

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Fifteenth Legislature
OF THE
State Of Maine

VOLUME I

FIRST REGULAR SESSION

House of Representatives
December 5, 1990 to May 16, 1991

ONE HUNDRED AND FIFTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
42nd Legislative Day
Monday, April 29, 1991

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

Prayer by Rabbi Joseph Reifman, Shaarey Tphiloh Synagogue, Portland.

Pledge of Allegiance.

The Journal of Thursday, April 25, 1991, was read and approved.

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

April 25, 1991

The Honorable John L. Martin
Speaker of the House
115th Legislature
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Business Legislation:

J. Franklin Howe of Bath for reappointment to the Maine Real Estate Commission.

Sincerely,

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

Was read and ordered placed on file.

Unanimous Ought Not To Pass

Report of the Committee on Agriculture reporting **"Ought Not to Pass"** on Bill "An Act Concerning Manure Spreading" (S.P. 99) (L.D. 184)

Report of the Committee on Banking and Insurance reporting **"Ought Not to Pass"** on Bill "An Act to Authorize the State, Counties and Municipalities to Buy Employee-deferred Compensation Plans from Financial Institutions" (S.P. 164) (L.D. 376)

Report of the Committee on Banking and Insurance reporting **"Ought Not to Pass"** on Bill "An Act to Amend the Automobile Insurance Laws" (S.P. 512) (L.D. 1373)

Report of the Committee on Energy and Natural Resources reporting **"Ought Not to Pass"** on Resolve, Concerning the Construction of Coal-burning Facilities (EMERGENCY) (S.P. 483) (L.D. 1285)

Report of the Committee on Judiciary reporting **"Ought Not to Pass"** on Bill "An Act to Retain Legal Services for Debtors" (S.P. 531) (L.D. 1409)

Report of the Committee on Legal Affairs reporting **"Ought Not to Pass"** on Resolve, Authorizing Pamela LaTourneau, as Personal Representative of the Estate of Richard LaTourneau III, and Pamela LaTourneau and Richard LaTourneau, Jr. to Bring Civil Action against the State (S.P. 400) (L.D. 1076)

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

Unanimous Leave to Withdraw

Report of the Committee on Energy and Natural Resources reporting **"Leave to Withdraw"** on Bill "An Act to Expand Public Representation on the Board of Environmental Protection" (S.P. 498) (L.D. 1336)

Report of the Committee on Judiciary reporting **"Leave to Withdraw"** on Bill "An Act Regarding Court Security in Androscoggin County" (EMERGENCY) (S.P. 123) (L.D. 225)

Report of the Committee on Judiciary reporting **"Leave to Withdraw"** on Bill "An Act to Waive Restrictions on Certain Physicians" (S.P. 256) (L.D. 714)

Report of the Committee on Judiciary reporting **"Leave to Withdraw"** on Bill "An Act to Protect Access to Medicare, Medicaid and Social Security Benefits and Maintain Insurance Premiums" (S.P. 328) (L.D. 884)

Report of the Committee on Judiciary reporting **"Leave to Withdraw"** on Bill "An Act to Ensure Timely and Equitable Treatment of Discrimination Complaints Made to the Maine Human Rights Commission" (S.P. 362) (L.D. 964)

Report of the Committee on Judiciary reporting **"Leave to Withdraw"** on Bill "An Act to Permit Collateral Source Evidence in Civil Actions" (S.P. 391) (L.D. 1068)

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

Ought to Pass as Amended

Later Today Assigned

Report of the Committee on Taxation reporting **"Ought to Pass"** as Amended by Committee Amendment "A" (S-84) on Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory (S.P. 367) (L.D. 969)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed.

Report was read and accepted, the bill read once. Committee Amendment "A" (S-84) was read by the Clerk.

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

Representative CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask that this bill be tabled until later in today's session.

On motion of Representative Mayo of Thomaston, tabled pending adoption of Committee Amendment "A" (S-84) and later today assigned.

