

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

One Hundred And Fourteenth Legislature

OF THE

State Of Maine

VOLUME III

FIRST REGULAR SESSION
June 15, 1989 to July 1, 1989
Index

**ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
84th Legislative Day
Thursday, June 15, 1989**

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

Prayer by Father John Bellefontaine, Sacred Heart Church, Hallowell.

The Journal of Wednesday, June 14, 1989, was read and approved.

PAPER FROM THE SENATE

The following Communication:

Maine State Senate
Augusta, Maine 04333

June 14, 1989
Honorable Edwin H. Pert
Clerk of the House
State House Station 2
Augusta, Maine 04333
Dear Clerk Pert:

Please be advised that the Senate today Insisted to its former action whereby it accepted the Minority Ought Not To Pass Report on the Bill "An Act Concerning Compensation for Sunday Employment" (H.P. 1040) (L.D. 1451).

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

Was read and ordered placed on file.

ORDERS

On motion of Representative LOOK of Jonesboro. the following Joint Resolution: (H.P. 1256) (Cosponsors: Senator RANDALL of Washington, Senator LUDWIG of Aroostook, Representative CONSTANTINE of Bar Harbor, Representative TAMMARO of Baileyville, Representative MOHOLLAND of Princeton, Representative FARREN of Cherryfield, Representative TOWNSEND of Eastport)

JOINT RESOLUTION COMMEMORATING THE 200TH ANNIVERSARY OF WASHINGTON COUNTY

Whereas, the most easterly county in these United States, Maine's Washington County, is the home of crystalline lakes, granite mountains, great expanses of beautiful forest and a spectacular and craggy "bold coast"; and

Whereas, this proud region has been home to generations of hardy citizens who have made a resourceful living by carefully stewarding their limited material resources while industriously harvesting and utilizing the abundant bounty of the county's fields, forests, rivers and seacoast; and

Whereas, the "Sunrise County, USA" has historic significance, as it was originally a part of York County, was then part of Lincoln County and was separately set off and incorporated by the General Court of the Commonwealth of Massachusetts on June 25, 1789, and as the first naval battle of the Revolutionary War was fought off Machias on June 11, 1775; and

Whereas, the rugged beauty of this region, from Quoddy Head Light, to Cobscook Bay, to Deblois' blueberry barrens, to Cutler's majestic fiord-like bays, to Grand Lake Stream has been preserved for the enjoyment of visitors from throughout this State and around the world; and

Whereas, down east Maine, and the people who inhabit it, have captured our nation's imagination, and epitomize the self-reliance and independence of all Mainers; now, therefore, be it

Resolved: That We, the Members of the One Hundred and Fourteenth Legislature, now assembled in the First Regular Session, take this occasion to recognize the Bicentennial Anniversary of Washington County, to commend the inhabitants and officials of this county for the success which they have achieved together for two centuries, and to extend to each our sincere hopes and best wishes for continued achievement over the next 200 years; and be it further

Resolved: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the citizens and officials of this proud region in honor of the occasion.

Was read.

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

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: I am pleased to bring before you this morning a Resolution and urge your support for it.

On June the 25th, Washington County will be 200 years old and this Resolution says:

"Whereas, the most easterly county in these United States, Maine's Washington County, is the home of crystalline lakes, granite mountains, great expanses of beautiful forest and a spectacular and craggy "bold coast"; and

Whereas, this proud region has been home to generations of hardy citizens who have made a resourceful living by carefully stewarding their limited material resources while industriously harvesting and utilizing the abundant bounty of the county's fields, forests, rivers and seacoast; and

Whereas, the "Sunrise County, USA" has historic significance, as it was originally a part of York County, was then part of Lincoln County and was separately set off and incorporated by the General Court of the Commonwealth of Massachusetts on June 25, 1789, and as the first naval battle of the Revolutionary War was fought off Machias on June 11, 1775; and

Whereas, the rugged beauty of this region, from Quoddy Head Light, to Cobscook Bay, to Deblois' blueberry barrens, to Cutler's majestic fiord-like bays, to Grand Lake Stream has been preserved for the enjoyment of visitors from throughout this State and around the world; and

Whereas, down east Maine, and the people who inhabit it, have captured our nation's imagination, and epitomize the self-reliance and independence of all Mainers; now, therefore, be it

Resolved: That We, the Members of the One Hundred and Fourteenth Legislature, now assembled in the First Regular Session, take this occasion to recognize the Bicentennial Anniversary of Washington County, to commend the inhabitants and officials of this county for the success which they have achieved together for two centuries, and to extend to each our sincere hopes and best wishes for continued achievement over the next 200 years; and be it further

Resolved: That suitable copies of this Resolution, duly authenticated by the Secretary of State, be transmitted to the citizens and officials of this proud region in honor of the occasion."

Subsequently, the Resolution was adopted and sent up for concurrence.

On motion of Representative KILKELLY of Wiscasset, the following Joint Resolution: (H.P. 1257) (Cosponsors: Representative HOLT of Bath, Representative MAHANY of Easton, Senator CLARK of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35)

JOINT RESOLUTION MEMORIALIZING THE CONGRESS
AND THE PRESIDENT OF THE UNITED STATES
TO CLEARLY EXPRESS OUR NATION'S SUPPORT
FOR THE CHINESE STUDENTS WHO
RISK ALL IN THE CAUSE OF DEMOCRACY

We, your Memorialists, the members of the One Hundred and Fourteenth Legislature of the State of Maine, now assembled in the First Regular Session, most respectfully present and petition the President and the Congress of the United States as follows:

Whereas, We are shocked and grieved by the events which have taken place since June 4, 1989, in Beijing, China; and

Whereas, Our beliefs are rooted in the democratic traditions of the right of dissent, the right of redress of grievances and the right of peaceful assembly; and

Whereas, the people of China have attempted to peacefully present their earnest desire for a democratic society; and

Whereas, the response of the Chinese Government has been one of wanton disregard for human life; now, therefore, be it

Resolved: that We, your Memorialists, respectfully recommend and urge the Congress and the President of the United States to respond with a strong, clear message of support for democracy, freedom and respect for human life; and be it further

Resolved: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H. W. Bush, President of the United States, to the President of the Senate and Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation.

Was read.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker and Colleagues: No one is free when others are oppressed. These words have rung especially true during the past ten days since the massacre in Tiananmen Square. A seed of Democracy is growing in China. The news broadcasts which began weeks ago with pictures of peaceful defiance, a joyous celebration of empowerment, the raising of the Statute of Liberty, touched the spirit of every person. We watched history being made.

On June 4th, the world peered on in horror as thousands of Chinese students died for their cause. As the morning of June 5th dawned, could anyone not believe that China and the world faced a more uncertain future? The desire for self-determination through a Democratic process is inherent in the human spirit. It knows no bounds of color, creed, race, religion or national origin.

Just as we are all different as human beings, we are all the same. The unknown Chinese man who stood in front of five tanks tapped into that collective spirit in strength.

Freedom is not free, our foremothers and forefathers fought for our freedom, whether they were here in the 1700's as settlers and patriots, came later as immigrants or were here earlier as native Americans. We enjoy the right to speak freely, have a free press and assemble as we wish.

Our initial price has been paid, however we must also remember we have responsibilities as free people. First and foremost, our responsibility to speak out against oppression and tyranny and our responsibility to support in whatever way possible

those of our brothers and sisters who are fighting for their freedom.

Today, the news reports that the surface of Tiananmen Square appears nearly normal and at the same time the estimates are 3,000 dead, 1,000 prisoners.

A hospital worker that is widely quoted said, "Tell the United Nations, tell the world what has happened in China, tell them that the Chinese government is killing the Chinese people."

So, it is safe to assume my friends that we have all heard and now it is time for us to go further, to support and nurture the seed of democracy in any way we can. I urge your support of this Resolution.

No one is free when others are oppressed.

Subsequently, the Resolution was adopted and sent up for concurrence.

ENACTOR

Emergency Measure
Later Today Assigned

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

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

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

ENACTOR

Emergency Measure

An Act to Establish a Commission on State Finance (H.P. 1113) (L.D. 1546) (C. "A" H-423)

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

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Webster.

Representative WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I object to enactment of this piece of legislation. I think one of the problems that we will see as a result of this legislation is that the legislature will be imposing itself in the process of government in a way that has traditionally not been appropriate.

The process of forecasting revenues is a very difficult and a very technical one and this bill is perhaps well-intended in an effort to get at forecasting those revenues in an accurate fashion, but it does not provide for bringing in outside consultants or outside professionals who perhaps might lend some benefit to this process. It merely imposes the legislature into that process and therefore I object to its passage.

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 passage to be enacted. This being an emergency measure, a two-thirds vote of all the members elected to the House is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 88

YEA - Adams, Aliberti, Allen, Bell, Brewer, Burke, Carroll, D.; Cathcart, Chonko, Clark, H.;

Clark, M.; Constantine, Cote, Crowley, Daggett, DiPietro, Dutremble, L.; Erwin, P.; Farnsworth, Gould, R. A.; Graham, Gwadosky, Hale, Heeschen, Hickey, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lisnik, Luther, Macomber, Mahany, Manning, Martin, H.; Mayo, McGowan, McHenry, McKeen, McSweeney, Melendy, Michaud, Mitchell, Moholland, Nadeau, G. R.; Nutting, O'Dea, O'Gara, Paradis, J.; Paradis, P.; Paul, Pederson, Pineau, Plourde, Pouliot, Priest, Rand, Richard, Ridley, Rotondi, Ruhlin, Rydell, Sheltra, Simpson, Skoglund, Smith, Stevens, P.; Swazey, Tamaro, Tardy, Townsend, Tracy, Walker.

NAY - Aikman, Anderson, Ault, Bailey, Begley, Buttland, Carroll, J.; Curran, Dellert, Donald, Farren, Foss, Foster, Garland, Greenlaw, Hastings, Hepburn, Hichborn, Higgins, Hutchins, Jackson, Lebowitz, Libby, Look, Lord, MacBride, Marsano, Marsh, McCormick, McPherson, Merrill, Norton, Paradis, E.; Parent, Pendleton, Pines, Reed, Richards, Sherburne, Small, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Telow, Tupper, Webster, M.; Wentworth, Whitcomb.

ABSENT - Anthony, Boutilier, Carter, Cashman, Coles, Conley, Dexter, Dore, Duffy, Farnum, Gurney, Handy, Hanley, Lawrence, Marston, Mills, Murphy, Nadeau, G. G.; Oliver, Rolde, Seavey, The Speaker.
Yes, 79; No, 49; Absent, 22; Vacant, 1; Paired, 0; Excused, 0.

