

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**  
OF THE  
**One Hundred And Fourteenth Legislature**  
OF THE  
**State Of Maine**

**VOLUME II**

**FIRST REGULAR SESSION**

May 10, 1989 to June 14, 1989

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE:  
An Act to Provide a Secure Treatment Facility at the Maine Youth Center

S.P. 90 L.D. 95

Tabled - June 12, 1989, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In Senate, June 5, 1989, PASSED TO BE ENGROSSED.)

(In House, June 9, 1989, PASSED TO BE ENACTED.)

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Thank you Mr. President. This Bill was inadvertently put on the Special Appropriations Table today, it needs a fiscal note attached to it.

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending ENACTMENT.

On motion by Senator BRANNIGAN of Cumberland, ADJOURNED until Tuesday, June 13, 1989, at 8:30 in the morning.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE  
FIRST REGULAR SESSION  
82nd Legislative Day  
Tuesday, June 13, 1989

The House met according to adjournment and was called to order by the Speaker.

Prayer by Reverend Calvin O. Dame, All Souls Church Unitarian Universalist, Augusta.

The Journal of Monday, June 12, 1989, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

The following Joint Resolution: (S.P. 646)

JOINT RESOLUTION RECOGNIZING AND COMMENDING

THE MAINE DIVISION OF THE AMERICAN CANCER SOCIETY ON THE OCCASION OF ITS 50TH ANNIVERSARY

WHEREAS, the Maine Division of the American Cancer Society has a stated mission dedicated to eliminating cancer as a major health problem by preventing cancer, saving lives from cancer and diminishing suffering from cancer through research, education and service; and

WHEREAS, the Maine Division of the American Cancer Society has faithfully carried out this mission through its programs of education to the public on improved life-styles for the prevention of cancer, support of cancer research in Maine and direct service to cancer patients; and

WHEREAS, the Maine Division of the American Cancer Society is celebrating 50 years of distinguished service; now, therefore, be it

RESOLVED: That We, the Members of the 114th Legislature of the State of Maine now assembled in First Regular Session, take this opportunity to express our appreciation for the humane work of the Maine Division of the American Cancer Society and to commemorate the Maine Division of the American Cancer Society on its 50th anniversary; and be it further

RESOLVED: That a duly authenticated copy of this Joint Resolution be transmitted forthwith by the Secretary of State to Donald Magioncalda, M.D., President of the Maine Division of the American Cancer Society.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

Unanimous Ought Not To Pass

Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act to Promote Greater Equity in the Loans of the Maine Educational Loan Authority" (S.P. 119) (L.D. 185)

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on Housing and Economic Development reporting "Leave to Withdraw" on Resolve, to Provide for the Evaluation of State International Trade Programs with Respect to Effectiveness and the Ability to Address International Economic Forces (S.P. 49) (L.D. 22)

Report of the Committee on Housing and Economic Development reporting "Leave to Withdraw" on Bill "An Act to Promote Maine's Participation in the Global Economy and to Enhance the Department of Economic and Community Development" (S.P. 468) (L.D. 1265)

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

**Non-Concurrent Matter**

An Act to Amend the Schedule of Fees for Permits, Licenses and Certificates Issued by the State Fire Marshal (S:P. 116) (L.D. 182) (C. "A" S-133) which was passed to be enacted in the House on May 30, 1989.

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

The House voted to recede and concur.

**REPORTS OF COMMITTEES**

**Unanimous Ought Not to Pass**

Representative SWAZEY from the Committee on Taxation on Bill "An Act Concerning Payments in Lieu of Taxes to Municipalities with State-owned Property" (H.P. 52) (L.D. 73) reporting "Ought Not to Pass"

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

**Divided Report**

Majority Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-481) on Bill "An Act to Extend the Exemption for Sales Tax for Certain Instrumentalities of Interstate or Foreign Commerce" (H.P. 438) (L.D. 603)

Signed:

Senators: BALDACCI of Penobscot  
EMERSON of Penobscot  
ANDREWS of Cumberland

Representatives: CASHMAN of Old Town  
DUFFY of Bangor  
TARDY of Palmyra  
SEAVEY of Kennebunkport  
DiPIETRO of South Portland  
JACKSON of Harrison

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

Signed:

Representatives: WHITCOMB of Waldo  
DORE of Auburn  
NADEAU of Saco  
SWAZEY of Bucksport

Reports were read.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Foss.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: L.D. 603 before you today includes continuing the exemption for Bar Harbor or Texas Airlines. It also includes a new tax exemption on leased trucks and it has a fiscal note of a loss of revenue in the fiscal year 1989-90 of \$2,477,745 and a loss in fiscal year 1990-91 of \$4,088,278.

I ask that you vote against the Majority Report so that we can go on to accept the Minority "Ought Not to Pass" Report. I ask for a roll call.

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, I move the Minority "Ought Not to Pass" Report.

Mr. Speaker, Men and Women of the House: As the Representative just mentioned, this is again the Bar Harbor Airlines Bill. It is the opinion of four of us from the Taxation Committee that now is not the time to continue the exemption for Bar Harbor Airlines. This committee has held face with its promises in the past. This legislature has provided exemptions to Bar Harbor Airlines in the past but we feel, given the current fiscal restraints upon state

government and the concern on part of many of us, that the Bar Harbor Airlines has not lived up entirely to its promises to the people of the State of Maine and this is the time to call it quits.

The Minority Report from the Committee on Taxation says, now is the time that we say, enough is enough. We have added a very expensive fiscal note concerning trucks to what otherwise might be a fairly attractive piece of legislation. I think we have to look at the issues and understand that the negative of one half of this piece of legislation overrides any positive in the other half.

I would urge this body to accept the Minority Report.

The SPEAKER: The Chair recognizes the Representative from Princeton, Representative Moholland.

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would not go along with the Minority Report. Somehow they have married up this truck issue with the airlines issue and I don't think it is fair to the trucking industry in the State of Maine. When you buy one truck or one outfit and lease a truck from somebody else, you have to pay a sales tax for interstate and foreign commerce.

I could stand up here all day and talk on this issue but I am not prepared for it. I don't know if there is some way we could table this one legislative day.

At this point, the Speaker appointed Representative Gwadosky of Fairfield to act as Speaker pro tem.

The House was called to order by the Speaker pro tem.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Men and Women of the House: I just took a look at the bill. I find it interesting to hear people talking about Bar Harbor, it is my legislation and deals with trucks.

The amendment that was placed by a number of people in the committee in effect deals with Bar Harbor. The issue of trucks is another issue that I feel strongly about and I am beginning to feel the same way about Bar Harbor as some of you at the moment but I certainly don't want to kill the issue of dealing with trucks in the same breath. So, I would ask you to vote against the motion to accept the Minority "Ought Not to Pass" Report and then we can reject the Committee Amendment so that we can get back to the trucks. It is really that simple.

If anyone who feels that they want to preserve trucks and the issue of the interstate commerce issue, then I would ask you all to vote against the motion that is now before the body. We can vote for the Majority Report and then reject the Committee Amendment at that time. It is really that simple and I would hope that you would follow my light.

In getting back to the issue of the bill's intent, I would point out for those of you who don't remember, the Representative from South Berwick, Representative Farnham, and the Representative from Easton, Representative Mahany, were cosponsors from this body on the issue of trucks. That is an issue which needs to be addressed and I would urge your support on that issue.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Men and Women of the House: It gives me great pleasure today to agree with the young lady from Yarmouth, Representative Foss. I don't believe this is a good bill separately, married, or any other way. My personal concerns are purely financial. As many of you know, the Appropriations Committee is trying every way possible to tear down the Part II budget to try to find a few million dollars for a property tax relief package.

Some of those members have told me they are making progress but it is slow. I don't believe that we ought to be even considering a \$6 million package until we get the property tax thing squared away and we get the income tax thing squared away. There are several problems with health issues, with the uninsured, with AMHI, and I would question whether or not these other issues might be greater than this one. Therefore, I would urge you to vote with the pending motion and accept the "Ought Not to Pass" Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Men and Women of the House: It is obvious that the Representative from Saco doesn't live where trucks are located and are used. Let me just tell you how all this came about.

