the pulp industry and paper mills?

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker, my understanding is that it deals with a provision that was put into law a couple of years ago that dealt with Canadian trucks coming in and operating in the State of Maine. That original law put a 100 mile radius in the law for those Canadian trucks, and the bill, as it was originally brought out, would have repealed that. This will reinsert that. I am not sure how that applies to the pulp industry, but it is going to leave the status quo as it was dealing with Canadian trucks.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Gillis.

Mr. GILLIS: Mr. Speaker, I believe that there is one Province in Canada that this would apply to and I don't believe it is the Province of New Brunswick. I would like to direct that question to him.

The SPEAKER: The gentleman from Calais, Mr. Gillis, has posed a question through the Chair to the gentleman from Orono, Mr. Davies, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. DAVIES: Mr. Speaker and Members of the House: I believe that you are right, Representative Gillis.

Thereupon, the Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the second item of Unfinished Business:

An Act to Restructure the Public Utilities Commission. (Emergency) (S. P. 637) (L. D. 1652)

Tabled — May 29 (Till Later Today) by Representative Higgins of Scarborough.

Pending — Passage to be Enacted.

On motion of Mr. Higgins of Scarborough, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

The same gentleman offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-533) 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: This House Amendment very simply adds a provision in the bill for a transition for the existing members of the Public Utilities Commission so that none of the members' existing terms will be affected by the passage of this particular act.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker and Members of the House: I want to reassure members of my caucus that this amendment is offered in the spirit of compromise and the feeling of the committee is that it should be accepted in the spirit of compromise, so I urge you to support the amendment.

Thereupon, House Amendment "A" was adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the seventh item of Unfinished Business:

Bill, "An Act to Create the Public Advocate to Represent the Interests of Utility Customers" (Emergency) (H. P. 1578) (L. D. 1673)

Tabled — May 29 by Representative Davies of Orono.

Pending — Passage to be Engrossed.

Mr. Davies of Orono 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 Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker and Members of the House: Rather than let people think that perhaps matters have not changed since earlier today, I would like to inform you that the confusion that was engendered by actions that took place earlier today has been straightened out. The utilities have now indicated that they are now going to be willing to support the bill in its form with the emergency on it, and I hope that you will support it in that sense and ask you to vote for the bill.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Brown.

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: Perhaps the utilities have decided that they like it after all and it is not a bad bill, but I don't like it, I think it is a terrible bill. I think we are playing another game with the voters back home.

We have heard some talk about the ratepayers being concerned about the cost of energy going up, we have heard talk about the high cost of the bills, people are concerned about rising rates, and well they should be. But is this bill going to do anything for them? Let's look at the facts.

According to this bill, we are going to take \$300,000 of their money, our constituents' money, the ratepayers' money, we are going to go back and tell them that we have really done something for them. Let's look at what we have done if this bill passes. What we will have done,