79 having voted in the affirmative, 49 in the negative, with 22 being absent and 1 vacant, the Bill failed of enactment. Sent up for concurrence.

ENACTOR
Emergency Measure
Later Today Assigned

An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Laws (H.P. 1217) (L.D. 1689) (C. "A" H-476)

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.

PASSED TO BE ENACTED
Emergency Measure

An Act to Create the Quantabacook Water District (H.P. 1227) (L.D. 1706) (C. "A" H-454)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR
Emergency Measure
(Indefinitely Postponed)

Resolve, to Establish a Commission to Study Town Supervision of Private Roads (H.P. 950) (L.D. 1318) (H. "A" H-488 to C. "A" H-386)

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

On motion of Representative Joseph of Waterville, L.D. 1318 and all accompanying papers were indefinitely postponed. Sent up for concurrence.

ENACTOR
Later Today Assigned

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

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.

ENACTOR
Later Today Assigned

An Act Regarding the Review of the Workers' Compensation Denials (H.P. 919) (L.D. 1285) (C. "A" H-439)

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

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

ENACTOR
Later Today Assigned

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

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.

ENACTOR
Later Today Assigned

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

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.

ENACTOR
Later Today Assigned

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

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.

PASSED TO BE ENACTED

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

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

An Act to Continue Recodification of the Railroad Laws (H.P. 1073) (L.D. 1495) (C. "A" H-478)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR
Later Today Assigned

An Act to Establish the Bureau of Juvenile Corrections (H.P. 1147) (L.D. 1590) (C. "A" H-496) Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

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

**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 matter of Unfinished Business:

An Act to Increase the Compensation for Part-time Deputy Sheriffs (H.P. 788) (L.D. 1100) (C. "A" H-209) TABLED - June 12, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

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

The Chair laid before the House the second matter 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 13, 1989 (Till Later Today) by Representative GWADOSKY of Fairfield.

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

On motion of Representative Cashman of Old Town, retabled pending his motion to accept the Majority "Ought to Pass" as amended by Committee Amendment "A" Report and later today assigned.

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

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

TABLED - June 13, 1989 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Engrossed.

On motion of Representative from Old Town, Representative Cashman, retabled pending passage to be engrossed and later today assigned.

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

SENATE REPORT - "Ought to Pass" as amended by Committee Amendment "A" (S-251) - Committee on Aging, Retirement and Veterans on Bill "An Act Amending the Law Governing the Maine Committee on Aging" (S.P. 544) (L.D. 1515)

- In Senate, Report read and accepted and Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-251) as amended by Senate Amendment "A" (S-268) thereto.

TABLED - June 14, 1989 (Till Later Today) by Representative MAYO of Thomaston.

PENDING - Acceptance of Committee Report.

On motion of Representative Gwadovsky of Fairfield, retabled pending acceptance of the Committee Report and later today assigned.

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

An Act Amending Various Licensure Laws of Boards and Commissions within the Department of Professional and Financial Regulation (EMERGENCY) (H.P. 225) (L.D. 305) (C. "A" H-404)

TABLED - June 14, 1989 (Till Later Today) by Representative ALLEN of Washington.

PENDING - Passage to be Enacted.

On motion of Representative Allen of Washington, under suspension of the rules, the House reconsidered its action whereby L.D. 305 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-404) was adopted.

The same Representative offered House Amendment "A" (H-535) to Committee Amendment "A" (H-404) 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 sixth item of Unfinished Business:

An Act Relating to Sales Tax Exemptions and Revenues (EMERGENCY) (H.P. 975) (L.D. 1353) (C. "A" H-446)

TABLED - June 14, 1989 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted (Roll Call ordered).

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Cashman.

Representative CASHMAN: Mr. Speaker, Men and Women of the House: When this item came up for enactment yesterday, I was somewhat amused to hear my good friend, Representative Foss, refer to the sunshine of the Appropriations Table process and how this bill should see that light and sunshine. I guess the inference is that the bill was drafted or crafted in the darkness and smoke-filled room of the Taxation Committee. I want the House to know that my fellow moles and I on Taxation go through this exercise every year with tax exemptions and it is not something that is outside the process. It is very much part of the Taxation Committee process. In the long session, we handle 50 or 60 bills every session that deal with tax exemptions, some bills that do away with tax exemptions that are already on the books and some bills that extend tax exemptions to other items that aren't currently tax exempt.

The Taxation Committee usually weeds through these bills, one at a time, deciding which ones we feel are deserving or necessary tax exemptions and which ones should be eliminated. In this particular bill, there are ten or twelve provisions - again that is not unusual. The one provision in this bill that raises revenue is the doing away with the sales tax exemption on video rentals. The Taxation Committee feels that where we are taxing cable television services, that leaving a tax exemption on the luxury item like movie rentals, was not

appropriate. Therefore, we voted it out that we should tax these items. In that same package, we included a number of exemptions that the Taxation Committee, in a bipartisan manner, felt were deserving or were good tax policy.

Again, we have done this every year that I have been on the Taxation Committee, we have sent a package of this type down to the Appropriations Committee. Sometimes it has a positive fiscal note, sometimes a negative fiscal note as you add up the pluses and minuses in the bill.

This particular bill ends up with (I think) a \$4.2 million positive fiscal note. That money has not been spent. That money goes to the Appropriations Committee to the sunshine of their table and Representative Foss or any other Representative on that Committee can use that money for anything that they deem appropriate, including property tax relief. I was encouraged yesterday to hear the Representative endorse using this \$4 million for property tax relief. I think that would be appropriate.

This is an emergency bill and it needs a two-thirds vote for enactment. If we are going to have trouble receiving a two-thirds vote, we should take off the emergency measure. I would be prepared to do that but I want the House to know that the only reason it is on there is to get the sales tax exemption for the Boy Scouts and the Girl Scouts enacted before summer. If that is going to be a problem with some people, we can take that off.

I hope this House will support this bill because I think it is a very deserving bill.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the comments of the good Representative from Old Town but, as I stated yesterday, the issue before us is not the merits or demerits of the tax exemption but my problem is with the new tax on videos and video equipment.

The federal government and local governments are trying to trim their spending levels. The citizens of Maine are clearly cutting their spending, as we all know. That was indicated by the reduction in sales tax revenues. It seems a bit greedy for us to impose a new tax so that state government can increase its spending.

As I mentioned last week, state spending increased more than 90 percent between 1982 and 1988. This body, this session, has ratified a Part I budget for the next biennium that includes over \$500 million new dollars, over half a billion new dollars and I am wondering if enough is never enough.

I urge you to put special interests aside and vote for the ordinary citizen whose only weekly entertainment may be renting a video. I urge you to vote against a new tax.

I would also like to put in the Record that, if someone is willing and can get the votes to back this up in the process, I would support an amendment that strips the new video sales tax from this bill. Then the sales tax exemption could stand in the sunshine on their own merits, and if passed, compete for funding with all the other proposals before this body.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Jackson.

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I guess I am one of those moles that sits down there in the Taxation Committee and we don't see the light of day or the legislation doesn't see the light of day. But, the gentleman from Old Town is absolutely correct, this was a

well-crafted bipartisan report from the Taxation Committee. There were two members from the minority party and two members from the majority party which reviewed all the exemptions that we had been presented with and selected these exemptions that are in this proposal to be funded. Recognizing the financial constraints of the Part I and the Supplemental Budget, we knew that we didn't have the funds to fund these worthy exemptions.

I don't know if the members of this body have had an opportunity to look at what we are providing the organizations and small businesses. I will just list a few: the trade-in equipment on mobile equipment -- that is extremely important to the construction industry and some of the other smaller businesses in this state. They don't have that luxury today, they have a percentage trade-in credit. We extended sales tax exemptions or credit to airplanes, boats and things of that nature. We don't do it to an industry that provides jobs in this state. This is consistent tax policy, it is good tax policy. It is policy which creates jobs and, when you create jobs, you create revenue for state government.

Aquaculture, agriculture -- we provide sales tax exemptions for equipment parts, things of that nature, for repairs to certain segments of our business community throughout the state. We don't extend that same preferential treatment to the backbone -- the backbone of the businesses that were started in this state when it was founded, agriculture and fishing. This bill provides for that.

The Scouts -- previous legislation in previous legislatures have exempted the Y's. I think we overlooked probably one of the most important organizations in this state in previous legislatures and those are the contributions that the boy and girl Scouts make to the youngsters in this state.

Recognizing that we didn't feel that we had the adequate revenues to fund these exemptions, we sought to correct what I felt was an inequity in the sales tax exemption law and that was letting the video businesses go scot-free from the sales tax.

Back in 1984 and 1985, this body passed a sales tax on extended services of cable vision, that is HBO, Cinemax, things of that nature, to fund a portion of the University of Maine budget.

It seems that it should be fair and equitable that we extend this same sales tax to these items. I believe when we dealt with the extended services on cable vision that this legislature didn't (and I certainly didn't) realize the potential that existed out there with the videos. Folks, this is purely discretionary income. I know that it has been said about the poor Joe on the street corner that it is the only entertainment that he has, he goes down to the video store and rents one or two movies for the weekend and it costs him \$6 to rent. All we are asking that gentleman to do or lady or whoever the case may be is to pay an additional 15 cents or 30 cents or whatever the rate is. I know that a video rental ranges anywhere from \$1.99 or \$.99 on a special to \$2.99 or \$2.95 or \$3.00. This makes sense folks.

I just hope that when you vote this morning, you would vote to pass this.

The SPEAKER: The Chair recognizes the Representative from Kingfield, Representative Dexter.

Representative DEXTER: Mr. Speaker, Men and Women of the House: This Christmas tree has a package under it with my name on it. Thirteen years I have been waiting. It also has a few other names. I stand here and I am just as frustrated today as a Rhode Island red rooster outside the fence with a yard full of hens. I think it is about time that we

recognized that we are not talking about an exemption. I take umbrage at that phrase. I have never in 13 years here asked for an exemption. If anybody here can prove that I have, I will eat my words. All we are asking for is pure and simple justice. Thirteen years ago, I thought I had this done (the Speaker will remember, he thought so too), for 13 years, I have had to fight injustice. We are almost there folks, almost there. That little package under the tree, once again, has my name on it and the good gentleman from Eliot, Representative McPherson's. I hope you will go along with it.