Those people who are involved in interstate business presently get the exemption as long as they own the trucks. The problem is that the federal government has ruled that you need to have an ICC license in order to be able to be involved in interstate commerce and the net result of that means that those are near impossible to get. What the independent truckers have to do is get on an ICC license with someone else. They lease the truck in order to be under the ICC rules and under the permit of the ICC. The Bureau of Taxation has ruled that when you do that, the way the law is written, they lose the interstate benefits. So in effect, you have two trucks going down the road, the one that has the ICC license that is involved in interstate commerce and is getting the sales tax exemption and the one that is an independent trucker who has no choice but to go to someone with the ICC permit and that individual has to pay sales tax. Now if anyone can explain to me why that is fair, I would like to hear it. You either tax them all or tax none of them. That ought to be the policy of the state. It is really that simple, it is not complicated and you ought not to let anyone make it complicated for you. It is a question of fairness, you either tax them all, and you can use this bill if you want to do that, or you give everyone the exemption, one or the other.

I would urge this body not to allow what has happened with state policy being determined because of federal rules and the ICC regulations.

The SPEAKER PRO TEM: The Chair recognizes the Representative from South Berwick, Representative Farnham.

Representative FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: You are driving the small trucker right out of the state. They are opening their offices in New Hampshire or Rhode Island and it is perfectly legal. That means that the money that we get for registration of cars and trucks and so forth is going out of state. The truckers, if they can get this break, will move their businesses back into the State of Maine and, instead of losing money, we will be making money.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Princeton, Representative Moholland.

Representative MOHOLLAND: Mr. Speaker, Men and Women of the House: I have ICC authority for five trucks to haul interstate commerce and it doesn't cost me one dime. But, if I lease to you, Joe, John, and Jim, I have to take out 15 or 20 percent of their money, plus they have to pay sales tax on that truck. I don't think it is fair for the trucking industry in the State of Maine to take money away from hardworking fellows that own one truck and are trying to survive in the State of Maine. I think Representative Martin is right, I think we should pass this bill for the simple reason, if you go to a garage and buy a truck along with me, I get the exemption, you get nothing. I don't think it is fair to the truckers in the State of Maine. I hope you would do something about this today.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Marsano.

Representative MARSANO: Mr. Speaker, I would like to ask a question if I may.

I would like to know what the fiscal note is on the trucking part of this bill. We have been given figures with respect to the fiscal note regarding the entire bill as amended by the amendment that is presently being debated. I would like to know what the original fiscal note of the bill was, if anybody knows.

The SPEAKER PRO TEM: Representative Marsano of Belfast has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Men and Women of the House: To respond to the question, it would be about a half million dollars for the first year. It would be about a million dollars in the second year of the biennium. That can also be refined downward depending on how you adjust. For example, in the Majority Amendment that is before this body there is a provision that the exemption be granted only in those instances when the trucks are registered in Maine. If that were done, the cost would drop to \$300,000.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Easton, Representative Mahany.

Representative MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: I wish that you would focus on the issue of fairness here this morning. Only those who lease trucks have to pay the tax. One of the reasons that they find themselves in this position, as I understand it, is that the exemption was not made for leased trucks because, when the permanent laws were passed, leased trucks were not ordinarily a means of transporting goods.

Please consider too that the fact that registration is required in the State of Maine does reduce the fiscal note.

Please keep in mind that it is getting more and more difficult for some of the major operations in my part of the state to find sufficient truckers because the small truckers, the independent owners who have to lease their trucks to companies like McCain's, are finding it harder and harder to survive. It is one thing to grow our crops but we still have to get them to market. To do that nowadays, we have to have more and more trucks.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Scarborough, Representative Higgins.

Representative HIGGINS: Mr. Speaker, Men and Women of the House: I find myself feeling the same

way as the Speaker does about this bill, not wanting to vote against it, but because some portions of it are so unpalatable to me in the current form that I would have to.

I guess I would pose a question to the Chair if there might be a method by which we could substitute the bill for the report at some point in time?

The SPEAKER PRO TEM: The Chair would inform the Representative that that motion would be in order after we dispose of the current motion before us.

The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, I have no quarrel with the truckers, therefore I will withdraw my motion.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Scarborough, Representative Higgins.

Representative HIGGINS: Mr. Speaker, I move we substitute the bill for the report.

The SPEAKER PRO TEM: The pending question before the House is the motion of Representative Higgins of Scarborough that the House substitute the bill for the report.

The Chair recognizes the Representative from Fryeburg, Representative Hastings.

Representative HASTINGS: Mr. Speaker, may I pose a question to the chair? The original bill, as I understand it, does not require that these leased trucks be registered in Maine. The amendment seems to do that. Therefore, would it not be necessary to still have the amendment if one chose to insist that these trucks be exempt when leased -- be registered in Maine?

The SPEAKER PRO TEM: The Chair would inform the Representative from Fryeburg, Representative Hastings, that that could be taken care of during Second Reading of the bill.

The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker and Members of the House: It is my intention that an amendment would be offered which would get to that issue and would deal with cutting both the size and would specifically refer to the fact that vehicles must be registered in Maine in order to qualify.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bangor, Representative Duffy.

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: As you know, I am on the Majority Report of this bill. I also sponsored one of the bills that was merged with it and that is the airline tax exemption bill. Now, the reason these two came out of committee together was a compromise in committee. I realize that everyone now would like to split them on the floor of the House and would no longer like to have the compromise exist.

I have no love of the tax exemption on trucks. I think every person in the State of Maine supports trucks through supporting the condition of the roads and we know what condition the roads are in but we keep on paying to keep these roads up so we keep the truckers rolling.

I do believe in the Bar Harbor bill, if that is what you want to call it, and Valley Airlines because that was a tax exemption that we have never collected a dime on. We have never collected a dime on the sales tax on airplanes before that so we put in the lease exemptions because who could afford to buy an airplane? And, if you didn't want a tax exemption on sales, why would you charge them tax on leases? There is not another state in the United States that charges sales tax on airplanes, busses, or trains. We have never collected one single dime on plane

leases in the State of Maine but we want to remove it today.

Ladies and gentlemen, we put it together in committee for a compromise for two separate factions. I guess I am going to ask you not to support substituting the bill for the report and let the compromise stand and let the Appropriations table make the decision on what should be funded.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Presque Isle, Representative MacBride.

Representative MACBRIDE: Mr. Speaker, ladies and Gentlemen of the House: I hope you will substitute the bill for the report. Several times I did support the sales tax exemption on Bar Harbor Airlines and I did that in all good faith. Following the fiasco concerning the last vote on the tax exemption, I certainly was very much disillusioned but I do very much want to support our trucks and trucking industry. I hope you will support the motion to substitute the bill for the report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Yarmouth, Representative Foss.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the prior speaker that the leased trucks issue has been burdened by the Bar Harbor/Texas Air issue and I hope you will support the pending motion.

I ask for a roll call.

The SPEAKER PRO TEM: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than 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 and voting having expressed a desire for a roll call, a roll call was ordered.

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At this point, Speaker Martin resumed the Chair.

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The House was called to order by the Speaker.

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The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Higgins of Scarborough that the Bill be substituted for the Report.

The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative Dore of Auburn. If she were present and voting, she would be voting nay; I would be voting yea.

The SPEAKER: The pending question before the House is the motion of Representative Higgins of Scarborough that the Bill be substituted for the Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 77

YEA - Adams, Aikman, Aliberti, Anderson, Ault, Bailey, Begley, Bell, Brewer, Burke, Butland, Carroll, D.; Carroll, J.; Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Curran, Daggett, Dellert, Dexter, Dipietro, Donald, Dutremble, L.; Erwin, P.; Farnsworth, Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Graham, Greenlaw, Gurney, Gwadosky, Hale, Handy, Hanley, Hastings, Heeschen, Hepburn, Hichborn, Hickey, Higgins, Hoglund, Holt, Hussey, Hutchins, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe,

Larrivee, Lawrence, Lebowitz, Libby, Lisnik, Look, Lord, Luther, MacBride, Macomber, Mahany, Manning, Marsano, Marsh, Martin, H.; McGowan, McHenry, McKeen, McPherson, McSweeney, Melendy, Merrill, Michaud, Mills, Mitchell, Moholland, Murphy, Nadeau, G. G.; Nadeau, G. R.; Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Paul, Pendleton, Pineau, Pines, Plourde, Priest, Rand, Reed, Ridley, Rolde, Rotondi, Rydell, Sheltra, Sherburne, Simpson, Skoglund, Smith, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Strout, D.; Swazey, Tammaro, Tardy, Telow, Townsend, Tracy, Tupper, Walker, Webster, M.; Wentworth, Whitcomb.

MAY - Duffy, Jackson, Pederson, Pouliot, Richards.  
 ABSENT - Allen, Anthony, Boutilier, Carter, Cashman, Marston, McCormick, Richard, Ruhlin, Seavey, Small, The Speaker.