Divided Report

Majority Report of the Committee on Education reporting "Ought Not to Pass" on Bill An Act to Provide for a Minimum Level of Compensation for Cooperating and Supervisory Teachers of Student Teachers" (S.P. 412) (L.D. 1126)

Signed:

Senators: ESTES of York
BRAWN of Knox
McCORMICK of Kennebec

Representatives: CROWLEY of Stockton Springs
O'GARA of Westbrook
BARTH of Bethel
PFEIFFER of Brunswick
CAHILL of Mattawamkeag
NORTON of Winthrop
AULT of Wayne
O'DEA of Orono

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-92) on same Bill.

Signed:

Representatives: HANDY of Lewiston
OLIVER of Portland

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Education read and accepted.

Reports were read.

On motion of Representative Crowley of Stockton Springs, the Majority "Ought Not to Pass" Report was accepted in concurrence.

Non-Concurrent Matter

Bill "An Act Relating to Violations Involving the Disregard of Red Flashing Lights on School Buses" (H.P. 443) (L.D. 633) which was passed to be engrossed as amended by Committee Amendment "A" (H-106) in the House on April 16, 1991.

Came from the Senate passed to be engrossed as

amended by Committee Amendment "A" (H-106) as amended by Senate Amendment "A" (S-90) thereto in non-concurrence.

On motion of Representative Macomber of South Portland, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Concerning Ice Fishing" (H.P. 485) (L.D. 679) on which the Minority "Ought Not to Pass" Report of the Committee on Fisheries and Wildlife was read and accepted in the House on April 22, 1991.

Came from the Senate with the Majority "Ought to Pass" as amended Report of the Committee on Fisheries and Wildlife read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-132) in non-concurrence.

Representative Rotondi of Athens moved that the House adhere.

Representative Ruhlin of Brewer moved that the House recede and concur.

On further motion of the same Representative, tabled pending his motion to recede and concur and later today assigned.

**Recalled from the Legislative Files
pursuant to Joint Order S.P. 629.**

Non-Concurrent Matter

Bill "An Act to Extend the Eligibility Period for Reimbursement of Municipalities for Landfill Closure" (H.P. 324) (L.D. 454)

In House, "Ought Not to Pass" Report of the Committee on Energy and Natural Resources placed in the Legislative Files pursuant to Joint Rule 15 on April 17, 1991.

In Senate, "Ought Not to Pass" Report of the Committee on Energy and Natural Resources placed in the Legislative Files pursuant to Joint Rule 15 on April 18, 1991.

Recalled from the Legislative Files pursuant to Joint Order S.P. 629.

Came from the Senate with the Bill and accompanying papers recommitted to the Committee on Energy and Natural Resources in non-concurrence.

Subsequently, the Bill and accompanying papers were recommitted to the Committee on Energy and Natural Resources in concurrence.

**Recalled from the Legislative Files
pursuant to Joint Order S.P. 649.**

Non-Concurrent Matter

Bill "An Act Concerning Federal Impact Aid for Education" (S.P. 72) (L.D. 128)

In Senate, "Ought Not to Pass" Report of the

Committee on Education placed in the Legislative Files pursuant to Joint Rule 15 on April 4, 1991.

In House, "Ought Not to Pass" Report of the Committee on Education placed in the Legislative Files pursuant to Joint Rule 15 on April 8, 1991.

Recalled from the Legislative Files pursuant to Joint Order S.P. 649.

Came from the Senate with the Bill and accompanying papers recommitted to the Committee on Education in non-concurrence.

Subsequently, the Bill and accompanying papers were recommitted to the Committee on Education in concurrence.

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for 4-year Terms for Senators and Members of the House of Representatives (H.P. 256) (L.D. 347) on which the Minority "Ought to Pass" as amended Report of the Committee on State and Local Government was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-89) in the House on April 24, 1991.

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

On motion of Representative Mahany of Easton, the House voted to Insist and ask for a Committee of Conference.