The SPEAKER: The Chair recognizes the Representative from Washington, Representative Allen.

Representative ALLEN: Mr. Speaker, Men and Women of the House: I rise this morning as the prime sponsor of the original piece of legislation, L.D. 1353, that removed the sales tax exemption from video tapes. I wanted to assure this House and the Representative from Yarmouth that this was not a plot that I hatched to enhance state spending but in fact it came to me as an idea from constituents. Like many of you who travel the district and talk to constituents about their concerns and about state government, about state spending, one of the issues and one of the ideas that came to me as a result of those travels was the idea that video tapes should be taxed. It was a luxury and it wasn't something that people actually needed. Certainly we enjoyed them but they were an appropriate means of enhancing state revenues.

In the course of putting together the bill, I did some research with regards to what this might cost the average Maine citizen. I would point out to you that I live in a rural district and many of the stores that are renting videos are small stores and are actually leasing the videos from larger concerns. So, in my research I called several large chains, supermarket type chains that also rent videos. I called stores that just were in the video business per se, that is all they did was rent or sell videos, then I called small markets, one particular in my district, to find out what the cost of an average rental might be. In doing that, I found that if a person were to rent a video, the most they might be paying on a single video rental would range anywhere from five cents to 13 cents. That didn't seem like an exorbitant amount of money to me when you put that in perspective what they are paying in sales tax (for instance) on necessity items such as soap, detergent or clothing. So, lest you be confused and lest you think that this was some ill-founded plot to raise state revenues, the idea actually came from constituents who thought that this was an appropriate mechanism.

I am delighted that the Taxation Committee was able to take this revenue enhancer and attach to it certain exemptions that would benefit either the Scouts or some other hardworking people in this state.

I would urge you to vote for enactment of this legislation.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Jacques.

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

This question is directed to either Representative Foss of Yarmouth or anyone who may care to answer.

I have always been a little confused by the fact that my constituents would have to pay sales tax on toilet paper and soap and toothpaste, things that I consider a little more than a luxury in today's world, and what justification is there that my

constituents should still have to pay sales tax on such items and that a VCR tape would be exempted?

The SPEAKER: Representative Jacques of Waterville has posed a question through the Chair to Representative Foss of Yarmouth or any member who may respond if they so desire.

The Chair recognizes the Representative from Yarmouth, Representative Foss.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I think there is a difference -- ownership. This is a tax on a service, on a rental.

In a comment to a prior speaker, I have yet to meet a constituent who has asked me for a new tax to be imposed on him or her.

With all the discussion of the value of the exemptions and with many of the arguments, I do not disagree, but I want you to remember that, if we pass a new video tax, we will be taking \$6.2 million out of the pockets of the ordinary citizen who unlike the special interests has no one working in the halls for him or her. I urge you to reject this new tax.

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

Representative DIPIETRO: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to give you a little history on this particular bill before you vote on it. When this bill came to the Taxation Committee, it came to us with not just a charge on video games and video movies, it also came on basic cable TV. In our wisdom, we thought we would not charge a sales tax on basic TV because we thought that there were too many senior citizens and too many average people, as I hear the comment (citizens) in our communities. So, we decided that the thing for us to do was not to put a sales tax on basic TV but if people who want HBO, Cinemax and New England Sports channels, if they are willing to buy those at a tremendous amount of money, more than basic TV, I think that they can afford when they go out and rent those two movies on the weekend or whenever, 15 cents isn't going to hurt them. I just thought I would throw that out for a little information.

The SPEAKER: The Chair recognizes the Representative from Palmyra, Representative Tardy.

Representative TARDY: Mr. Speaker, Men and Women of the House: I wouldn't worry too much about taking a full \$6.2 million out of the pockets of the taxpayers of the State of Maine because, while these young men and women involved in scouting organizations are at their renovated summer camps this summer working on merit badges and horsemanship and life saving and public service, they are not going to be paying the tax on videos because they are not going to be renting Conan, Dirty Harry and Rambo III.

The SPEAKER: A roll call has been ordered. The pending question before the House is passage to be enacted.

The Chair recognizes the Representative from Sanford, Representative Hale.

Representative HALE: Mr. Speaker, pursuant to House Rule 7, I would like to pair my vote with Representative Dore of Auburn. If she were here, she would be voting yea; I would be voting nay.

The SPEAKER: The pending question before the House is passage to be enacted. This being an emergency measure, a two-thirds vote of all the members elected is necessary. Those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 89

YE A - Adams, Aliberti, Allen, Anderson, Anthony, Bailey, Bell, Brewer, Burke, Carroll, D.; Carroll,

J.: Carter, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Curran, Daggett, Dexter, DiPietro, Donald, Dutremble, L.; Erwin, P.: Farnsworth, Farren, Graham, Gurney, Gwadosky, Handy, Hastings, Heeschen, Hichborn, Hickey, Hoglund, Holt, Hussey, Hutchins, Jackson, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lawrence, Libby, Lisnik, Look, Lord, Luther, MacBride, Macomber, Mahany, Manning, Marsh, Martin, H.; Mayo, McCormick, McGowan, McHenry, McKeen, McPherson, McSweeney, Melendy, Merrill, Michaud, Mills, Mitchell, Moholland, Nadeau, G. R.; Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Paul, Pederson, Pendleton, Pineau, Pines, Plourde, Pouliot, Priest, Rand, Richard, Ridley, Rolde, Rotondi, Rydell, Sheltra, Sherburne, Simpson, Skoglund, Smith, Stevens, A.; Stevens, P.; Strout, B.; Strout, D.; Swazey, Tammaro, Tardy, Telow, Townsend, Walker, Wentworth, Whitcomb, The Speaker.

NAY - Aikman, Ault, Begley, Butland, Dellert, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Hanley, Hepburn, Lebowitz, Marsano, Marston, Reed, Richards, Small, Stevenson, Tracy, Tupper, Webster, M..

ABSENT - Boutilier, Duffy, Farnum, Higgins, Murphy, Nadeau, G. G.; Ruhlin, Seavey.

PAIRED - Dore, Hale.

Yes, 118; No, 22; Absent, 8; Vacant, 1; Paired, 2; Excused, 0.

118 having voted in the affirmative, 22 in the negative, with 8 being absent, 2 having paired and 1 vacant, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

An Act to Amend the Laws Relating to Small Claims (H.P. 1007) (L.D. 1405) (C. "A" H-396)

TABLED - June 14, 1989 (Till Later Today) by Representative MAYO of Thomaston.

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 eighth item of Unfinished Business:

An Act to Revise the Communicable Disease Law (H.P. 1122) (L.D. 1554) (C. "A" H-408)

TABLED - June 14, 1989 (Till Later Today) by Representative MANNING of Portland.

PENDING - Passage to be Enacted.

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

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

An Act to Increase the Motor Vehicle Inspection Fees (H.P. 49) (L.D. 70) (C. "A" H-470)

TABLED - June 14, 1989 (Till Later Today) by Representative MAYO of Thomaston.

PENDING - Passage to be Enacted.

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

TABLED AND TODAY ASSIGNED

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

Bill "An Act Concerning the Maine Railroad Excise Tax" (S.P. 235) (L.D. 565) (C. "A" S-277)

TABLED - June 14, 1989 by Representative CASHMAN of Old Town.

PENDING - Passage to be Engrossed.

On motion of Representative Cashman of Old Town, retabled pending passage to be engrossed and later today assigned.

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

An Act Creating the St. Francis Water District (H.P. 1200) (L.D. 1667) (C. "A" H-456)

TABLED - June 14, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Clark of Millinocket, under suspension of the rules, the House reconsidered its action whereby L.D. 1667 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-538) and moved its adoption.

House Amendment "A" (H-538) was read by the Clerk and adopted.

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

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

An Act to Amend the Procedure for Approval of the Lincoln County Budget (H.P. 1250) (L.D. 1748)

TABLED - June 14, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

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

At this point, the Speaker appointed Representative Michaud of East Millinocket to act as Speaker pro tem.

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

BILL HELD

Bill "An Act to Amend the Nonresident Clam Digging Laws" (H.P. 620) (L.D. 843)

- In House, Report "A" "Ought Not to Pass" Report of the Committee on Marine Resources read and accepted.

HELD at the Request of Representative HIGGINS of Scarborough.

On motion of Representative Higgins of Scarborough, the House reconsidered its action whereby the Majority "Ought Not to Pass" Report was accepted.

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

Representative MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: This is our annual clam bill. I would hope that there would be a session of the legislature where we don't have to debate a clam bill up here but it seems to come as sure as the tide seems to rise and fall. We can accept the motion today and end this whole issue right here and now. I hope you will do that.

This bill addresses two essential issues, the first issue is local control and the second issue is fairness.

As far as the first issue of local control goes, I don't think that there is any doubt in anyone's mind that this takes local control away from two towns on the coast that have enacted shellfish ordinances. Those are the towns of Brunswick and Cutler. I don't see how anyone can read this bill and come to the conclusion that it reduces local control.

The second issue that this bill deals with is fairness. Fairness is generally open to interpretation. The bill says that when issuing non-resident commercial clam digging licenses, they have to be issued on a first-come, first-serve basis. That method of issuing licenses is assumed to be fairer than other ways of issuing licenses -- like ways of issuing licenses as has been done in the Town of Brunswick and Cutler where they are issued by lottery.

My town of Freeport issued its five non-resident clamming licenses this year on a first-come, first-serve basis and there were five people who went to the parking lot, parked their car there and they put a number on their windshield, Number 1, 2, 3, 4, and 5 in the order that they arrived there. These licenses are fairly valuable. They were there ten or twelve days before the licenses were issued.

I wonder what would happen if on April 1st at eight o'clock when the town hall opens and the licenses were going to be issued, someone came and came into the front of the line or came in at seven-thirty and was standing at the town hall door and got to the town clerk's counter first and said, I am here first and I need a license -- because the town doesn't regulate what people do out in the parking lot.

Last year, my particular town was sued. We issued five licenses in 1988, there were six people there, one person thought he should be entitled to his license, he didn't get it and he thought he was treated very unfairly and he sued the town.

So, I think it is really difficult to say that a lottery is unfair and waiting in line is fair. If you go into a lottery, it is scheduled for a certain time in the afternoon of a certain day or the morning, everyone gets there, they don't have to wait in line for days and days and you can sit down and you can take these valuable licenses and issue them to whoever wants them. The clam digger will not have to spend a lot of time waiting in line.