PAIRED - Dore, Mayo.  
 Yes, 131; No, 5; Absent, 12; Vacant, 1; Paired, 2; Excused, 0.  
 131 having voted in the affirmative, 5 in the negative, with 12 being absent, 1 vacant and 2 having paired, the motion did prevail.

Subsequently, the Bill was read once and assigned for second reading later in today's session.

**Divided Report**

Majority Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act to Encourage Family Unity" (H.P. 917) (L.D. 1283)

Signed:

Senators: MATTHEWS of Kennebec  
 WHITMORE of Androscoggin  
 Representatives: REED of Falmouth  
 RUHLIN of Brewer  
 TAMMARO of Baileyville  
 BUTLAND of Cumberland  
 MCCORMICK of Rockport

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-484) on same Bill.

Signed:

Senator: ESTY of Cumberland  
 Representatives: PINEAU of Jay  
 RAND of Portland  
 MCHENRY of Madawaska  
 MCKEEN of Windham  
 LUTHER of Mexico

Reports were read.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative McHenry.  
 Representative MCHENRY: Mr. Speaker, Men and Women of the House: I move that the House accept the Minority "Ought to Pass" Report.

This bill has been watered down quite a bit. When it was first presented, we had a lot of people that came to the committee and objected -- for instance, nurses, health care, the drug stores, hotel, motel, restaurant businesses, they felt that their employees ought not to have that opportunity to refuse to work.

We heard from a lot of people and the proponents of this legislation was mostly the paper workers of this state. I would like to give you a little bit of history as to what has happened.

Back in the 1940's, the paper industry decided that they wanted to operate on Sunday in order to save money. It started off with a few Sundays from 1940 through the 1970's or thereabouts. Since the '70's, they have been working full-time almost every Sunday except maybe two. In order to entice the employees to work on Sunday in the '40's, some

companies offered double time to all their employees to come into work on Sunday. Some other unions and companies negotiated and the employees asked the company for double time on Sunday so that the employer would not ask them to work on Sunday. The bottom line is, they negotiated for Sunday and they gave premium pay to work on Sunday because most people wished to be with their family on Sunday, that is the only time that the children are home, out of school, and they can go out together.

I remember full-well when I was a young man that my parents and I and my brothers and sisters all went out walking every Sunday. We would go to my grandmother's and we would have a wonderful time, but today with the 7-day operation in my town, you don't see families walking on the streets together. You very seldom see families together, not even on Sunday, not even in church. It isn't right. But it is a choice of each individual. I know that if I don't want to work on a Sunday I don't have to because I am getting premium time, I am getting double time and if I don't work, somebody else will come in, no problem at all.

But, were my company to do as other companies have done in this state, like Jay and others, and take away the premium time, I assure you ladies and gentlemen, I would not want to work on Sunday, I would rather be with my family. I would rather lose a day's pay than work on Sunday. We are very proud of all the visitors that come into the State of Maine -- do you remember when we defeated the opening of stores on Sunday? Bob Reny sent each and every one of us "The Way Life Should Be In Maine" for everybody. We ought not to force people to work on Sunday especially people that we used to pay premium time to, then we take it away and say, Sunday is just a regular day. It is not right, it is not right at all.

You know these companies pay premium time for working 3 to 11 because most people don't like it and they pay a little bit more money for working 11 to 7 because people don't like it. They know that they wouldn't get the employees to work if they didn't pay that money. The trend that has been going on in this state is absolutely wrong. I don't think there is a member in this House who would agree that what happened in Jay was correct or right. It is just not right. To have those people that will be working in the future on Sunday and say, this is just a regular day, you are going to get paid straight time, is just ridiculous, not right at all.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, I would like to pose a question through the Chair.

Assuming that the amount of compensation for working on Sunday has been negotiated, would this bill negate that negotiation?

The SPEAKER: Representative Jalbert of Lisbon has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: No sir, it would not. If they are paying premium time these people -- oh, you mean -- excuse me, I am wrong, it would, because those people would have the right to refuse to work on Sunday, you are correct. But if the company pays premium time, (as I told you, my employer does) there is no problem.

While I am on my feet, this bill only pertains to employers who employ 250 employees or more, operate 24 hours a day, and at least six months out of the

year, just to make sure that we are not hitting anybody else but those who we intend to hit.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Reed.

Representative REED: Mr. Speaker, Ladies and Gentlemen of the House: This House has much to do today and I hope that we can deal expeditiously with this issue and I will be very brief.

I would, however, like to commend the sponsors of this bill for one of the most creative pieces of titling that I have seen in my fairly short legislative career, "An Act to Encourage Family Unity" shows a great deal of creativity.

This bill, in my opinion, is an attempt to obtain by legislation that which should clearly be the subject of negotiation. What we have here is a very narrowly targeted bill and, in my opinion, a rather wrong misuse of legislative power aimed at a single industry. Clearly 250 employees operating 24 hours a day, manufacturing, it doesn't take a great deal of reasoning to see where this bill is targeted.

One of the speaker's on an earlier issue here this morning urged this House to focus on fairness and I would do only the same and ask you please to put aside personal feelings that you may have for or against a particular segment of industry in this state and focus on fairness. This bill has nothing to do with family unity and I would urge you to defeat the pending motion so that we could go on to accept the bipartisan Majority "Ought Not to Pass" Report.

When the vote is taken Mr. Speaker, I respectfully request a roll call.

The SPEAKER: The Chair recognizes the Representative from Fryeburg, Representative Hastings.

Representative HASTINGS: Mr. Speaker, I would like to pose a question through the Chair.

The question would be, other than the paper company industry and the Portland Press Herald, are there any known or related businesses noted to the committee that would be affected by this bill?

The SPEAKER: Representative Hastings of Fryeburg has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative McHENRY: Mr. Speaker, Men and Women of the House: As far as I was able to find out, none.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Bell.

Representative BELL: Mr. Speaker, Ladies and Gentlemen of the House: We have an electronics parts manufacturing company in our community. It took us maybe five years of industrial hunting to get these people up there. When they are operating at maximum, they use 600 to 650 people. They are over the 250, they work seven days a week on three shifts and they are there 24 hours a day. Where this bill is aimed mainly at paper plants, there must be some more industries in this state and it is so hard to get industry up in our neck of the woods, I hate to see anything that would be detrimental to their full-time operation. They are a great asset to us in our end of the woods and I urge you to vote no on this bill.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Macomber.

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I rise today in response to what the good Representative from Madawaska had to say. I worked for a firm for 30 years, they had over 250 employees, they worked 24 hours a day, and you

had no choice as to whether you wanted to work on Sunday or not.

By working Sunday when you were obliged to, there was no premium pay. I think this bill really addresses a very small faction of the people of this state and I would urge you to vote no.

The SPEAKER: The Chair recognizes the Representative from Baileyville, Representative Tamaro.

Representative TAMMARO: Mr. Speaker, Ladies and Gentlemen of the House: Most of you probably noticed I signed on this bill "Ought Not to Pass." This bill could create a problem for our pulp and paper industry. Let's face it, that is where it is aimed. Anyone that applies for a job in these 24 hour production businesses, they know that Sunday is a regularly scheduled work day.

Talk about your family unity -- I worked 28 years on a paper machine and I can truthfully say we had a lot of family unity within my family. Knowing all of the people that worked these areas, I know they had family unity.

To me, this is a terrible bill. I tried to discourage the good Representative from Madawaska. I said to him, this is a lousy bill. Nevertheless, this family unity is a poor excuse for anyone wanting Sunday off. This could create such a problem that, let's face it, everybody deciding to play the softball tournament on Sunday or participating in any athletic event on a Sunday, they could go to their employer and say, "well, I have got to have a day off to go with my family" and they would be down there playing ball. This is a terrible bill and I am going to be like the Speaker this time, ladies and gentlemen of the House, I hope you will follow my light.

Representative McHENRY of Madawaska was granted permission to address the House a third time.

Representative McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: The haves say that this is a terrible bill. I assure you ladies and gentlemen, had you been at the hearing, it was almost heartbreaking to hear the women, the wives of the majority of these people that have to work on Sunday for straight time now. It is not a lousy bill, it is a good bill, it is a humane bill. It is just giving a choice to the employee. If the employer is treating his employees so well, why should he fear that employee coming in on Sunday? I assure you ladies and gentlemen, if I had employees working for me and they were dedicated, they would have no quarrel coming in on Sunday to help me out. If you have a good employer, you don't have any problems.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than 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 and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is the motion of Representative McHenry of Madawaska that the House accept the Minority "Ought to Pass" Report.