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

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

Banking and Insurance

Bill "An Act to Provide More Affordable Health Insurance for Small Businesses" (H.P. 1187) (L.D. 1730) (Presented by Representative CARLETON of Wells) (Cosponsored by Senator BRAUN of Knox and Representative ANDERSON of Woodland)

Resolve, Directing the Department of Education and the Bureau of Insurance to Develop a Proposal to Allow Schools in Maine to Self-insure for Property, Fire and Theft (H.P. 1182) (L.D. 1725) (Presented by Representative NUTTING of Leeds) (Cosponsored by Senator ESTES of York, Representative NORTON of Winthrop and Representative LUTHER of Mexico) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Resolve, to Develop a Statewide Health Insurance Program (EMERGENCY) (H.P. 1184) (L.D. 1727) (Presented by Speaker MARTIN of Eagle Lake)

(Cosponsored by Representative RYDELL of Brunswick, Senator BUSTIN of Kennebec and Senator McCORMICK of Kennebec)

Ordered Printed.
Sent up for Concurrence.

Business Legislation

Bill "An Act Requiring Plumbers and Electricians to Demonstrate Financial Responsibility" (H.P. 1183) (L.D. 1726) (Presented by Representative KETOVER of Portland) (By Request) (Cosponsored by Representative HOGGLUND of Portland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

Joint Select Committee on Corrections

Bill "An Act to Establish a Shock Incarceration Program" (H.P. 1185) (L.D. 1728) (Presented by Representative HANLEY of Paris) (Cosponsored by Representative HEPBURN of Skowhegan and Senator GAUVREAU of Androscoggin)

Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act Relating to the Maine Criminal Justice Commission" (H.P. 1186) (L.D. 1729) (Presented by Representative FARNSWORTH of Hallowell) (Cosponsored by Representative ANTHONY of South Portland, Senator BUSTIN of Kennebec and Senator CONLEY of Cumberland)

Ordered Printed.
Sent up for Concurrence.

Labor

Bill "An Act to Protect the Health and Safety of Public Employees" (H.P. 1180) (L.D. 1723) (Presented by Representative PINEAU of Jay) (Cosponsored by Representative TREAT of Gardiner, Senator CONLEY of Cumberland and Representative McKEEN of Windham)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Undedicate Highway Revenues (H.P. 1181) (L.D. 1724) (Presented by Representative TREAT of Gardiner) (Cosponsored by Representative

McKEEN of Windham, Speaker MARTIN of Eagle Lake and Representative SIMONDS of Cape Elizabeth)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act Concerning Interest Paid on Savings" (H.P. 1179) (L.D. 1722) (Presented by Representative McHENRY of Madawaska)

Ordered Printed.
Sent up for Concurrence.

ORDERS

On motion of Representative HICHBORN of Howland, the following Order:

ORDERED, that Representative Herbert E. Clark of Millinocket be excused April 18 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative William Lemke of Westbrook be excused April 22 for the duration of his illness.

AND BE IT FURTHER ORDERED, that Representative Susan J. Pines of Limestone be excused April 22 for legislative business.

AND BE IT FURTHER ORDERED, that Representative George A. Townsend of Eastport be excused April 22 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Marge L. Kilkelly of Wiscasset be excused April 23, 24 and 25 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Robert W. Spear of Nobleboro be excused April 24 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Basil L. Powers of Coplin Plantation be excused April 25 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative William B. O'Gara of Westbrook be excused April 29 and 30 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Maria Glen Holt of Bath be excused May 3 to 13 for personal reasons.

Was read and passed.

REPORTS OF COMMITTEES

Divided Report

Tabled and Assigned

Majority Report of the Committee on Agriculture

reporting "Ought to Pass" as amended by Committee Amendment "A" (H-175) on Bill "An Act to Promote Cranberry Cultivation in Maine" (EMERGENCY) (H.P. 69) (L.D. 97)

Signed:

Senators: TWITCHELL of Oxford
EMERSON of Penobscot

Representatives: TARDY of Palmyra
PINES of Limestone
MAHANY of Easton
HUSSEY of Milo
BELL of Caribou
PARENT of Benton
SPEAR of Nobleboro
ALIBERTI of Lewiston
STROUT of Corinth

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-176) on same Bill.