We had another clam bill in front of our committee that was sponsored by Representative Allen. It was a clam bill that would have repealed all the municipal licenses. One of the proponents of that clam bill testified before the committee and when he was through testifying, I asked him whether he had any non-resident licenses and he said he didn't have any non-resident licenses because he is a clam digger and he has to spend his time digging clams and he can't take the last two weeks of March off to sit in the parking lot of a town like Freeport waiting for the line to open up. He wanted to earn a living and he didn't have time to wait in line to get a clam digging license.

In the Town of Brunswick, the first town to enact a shellfish lottery ordinance, the ordinance was enacted because there was confusion with the first-come, first-serve distribution of licenses. There was a lot of confusion in the line one year, two lines formed, they got mixed up, the town clerk couldn't figure out who was there first. No one knew who was there first. The people who wanted the

licenses were in great conflict so the Town of Brunswick decided that the lottery option was the better option for them and they enacted it and the Bill today would repeal their ordinance and declare it null and void and say that they had to go back to the first-come, first-serve procedure for issuing their licenses.

In summary, this bill does two things, it reduces local control and it attempts to be fair, but what's fair is open to a lot of interpretation.

I would ask the members of the House to accept the Majority "Ought Not to Pass" Report and put this issue to rest today.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Washington, Representative Allen.

Representative ALLEN: Mr. Speaker, Men and Women of the House: I rise this morning as the cosponsor of the legislation that is before you and I urge you to vote against the Majority "Ought Not to Pass" Report and I would like to explain why.

Representative Mitchell from Freeport has mentioned that this is a bill that is perennial or this discussion is perennially before the legislature. That might be correct to say that it is perennial. At least as long as I have been here, it has been before you and probably in the years past.

The reason that I have persistently raised this issue before the legislature (and this isn't exactly the issue we discussed in the past) is because of the way that the state has abdicated its responsibility in managing a state resource. It is a lot more expedient and a lot less expensive for the state to abdicate its role in managing a state resource. In this case, it happens to be clams. They have abdicated that responsibility and given that responsibility for management to the local communities. So, when the Representative from Freeport argues that we are somehow taking away local control over this issue, we really are not. We are really assuming back some of the control that we have given over in the past.

The difficulty that has arisen in giving this control over to the local communities -- on one hand, it is very good, it is a good idea, people are interested in a resource that is contained within its town. The drawbacks to this is for people who don't live in those coastal communities.

I happen to represent a district that borders coastal communities. Many of the people that I currently represent grew up or their families were raised in these coastal communities and because of the rising cost of property along the coast, many of them have been forced to move from those coastal communities, inland. But even though they have moved physically inland and they are now raising their families in these inland communities, their hearts lie in the sea. Many of them are lobster fishermen or crab fishermen or whatever and many of them are clam diggers.

If any of you have ever clammed, whether it be commercially or for recreation, you know that clamming is a very, very difficult occupation. You have to adjust your timing to the rising and the fall of the tide. So, the people who now live inland and clam on the coast to earn a living are very dedicated to their profession and they love what they do and they very much want to be a part of that.

The problem that the municipal ordinances have caused for those people is they are now considered non-residents, people from away, and they are treated quite differently from the people that reside in those coastal communities. They are only entitled to ten percent of all the local licenses that are given out. They have to pay \$150 for those licenses

opposed to the lower prices that are charged to the residents of that community.

Now what has become even more unfair is the fact that they are subjected (in some towns and potentially to even more towns) to a lottery system, a lottery system that says to them, you may or may not be able to earn a living. To me, that is fundamentally unfair. If you were doing it for recreational purposes, I could understand that. A lottery for recreational hunting has been an accepted practice in this state and it is not one that many of us object to. But when you are talking about people earning their living and have to be subjected to the luck of the draw is absolutely unacceptable.

I will take my fairness argument one step further. This lottery situation does not exist for residents of those communities. So, while you might have to subject yourself to a lottery as a non-resident of (say) Brunswick because they happen to have that lottery system, the residents are not subjected to that, they are treated on a first-come, first-serve basis. So what the towns have now done or could potentially do is treat residents in one way, first-come, first-serve, and non-residents (you may or may not get one) you are subject to a lottery. I don't think that is fair. If we want to say a lottery is good enough for non-residents, i.e. my constituents and most of yours, any constituent that doesn't live along the coast is considered a non-resident, or if you live in a coastal community such as Waldoboro and you want to clam in Freeport or Brunswick, then you are treated as a non-resident of that particular community.

The entire system has what I believe fundamental flaws and hence I have yearly subjected the Marine Resources Committee to some of my ideas of trying to address them. This one is a very minor, minor (in my opinion) step toward making this system much more fair.

While it is a minor step in the scheme of things, to the people I represent and to the people that most of you represent, it is a major step. It is absolutely fair, it is absolutely necessary, and I urge this House to reject the "Ought Not to Pass" so that we can accept the "Ought to Pass" Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Wells, Representative Wentworth.

Representative WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: Perhaps the people are forgetting that the one reason the towns have local control in certain areas is because they are spending a great deal of their taxpayer's money to preserve the flats, to seed them and take care of them. That is why they have been allowed to keep it to residents, plus a small portion.

My town right now would be doing a \$2 million business in clams if the DEP had not prohibited my harbor being dredged. Therefore, all the money that went into it, I guess, was wasted.

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

Representative HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: The Representative from Washington, Representative Allen, is a tough act to follow. I was the sponsor of the bill and unfortunately or fortunately (I guess) from my standpoint, she said about everything that could possibly be said about the issue.

I do want to simply make mention of the fact that most of the people who are opposed to this bill -- if you look at the districts that they represent -- they simply represent areas of the state who want to

institute a lottery or have already instituted a lottery.

The Representative from Freeport, Representative Mitchell -- it is no secret that his town is in the process now of instituting a lottery and, while they speak of fairness, I would like to ask you if you think it would be fair that your livelihood depended on a lottery? We are not talking about a moose hunt, we are not talking about recreation, we are not talking about going to a concert at the Civic Center, we are talking about someone making their livelihood. To subject them to a lottery is just absolutely unfair.

I know they say that it has become inconvenient in some areas to have people waiting. Well, I am sorry that it is inconvenient but I don't know any other way of doing it. I can't believe that these people would wait six, eight, ten days in line to get a license, to break their backs, but, if that is what they want to do, then I am willing to let them do it because they don't want to be subjected to a lottery.

I am asking you today to reject the motion in front of you because I would like to offer an amendment to the Minority Report of the Bill which removes everything in the bill itself. I can't talk about that because it is against the rules, but the amendment is on your desks and I would like you to think about it.

I am one who is also very, very concerned about local control. I served as a municipal official (as a town counselor) for five years and I know what it is like to have the legislature or anyone else tell you what is going to happen.

It is true that the original bill says that they shall be issued on a first-come, first-serve basis. I know that that flies in the face of local control. But, the locals have some responsibility here, I believe, in issuing their licenses fairly. The state sets up guidelines whereby if local officials are going to operate, maintain their own ordinances, the state tells them already that you have to give at least ten percent of their licenses to non-residents. I want to underline the word non-residents, it is not someone from away but someone from a town that's not your own. Because some towns when they adopted their local planning ordinances were excluding non-residents, they were only giving the licenses to residents -- it says that you cannot charge more than (I think) \$150 for a license. So, the state already sets up guidelines on how and where the licenses are going to be issued. I think it is really only fair to talk about someone's livelihood.

Talk about inconvenience -- I don't think anyone here would want to have their election to this body based on a lottery because that is surely inconvenient to local municipal officials and town clerks. We want our election based on hard work, door-to-door, whatever. The clam diggers are saying the same thing. They want getting that license based on hard work, i.e., standing in line for five, six or eight days or whatever it takes to get that license. It is so important to them that they have it, otherwise they can't make a living.

There were some members of the committee who were saying, well, if they can't make a living, they ought to sell real estate or something. That is a pretty callous approach. I think we have some responsibility to provide an effective mechanism for these people to obtain licenses.

The three fears that they have is, first of all, that this will continue up and down the coast and if it does, there are going to be a lot more districts in here than the three or four who are affected by

this. If it spreads up and down the coast, a lot of your people are going to be pretty upset who are currently being able to get a license but if they later on decide that they are going to do it with a lottery, you may be getting some calls too.

Their second fear that if you adopt a lottery system, the resident diggers or anybody for that matter, presumably the resident diggers would be able to enlist their friends and relatives from away to put their names into the lottery under the pretense that they are going to dig clams, but won't, thereby leaving more clams in the ground so that the resident diggers can dig their clams.

The third fear, obviously, is that they will lose in the lottery and they will be out of work. It is not like these people are going to be able to go out and become college professors the next day. They want to make a living doing hard work and I think for towns to just say, well, it is more convenient or less bothersome so we are going to institute a lottery.

Brunswick has been brought up as a case in point where they have had some problems when towards the end were issuing licenses on a first-come, first-serve basis — the reason they had a problem in Brunswick as I understand it is, they had had people who had waited in line days on end and, at the very last minute, someone (no one knows who, I guess) opened another door into the back early in the morning and someone came in the other way and became first in line. That is understandable why they would have been rowdy. If I had waited in line for days and I went in and there was someone there who I had never seen before, I would have been pretty rowdy too. That seems to me to be the fault of the Brunswick people in how they operated their situation in lines. That is not the clam diggers' fault.

This year, the people in Freeport waited in line for eight or nine days and as far as I know, they had no problem whatsoever. Those people know, just like you know — I went down and waited in line last year for Red Sox tickets for the World Series (which didn't materialize, as we all know) and people waited in line for days for those tickets and I'll tell you, if you try to get in front of somebody in that line, there is no way, pal, that they would let you. So these people know who is in line and who is not and if they are rowdy, then they have to be spoken to, given a warning and hauled away just like anybody who would be rowdy in any other public place. I don't think that is the case, I think it is a smoke screen.

I would hope that you would vote against the pending motion, give the bill its first reading, I will offer an amendment and if you don't like that amendment, then we can talk about that then. I think that would address a lot of these issues of local control and fairness. I am happy with the way the bill is now but I am willing to compromise to some extent because I am concerned about local control.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brunswick, Representative Rydell.