The Chair recognizes the Representative from Princeton, Representative Moholland.

Representative MOHOLLAND: Mr. Speaker, I would like to pair my vote with Representative Cashman of Old Town. If he were present and voting, he would be voting yea; I would be voting nay.

The SPEAKER: The pending question before the House is the motion of Representative McHenry of



Madawaska that the House accept the Minority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 78

YEA - Adams, Aliberti, Carroll, D.; Carter, Chonko, Clark, H.; Clark, M.; Coles, Conley, Daggett, Erwin, P.; Graham, Gurney, Gwadosky, Hale, Handy, Heesch, Hoglund, Holt, Jacques, Joseph, LaPointe, Lawrence, Luther, Mahany, Mayo, McHenry, McKeen, Melendy, Michaud, Mills, Mitchell, Nadeau, G. R.; O'Dea, Oliver, Paradis, J.; Paradis, P.; Paul, Pederson, Pineau, Priest, Rand, Rolde, Rotondi, Rydell, Skoglund, Stevens, P.; Swazey, Townsend, Tracy.

NAY - Aikman, Anderson, Ault, Bailey, Begley, Bell, Brewer, Burke, Butland, Carroll, J.; Constantine, Cote, Curran, Dellert, Dexter, Donald, Duffy, Dutremble, L.; Farnsworth, Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Hanley, Hastings, Hepburn, Hichborn, Hickey, Higgins, Hussey, Hutchins, Jackson, Jalbert, Ketover, Kilkelly, Larrivee, Lebowitz, Libby, Lisnik, Look, Lord, MacBride, Macomber, Manning, Marsano, Marsh, Martin, H.; McGowan, McPherson, McSweeney, Merrill, Murphy, Nadeau, G. G.; Norton, Nutting, O'Gara, Paradis, E.; Parent, Pendleton, Pines, Plourde, Poulint, Reed, Richards, Ridley, Sheltra, Sherburne, Simpson, Small, Smith, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Tammaro, Tardy, Telow, Tupper, Walker, Webster, M.; Wentworth, Whitcomb.

ABSENT - Allen, Anthony, Boutilier, Cathcart, Crowley, DiPietro, Dore, Marston, McCormick, Richard, Ruhlin, Seavey, The Speaker.

PAIRED - Cashman, Moholland.

Yes, 50; No, 85; Absent, 13; Vacant, 1; Paired, 2; Excused, 0.

50 having voted in the affirmative, 85 in the negative, with 13 being absent, 1 vacant, and 2 having paired, the motion did not prevail.

Subsequently, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

Divided Report

Majority Report of the Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-495) on Bill "An Act to Clarify the Liability of Relatives for Support" (H.P. 1196) (L.D. 1663)

Signed:

Senators: GAUVREAU of Androscoggin  
TITCOMB of Cumberland  
RANDALL of Washington  
Representatives: MANNING of Portland  
ROLDE of York  
BOUTILIER of Lewiston  
CLARK of Brunswick  
BURKE of Vassalboro  
PEDERSON of Bangor  
CATHCART of Orono  
PENDLETON of Scarborough

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

Signed:

Representatives: DELLERT of Gardiner  
HEPBURN of Skowhegan

Reports were read.

On motion of Representative Manning of Portland, the Minority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-495) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

CONSENT CALENDAR

First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(H.P. 1092) (L.D. 1525) Bill "An Act to Increase the Penalty for Destruction of Law Enforcement Canines" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-487)

(H.P. 1214) (L.D. 1686) Bill "An Act to Authorize a Probation Officer to Bring an Ex Parte Motion to Change the Conditions of Probation" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-486)

(H.P. 823) (L.D. 1155) Bill "An Act to Restrict the Use of Lobster Trap Dipping Solutions" Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-485)

(H.P. 181) (L.D. 246) Bill "An Act Concerning Agents Selling Hunting and Fishing Licenses" Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-483)

(H.P. 1171) (L.D. 1625) Bill "An Act to Authorize a Cooperative Agreement for the Construction and Operation of a Vocational Center Located in School Administrative District No. 33" (EMERGENCY) Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-482)

(S.P. 600) (L.D. 1677) Bill "An Act to Require Installation of Sewage Pump-out Facilities at Certain Marinas" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-243)

(S.P. 610) (L.D. 1704) Bill "An Act to Amend the Definition of Labels in the Beverage Container Deposit Law" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-246)

(S.P. 609) (L.D. 1703) Bill "An Act to Amend the Charter of the Canton Water District" Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-247)

(S.P. 569) (L.D. 1597) Resolve, that the Deadline for the Revision of the State's Motor Vehicle Laws be Extended (EMERGENCY) Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-248)

(S.P. 591) (L.D. 1668) Bill "An Act to Authorize the Blue Hill School Committee to Enter into Long-term Leases of Land and Buildings for School Purposes" (EMERGENCY) Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-245)

(S.P. 532) (L.D. 1467) Bill "An Act to Facilitate the Expeditious Resolution of Certain Superior Court Cases" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-239)

(S.P. 412) (L.D. 1078) Bill "An Act Concerning the Construction of Portable Classrooms" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-241)

(S.P. 106) (L.D. 140) Bill "An Act to Promote Marine Research" Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-240)

(S.P. 601) (L.D. 1678) Resolve, to Provide for a Commemorative Motor Vehicle License Plate to Celebrate the Bicentennial of Vinalhaven (EMERGENCY) Committee on Transportation reporting "Ought to Pass"

(H.P. 1211) (L.D. 1683) Bill "An Act to Ensure the Continuity of Mental Health Services" (EMERGENCY) Committee on Human Resources reporting

"Ought to Pass" as amended by Committee Amendment "A" (H-494)

(H.P. 1223) (L.D. 1695) Bill "An Act to Authorize Department of Transportation Bond Issues in the Amount of \$21,000,000 to Match Available Federal Funds for Highway, State and Local Bridges, Harbor and Airport Improvements" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-493)

(H.P. 1097) (L.D. 1530) Bill "An Act to Clarify the Maine Municipal Bond Bank's and the Maine Public Utility Financing Bank's Ability to Hold, Own and Sell Real and Personal Property" (EMERGENCY) Committee on State and Local Government reporting "Ought to Pass"

(H.P. 1147) (L.D. 1590) Bill "An Act to Establish the Bureau of Juvenile Corrections" Joint Select Committee on Corrections reporting "Ought to Pass" as amended by Committee Amendment "A" (H-496)

There being no objections, the above items were ordered to appear on the Consent Calendar under the listing of Second Day later in today's session.

**PASSED TO BE ENGROSSED**

Bill "An Act to Create the Maine Jail Industries Authority" (S.P. 647) (L.D. 1742)

Was reported by the Committee on Bills in the Second Reading, read the second time and Passed to be Engrossed in concurrence.

(At Ease)

The House was called to order by the Speaker.

**ORDERS OF THE DAY  
UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

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

HOUSE DIVIDED REPORT - Majority (11) "Ought to Pass" as amended by Committee Amendment "A" (H-459) - Minority (2) "Ought Not to Pass" - Committee on Marine Resources on Bill "An Act to Amend the Lobster and Crab Fishing License Law" (H.P. 1215) (L.D. 1687)

TABLED - June 12, 1989 (Till Later Today) by Representative MITCHELL of Freeport.

PENDING - Motion of same Representative to accept the Majority "Ought to Pass" as amended Report.

On motion of Representative Gwadosky of Fairfield, retabled pending the motion of Representative Mitchell of Freeport to accept the Majority "Ought to Pass" as amended Report and later today assigned.

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

Bill "An Act to Establish State Guidelines for Child Support Awards" (H.P. 706) (L.D. 967)

- In House, Passed to be engrossed as amended by Committee Amendment "A" (H-349) on June 2, 1989.

- In Senate, Passed to be engrossed as amended by Committee Amendment "A" (H-349) as amended by Senate Amendment "A" (S-226) thereto in non-concurrence.

TABLED - June 12, 1989 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Further Consideration.

On motion of Representative Gwadosky of Fairfield, retabled pending further consideration and later today assigned.

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

HOUSE DIVIDED REPORT - Majority (9) "Ought to Pass" as amended by Committee Amendment "A" (H-388) - Minority (4) "Ought to Pass" as amended by Committee Amendment "B" (H-389) - Committee on Taxation on Bill "An Act to Provide Comprehensive Property Tax Relief" (H.P. 776) (L.D. 1088)

TABLED - June 12, 1989 (Till Later Today) by Representative CASHMAN of Old Town.