Signed:

Senator: TITCOMB of Cumberland

Representative: NUTTING of Leeds

Reports were read.

Representative Tardy of Palmyra moved that the House accept the Majority "Ought to Pass" Report.

On further motion of the same Representative, tabled pending his motion that the House accept the Majority "Ought to Pass" Report and specially assigned for Wednesday, May 1, 1991.

CONSENT CALENDAR

First Day

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

(S.P. 222) (L.D. 549) Bill "An Act to Exempt Certain Students from Eligibility for Unemployment Compensation Benefits" Committee on Labor reporting "Ought to Pass"

(S.P. 489) (L.D. 1327) Bill "An Act to Create a Duty of Fair Representation under the University of Maine System Labor Relations Act" Committee on Labor reporting "Ought to Pass"

(S.P. 79) (L.D. 142) Bill "An Act to Revise Transition Services for Disabled Students" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-85)

(S.P. 207) (L.D. 534) Bill "An Act Pertaining to Community Corrections Programs" (EMERGENCY) Joint Select Committee on Corrections reporting "Ought to Pass" as amended by Committee Amendment "A" (S-83)

There being no objections, the above items were

ordered to appear on the Consent Calendar of Tuesday, April 30, 1991, under the listing of Second Day.

CONSENT CALENDAR

Second Day

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

(H.P. 226) (L.D. 317) Bill "An Act Concerning the Role of Guardians Ad Litem and Other Children's Advocates" (C. "A" H-169)

(H.P. 60) (L.D. 88) Bill "An Act Concerning Consent to Dental Care" (C. "A" H-170)

(H.P. 194) (L.D. 285) Bill "An Act to Amend the Domestic Relations Law" (C. "A" H-171)

(H.P. 725) (L.D. 1029) Bill "An Act to Ensure More Equitable Hunting Opportunities" (C. "A" H-172)

(S.P. 112) (L.D. 209) Bill "An Act to Amend the Maine Uniform Transfers to Minors Act to Permit the Holding of Custodial Property Registered under a Street or Nominee Name" (C. "A" S-77)

(S.P. 122) (L.D. 224) RESOLUTION, Proposing an Amendment to the Constitution of Maine to Protect the Assets of State Retirement Plans (C. "A" S-82)

(S.P. 195) (L.D. 504) Bill "An Act Relating to Alcohol Licenses for Golf Clubs" (C. "A" S-79)

(S.P. 211) (L.D. 538) Bill "An Act Relating to Assumption of Medical Expenses by the State in Child Protection Investigations" (C. "A" S-81)

(S.P. 385) (L.D. 1062) Bill "An Act to Modify the Maine Residents Property Tax Program" (C. "A" S-76)

(H.P. 176) (L.D. 261) Bill "An Act to Amend the State Law Library System" (C. "A" H-173)

(H.P. 614) (L.D. 874) Bill "An Act Concerning the Judicial Review of Children in Custody of the Department of Human Services" (C. "A" H-174)

(H.P. 503) (L.D. 697) Bill "An Act to Provide an Opportunity for Complainants to be Heard before the Board of Registration in Medicine" (C. "A" H-177)

(H.P. 900) (L.D. 1297) Bill "An Act Regarding Deer Hunting Apparel Requirements"

(H.P. 287) (L.D. 408) Bill "An Act to Protect the Health and Safety of Nuclear Waste Site Workers" (C. "A" H-180)

(H.P. 828) (L.D. 1194) Bill "An Act to Increase the Debt Limit of the Kingfield Water District from \$350,000 to \$2,000,000"

(H.P. 1019) (L.D. 1492) Bill "An Act to Permit Orderly Consideration of Department of Environmental Protection Applications"

(H.P. 595) (L.D. 846) Bill "An Act Concerning Training and Certification for Land Use Code Enforcement Officers" (C. "A" H-183)

(H.P. 504) (L.D. 698) Bill "An Act to Require Repair of Septic Systems" (EMERGENCY) (C. "A" H-182)

(H.P. 285) (L.D. 406) Bill "An Act Regarding Relicensure of Transfer Stations, Stump Dumps and Recycling Centers" (C. "A" H-181)

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

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Amend the University of Maine System Charter" (S.P. 325) (L.D. 881) (C. "A" S-80)

Was reported by the Committee on Bills in the Second Reading, read the second time, the Senate Paper was Passed to be Engrossed as Amended in concurrence.

SECOND READER

Tabled and Assigned

Bill "An Act to Amend the School Approval Standards" (H.P. 558) (L.D. 801) (C. "A" H-178)

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

On motion of Representative Crowley of Stockton Springs, tabled pending passage to be engrossed and specially assigned for Tuesday, April 30, 1991,

PASSED TO BE ENGROSSED

Bill "An Act to Increase Funding to Programs Dealing with Domestic Violence" (H.P. 239) (L.D. 330) (C. "B" H-179)

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

ENACTOR

TABLED AND ASSIGNED

An Act to Implement the Recommendations of the Travel Information Advisory Council Concerning Informational Signs (H.P. 86) (L.D. 121) (H. "C")

H-102 and S. "A" S-58 to C. "A" H-72)

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

On motion of Representative Tardy of Palmyra, tabled pending passage to be enacted and specially assigned for Wednesday, May 1, 1991.

ENACTOR

(Reconsidered)

An Act to Exempt Certain Activities from the Site Location of Development Laws (S.P. 62) (L.D. 114) (C. "A" S-64)

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

On motion of Representative Jacques of Waterville, under suspension of the rules, the House reconsidered its action whereby L.D. 114 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-64) was adopted.

The same Representative offered House Amendment "A" (H-184) to Committee Amendment "A" (S-64) and moved its adoption.

House Amendment "A" (H-184) to Committee Amendment "A" (S-64) was read by the Clerk and adopted.

Committee Amendment "A" (S-64) as amended by House Amendment "A" (H-184) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-64) as amended by House Amendment "A" (H-184) thereto in non-concurrence and sent up for concurrence.

ORDERS OF THE DAY

TABLED AND TODAY ASSIGNED

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

An Act to Amend the Wrongful Death Laws (H.P. 572) (L.D. 823)

TABLED - April 25, 1991 by Representative PARADIS of Augusta.

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 following matter: Report of the Committee on **Taxation** reporting **"Ought to Pass"** as Amended by Committee Amendment "A" (S-84) on Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized

Territory (S.P. 367) (L.D. 969) (Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed) which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "A."

Representative Cashman of Old Town offered House Amendment "A" (H-198) to Committee Amendment "A" (S-84) and moved its adoption.

House Amendment "A" (H-198) to Committee Amendment "A" (S-84) was read by the Clerk and adopted.

Committee Amendment "A" (S-84) as amended by House Amendment "A" (H-198) thereto was adopted and the Bill assigned for second reading, Tuesday, April 30, 1991.

The Chair laid before the House the following item: Bill "An Act Concerning Ice Fishing" (H.P. 485) (L.D. 679) on which the Minority **"Ought Not to Pass"** Report of the Committee on **Fisheries and Wildlife** was read and accepted in the House on April 22, 1991 (Came from the Senate with the Majority **"Ought to Pass"** as amended Report of the Committee on **Fisheries and Wildlife** read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-132) in non-concurrence) which was tabled earlier in the day and later today assigned pending the motion of Representative Ruhlin of Brewer that the House recede and concur.

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

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: This particular bill which is an act that affects ice fishing laws of the State of Maine is one that we voted on last week.

Just to give you a brief history of that bill and to repeat what this bill is all about, this bill would take the number of ice fishing traps an ice fishing person can use on cold water lakes, that is trout and salmon lakes, not perch and pickerel lakes, and as a conservation measure, reduce that from five to three. That is what this bill does to start with. It is pure and simple a conservation measure.

What happens now or what is happening in the State of Maine is presently the so-called warm water ponds, those ponds that are managed for perch and pickerel do not have a population maintenance problem as such. So there is no attempt to change the ice fishing rules, "If it's not broke, don't fix it." However, we do have a population maintenance problem. The population of our native cold water species, the trout, the landlock salmon, that have made this state so famous, that have made this state the mecca for people who come from all over the nation and the world to fish, those populations in the State of Maine have been declining. That decline started back in the 1930's, it held just a moderate decline until the '60's and since the '60's, it has been declining much more rapidly. This bill is a conservation measure aimed at protecting that particular species of native Maine fish.

The bill has the support of the Sportsman's Alliance of Maine, one of the foremost conservation organizations. Informally from discussions, it has support from just about every conservation group that I have talked to and I have not been there advocating

it but I have been there and some people say, "Dick, we have heard about this bill, will you tell us something about it?"

I was at a meeting over the weekend with 200 fishermen in the room, dedicated, hard core fishermen, not all ice fishermen by the way, and the subject came up. They wanted me to explain it to them. When I finished, I said, (I was curious) "For a show of hands, who thinks this is a good idea and that it is a conservation measure that can work in the State of Maine?" It was overwhelming, at least 199 of those 200 hands went up. Take my word for it when I tell you the vast majority of the ice fishing people in this state are conservationists at heart and they believe that this will be a small but meaningful step toward conserving that species of fish, the trout and salmon, that have made this state so famous.

I hope when you vote you will vote to recede and concur. To assure you that that is the right vote, I want each and every one of you to know that, should we not be totally correct, should there be no change in the declining population, should we not be able to halt or reverse that through this legislation, there is a sunset that has been added to it through the committee, it has been in the other body where it passed unanimously....

The SPEAKER: The Chair would advise the Representative not to refer to the vote of the other body, this body could care less.

Representative RUHLIN: Mr. Speaker, I fully appreciate that.

It is coming back into position of where recede and concur would be a vote to conserve the natural resources of the State of Maine and these native species to our state.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Men and Women of the House: It mires me how my good, good, friend got up and spoke in favor of this bill after the House voted on it 96 to 40. There is no question in my mind that this bill is a social bill. If you talk to anybody who does any fishing at all in the summertime, the last thing they want to see is anybody on those lakes in the wintertime taking what they call their fish for the summertime.

We had this bill in committee and I think when the first bill came to us it was not a bill to take only three ice traps on the lakes — that is what this bill wants us to do.

I think my good friend spoke to a group of people the other day — it would probably have to be the Salmon Club and I don't think any of them have the support of ice fishing if you leave it up to them.

I hope you support the good House Chairman the way we voted the other day, it was 96 to 40. There is a social problem out there with the fishermen and this is not going to control anything. The department told us they could take it or leave it. Right now they have the authority to post any body of water they want to for fishing or non-fishing, why take it away from them? We don't have to take it away from them. Why should we have to pass a bill to take away what the department can do right now? Ask your fishermen when you go home, particularly the ice fishermen, do you want to go out fishing with only three traps or five? How many here have ever gone ice fishing and only caught all the fish you are going to catch out of that one hole? With just one

hole, you are going to catch all of your fish.

I hope when you vote tonight, you vote with the good House Chairman on the Fisheries and Wildlife Committee. It is a good bill, keep things the way they are. There is nothing wrong, if there is something wrong, then in time, we will fix it.

Representative Tracy of Rome requested a roll call vote.

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 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: The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, Men and Women of the House: I feel that I should respond to the previous speaker who is also my good friend. You know they said it is a social problem — when you have a natural resource in this state that helps make this state a place the way life should be, then that is not a social problem, that is a quality of life problem. This bill is aimed specifically at that.

Just to set the record straight, everybody in my family that I know of fish open water and they ice fish. Many, many people in this state, as a matter of fact the majority of them, enjoy fishing both ways. This is not a societal problem in that sense of pitting one group against the other. It is simply a conservation measure to protect the native trout and salmon of this state.

I also think you should be aware of the fact that there was a majority of the Fisheries and Wildlife Committee that heard this bill, reported it out — they changed it considerably from the bill that I originally sponsored and that is fine. I accept the wisdom of that committee and I really think that they brought out a far better bill than I presented to them, but it was a Majority Report that was presented — two reports, the report that would be for recede and concur was the position of the Majority members.

I also want to address the one hole thing. That argument has always bothered me, but it is true, if you put out five holes or ten holes, there is always one hole that seems to catch more fish. You can take that same logic and say, fine, let's just have one hole. This bill has the opportunity to have three holes for trout and salmon. The intent is still to conserve. I think the department did not look at it when they said that it is a societal problem in the sense that it is the winter fishing group versus the summer fishing group, they meant that the last time the ice fishing trap limits were changed statewide, it was done by this legislature and it was done over 30 years ago. To do it by rule making, we are dealing with over 1,000 ponds, it is an administrative nightmare. The Sportsman's Alliance, a group of conservationists are for it, the Department is officially neutral but does not oppose it in any way, shape or manner. I have talked to the biologists, they don't have any problem with it. Again, I would appreciate it if you would consider recede and concur this evening.

The SPEAKER: The Chair recognizes the Representative from Milo, Representative Hussey.

Representative HUSSEY: Mr. Speaker, Ladies and

Gentlemen of the House: I am from northern Maine and I do quite a bit of ice fishing. Let's talk about conservation for just a minute. I have fished ever since I was a little kid. It doesn't matter how many lines are in that water, you ask any fisherman. What matters is what you bring up out of that water. If you have a fish that is not the right length and you are out there ice fishing, you have got to put that fish back down the hole. How many people here know how to put that fish back down the hole without killing that fish?

I would urge you to vote against the motion tonight to recede and concur because if you really want to conserve, what you would take out of that hole would be your bag limit, not the length or the weight. We have discussed this thoroughly with the Fisheries and Wildlife Commissioner at different hearings throughout the state and the fishermen will all tell you the same thing, let us keep the salmon and the trout that we bring up through that hole. They are supposed to be 14 inches. When we catch them and they are 13 1/2 inches and we put them back down the hole, they are dead. We would just as soon have that fish at 13 1/2 or 13 3/4. I would urge you to go against this recede and concur motion because it isn't the number of lines that are out there.

The SPEAKER: The Chair recognizes the Representative from West Gardiner, Representative Marsh.

Representative MARSH: Mr. Speaker, Ladies and Gentlemen of the House: My remarks will be brief. If you haven't seen the last Fish and Wildlife magazine, you might want to look to the page that has the largest fish that were caught in the state last year. I am sorry, I thought I had it in my briefcase but I don't have it so I can't quote from it, but certainly ice fishermen are enjoying very good fishing in the winter according to the statistics there.

I agree that the department has not become very involved in this issue but I agree with Representative Ruhlin that if you vote with him, it would be giving a message that the citizens would like to see a more conservative approach to the management of this very important resource.

The SPEAKER: The Chair recognizes the Representative from Athens, Representative Rotondi.

Representative ROTONDI: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you vote against the pending motion to recede and concur on this bill.

The biggest reason that we shouldn't pass this bill is what Representative Clark of Millinocket already stated -- that we don't need it and that the Department of Inland Fisheries and Wildlife can already do it. They can already do it through their rule making process on a lake-by-lake and pond-by-pond basis and they have done it. I got a list from the department this past week (since we debated this a week ago) where they established a two line limit for ice fishing on 34 bodies of water. There are some counties, upper Somerset and upper Piscataquis, where there is no ice fishing (period) on some lakes. I just hope that you vote against the pending motion.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Ruhlin of Brewer that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

62 having voted in the affirmative and 62 in the negative, the motion did not prevail.

On motion of Representative Ruhlin of Brewer, the House voted to Insist and ask for a Committee of Conference.

(Off Record Remarks)

On motion of Representative Coles of Harpswell, Adjourned at 5:54 p.m. until Tuesday, April 30, 1991, at ten o'clock in the morning.