Representative RYDELL: Mr. Speaker, Men and Women of the House: I do represent the coastline area of Brunswick and I have been involved in this issue ever since I have been in this body. I am concerned about this bill for several reasons. The removal of local control is a very, very important reason and it is important because this bill, in no way, removes the local control for the conservation or the preservation of those clam flats. It is because of the richness of clam flats in certain areas, that is why people want non-resident licenses in those areas. If it weren't profitable to dig in those areas, they wouldn't want the non-resident

license. It is profitable because of the time, the effort and the tax dollars of residents of those areas that are put into making sure that those clam flats continue to be very rich and very profitable. That is the situation in Brunswick and the situation in certain other areas of our state.

To take away from the town the responsibility for preserving the richness and to add state dollars to that is one thing but this bill does not do that. This bill will still require the towns to take care of those flats, to put your tax dollars, if you live in another rich area in the state, for clam flats but it would say that when it comes to non-resident licenses, we would lose that local control. We only have 8 or 9 non-resident licenses in Brunswick and there are many more than eight people who would like to acquire those non-resident licenses.

A lottery system, I believe, is perhaps not the only fair way but at least a way of ensuring that all those commercial diggers and it is a lottery for the holders of a commercial license, not just for anybody's friends or relatives from anywhere in the state who would happen to want to put their name in to try to stack the lottery process, but to take that away from the town the ability to determine that that is what they consider to be the fairest way, I think, is not fair. We had a great deal of discussion in our town. Our Marine Resources Committee, our Marine Resources wardens, spent many, many days and hours studying this issue, looking at different possibilities and arriving at the conclusion they arrived at. Some other towns may arrive at a different conclusion but I think we have to look at the situation of each town, at the way their flats are controlled entirely, at the number of non-resident licenses they have, at the number of resident licenses they have and the way in which they feel in that town would be most equitable, most fair, and most in the way of being right for preserving their particular flats.

We don't allow overnight parking in our town parking lots, we don't have our town office open all night — lining up days in advance means that you have to give up everything else you would do. Representative Higgins and Representative Allen feel that if people want that license badly enough, they will give up everything else for 10, 12, or 14 days in advance. But what if your child happens to get sick and you have to leave — you have been there for 8 days, the giving out of the licenses is the next day but your child happens to have a high temperature, you have stood there, sat there, and slept there for 8 days and you lose it because you happen to have a sick child? Is that any different from being a number in a lottery and not having your number drawn that particular year? Isn't it fair to not ask you to give up your livelihood for all those days in advance? There are a lot of things that could happen that might take a person away after having been there for many hours and many days. Perhaps the first person who was there might have to leave at the last minute because of something else that happened.

What we are saying is that people will not have to give up their livelihood, people will be able to get on with their lives in a regular fashion except for the time of the lottery and that all those persons who have commercial licenses and who wish to participate in the lottery will have an opportunity to do so. A lottery may not be the choice for other towns, it may be choice of Brunswick, it may be the choice for two or three other towns. We may decide in two or three years that the lottery isn't the best mechanism, we may decide that we want another

mechanism. We have a Marine Resources Committee, we have a Marine Resources warden, we have interested, involved citizens in our town and we are constantly (constantly, I remind you) taking a look at our resource and of the best way of preserving that resource and making it available for those persons who earn their living from it in a fair and equitable manner. It may not be perfect with local control but I think it is the right way to go so long as we expect that it is the local dollars the local people who are going to have the responsibility for making sure that there are clams to be dug.

I would urge this body to vote for the "Ought Not to Pass" motion of the majority of the Committee because I do believe that that allows us to take the best care of our resource and to allow the towns to determine what is the fairest manner of allocating that resource for those persons who earn their living from it.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: A lottery is fun on Saturday nights so you can have your dreams and a person with a funny accent comes on the radio and TV and tells you about great things are going to be. A lottery is really terrible on Monday mornings when you have to go out and make a living for your family, a livelihood, and have to depend upon that lottery. That is not the way to run the state's business nor is it the way for a person to try to conduct their livelihood within the state. If a lottery is so good, then why is it that this particular bill has been amended so that after the lottery of 1990, no one will have to depend upon that same lottery system to make a livelihood within this state when it comes to digging clams.

I ask you to look at that amendment that is proposed -- they say they will go through 1990 and use the lottery system in those local control towns that so desire but it is so bad that in 1991, those people who got their licenses through the lottery system in 1990, won't have to depend upon the lottery anymore, they will have their licenses as long as they wish to dig and work professionally as long as 50 percent of their livelihood comes from that license. That is the sponsors of the Majority Report, that is their feeling about the lottery, that the lottery is so bad that we cannot depend upon it in the future. That is what I would consider a condemnation of their own legislation.

I ask you today not to put the livelihood of the clam diggers of this state or any other workers of this state -- do not put that upon the dependency of a lottery. Please vote with the "Ought to Pass" Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative PRIEST: Mr. Speaker, Ladies and Gentlemen of the House: The issue as I understand it is whether or not there ought to be a bill at all or whether it ought to be left up to the towns to determine how the clam licenses should be given out. I do not believe that the "Ought Not to Pass" Report encompasses any idea of heredity clamming rights nor do I suggest that it should. It seems to me the question is whether or not the town ought to be told there is one and only one way of giving out non-resident clam licenses or whether that ought to be left to the town itself to determine. It seems to me that to say that standing in line for maybe up to 9 days is a fair method for everyone rather than participating in a lottery is strange credulity.

Questions arise about people standing in line -- can you hire someone to stand in line for you? Can you have your son or daughter stand in line for you? What if you need to eat? What if you have other calls that you have to take care of? What if you have to go to work? Who referees arguments about who got in line first? Does the town clerk referee the arguments, does the town clerk have to guard all the doors to make sure that no one comes through? We are talking about a town hall here, it is not just clambers that are using that town hall but the entire population of the town. Believe me, some of the people were extremely upset when they tried to use the town hall for reasons other than clamming licenses and found that in fact they got jostled. It seems to me that this is an issue which ought to be left up to the town. There is no state policy in this area nor should there be and I would suggest that the bill itself is inappropriate and we should support the "Ought Not to Pass" Report.

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

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: I had no intention of speaking on this but since the issue of the legitimacy of the lottery has been brought up, I would like to advise the members of this House that all the local ordinances as they are written by the town are submitted to the Department of Marine Resources each time and either approved or disapproved. If they are disapproved as written, they are returned to the town for revamping.

I questioned the Marine Resources on this issue if the legitimacy of the lottery system had been investigated by them. The response was, yes it had, it had been reviewed by the Attorney General's Office and the opinion rendered was that it was perfectly legitimate to do so.

So, I say to you on second thought, we do have a moose lottery, we are funding our state on the basis of a moose lottery -- I only offer these suggestions to you for your consideration.

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

Representative HUTCHINS: Mr. Speaker, Ladies and Gentlemen of the House: Representative Higgins and several others in the House are trying to let you know what his amendment does and actually what he is trying to do is have the courtesy afforded him so he can tell you what his amendment does and I would think that that might be appropriate.

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

Representative MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to clear up a couple of things before we vote. First, the Majority Report of the Committee on Marine Resources, 7 members supported the "Ought Not to Pass" Report, 5 members supported the "Ought to Pass" Report without any amendment and 1 member supported Report "C" and that was Representative Marsh and that was the whole issue of the final lottery being in a couple of years and, once you had a license, you could keep that license and that report is the Minority Report of one.

There are two other things that I would like to talk about. One is the livelihood of people, people living and earning their living as clam diggers, especially Representative Allen's contention that people had to move out of coastal communities because of the high cost of living. I was talking to a constituent who was a teacher, he stopped being a teacher because he wanted to be a clam digger and he was telling me that he was upset about his property

taxes which were over \$3,000 a year and they were hard for him to pay. But he said, I am a clam digger and I have to pay them and if I am going to dig clams which I want to do, I am going to have to live in this town because I am a clam digger and that is what you have to do to be a clam digger.

Secondly, I think you have to put the whole industry and the whole clam resource into perspective. The number of clam licenses in almost every town has declined and the number of clams has declined. It has declined for a couple of reasons, some of the reasons we know about, some of the reasons we don't know about. One problem is pollution, there is a lot of pollution on the coast, non-source point pollution that has closed a lot of good clamming beds so people can't dig clams there. Secondly, for some reason that we don't understand, there are not as many clams as there used to be. It may be because of predators, it may be because of water temperatures, it may be for a host of reasons that we don't understand.

In my town, just four years ago, there were 120 clam licenses. Now there are 55. The number of licenses has had to be reduced because the clam resources has declined. Luckily, the value of clams has gone up at the same time so, although 120 people could not earn a living now digging clams, 50 people can because they get more money for their clams. As you have a declining resource, these conflicts that we are addressing today, are virtually inevitable because there will be more people after the resource.

All the people who got non-resident licenses in my town were Representative Higgins' constituents and I understand where they are coming from because Scarborough is subject to a lot of red tide. For some reason, which we do not understand, the flats at the very head of the bay don't get as much red tide as the ones at the mouth of the bay. They want to ensure themselves against this inevitable red tide which comes every summer and closes their flats and they want to continue to work. I understand that. I think if you are going to be a clam digger, you ought to be able to dig clams. Nonetheless, the resource in our area is no safer than the resource in his area. In fact, last year, if my understanding of the current thoughts of the DMR are correct, the brown tide bloom took place off the shores of Cape Elizabeth and blew into the bay and if the wind had been blowing that day about three more degrees out of the west, there wouldn't have been a clam left in Freeport for anyone to dig this year. It was just a matter of chance that it happened to blow in on the shore of Mare Point in Brunswick. Otherwise, it would have been completely wiped out so it is a very fragile resource. These conflicts are inevitable. Managing clams is very, very difficult. To have the state manage clams is like having the state manage all the potato farms in Aroostook County because every field has to be looked at differently and every clam flat has to be looked at differently. There is a different situation everywhere.

It is a public resource and I don't think we want to give it away. The legislature has decided to let the towns regulate it and I think we ought to let the towns regulate it.

I urge you all to support the "Ought Not to Pass" Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make a point of clarification to the House. I noticed that when I sat down, I think I said to you if you would look on your desks you would see an amendment -- that

amendment that I was referring to was the amendment that we discussed in committee. The principle still holds true, that what is not good for next year should not also be good for this year. I think I told you to look up that amendment on your desks and it was in my notes that I was looking at from the discussions. Frankly, it was the discussion that finally tilted me, one way or the other. It went to the fairness doctrine, that if it is not good for next year, why should it be good for this year?