PENDING - Motion of same Representative to accept the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-388) Report.

On motion of Representative Gwadosky of Fairfield, retabled pending the motion of Representative Cashman of Old Town that the House accept the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-388) Report and later today assigned.

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

An Act to Clarify Procedural Aspects of the Forcible Entry and Detainer Law (H.P. 446) (L.D. 611) (C. "A" H-265)

TABLED - June 12, 1989 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and later today assigned.

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

Resolve, to Establish a Commission to Study Town Supervision of Private Roads (EMERGENCY) (H.P. 950) (L.D. 1318) (C. "A" H-386)

TABLED - June 12, 1989 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Final Passage.

On motion of Representative Tracy of Rome, under suspension of the rules, the House reconsidered its action whereby L.D. 1318 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-386) was adopted.

The same Representative offered House Amendment "A" (H-488) to Committee Amendment "A" (H-386) and moved its adoption.

House Amendment "A" to Committee Amendment "A" was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

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

The Chair laid before the House the following matter: Bill "An Act to Establish State Guidelines for Child Support Awards" (H.P. 706) (L.D. 967) - In House, Passed to be engrossed as amended by Committee Amendment "A" (H-349) on June 2, 1989 and In Senate, Passed to be engrossed as amended by Committee

Amendment "A" (H-349) as amended by Senate Amendment "A" (S-226) thereto in non-concurrence which was tabled earlier in the day and later today assigned pending further consideration.

On motion of Representative Paradis of Augusta, the House voted to recede.

Senate Amendment "A" (S-226) to Committee Amendment "A" (H-349) was read by the Clerk.

On motion of Representative Paradis of Augusta, Senate Amendment "A" to Committee Amendment "A" was indefinitely postponed.

The same Representative offered House Amendment "A" (H-499) to Committee Amendment "A" (H-349) and moved its adoption.

House Amendment "A" to Committee Amendment "A" was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

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

**BILLS HELD**

Bill "An Act to Preserve the Integrity of the Land for Maine's Future Program" (S.P. 651) (L.D. 1746)

- In House, Referred to the Committee on State and Local Government in concurrence.

HELD at the Request of Representative JACQUES of Waterville.

On motion of Representative Jacques of Waterville, the House reconsidered its action whereby L.D. 1746 was referred to the Committee on State and Local Government.

On further motion of the same Representative, was referred to the Committee on Energy and Natural Resources, ordered printed and sent up for concurrence.

By unanimous consent, was ordered sent forthwith to the Senate.

(Off Record Remarks)

The Chair laid before the House the following matter: HOUSE DIVIDED REPORT - Majority (11) "Ought to Pass" as amended by Committee Amendment "A" (H-459) - Minority (2) "Ought Not to Pass" - Committee on Marine Resources on Bill "An Act to Amend the Lobster and Crab Fishing License Law" (H.P. 1215) (L.D. 1687) which was tabled earlier in the day and later today assigned pending the motion of the Representative from Freeport, Representative Mitchell, that the House accept the Majority "Ought to Pass" as amended Report.

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Hutchins.

Representative HUTCHINS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make a motion that this bill and all its accompanying papers be indefinitely postponed.

The Maine lobster industry has been state regulated since 1825 when the Maine law was passed forbidding out-of-towners from damaging lobster habitat at the mouth of the Saco River. They started the licensing of lobster fishermen in 1917, almost three-quarters of a century ago. One fisherman, one license. The lobster industry is the healthiest fishing industry in this state. We can ill-afford to gamble with that industry with a bill that came so

late in the session that we had almost no time to hear any opposition to it.

In the past couple of weeks, since it went out, I have mailed out a number of the bills to different lobstermen in my area and I just started receiving word back. I have spoken to a few of them and I have not heard one in favor of it.

The possible consequences of this bill, I think, may lead to crew boats, which would put more traps on bottom and, naturally, that is not a conservation method. I wish I had a story about a beer drinking lobster that I could tell you that might help this along a little bit but I couldn't find one that would touch a drop.

This might also lead to the eventual loss of a sternman's tax exemption. I don't think that would be the immediate loss but I think it might very well lead to that because of the simple fact, if you put a sternman on that is an experienced, licensed sternman, he gets a share. If you take a person on as a sternman who has no idea what he is doing, it not only is dangerous for himself to be on the boat but it is dangerous for the other crew members. The captain isn't going to be as willing to give a full share and so eventually I think it would probably lead to the loss of the sternman's exemption or a very distinct possibility of it.

Crew boats, similar to what I am talking about, do work in Massachusetts and some of these boats fish as many as 4,000 traps. I don't know of any boat in the State of Maine who fishes over 1,200 or 1,500 at tops. Because of these concerns and the fact that this bill came in so late and so fast that, if it is a good idea, it may be a good idea also in two or three years, but at this particular time, I find no one in favor of it. I think the safest way to handle the bill is to indefinitely postpone it.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: There are some people in favor of this bill. The Department of Marine Resources is in favor of this bill and the Maine Lobsterman's Association is the originator of the bill and that board is a very divided board with many interests, a board that rarely agrees on anything but unanimously supports this bill. It is a very modest proposal that was brought to us by the lobster industry. The lobstermen, like many people in the state, are facing problems because of the labor shortage and often, the committee has been told, they go out to fish for the day and they don't have a sternman or the sternman doesn't show up. The sternman has to be licensed by the state.

This bill would say that there is a new class of lobster license, a Class II license, and if the captain or the skipper chooses to buy that license, which costs three times as much as the regular license, he can go pick up a person off the dock and take them out and they can be his sternman. The sternman doesn't have to be licensed if the skipper has this special license which costs three times as much as a regular license. That way, if the lobsterman happens to go out fishing and his sternman isn't around, rather than not going fishing for the day and not doing anything, he can find someone, take them out and go do his work. I really think this fear that it is going to change the lobster industry or cause some problem for the resource is really unfounded. There was no opposition to the bill. It was supported by both the industry and the department. It is optional and the sternman can still get his license. Licensed sternmen are still going to be around the coast and I think most people

who are a sternman on a lobster boat will continue to get their license and they will continue to go.

I hope you won't vote for the motion to indefinitely postpone this bill but you will vote for it and support it. It is an innovative idea, it is going to help some fishermen be able to fish in this time of labor shortage on our coast.

The SPEAKER: The Chair recognizes the Representative from Southwest Harbor, Representative Carroll.

Representative CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I think this bill is too quick, too soon. I spent 23 years in enforcement in the Marine Patrol on the coast of Maine. I like the idea that when you boarded a boat, every person on that boat was licensed, one way or the other. You'd have a sternman and a captain. The way this is, if you start (as Representative Mitchell said) bringing people off the street as a part-timer, knowing the coast of Maine, the man can still get a license, he can just take anybody on board his boat. He could say, "Well, I have made a good week's wages this week, pay me off in a dozen or fifteen lobsters." I think there is too much confusion in the industry right now.

This bill has come out, I inquired in the downeast area and they didn't really realize what was happening. I think there is too much confusion among the industry right now, the industry is very strong, their poundage up and I would like to keep it that way for conservation. I would like to see this bill killed.

The SPEAKER: The Chair recognizes the Representative from Bar Harbor, Representative Constantine.

Representative CONSTANTINE: Mr. Speaker, Members of the House: I am the sponsor of this bill along with Representative Coles, Senator Brawn and Senator Perkins. We did receive this as an after-deadline request sometime at the end of February from the Maine Lobsterman's Association. In fact, the draft of the bill was presented to me by a lobsterman who is a constituent of mine.

I have no reason to doubt that these folks know how to conduct their business, I didn't doubt that at the beginning, and I don't doubt that now. I would appreciate support of this bill.

The SPEAKER: The Chair recognizes the Representative from Jonesboro, Representative Look.

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: I know there are some of you here who are wondering why I asked that this be tabled for one legislative day. There was some concerns that I had. At the time this came before the committee, it was very apparent that there was only one voice who spoke in questioning this bill. However, since that time, it is my understanding that there have been several of the fishermen in the Hancock County area who are concerned about this. I also understand that there are fishermen in the western part of Washington County that are concerned about this. I think perhaps they have not yet had a chance to find out exactly what this may do.

I appreciate the leadership of extending me the extra day. I questioned if the person who became the sternman was going to be an employee of the boat owner. I just received the response from the committee aide and, under the Class I license, the sternman can choose to go as an independent person or as contractual labor. This, I believe, was considered some years back and the process of the contract labor was extended in this particular occupation. The response I got on the Class II license is that there is a question of doubt whether

this same type of relationship can be extended in this particular case where, under the Class II, the sternman would not be necessarily a licensed fisherman.