What the discussion was in committee and it is a very hard working committee, I enjoy that committee, it is a very fair committee and I compliment all the members -- they went at this in great depth and what they proposed at one point was that the lottery was bad. We recognized that. Perhaps standing in an unruly line is bad, we recognized that. We have to do something and we should protect the livelihood of people to have the right to earn a living. So why don't we go through local home rule this year albeit a lottery or standing in a line and then those people who have their licenses at the end of 1990 will then go on the basis of the fact that they fully utilize that license. That by itself seems like a reasonable attempt to strike a balance. However, I will point out one point to this House. You must recognize when you do that, the system you are presently using, you are trying to replace and if you have to replace it, that means the system is not working properly, therefore, why do we have to put it in this year?

The rule now as it exists relies upon utilizing a lottery and does not meet the fairness doctrine. I hope you will keep that in mind when you vote.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waldoboro, Representative Begley.

Representative BEGLEY: Mr. Speaker, Men and Women of the House: I strongly support the idea of the bill that it would not be done by lottery and I encourage you to support the motion of Representative Higgins and I ask for a roll call.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Old Orchard Beach, Representative McSweeney.

Representative MCSWEENEY: Mr. Speaker, Ladies and Gentlemen of the House: Representative Higgins represents clam diggers, lobstermen and what have you in our area and I know that this bill will be beneficial to them. I think we should back his bill.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eastport, Representative Townsend.

Representative TOWNSEND: Mr. Speaker, Ladies and Gentlemen of the House: This has been a tough one for me, I represent one of the towns that my good companion, Representative Mitchell mentioned, Cutler. I had two responses from the town of Cutler on this issue, one was from a town official and urged me to keep the lottery in place. The other was from a clam digger and he called me a couple of weeks ago and said, "I don't want out-of-staters coming into my town digging my clams." I said, "What are you talking about out-of-staters?" He said, "Non-resident." I explained to the gentleman that non-resident in this particular issue meant his neighbor in the neighboring town and he was a little bit confused about that. He said, "Well, how is it done now?" I said, "It is a lottery, they pick the names." He said, "Then he could be clamming this year and then next year, he might not be clamming?" I said, "That is exactly right." He said, "What is the alternative?" I said, "Standing in line, which is definitely imperfect, no question about it."

I didn't get up here today to tell you that I have the answer to this problem because I do not. However, I feel strongly that a person's livelihood

should not be decided by a lottery or the draw of a ticket. That is fine on hunting on recreation and this sort of thing but I would be the last person to do anything willingly to undermine local control. I am from Washington County, we hold that very, very dear.

I am not convinced that this is going to undermine local control. The state already tells the towns that you will have non-resident licenses. I think if most of the towns had the choice, they probably wouldn't even have non-resident licenses, just resident licenses. It is a very difficult issue for me. However, I am going to urge the replacement of the lottery system.

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

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will go along with the "Ought Not to Pass" Report today. I have four or five towns in my district and they don't want any lottery. Most of the towns in my district have local control and we would like to keep that local control.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brunswick, Representative Rydell.

Representative RYDELL: Mr. Speaker, Men and Women of the House: I just want to remind you that we are not voting on the lottery, we are voting on whether or not towns will be able to choose which system they wish to use for giving out their non-resident clamming licenses. The bill says that the municipalities shall provide and reserve a minimum number of commercial licenses for non-residents which shall be a number not less than 10 percent of the number provided for residents and be offered by the municipality to non-residents on a first-come, first-serve basis. The bill says that that is the only way that a municipality may give out its non-resident licenses. It says nothing about how they can give out the resident licenses. They would be able to continue to choose whatever suits them and was appropriate for the resident licenses. So, we are voting only on whether we want the municipalities to be limited to just one system for giving out their non-resident clamming licenses. We are not voting on whether or not they shall use a lottery.

Representative Higgins of Scarborough was granted permission to speak a third time.

Representative HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I hate to delay the vote on this any longer but I do feel that it is necessary to respond to a couple of the arguments that have been made here this morning. First, I want to reiterate to you that the pending motion is "Ought Not to Pass" on the original bill. I would ask the House to vote against that motion for one and only one reason -- there have been a lot of arguments about lotteries and conservation and all that sort of thing but I am asking you to vote against that motion right now so that I can offer an amendment in second reading that eliminates everything that has been said about that particular piece of legislation.

I had an option, although it didn't seem a very appropriate one, to recommit the bill back to committee once we had talked about another alternative. It seemed too late in the session to do that so I suggested to the chair of the committee that I would offer an amendment in second reading that might eliminate some of the concerns that people had about local control. Apparently, I have not been afforded that opportunity by the chair and other members of the body but I would plead with the rest of you here to give me that opportunity and then if

you don't like the other amendment, we can debate that one as well.

I can understand why those towns that currently have a lottery want to talk about the original bill because that is a little bit more difficult to explain perhaps -- I don't think so, but I am willing to compromise if I can get the bill to second reading. I think that that is only fair.

There have been a lot of arguments and red herrings about what if somebody gets sick or what if they have to go to the bathroom or whatever the case might be -- that is not the issue here at all. The issue here is, give me the opportunity to amend the bill and then we can talk about the other alternatives.

As far as the lottery goes, there is no question about it, it has been mentioned to me that we are not really talking about a lottery, we are talking about Russian roulette for those people who make their livelihood digging clams. So, I just bring that point back to you, I simply would like to be afforded the opportunity to amend it and then if there are problems and you don't like it, that's fine and dandy. It is a much better version than the original bill and, as I said, the rules preclude me from arguing it now.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative PRIEST: Mr. Speaker, Men and Women of the House: In reading the title of the bill which is before us that was originally "An Act to Amend the Non-Resident Clam Digging Laws" -- if in fact we are to move by the route Representative Higgins suggests and to debating both resident and non-resident clam digging laws, I can assure you the debate will be much more intense and much longer. I think the arguments have been aired adequately on all sides. The question is whether you want to impose upon towns one method of choosing non-resident clam licenses or whether you wish to leave this difficult decision up to the individual towns so that it can meet the fairness and needs of those towns.

I would suggest that we should support the "Ought Not to Pass" Report.

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.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bath, Representative Holt.

Representative HOLT: Mr. Speaker, Ladies and Gentlemen of the House: I beg the indulgence of this House. As a member of the Marine Resources Committee, I would like to point out that the good Representative from Scarborough and the good Representative Allen have brought up two of the most important points in this argument. Representative Higgins has mentioned Russian roulette and Representative Allen has talked about management.

This argument will go on before us until we, as a state, decide that we must put more effort into basic scientific research. All the seaboard states enact stiff anti-pollution laws. We have been greedily overdeveloping and letting toxics run off for years and now we are suffering the results. There is no fairness for the fisherman.

We must enact these stiff anti-pollution laws and we must include taking a look at the hundreds of thousands of curies of radioactive waste we put into

the coastal waters and how it may interact with run off from overdevelopment and the many other toxics that we make mother ocean swallow every year. Until we do that, we really should respect, I believe, the towns that are carefully managing the resources on their own.

I urge you to consider the real reason for this "Ought Not to Pass" Report from the committee. There is simply no fairness here considering the fact that we have hurt our resource so badly over the years.

At this point, Speaker Martin resumed the Chair.

The House was called to order by the Speaker.

The SPEAKER: A roll call has been ordered. The pending motion before the House is the motion of Representative Mitchell of Freeport that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 90

YEA - Adams, Aliberti, Anthony, Bell, Boutilier, Carroll, J.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Crowley, Daggett, Dellert, Farnsworth, Foster, Gould, R. A.; Graham, Heesch, Holt, Jacques, Joseph, Ketover, LaPointe, Larrivee, Lawrence, Lisnik, Look, Luther, Mahany, Manning, Marsh, Mayo, McHenry, McKeen, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. R.; Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pineau, Plourde, Priest, Rand, Richard, Ridley, Rolde, Rotondi, Rydell, Sheltra, Simpson, Skoglund, Smith, Swazey, Tammaro, Tardy, Tracy, Tupper, Walker, The Speaker.

MAY - Aikman, Allen, Anderson, Ault, Bailey, Begley, Brewer, Burke, Butland, Carroll, D.; Conley, Cote, Curran, Dexter, Dipietro, Duffy, Dutremble, L.; Erwin, P.; Farren, Foss, Garland, Greenlaw, Gurney, Hale, Handy, Hanley, Hastings, Hepburn, Hichborn, Hickey, Higgins, Hognlund, Hussey, Hutchins, Jackson, Jalbert, Kilkelly, Lebowitz, Libby, Lord, MacBride, Marsano, Marston, Martin, H.; McCormick, McGowan, McPherson, McSweeney, Merrill, Paradis, E.; Parent, Pederson, Pendleton, Pines, Reed, Richards, Ruhlin, Sherburne, Small, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Strout, D.; Telow, Townsend, Webster, M.; Wentworth, Whitcomb.

ABSENT - Donald, Dore, Farnum, Gwadosky, Macomber, Murphy, Nadeau, G. G.; Pouliot, Seavey.

Yes, 72; No, 69; Absent, 9; Vacant, 1; Paired, 0; Excused, 0.

72 having voted in the affirmative, 69 in the negative, with 9 being absent and 1 vacant, the motion to accept the Majority "Ought Not to Pass" Report did prevail. Sent up for concurrence.

The Chair laid before the House the following matter: An Act to Promote Marine Research (S.P. 106) (L.D. 140) (C. "A" S-240) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Carter of Winslow, under suspension of the rules, the House reconsidered its action whereby L.D. 140 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-536) and moved its adoption.

House Amendment "A" (H-536) was read by the Clerk and adopted.

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

The Chair laid before the House the following matter: An Act to Amend the Charter of the Canton Water District (S.P. 609) (L.D. 1703) (C. "A" S-247) (Emergency) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Clark of Millinocket, under suspension of the rules, the House reconsidered its action whereby L.D. 1703 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-247) was adopted.

The same Representative offered House Amendment "A" (H-542) to Committee Amendment "A" (S-247) 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: An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Laws (H.P. 1217) (L.D. 1689) (C. "A" H-476) (Emergency) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Rolde of York, under suspension of the rules, the House reconsidered its action whereby L.D. 1689 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-476) was adopted.

The same Representative offered House Amendment "A" (H-539) to Committee Amendment "A" (H-476) 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: An Act Regarding the Review of the Workers' Compensation Denials (H.P. 919) (L.D. 1285) (C. "A" H-439) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative McHenry of Madawaska, under suspension of the rules, the House reconsidered its action whereby L.D. 1285 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-439) was adopted.

The same Representative offered House Amendment "A" (H-540) to Committee Amendment "A" (H-439) 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.

By unanimous consent, all matters having been acted upon requiring Senate concurrence, with the exception of two bills held, were sent forthwith to the Senate.

The Chair laid before the House the following matter: An Act to Amend the Laws Relating to Small Claims (H.P. 1007) (L.D. 1405) (C. "A" H-396) which was tabled earlier in the day and later today assigned pending passage to be enacted.

Subsequently was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter: Bill "An Act to Extend the Exemption for Sales Tax for Certain Instrumentalities of Interstate or Foreign Commerce" (H.P. 438) (L.D. 603) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

On motion of Representative Cashman of Old Town, recommitted to the Committee on Taxation.

(Off Record Remarks)

(At Ease)

The House was called to order by the Speaker.

Representative Telow of Lewiston moved that the House reconsider its action whereby An Act to Establish a Commission on State Finance (H.P. 1113) (L.D. 1546) (C. "A" H-423) (Emergency) failed of enactment.

On further motion of the same Representative, tabled pending his motion to reconsider whereby L.D. 1546 failed of enactment and later today assigned.

The following item appearing on Supplement No. 3 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:

State and Local Government

Bill "An Act to Authorize Cumberland County to Raise up to \$25,000,000 for Construction of a New Jail Facility for Cumberland County" (H.P. 1258) (L.D. 1755) (Presented by Representative MANNING of Portland) (Cosponsored by Representative STROUT of Windham, Representative ANTHONY of South Portland and Representative CARROLL of Gray) (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.

Representative Marsano was granted unanimous consent to address the House:

Representative MARSANO: Mr. Speaker, it was my understanding that the matters had been sent forthwith. I am surprised that the matter which was just acted upon An Act to Establish a Commission on State Finance (H.P. 1113) (L.D. 1546) (C. "A" H-423) (Emergency) was in possession of the House.

The SPEAKER: If the Representative from Belfast, Representative Marsano, wishes to listen to the tape, the Speaker said that all matters were ordered sent forthwith except two matters held.

Representative MARSANO: Mr. Speaker, I didn't understand that the matter had been held. When the gentleman rose, he made no reference to the fact that he had held it.

The SPEAKER: The Chair would answer in the affirmative, it was held by the Representative.

Representative MARSANO: Mr. Speaker, it was held at Representative Telow's request?

The SPEAKER: The Chair would answer in the affirmative. There was also another matter held.

Representative MARSANO: Mr. Speaker, with respect to the gentleman's motion, it is my understanding from the roll call, which I have before me, that Representative Telow was not on the prevailing side, consequently the motion would have been improper.

The SPEAKER: If that is the case, then the bill is not held.

The Chair will review it after we recess.

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

(Off Record Remarks)

At this point, the Speaker appointed Representative Michaud of East Millinocket to act as Speaker pro tem.

(At Ease until 4:00 p.m.)

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

The following items appearing on Supplement No. 1 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. 652) (L.D. 1749) Bill "An Act Relating to Public Fish Piers, Airports and Other Transportation Facilities" (EMERGENCY) Committee on Transportation reporting "Ought to Pass"

(S.P. 431) (L.D. 1142) Bill "An Act Concerning Law Enforcement Training" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-286)

(H.P. 1151) (L.D. 1605) Bill "An Act to Require Counselors of Operating under the Influence Offenders

to Approve Restoration of Drivers' Licenses" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-554)

(H.P. 1168) (L.D. 1622) Bill "An Act to Ensure Regular Attendance for All Maine School Children" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-555) (Representative OLIVER of Portland - of the House - Abstaining)

Under suspension of the rules, Consent Calendar Second Day notification was given, 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 as amended and sent up for concurrence.

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

PAPER FROM THE SENATE

The following Communication:

Maine State Senate
Augusta, Maine 04333

June 15, 1989

Honorable Edwin H. Pert

Clerk of the House

State House Station 2

Augusta, Maine 04333

Dear Clerk Pert:

Please be advised that the Senate today Insisted and joined in a Committee of Conference on the disagreeing action between the two branches of the Legislature on Bill "An Act to Require Liquor Sellers' Permits" (S.P. 151) (L.D. 271).

The President appointed on the part of the Senate the following:

Senator MATTHEWS of Kennebec

Senator BALDACCI of Penobscot

Senator DILLENBACK of Cumberland

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

The following items appearing on Supplement No. 4 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. 595) (L.D. 813) Bill "An Act to Subject Municipal Rulemaking to Statutory Administrative Procedures" Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-543)

(H.P. 949) (L.D. 1317) Bill "An Act to Codify Guidelines for Home and Private Schools" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-544)

(H.P. 1149) (L.D. 1603) Resolve, to Clear Title or to Secure a Release of Property from the State Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-545)

(H.P. 1009) (L.D. 1407) Bill "An Act to Reduce Medical Malpractice" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-546)

(H.P. 1230) (L.D. 1715) Bill "An Act to Exempt Group Medicare Supplement Contracts from the Mandated Benefits for Substance Abuse and Mental Illness"

Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-547)

(H.P. 530) (L.D. 715) Resolve, to Establish the Commission to Study the Use of Professional Strikebreakers (EMERGENCY) Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-548)

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

(H.P. 697) (L.D. 949) Bill "An Act to Clarify the Farmland Adjacency Law" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-549)

On motion of Representative Gould of Greenville, was removed from the Consent Calendar, First Day.

Report was read and accepted, the Bill read once. Committee Amendment "A" (H-549) was read by the Clerk.

Representative Gould of Greenville offered House Amendment "A" (H-559) to Committee Amendment "A" (H-549) and moved its adoption.

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

On motion of Representative Webster of Cape Elizabeth, tabled pending adoption of House Amendment "A" to Committee Amendment "A" and later today assigned.

(H.P. 1008) (L.D. 1406) Bill "An Act Relating to Compensation for Hearing Losses Under the Workers' Compensation Act" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-550)

(H.P. 1172) (L.D. 1626) Resolve, Concerning the Development of a New Master Plan for the Capitol Area (EMERGENCY) Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-551)

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

First Day

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

(H.P. 514) (L.D. 694) Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Inland Fisheries and Wildlife Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1990 and June 30, 1991" (EMERGENCY) Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-556)

(H.P. 985) (L.D. 1363) Bill "An Act to Protect the Sunapee Charr" Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-557)

(H.P. 626) (L.D. 849) Bill "An Act to Harmonize the Adjustable Rate Transaction Requirements of the Maine Consumer Credit Code with the Federal Truth-in-Lending Act and to Repeal Sunrise Provisions" Committee on Banking and Insurance

reporting "Ought to Pass" as amended by Committee Amendment "A" (H-560)

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

(At Ease)

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

The Chair laid before the House the following item: SENATE REPORT - "Ought to Pass" as amended by Committee Amendment "A" (S-251) - Committee on Aging, Retirement and Veterans on Bill "An Act Amending the Law Governing the Maine Committee on Aging" (S.P. 544) (L.D. 1515) (In Senate, Report read and accepted and Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-251) as amended by Senate Amendment "A" (S-268) thereto) which was tabled earlier in the day and later today assigned pending acceptance of Committee Report.

Report was accepted and the Bill read once.

Committee Amendment "A" (S-251) was read by the Clerk.

Representative Hickey of Augusta offered House Amendment "A" (H-561) to Committee Amendment "A" (S-251) and moved its adoption.

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

Senate Amendment "A" (S-268) was read by the Clerk.

On motion of Representative Priest of Brunswick, Senate Amendment "A" was indefinitely postponed.

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

Under suspension of the rules, the Bill was read the second time, 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: An Act to Create the Maine Jail Industries Authority (S.P. 647) (L.D. 1742) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Melendy of Rockland, under suspension of the rules, the House reconsidered its action whereby L.D. 1742 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-552) and moved its adoption.

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

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

On motion of Representative Dellert of Gardiner, the House reconsidered its action whereby Bill "An Act Amending the Law Governing the Maine Committee on Aging" (S.P. 544) (L.D. 1515) was passed to be engrossed by Committee Amendment "A" (S-251) as amended by House Amendment "A" (H-561) thereto.

On further motion of the same Representative, the House reconsidered its action whereby Committee

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

The same Representative moved that House Amendment "A" to Committee Amendment "A" be indefinitely postponed.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Augusta, Representative Hickey.

Representative HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: I oppose the elimination of House Amendment "A." It is a relatively simple amendment.

Presently on the Committee on Aging, it is made up of 15 people and we have had considerable problems with two nursing home owners who seem to oppose many of the favorable things that the elderly people ask. The only thing that that amendment does is ask the Governor to try to avoid naming people to the committee who are gaining financially from the elderly. I ask your support in maintaining the amendment.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Gardiner, Representative Dellert.

Representative DELLERT: Mr. Speaker, Men and Women of the House: The Committee on Aging is an advisory committee and it could be made up of any number of different members. It is very difficult if you went through all the committees that are appointed by the Governor, the Speaker and the President of the Senate to choose people who are not gainfully employed in some way that would conflict their interests.

I feel that the Governor can choose people and that others would be chosen who would work for the elderly and maybe sometimes not work for the elderly if they felt the purpose was not correct.

I hope you will support the indefinite postponement of this amendment.

Representative Hickey of Augusta requested a roll call vote on the motion to indefinitely postpone.

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 Dellert of Gardiner that House Amendment "A" (H-561) to Committee Amendment "A" (S-251) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 91

YEA - Aikman, Anderson, Ault, Bailey, Begley, Butland, Carroll, J.; Chonko, Curran, Dellert, Dexter, Donald, Farnum, Farren, Foss, Foster, Garland, Greenlaw, Hanley, Hastings, Hepburn, Hichborn, Hutchins, Lebowitz, Libby, Look, Lord, MacBride, Marsano, Marsh, McCormick, Merrill, Murphy, Norton, Paradis, E.; Parent, Pendleton, Pines, Reed, Richards, Seavey, Sherburne, Small, Stevens, A.; Stevenson, Strout, B.; Telow, Tupper, Webster, M.; Wentworth, Whitcomb.