Right now, this is a questionable situation and I personally am wondering if the lobstermen realize this may be something that they may not want, whether it is wise to impose this upon them at this time. Of course, they still would have the right to have a licensed sternman that could cover them all right but if they picked up one who is not licensed, there might be a problem as far as this being considered contractual labor.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Men and Women of the House: This bill does not impose anything on anybody, this merely offers the option for those captains who wish to exercise that option to buy a boat license so that they need not have their sternman licensed individually in order to work that day. It requires no one to do this, it simply offers that option.

In the last few years in my district, there were about 700 licensed lobster fishermen, which is about 10 percent of the total along the coast. A large number of lobster fishermen in the last few years have said to me, why don't we have a boat license? It would be much simpler and straightforward and would make life a lot easier for us.

I think, if we pass this bill, these people will find life easier and we will not be imposing any additional burden on anybody who does not wish to assume it.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Penobscot, Representative Hutchins, that this bill and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

46 having voted in the affirmative and 66 in the negative, the motion did not prevail.

Subsequently, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-459) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

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

**PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE**

The following Bills were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

**Agriculture**

Bill "An Act to Amend the Laws Pertaining to the Commission on Biotechnology and Genetic Engineering" (EMERGENCY) (H.P. 1252) (L.D. 1751) (Presented by Representative WHITCOMB of Waldo) (Cosponsored by Representative TARDY of Palmyra and Senator EMERSON of Penobscot)

Ordered Printed.

Sent up for Concurrence.

**State and Local Government**

Bill "An Act to Establish Finance Committee Districts and Procedures for Aroostook County" (H.P. 1251) (L.D. 1750) (Presented by Speaker MARTIN of

Eagle Lake) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)  
Ordered Printed.  
Sent up for Concurrence.

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

**SENATE PAPERS**

Bill "An Act Relating to Public Fish Piers, Airports and Other Transportation Facilities" (EMERGENCY) (S.P. 652) (L.D. 1749)

Came from the Senate, referred to the Committee on Transportation and Ordered Printed.

Was referred to the Committee on Transportation in concurrence.

**Unanimous Ought Not To Pass**

Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act to Establish the Whistleblower Hotline" (S.P. 593) (L.D. 1670)

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

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

(At Ease to Gong)

The House was called to order by the Speaker.

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

**COMMUNICATIONS**

The following Communication:  
State of Maine  
114th Legislature  
Legislative Council  
June 13, 1989

Honorable Edwin H. Pert  
Clerk of the House  
114th Maine Legislature  
State House Station #2  
Augusta, Maine 04333

Dear Clerk Pert:

This is to notify you that pursuant to its authority under Chapter 15 of the Resolves of Maine, 1989, the Legislative Council has unanimously agreed to appoint the following as Chairs of the Advisory Committee on Legislative Structure and Operations:

Senator Nancy Randall Clark, Cumberland  
Kenneth P. MacLeod, Brewer

Sincerely,  
S/John L. Martin  
Legislative Council Chair

Was read and ordered placed on file.

**SECOND READER**

**Later Today Assigned**

Bill "An Act to Extend the Exemption for Sales Tax for Certain Instrumentalities of Interstate or Foreign Commerce" (H.P. 438) (L.D. 603)

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

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be engrossed and later today assigned.

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

**REPORTS OF COMMITTEES**

**Divided Report**

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-498) on Bill "An Act Concerning Compensation for Sunday Employment" (H.P. 1040) (L.D. 1451)

Signed:  
Senator: ESTY of Cumberland  
Representatives: PINEAU of Jay  
TAMMARO of Baileyville  
McKEEN of Windham  
LUTHER of Mexico  
RAND of Portland  
McHENRY of Madawaska

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

Signed:  
Senators: MATTHEWS of Kennebec  
WHITMORE of Androscoggin  
Representatives: BUTLAND of Cumberland  
McCORMICK of Rockport  
REED of Falmouth  
RUHLIN of Brewer

Reports were read.

Representative McHenry of Madawaska moved that the House accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Butland.

Representative BUTLAND: Mr. Speaker, Ladies and Gentlemen of the House: I rise before you this afternoon to speak in opposition to L.D. 1451, An Act Concerning Compensation for Sunday Employment. When L.D. 1451 was first introduced to the Joint Standing Committee on Labor, it was a simple bill. If you worked on Sunday, you received double pay unless you were a public employee. Needless to say, that raised a lot of eyebrows because of the far-reaching nature. As written, the bill would have been very detrimental to the health care services, the service and the hospitality industries in this state but in the true spirit of compromise, that probably only exists in Room 134, clearer heads prevailed and L.D. 1451 was amended to include only those employees engaged in manufacturing, working for companies that normally operate 24 hours a day with more than 250 employees.

This bill is the companion bill to L.D. 1283, which was before us this morning to promote family unity. As my esteemed colleague from Falmouth, the venerable Reed would say, this bill came to us with a lot of camouflage. After the discussion on L.D. 1283, I am fairly certain that it is not necessary for me to clear away that camouflage as far as this afternoon.

Essentially, L.D. 1451 would remove double pay on Sunday's from the collective bargaining table. It would give back benefits to many workers that their unions were unable to retain through the collective bargaining process. Passage of L.D. 1451 would put this legislature right in the middle of the collective bargaining process, a position I submit would be very inappropriate. This is an issue that we need to consider very seriously. L.D. 1451 is another attempt to level the playing field in which collective bargaining battles are fought. I will

admit that, with the advent of company specializing in the provision of replacement workers, it does appear that the management does have the advantage. I, for one, don't want to see good Maine jobs going to people from away but this legislature will have the opportunity to pass some strikebreaker legislation that will remedy the present imbalance. L.D. 905 will be before us soon and this is by far a more appropriate tool to address the problem as it would require a true cooling-off period.

When I look at legislation such as L.D. 1451, I think back to that bitterly cold day in January at the Samoset when we listened to Roger Vaughn speak on the subject of health cost containment. He reminded us that short-term, quick-fix solutions that take aim only at the symptoms of a problem, ultimately fail and tend to exacerbate the original problem.

L.D. 1451 is a politically expedient solution to a much more serious problem and strikes at those symptoms only. I urge that you not be seduced by political expediency, that you vote against the pending motion and Mr. Speaker, I request a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than 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 and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is the motion of the Representative from Madawaska, Representative McHenry, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 79

YEA - Adams, Aliberti, Anthony, Boutilier, Burke, Carroll, D.; Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, P.; Graham, Gurney, Gwadosky, Handy, Heesch, Hickey, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, LaPointe, Larrivee, Lawrence, Lisnik, Luther, Mahany, Marston, Martin, H.; Mayo, McGowan, McHenry, McKeen, McSweeney, Melendy, Mills, Mitchell, Nadeau, G. R.; Nutting, O'Dea, Oliver, Paradis, J.; Paradis, P.; Paul, Pederson, Pineau, Plourde, Pouliot, Priest, Rand, Ridley, Rolde, Rotondi, Rydell, Sheltra, Simpson, Skoglund, Stevens, P.; Swazey, Tammaro, Tardy, Townsend, Tracy, Walker.

MAY - Aikman, Allen, Anderson, Ault, Bailey, Begley, Bell, Brewer, Butland, Carroll, J.; Constantine, Curran, Dellert, Dexter, Donald, Farnsworth, Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Hale, Hanley, Hastings, Hepburn, Hichborn, Higgins, Hutchins, Jackson, Kilkelly, Lebowitz, Libby, Look, Lord, MacBride, Macomber, Marsano, Marsh, McCormick, McPherson, Merrill, Moholland, Murphy, Nadeau, G. G.; Paradis, E.; Pendleton, Pines, Reed, Richards, Seavey, Sherburne, Smith, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Telow, Tupper, Webster, M.; Wentworth.

ABSENT - Carter, Cashman, Manning, Michaud, Norton, O'Gara, Parent, Richard, Ruhlin, Small, Whitcomb, The Speaker.

Yes, 76; No, 62; Absent, 12; Vacant, 1; Paired, 0; Excused, 0.

76 having voted in the affirmative and 62 in the negative with 12 being absent and 1 vacant, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-498) was read by the Clerk and adopted.

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

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

CONSENT CALENDAR

Second Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the Second Day:

(H.P. 1092) (L.D. 1525) Bill "An Act to Increase the Penalty for Destruction of Law Enforcement Canines" (C. "A" H-487)

(H.P. 1214) (L.D. 1686) Bill "An Act to Authorize a Probation Officer to Bring an Ex Parte Motion to Change the Conditions of Probation" (C. "A" H-486)

(H.P. 823) (L.D. 1155) Bill "An Act to Restrict the Use of Lobster Trap Dipping Solutions" (C. "A" H-485)

(H.P. 181) (L.D. 246) Bill "An Act Concerning Agents Selling Hunting and Fishing Licenses" (C. "A" H-483)

(H.P. 1171) (L.D. 1625) Bill "An Act to Authorize a Cooperative Agreement for the Construction and Operation of a Vocational Center Located in School Administrative District No. 33" (EMERGENCY) (C. "A" H-482)

No objections having been noted at the end of the Second Legislative Day, the House Papers were Passed to be Engrossed as Amended and sent up for concurrence.

(S.P. 600) (L.D. 1677) Bill "An Act to Require Installation of Sewage Pump-out Facilities at Certain Marinas" (C. "A" S-243)

On motion of Representative Jacques of Waterville, was removed from the Consent Calendar, Second Day.

Subsequently, the Committee Report was read and accepted, the Bill read once.

Committee Amendment "A" (S-243) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

(S.P. 610) (L.D. 1704) Bill "An Act to Amend the Definition of Labels in the Beverage Container Deposit Law" (C. "A" S-246)

(S.P. 609) (L.D. 1703) Bill "An Act to Amend the Charter of the Canton Water District" (C. "A" S-247)

(S.P. 569) (L.D. 1597) Resolve, that the Deadline for the Revision of the State's Motor Vehicle Laws be Extended (EMERGENCY) (C. "A" S-248)

(S.P. 591) (L.D. 1668) Bill "An Act to Authorize the Blue Hill School Committee to Enter into Long-term Leases of Land and Buildings for School Purposes" (EMERGENCY) (C. "A" S-245)

(S.P. 532) (L.D. 1467) Bill "An Act to Facilitate the Expeditious Resolution of Certain Superior Court Cases" (C. "A" S-239)

(S.P. 412) (L.D. 1078) Bill "An Act Concerning the Construction of Portable Classrooms" (C. "A" S-241)

(S.P. 106) (L.D. 140) Bill "An Act to Promote Marine Research" (C. "A" S-240)

(S.P. 601) (L.D. 1678) Resolve, to Provide for a Commemorative Motor Vehicle License Plate to Celebrate the Bicentennial of Vinalhaven (EMERGENCY)

(H.P. 1211) (L.D. 1683) Bill "An Act to Ensure the Continuity of Mental Health Services" (EMERGENCY) (C. "A" H-494)

(H.P. 1223) (L.D. 1695) Bill "An Act to Authorize Department of Transportation Bond Issues in the Amount of \$21,000,000 to Match Available Federal Funds for Highway, State and Local Bridges, Harbor and Airport Improvements" (C. "A" H-493)

(H.P. 1097) (L.D. 1530) Bill "An Act to Clarify the Maine Municipal Bond Bank's and the Maine Public Utility Financing Bank's Ability to Hold, Own and Sell Real and Personal Property" (EMERGENCY)

(H.P. 1147) (L.D. 1590) Bill "An Act to Establish the Bureau of Juvenile Corrections" (C. "A" H-496)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were Passed to be Engrossed or Passed to be Engrossed as Amended in concurrence and the House Papers were Passed to be Engrossed or Passed to be Engrossed as Amended and sent up for concurrence.

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

**SENATE PAPER**

The following Communication:

Maine State Senate  
Augusta, Maine 04333  
June 13, 1989

The Honorable John L. Martin  
Speaker of the House  
114th Legislature  
Augusta, Maine 04333  
Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Banking and Insurance, the Governor's nomination of H. Donald DeMatteis of Litchfield for reappointment as the Superintendent of the Maine Bureau of Banking.

Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file.

**CONSENT CALENDAR**

**First Day**

In accordance with House Rule 49, the following item appeared on the Consent Calendar for the First Day:

(H.P. 1167) (L.D. 1621) Bill "An Act to Ensure Notification and Participation by the Public in Licensing and Relicensing of Hydroelectric Dams and to Further Ensure the Equal Consideration of Fisheries and Recreational Uses in Licensing and Relicensing" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-497)

Under suspension of the rules, Second Day Consent Calendar notification was given, the House Paper passed to be engrossed as amended and sent up for concurrence.

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

**SENATE PAPER**

The following Communication:

Maine State Senate  
Augusta, Maine 04333  
June 13, 1989

The Honorable John L. Martin  
Speaker of the House  
114th Legislature  
Augusta, Maine 04333  
Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Judiciary, the Governor's nomination of Beth I. Warren of Peaks Island for appointment to the Human Rights Commission.

Beth I. Warren is replacing David Kee.

Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file.

**PASSED TO BE ENGROSSED**

**As Amended**

Bill "An Act to Clarify the Liability of Relatives for Support" (H.P. 1196) (L.D. 1663) (C. "A" H-495)

Was reported by the Committee on Bills in the Second Reading, read the second time, Passed to be Engrossed as Amended, and sent up for concurrence.

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

**PASSED TO BE ENGROSSED**

**As Amended**

Bill "An Act to Amend the Lobster and Crab Fishing License Law" (H.P. 1215) (L.D. 1687) (C. "A" H-459)

Was reported by the Committee on Bills in the Second Reading, read the second time, Passed to be Engrossed as Amended, and sent up for concurrence.

The following item appearing on Supplement No. 9 was taken up out of order by unanimous consent:

**REPORTS OF COMMITTEES**

**Divided Report**

**Later Today Assigned**

Majority Report of the Committee on Business Legislation reporting "Ought Not to Pass" on Bill "An Act to Prohibit Cemetery Corporations and Associations from Soliciting Prearranged Burials and Burial Business" (H.P. 1127) (L.D. 1570)

Signed:

Senators: WHITMORE of Androscoggin  
HOBBINS of York  
BALDACCI of Penobscot  
Representatives: TELOW of Lewiston  
GURNEY of Portland  
REED of Falmouth  
STEVENS of Sabattus

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

Signed:

Representatives: ALLEN of Washington  
CONSTANTINE of Bar Harbor  
LIBBY of Kennebunk  
MARSTON of Oakland  
GRAHAM of Houlton  
SHELTRA of Biddeford

Reports were read.

Representative Allen of Washington moved that the House accept the Minority "Ought to Pass" Report.

On motion of the same Representative, tabled pending her motion that the House accept the Minority "Ought to Pass" Report and later today assigned.

The following item appearing on Supplement No. 10 was taken up out of order by unanimous consent:

**ENACTOR**

An Act to Establish a State Arbitration Program for Lemon Motor Vehicles (S.P. 517) (L.D. 1413) (C. "A" S-222)

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

On motion of Representative Allen of Washington, under suspension of the rules, the House reconsidered its action whereby L.D. 1413 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-222) was adopted.

The same Representative offered House Amendment "A" (H-500) to Committee Amendment "A" (S-222) and moved its adoption.

House Amendment "A" (H-500) to Committee Amendment "A" (S-222) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

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

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

**CONSENT CALENDAR**

**First Day**

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(H.P. 762) (L.D. 1066) Bill "An Act Concerning Educational Enhancement" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-501)

(H.P. 855) (L.D. 1187) Bill "An Act to Amend the Overboard Discharge Laws" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-502)

(H.P. 763) (L.D. 1067) Bill "An Act to Amend the Laws Relating to Sex Offenses" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-503)

Under suspension of the rules, Second Day Consent Calendar notification was given, the House Papers passed to be engrossed as amended and sent up for concurrence.

The following item appearing on Supplement No. 12 was taken up out of order by unanimous consent:

**PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE**

The following Bill was received and, upon the recommendation of the Committee on Reference of Bills, was referred to the following Committee, Ordered Printed and Sent up for Concurrence:

**Transportation**

Bill "An Act Concerning Reduction of Speed Limits in Inclement Weather" (EMERGENCY) (H.P. 1253) (L.D. 1752) (Presented by Representative CARTER of Winslow) (Cosponsored by Senator ERWIN of Oxford and Representative FOSS of Yarmouth) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.

Sent up for Concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter: Majority Report of the Committee on Business Legislation reporting "Ought Not to Pass" on Bill "An Act to Prohibit Cemetery Corporations and Associations from Soliciting Prearranged Burials and Burial Business" (H.P. 1127) (L.D. 1570) and Minority Report of the same Committee reporting "Ought to Pass" on same Bill which was tabled earlier in the day and later today assigned pending the motion of Representative Allen of Washington that the House accept the Minority "Ought to Pass" Report.

Subsequently, the Minority "Ought to Pass" Report was accepted, the Bill read once.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed and sent up for concurrence.

By unanimous consent, all matters requiring Senate concurrence were ordered sent forthwith to the Senate.

(Off Record Remarks)

(At Ease to Gong)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 13 was taken up out of order by unanimous consent:

**REPORTS OF COMMITTEES**

**Ought to Pass in New Draft/New Title**

Representative MCHENRY from the Committee on Labor on Bill "An Act Concerning Unemployment Benefit Eligibility" (H.P. 1134) (L.D. 1577) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Permit a 7-day Recall to Work Period" (H.P. 1254) (L.D. 1753)

Report was read and accepted, the New Draft read once.

Under suspension of the rules, the New Draft was read a second time, passed to be engrossed and sent up for concurrence.

The following items appearing on Supplement No. 15 were taken up out of order by unanimous consent:

**CONSENT CALENDAR**

**First Day**

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(S.P. 624) (L.D. 1721) Resolve, Reimbursing Certain Municipalities for Taxes Lost Due to Lands being Classified under the Maine Tree Growth Tax Law (EMERGENCY) Committee on Taxation reporting "Ought to Pass"

(S.P. 553) (L.D. 1556) Bill "An Act to Provide Additional Protection in Cases of Domestic Abuse" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-254)

(S.P. 277) (L.D. 723) Bill "An Act to Require Counties to Accept Prisoners with Sentences up to One Year in Length and to Provide Assistance to Counties in Developing Community Corrections Programs" Joint Select Committee on Corrections reporting "Ought to Pass" as amended by Committee Amendment "A" (S-255)

Under suspension of the rules, Second Day Consent Calendar notification was given, the Senate Papers



were passed to be engrossed or passed to be engrossed as amended in concurrence.

The following item appearing on Supplement No. 16 was taken up out of order by unanimous consent:

**CONSENT CALENDAR  
First Day**

In accordance with House Rule 49, the following item appeared on the Consent Calendar for the First Day:

(H.P. 1250) (L.D. 1748) Bill "An Act to Amend the Procedure for Approval of the Lincoln County Budget" Committee on State and Local Government reporting "Ought to Pass"

Under suspension of the rules, Second Day Consent Calendar notification was given, the House Paper was passed to be engrossed and sent up for concurrence.

The following items appearing on Supplement No. 17 were taken up out of order by unanimous consent:

**SENATE PAPERS  
Non-Concurrent Matter**

An Act to Prohibit the Sale of Unlawful Drugs in or near Schools (H.P. 816) (L.D. 1144) (C. "A" H-342) which was passed to be enacted in the House on June 8, 1989.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-342) as amended by Senate Amendment "A" (S-257) thereto in non-concurrence.

The House voted to recede and concur.

**Non-Concurrent Matter**

An Act to Increase the Penalties for Repeat Violations of the Prostitution Laws (H.P. 757) (L.D. 1061) (C. "A" H-338) which was passed to be enacted in the House on June 8, 1989.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-338) as amended by Senate Amendment "A" (S-259) thereto in non-concurrence.

The House voted to recede and concur.

**REPORTS OF COMMITTEES**

**Unanimous Ought Not to Pass**

Representative JACQUES from the Committee on Energy and Natural Resources on Bill "An Act to Reclaim Small Ponds" (H.P. 1232) (L.D. 1717) reporting "Ought Not to Pass"

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

The following items appearing on Supplement No. 18 were taken up out of order by unanimous consent:

**CONSENT CALENDAR  
First Day**

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(H.P. 748) (L.D. 1052) Bill "An Act to Amend the Budget to Fund a Position in the Department of Environmental Protection to Review Hydropower Applications" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-505)

(H.P. 815) (L.D. 1127) Bill "An Act to Enhance the Status of Vocational-Technical Education in

Maine" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-507)

(H.P. 878) (L.D. 1221) Resolve, to Assess the Needs of the Equine Industry and to Establish a Commission to Study the Creation of a Statewide Horse Council Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-506)

(H.P. 167) (L.D. 232) Bill "An Act to Grant the Power of Equitable Jurisdiction to the Maine District Court" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-508)

Under suspension of the rules, Second Day Consent Calendar notification was given, the House Papers were passed to be engrossed as amended and sent up for concurrence.

The following item appearing on Supplement No. 19 was taken up out of order by unanimous consent:

**ENACTOR  
Emergency Measure  
Later Today Assigned**

An Act Regarding Confirmation of Nominees to the Adaptive Equipment Loan Program Board (S.P. 650) (L.D. 1745)

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

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and later today assigned.

The following item appearing on Supplement No. 20 was taken up out of order by unanimous consent:

**REPORTS OF COMMITTEES**

**Ought to Pass Pursuant to Joint Order (H.P. 1240)**

Representative NADEAU from the Committee on Housing and Economic Development on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Commit State Support of Affordable Housing (H.P. 1255) (L.D. 1754) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 1240)

Report was read and accepted, the Resolution read once and assigned for second reading later in today's session.

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

(At Ease)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 14 was taken up out of order by unanimous consent:

**PASSED TO BE ENGROSSED  
As Amended**

Bill "An Act to Require Installation of Sewage Pump-out Facilities at Certain Marinas" (S.P. 600) (L.D. 1677) (C. "A" S-243)

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

On motion of Representative Michaud of East Millinocket, the House reconsidered its action whereby Committee Amendment "A" (S-243) was adopted.

The same Representative offered House Amendment "A" (H-511) to Committee Amendment "A" (S-243) and moved its adoption.

House Amendment "A" (H-511) to Committee Amendment "A" (S-243) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

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

The following items appearing on Supplement No. 21 were taken up out of order by unanimous consent:

**CONSENT CALENDAR**

**First Day**

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(H.P. 1064) (L.D. 1486) Bill "An Act Increasing Indebtedness of Berwick Sewer District" (EMERGENCY) Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-509)

(H.P. 866) (L.D. 1205) Bill "An Act to Create a Minimum Lot Size for Mobile Home Parks Not Located on Public Water and Sewer Lines" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-510)

Under suspension of the rules, Second Day Consent Calendar notification was given, the House Papers were passed to be engrossed as amended and sent up for concurrence.

The Chair laid before the House the following matter: An Act Regarding Confirmation of Nominees to the Adaptive Equipment Loan Program Board (S.P. 650) (L.D. 1745) (Emergency) which was tabled earlier in the day and later today assigned pending passage to be enacted.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 104 having voted in the favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

(Off Record Remarks)

On motion of Representative Strout of Corinth. Adjourned until Wednesday, June 14, 1989, at eight-thirty in the morning.

STATE OF MAINE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
FIRST REGULAR SESSION  
JOURNAL OF THE SENATE

In Senate Chamber

Tuesday

June 13, 1989

Senate called to Order by the President.

Prayer by Pastor Ronald Patnaude, Jr. of the United Baptist Church in Clifton.

PASTOR PATNAUDE: Good morning. Let us bow our heads together in prayer. Father, we just ask right now that You would temper us with Your wisdom, that You would guide and direct us as You see fit to guide and direct. And, that You would allow us a simple prayer that goes, "O my God, through Jesus' heart we give to You this day. We offer up to You our thoughts, our words, our work, our play, our little acts to prayers we say. God bless them all and bless us too, and let us often think of You this whole day through." Amen.

Reading of the Journal of Yesterday.

**PAPERS FROM THE HOUSE**

Non-concurrent Matter

Bill "An Act Regarding the Maine Vocational-Technical Institute System"

H.P. 660 L.D. 902

RECALLED from the Legislative Files pursuant to Joint Order H.P. 1245, in concurrence.

Comes from the House with the Bill and Accompanying Papers RECOMMITTED to the Committee on EDUCATION in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

**COMMUNICATIONS**

The Following Communication:  
COMMITTEE ON BANKING AND INSURANCE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
June 12, 1989

The Honorable Charles P. Pray  
President of the Senate of Maine  
State House  
Augusta, Maine 04333

Dear Mr. President:  
In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on Banking and Insurance has had under consideration the nomination of Donald DeMatteis of Litchfield, for reappointment as the Superintendent of the Maine Bureau of Banking.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS:	Senators	3
	Representatives	10
NAYS:		0
ABSENT:		0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Donald DeMatteis of Litchfield, for reappointment as the Superintendent of the Maine Bureau of Banking be confirmed.

Sincerely,