NAY - Adams, Aliberti, Allen, Anthony, Bell, Boutilier, Brewer, Carroll, D.; Carter, Cashman, Cathcart, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Daggett, Dipietro, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Gould, R. A.; Graham, Gurney, Hale, Heesch, Hickey, Hoglund, Holt, Hussey, Jacques, Joseph, Ketover, Kilkelly, Larrivee, Lawrence, Lisnik, Luther, Mahany, Manning, Marston, Martin, H.; McGowan, McHenry,

McSweeney, Melendy, Mills, Mitchell, Moholland, Nadeau, G. R.; Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pederson, Pineau, Plourde, Pouliot, Priest, Rand, Rolde, Rotondi, Rydell, Sheltra, Simpson, Skoglund, Smith, Stevens, P.; Strout, D.; Swazey, Tamaro, Townsend, Tracy, Walker, The Speaker.

ABSENT - Burke, Gwadosky, Handy, Higgins, Jackson, Jalbert, LaPointe, Macomber, Mayo, McKeen, McPherson, Michaud, Nadeau, G. G.; Richard, Ridley, Ruhlin, Tardy.

Yes, 51; No, 82; Absent, 17; Vacant, 1; Paired, 0; Excused, 0.

51 having voted in the affirmative, 82 in the negative, with 17 being absent, and 1 vacant, the motion to indefinitely postpone House Amendment "A" to Committee Amendment "A" did not prevail.

Subsequently, House Amendment "A" to Committee Amendment "A" was 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.

(At Ease)

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

The Chair laid before the House the following matter: Bill "An Act Concerning the Maine Railroad Excise Tax" (S.P. 235) (L.D. 565) (C. "A" S-277) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

On motion of Representative Cashman of Old Town, the House reconsidered its action whereby Committee Amendment "A" (S-277) was adopted.

The same Representative offered House Amendment "A" (H-562) to Committee Amendment "A" (S-277) and moved its adoption.

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

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: Could someone explain to me what railroad this is and also could they explain to me just what this amendment would do?

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

The Chair recognizes the Representative from Old Town, Representative Cashman.

Representative CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: The Bill could apply to any railroad, it is not intended for any specific railroad.

The amendment is a technical amendment to the bill that we passed out that includes carry-forward provisions that we neglected to put into the original bill through a drafting error.

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

Representative MURPHY: Mr. Speaker, as I understand this bill, it is a tax credit to the railroads. At this time, I don't feel as though we can afford any tax credits to the railroads. We have just been refused in committee a tax credit to our

fishermen and the money just isn't there for \$1 million in the next two years.

Therefore, I move that L.D. 565 and all its accompanying papers be indefinitely postponed and I ask for a roll call.

The SPEAKER PRO TEM: The Chair would advise the Representative that that motion is not in order at this time.

The pending question is adoption of House Amendment "A" to Committee Amendment "A."

Subsequently, House Amendment "A" to Committee Amendment "A" was adopted.

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

Representative Murphy of Berwick moved that L.D. 565 and all accompanying papers be indefinitely postponed.

The same Representative requested a roll call vote on the motion to indefinitely postpone.

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.

The SPEAKER PRO TEM: The pending question before the House is the motion of Representative Murphy of Berwick that L.D. 565 and all accompanying papers be indefinitely postponed.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Old Town, Representative Cashman.

Representative CASHMAN: Mr. Speaker, Men and Women of the House: The purpose of this bill, I think, should be explained before you vote on it.

Currently, all railroads in Maine pay a railroad excise tax. The tax was designed some 100 years ago and is very complex and very difficult to understand. But in today's world, the way that the tax is working is that every railroad in this state is paying the minimum tax, except one. The one that is not paying the minimum tax is a Canadian railroad and the reason they are not paying a minimum tax is because the way the formula works, we tax their Canadian source income. Even though they don't make a profit in Maine, we tax the Canadian source income and the result is that they pay a tax far in excess of the minimum tax whereby every other railroad in the state that doesn't make any money in the state are paying the minimum tax.

This issue has been before us before and I have argued on the other side of it because the bill that has been presented to this body before to correct that situation would have allowed the Canadian railroad to define what was Maine's source of income and pay their excise tax based on that source of income.

I have opposed that in the past because I don't think that we should ever get into a situation where we are allowing any business or industry in this state to define their income. If we do that, I think we would find that any multi-state or multi-national corporation in this state would define that they have no Maine source income and they wouldn't pay any taxes.

The Bill that is before you tonight addresses the same problem in a different manner. It gives a tax credit for investment in the State of Maine. That tax credit can be applied to any railroad but, in the real world, and in the situation being what it is today, the only railroad that would be able to take advantage of it at this point in time is the railroad

that is currently paying a very excessive tax. They are also the only railroad in this state that has shown any indication that they want to do business in this state, they want to expand in this state and they want to treat their employees like employees. I think that the current system, as outdated as it is, and being over 100 years old and antiquated as it is, is penalizing the one railroad in the state that seems to want to be in the railroad business here. This bill is an attempt to change that.

The bill came out of committee as a unanimous committee report. I think that it shows the Taxation Committee was concerned with the effects that a tax structure that was established 100 years ago is having on an industry and on a particular railroad.

I hope that you would not vote to indefinitely postpone this bill because I think it is needed in parts of this state that is serviced by the railroad and I hope you will join with me and defeat the motion pending on the floor.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Kennebunkport, Representative Seavey.

Representative SEAVEY: Mr. Speaker, Men and Women of the House: I, too, urge you to reject the pending motion so that we can pass the amendment and the bill.

This is a compromise measure, worked out by the Taxation Committee, it is supported by business and by labor and by the administration. The fact of the matter is that it is hard to determine a fiscal note on this because it all depends on the railroad industry and the profits that they make. Right now, it could potentially be a tax break for Canadian-Pacific but that is hard to determine. The important thing is, if you read the Statement of Fact, it is an inducement to upgrade the facility and its track which is in need of upgrading. I think it is not only a good amendment but an important amendment. I urge you to support it.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Wells, Representative Wentworth.

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

At this time, there is a study just being started dealing with DOT railroads, all kinds of transportation, would it not be better to wait for the completion of that?

The SPEAKER PRO TEM: Representative Wentworth of Wells has posed a question through the Chair to Representative Cashman of Old Town or any member who may respond if they so desire.

The Chair recognizes the Representative from Sanford, Representative Hale.

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

Is this the same railroad that is not allowing Maine people access to their land? We have had before the Transportation Committee a problem with people having inaccessibility to the land. I wonder if this is the same railroad that is not allowing Maine people access to the land?

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

The Chair recognizes the Representative from Greenville, Representative Gould.

Representative GOULD: Mr. Speaker, Men and Women of the House: In response to Representative Hale's question, this railroad has worked out a compromise with the people that were being denied access. She, was, indeed, right. There was a very controversial issue here but this railroad sat down, worked with

these people and has solved the problem. It would seem to me that we have here a railroad, as Representative Cashman said, that is interested in being here. We have a railroad that works well with its people and how often do we see the administration, labor, and management all getting together to agree on an issue? It would seem to me that that would tell us that this is a good issue. It would seem to me that we people in the State of Maine would want to help businesses that are good for the State of Maine, good for the people of the State of Maine and make a major contribution to the people of the State of Maine. I urge you to strongly defeat the pending motion.

The SPEAKER PRO TEM: The Chair representative from Portland, Representative Høglund.

Representative HØGLUND: Mr. Speaker, Men and Women of the House: There is an agreement, it has not been agreed upon, if the motion had been tabled or could be tabled for a couple of days -- there is a possibility it could be agreed upon. There are attorneys looking it over but right now. This way it would be feasible for the people working for them, Canadian-Pacific and the people who need the crow thing, if you could do it that way.

Representative Allen of Washington moved the Bill be tabled one legislative day pending the motion of Representative Murphy of Berwick to indefinitely postpone.

Representative Tracy of Rome requested a roll call vote on the tabling motion.

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 less than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was not ordered.

The SPEAKER PRO TEM: The pending question before the House is the motion of Representative Allen of Washington to table one legislative day pending the motion of Representative Murphy of Berwick to indefinitely postpone. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

95 having voted in the affirmative and 13 in the negative, the motion to table did prevail.

Subsequently, tabled pending the motion of Representative Murphy of Berwick to indefinitely postpone and specially assigned for Friday, June 16, 1989.

At this point, the rules were suspended for the purpose of removing jackets for the remainder of today's session.

The Chair laid before the House the following matter: An Act to Restrict the Use of Lobster Trap Dipping Solutions (H.P. 823) (L.D. 1155) (C. "A" H-485) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Mitchell of Freeport, under suspension of the rules, the House reconsidered its action whereby L.D. 1155 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-485) was adopted.

The same Representative offered House Amendment "A" (H-553) to Committee Amendment "A" (H-485) 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 and sent up for concurrence.

(Off Record Remarks)

On motion of Representative Ketover of Portland, Adjourned until Friday, June 16, 1989, at nine o'clock in the morning.

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

In Senate Chamber

Thursday

June 15, 1989

Senate called to Order by the President.

Prayer by the Honorable Barbara A. Gill of Cumberland.

SENATOR GILL: A wise man of the orient once remarked: "There are three kinds of people and all types of organizations. Rowboat people, sailboat people, and steamboat people. Rowboat people need to be pushed or shoved along. Sailboat people move when a favorable wind is blowing. Steamboat people move continuously through calm or storm, they usually are masters of themselves, their surroundings, and their fate."

Today let us pray. As we proceed through these last few days, O Lord, we need Your wisdom and Your spirit instilled in all of us, as we proceed in our individual roles serving the needs of who we serve in running this ship of state. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Require Liquor Sellers' Permits"

S.P. 151 L.D. 271

(C "A" S-265)

In Senate, June 13, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-265).

In House, June 14, 1989, Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

In Senate, June 14, 1989, INSISTED.

Comes from the House, that Body INSISTED and ASKED FOR A COMMITTEE OF CONFERENCE.

On motion by Senator CLARK of Cumberland, the Senate INSISTED AND JOINED IN A COMMITTEE OF CONFERENCE.

The Chair appointed as conferees on the part of the Senate:

Senator MATTHEWS of Kennebec

Senator BALDACCI of Penobscot

Senator DILLENBACK of Cumberland

Non-concurrent Matter

Bill "An Act to Establish the Child Welfare Advisory Committee and to Redesignate the Bureau of Social Services as the Bureau of Child and Family Services"

H.P. 1024 L.D. 1425

(C "A" H-393; H "A"

H-418)

In Senate, June 12, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-393) AND HOUSE AMENDMENT "A" (H-418), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-393) AND HOUSE AMENDMENTS "A" (H-418) AND "B" (H-532) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter