

# 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 Ninth  
Legislature***

OF THE

**STATE OF MAINE**

**Volume I**

**FIRST REGULAR SESSION**

**January 3, 1979 to May 4, 1979**

## HOUSE

Friday, March 23, 1979

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

Prayer by the Reverend Reginald Couture of the Union Congregational Church, Ellsworth Falls.

Rev. COUTURE: Let us pause in our very busy day and consider what we have accomplished in this day. We pray, oh God, that you will continue to guide and direct us and give us the strength and courage to accomplish what is necessary as citizens and leaders in our communities and in our state. Give us the wisdom to be helpful and fruitful in all our endeavors. We ask for thy continued blessings through thy Son, Jesus Christ, Our Lord and Savior. Amen.

The journal of yesterday was read and approved.

**Papers from the Senate**

The following Communication:

The Senate of Maine

Augusta

March 22, 1979

The Honorable Edwin H. Pert

Clerk of the House

109th Legislature

Augusta, Maine 04333

Dear Clerk Pert:

The Senate today voted to Insist and Join in a Committee of Conference on, Bill, "An Act to Provide for a Student Member of the Board of Trustees of the University of Maine." (H. P. 155) (L. D. 194).

Respectfully,  
S/May M. Ross  
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Joint Order, An Expression of Legislative Sentiment recognizing that:

The Westbrook High School girls' basketball team, coached by Archie Manoogian, has won the Western Maine Class A Basketball Championship for 1979 (S. P. 439)

Came from the Senate Read and Passed.

The Order was read and passed in concurrence.

The following Joint Order, An Expression of Legislative Sentiment recognizing that:

The Westbrook High School girls' basketball team, coached by Archie Manoogian, has won the Class A State Girls' Basketball Championship for 1979, their 2nd consecutive state championship (S. P. 440)

Came from the Senate Read and Passed.

The Order was read and passed in concurrence.

Bill "An Act to Redistribute Responsibility for Enforcement of Laws Prohibiting Certain Unfair Trade Practices" (S. P. 413) (L. D. 1277)

Bill "An Act to Amend the Returnable Beverage Container Statute to Provide for a 2¢ Handling Charge for Returnable Bottles" (S. P. 411) (L. D. 1267)

Came from the Senate referred to the Committee on Business Legislation and ordered printed.

In the House, were referred to the Committee on Business Legislation in concurrence.

Bill "An Act to Amend the Statutes Governing Vocational Regions" (S. P. 402) (L. D. 1266)

Came from the Senate referred to the Committee on Education and ordered printed.

In the House, was referred to the Committee on Education in concurrence.

Bill "An Act to Establish an Office of Deafness and Communications Disorders" (S. P.

407) (L. D. 1265)

Bill "An Act to Facilitate the Dispensing of Generic Drugs" (S. P. 410) (L. D. 1269)

Came from the Senate referred to the Committee on Health and Institutional Services and ordered printed.

In the House, were referred to the Committee on Health and Institutional Services in concurrence.

RESOLVE, to Reimburse Norman M. Curtis for Financial Loss Due to a Legislative Oversight (S. P. 412) (L. D. 1268)

Came from the Senate referred to the Committee on Labor and ordered printed.

In the House, was referred to the Committee on Labor in concurrence.

Bill "An Act Concerning Reserve Officer Standards for Professional Law Enforcement Personnel" (S. P. 405) (L. D. 1276)

Came from the Senate referred to the Committee on Legal Affairs and ordered printed.

In the House, was referred to the Committee on Legal Affairs in concurrence.

Bill "An Act to Conform State Statutes to the Federal Food Stamp Program" (S. P. 403) (L. D. 1264)

Came from the Senate referred to the Committee on State Government and ordered printed.

In the House, was referred to the Committee on State Government in concurrence.

**Non-Concurrent Matter  
Tabled and Assigned**

RESOLVE, Authorizing an Appropriation of \$300,000 to Provide Administrative and other Initial Operating Expenses Incidental to the Construction and Operation of the Maine Veterans Home (Emergency) (H. P. 1014) (L. D. 1248) which was referred to the Committee on Aging, Retirement and Veterans in the House on March 16, 1979.

Came from the Senate referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

In the House: On motion of Mr. Theriault of Rumford, tabled pending further consideration and specially assigned for Tuesday, March 27.

**Messages and Documents**

The following Communication:

State of Maine

Maine State Retirement System

Augusta, Maine

February 15, 1979

Honorable Joseph E. Brennan

Governor of Maine

State House, Augusta

Members, 109th Legislature

Dear Governor Brennan and Members of the Legislature:

In accordance with the provisions of 5 MRSA, Section 1031, subsection 9, the Trustees of the Maine State Retirement System submit herewith a report of the financial transactions of the System for the fiscal year and the assets and liabilities of the Retirement System at the end of said year. Included are the following June 30, 1978, reports:

Report of the Actuary for the year ended June 30, 1978

Report of the Investment Consultant

Report of the Executive Director

Group Life Insurance Underwriter's Report for the policy year ended June 30, 1978

Membership on the Board is comprised of two members appointed by the Governor, subject to review of the Joint Standing Committee on Veterans & Retirement and to confirmation by the Legislature, one member appointed by the Governor from a list of three nominees submitted by the Maine Retired Teachers Association, one member selected by the Maine Teachers Association, one member elected by the Maine State Employees Association, one

member appointed by the Maine Municipal Association, and one member who is a recipient of a retirement allowance through the System, selected by the foregoing members.

During the past year the Board has held two meetings with investment managers to review the investment performance and future direction of the program. The time-weighted rate of return on investments during the year ended June 30, 1978, was 2.7%, which is approximately the same rate as the previous fiscal year. This rate of return has not been considered adequate in view of the assumed earnings rate and has caused the trustees to direct more of the System's funds into the fixed income investment area. The Board has recently authorized an initial investment of \$3,000,000 in a real estate equity fund administered by The Travelers Insurance Company, an action which is felt will add to diversification and assure an investment return which is compatible with the interest assumption being used by the System's Actuary.

The Trustees have accepted revised actuarial assumptions for investment earnings (8½%), salary scale increases (5½%), cost-of-living increases for retirees (4%), and revised mortality tables, effective July 1, 1978. In connection with this action the Board has directed the System's Actuary to establish the employer contribution rates such that the unfunded liability amortization period will be reduced by one year annually, and that any actuarial gains or losses will be absorbed in the following year. Although it is realized that this action will involve significant cost increases by the state, it is the position of the Trustees that the integrity of the System should be maintained.

Although the Trustees have not included funding for the "non-contributory" teacher group in this year's appropriations request, as has been done during the past two regular legislative sessions (both requests were denied), it is believed most important that this matter be reviewed by the appropriate legislative committee. Expenditures for benefits applicable to this group, together with interest charges, have exceeded appropriations and other credits by an amount of \$105,881,000 as of June 30, 1978. A Joint Order introduced at the 108th Legislature to study the funding problems of the Maine State Retirement System, particularly those relating to this group of retired persons and beneficiaries, was indefinitely postponed.

Very truly yours,  
S/WILLIAM G. BLODGETT,

Executive Director for

the Board of Trustees

Maine State Retirement System

The Communication was read and with accompanying report ordered placed on file.

**Petitions, Bills and Resolves  
Requiring Reference**

The following Bills were received and referred to the following Committees:

**Aging, Retirement and Veterans**

Bill "An Act to Allow Credit under the Maine State Retirement System for Prior Nonmilitary Service with the United States Government" (H. P. 1158) (Presented by Mr. Silsby of Ellsworth)

(Ordered Printed)

Sent up for concurrence.

**Appropriations and Financial Affairs**

Bill "An Act to Reimburse the Division of Community Services for Expenditures Incurred in Operating an Excess Property Program" (H. P. 1159) (Presented by Mr. Davies of Orono)

(Ordered Printed)

Sent up for concurrence.

**Education**

Bill "An Act to Define Residency for School Purposes" (H. P. 1160) (Presented by Mrs.

Beaulieu of Portland)

Bill "An Act to Reduce State Review Requirements of School Projects" (H. P. 1161) (Presented by Mr. Diamond of Windham) (Cosponsor: Mr. Pearson of Old Town)

Bill "An Act Concerning Driver's Education for the Physically Disabled" (H. P. 1162) (Presented by Mrs. Nelson of Portland)

(Ordered Printed)

Sent up for concurrence.

#### Energy and Natural Resources

Bill "An Act to Allow the Board of Environmental Protection to Regulate Activities Affecting Sand Dunes under the Alteration of Coastal Wetlands Program" (H. P. 1163) (Presented by Mrs. Masterton of Cape Elizabeth) (Cosponsor: Mr. Rolde of York)

(Ordered Printed)

Sent up for concurrence.

#### Health and Institutional Services

Bill "An Act to Clarify the Uniform Act for Out-of-state Parolee Supervision" (H. P. 1164) (Presented by Ms. Brown of Gorham)

Bill "An Act Relating to the Division of Probation and Parole" (H. P. 1105) (Presented by Ms. Brown of Gorham)

Bill "An Act Relating to the Transfer of Prisoners to Federal Penal Institutions" (H. P. 1166) (Presented by Mr. Cloutier of South Portland)

Bill "An Act to Clarify the Interstate Corrections Compact" (H. P. 1167) (Presented by Mr. Cloutier of South Portland)

(Ordered Printed)

Sent up for concurrence.

Bill "An Act Concerning Limited Decrees for Alimony" (H. P. 1168) (Presented by Mrs. Sewall of Newcastle)

(Ordered Printed)

Sent up for concurrence.

#### Business Legislation

Bill "An Act Relating to the Testing and Product Approval Authority of the Energy Testing Laboratory of Maine and Creating a Board of Directors for that Laboratory" (H. P. 1169) (Presented by Mr. Howe of South Portland)

Committee on State Government was suggested.

On motion of Mrs. Kany of Waterville, was referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

Bill "An Act to Exempt Military Retirement Benefits from the State Income Tax" (H. P. 1170) (Presented by Mrs. Locke of Sebec)

#### Taxation

Bill "An Act to Encourage the Maine State Museum Commission to Acquire Works of Art Beneficial to the State" (H. P. 1171) (Presented by Mr. Tierney of Lisbon) (Cosponsors: Mr. Leonard of Woolwich, Mrs. Nelson of Portland, and Mrs. Masterton of Cape Elizabeth)

Bill "An Act to Extend the Period for Tax Abatement From One to 5 Years if the Abatement is Justified by an Admitted Error in Assessment Records or Procedure" (H. P. 1172) (Presented by Mr. McMahon of Kennebunk)

(Ordered Printed)

Sent up for concurrence.

#### Transportation

Bill "An Act Relating to Registration of Trailers and Semitrailers under the Motor Vehicle Laws" (H. P. 1173) (Presented by Mr. Kelleher of Bangor)

Bill "An Act to Provide Special Free License Plates for the 100% Disabled Veteran" (H. P. 1174) (Presented by Mr. Dow of West Gardiner) (Cosponsor: Mr. Theriault of Rumford)

(Ordered Printed)

Sent up for concurrence.

#### Orders

On motion of Mr. Cox of Brewer, it was ORDERED, that Representative Robert Carrier of Westbrook be excused March 22 and March 23, 1979 for personal reasons.

#### House Reports of Committees

##### Leave to Withdraw

Mr. McPherson from the Committee on Transportation on Bill "An Act to Provide a Motor Vehicle Inspection Sticker Procedure for Vehicles Failing an Inspection" (H. P. 447) (L. D. 564) reporting "Leave to Withdraw"

Mrs. Payne from the Committee on Health and Institutional Services on Bill "An Act Requiring Consumer Majorities on the Boards of Health Care Facilities" (H. P. 738) (L. D. 925) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

##### Divided Report

##### Tabled and Assigned

Five Members of the Committee on Judiciary on Bill "An Act to Permit Signed Statements of Psychologists and Chiropractors to be Admitted into Evidence Before the Workers' Compensation Board" (H. P. 377) (L. D. 540) report in Report "A" that the same "Ought to Pass"

Report was signed by the following members:

Messrs. COLLINS of Knox

DEVOE of Penobscot

Mrs. TRAFTON of Androscoggin

— of the Senate.

Messrs. LAFFIN of Westbrook

HOBBINS of Saco

— of the House.

Five members of the same Committee on same Bill report in Report "B" that the same "Ought to Pass" as amended by Committee Amendment "A" (H-121)

Report was signed by the following members:

Messrs. CARRIER of Westbrook

GRAY of Rockland

STETSON of Wiscasset

JOYCE of Portland

SILSBY of Ellsworth

— of the House.

One Member of the same Committee on same Bill reports in Report "C" that the same "Ought Not to Pass"

Report was signed by the following member:

Mrs. SEWALL of Newcastle

— of the House.

Reports were read.  
On motion of Mr. Hobbins of Saco, tabled pending acceptance of any Report and specially assigned for Tuesday, March 27.

#### Consent Calendar

##### First Day

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

(S. P. 113) (L. D. 207) Bill "An Act Authorizing the Public Utilities Commission to use a Modified Procedure in Uncontested Cases Relating to the Assignment and Transfer of Special or Charter Bus Licenses" Committee on Public Utilities reporting "Ought to Pass"

(S. P. 192) (L. D. 459) Bill "An Act Relating to Certificate of Deposit as it Applies to Survivors" Committee on Business Legislation reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of March 26, under 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. 643) (L. D. 796) Bill "An Act to Cen-

tralize the Administration of Uniform Reciprocal Enforcement of Support Act Petitions Filed in the State of Maine by the Official Child Support Agency of Another State"

(H. P. 48) (L. D. 57) Bill "An Act to Establish Registration of Electrologists" (C. "A" H-122)

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

##### Passed to be Engrossed

Bill "An Act Concerning Certain Allocations from the General Highway Fund for the Repair of Certain Bridges in Baxter State Park" (Emergency) (H. P. 134) (L. D. 145)

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

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, I would now move that this bill and all its accompanying papers be indefinitely postponed, and I would speak to my motion.

The SPEAKER: The gentleman from Limerick, Mr. Carroll, moves that this bill and all its accompanying papers be indefinitely postponed.

The gentleman may proceed.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: During the hearing on this legislative document, it was brought to my attention that the National Guard could build this bridge, saving money so that you could have the potholes and holes filled in your roads that you must travel every day.

Now, this bridge is something for recreation. It is in a park where people don't have to go, they go if they choose to do so. I feel the dedicated revenue of the Highway Department, what funds we have to spend should be saved for the people of the State of Maine who have to travel every day over the highways. In my particular area we have a bridge that people have to travel over every day, it is dangerous. They have a big steel bar across it to allow just little half-ton trucks and cars to travel. Children walking across here are in danger of falling off into the river. We do not have the funds to build this bridge. I think if we have got the funds to give \$50,000 or more to Baxter State Park, then we have got the funds to build this bridge and other bridges and fill potholes throughout the state of Maine.

I now move, as I have in the past, for indefinite postponement of this document.

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I would ask you to oppose the pending motion. The reason I signed this out "ought to pass" is that this bill, the same as any highway appropriations bill, it will have to be looked at sometime at a later date when we act on the highway budget. I don't think at this time that we really know whether we could allow this \$55,000 or any part thereof. There may come a time in the days ahead that we might be able to readjust this \$55,000 down to \$30,000 where we could help some of these bridges in Baxter Park.

I think right now we ought to let this go on its route. It will be tabled on the special highway appropriations table. Sometime later on in this session when we have a chance to review our highway budget, then we can decide whether in fact, when we have more information, if there are funds available for this park, I think we could readjust ourselves at that time. I am in favor of the \$55,000, but if we could reduce it down even half way, I think it would be a help to the Baxter Park area.

I would just make a comment on the National Guard, having had some information from them, when they do some projects in the State of Maine, you are looking down the road eighteen months to three years before you can get them to do this. I think there is a need there

right now to do something on these bridges, and I would ask you to please vote against the pending motion.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I concur with the remarks made by the gentleman from East Corinth, Representative Strout, and I hope that you will oppose the motion that is presently before you.

I would like to give you a little background on my knowledge of this park, which many of you may know and some of you may not.

Baxter Park is operated by direction of three people, the Attorney General, Forestry Commissioner and Fish and Game Commissioner. Some ten years ago, they set up an ad hoc, informal advisory committee which works with them. I have been a member of that committee ever since it was formed. Also, because the park is in my back yard, I have had some familiarity with it. I have been in and out of there for a good many years, since I was back in high school.

I think one of the more interesting comments that was ever made about the park was made by Stewart Udall in an address at Colby College and he later put the same comments in a book which he wrote relative to the natural resources to this country. He said, "The greatest single gift that has ever been made in the history of the United States by a single individual and possibly in the history of the world is Baxter Park."

Baxter Park was entirely bought, the whole program put together and given to the State of Maine by one single individual. This individual, shortly before he died, transferred to the state in two small bequests at least in relation to the overall amount about a million and a half dollars in trusts of stock that he had in a couple of realty companies in Portland.

At the time of his death he left his entire estate of some \$6 million to \$6.5 million to the maintenance of Baxter Park. That leaves a total of somewhere in the neighborhood of about \$8 million which is in a trust. This trust cannot be touched in any way for operation or maintenance or any part of the running of the park. The only way that any part of it can be spent, and I would want to qualify that so somebody won't question me on it, is that Governor Baxter had spent quite a bit of time studying forestry in Europe and he had been interested in how the people in some of the countries in Europe, particularly in Germany had been able to maintain their forests in good production shape for many, many years, and he was interested in the possibility of that being done in this country. He did authorize the Maine Forest District Program, Maine Forest Authority I believe is what it is called, that they could purchase tracts of land and administer them on a self production basis, a continuing production basis. They have bought two tracts of land, but it hasn't worked that well overall, maybe because of not being a large enough program. This is the only money that can be taken out of it.

The trust, at the present time, generates somewhere in the neighborhood of about \$650,000 to \$700,000, the earnings of it. The people in the authority and some of the rest of us who have studied this have been apprehensive over the continuing growth, inflation costs and salaries going up, but earnings on trusts in many cases have remained static.

Recently they have asked the Boston Savings Bank to see if they could put some of it in higher yield programs and they have made some transfers of some of the funding into this area.

The cost of operating the park is entirely from interest of the trust and fees that are generated through admission fees and the use of campsites. The use of campsites are charged to everybody who use them, but the fees can only

be charged, and this was established by state law that was passed several years ago, that admission fees can only be charged to people from outside of the state. It was felt that the park was given to the people of the state and they should have the right to use it.

There are somewhere around 25,000 cars that go into the park in the run of a year. It has been my feeling that these cars generate a good deal of tax revenue to the department and, really, in one sense of the word, are reimbursing to the department some of the gas tax that is generated from travel within the park.

The Highway Department has for many years maintained the road in the park, and if any of you haven't been in there, the road is kept in its natural state. It hasn't been paved; that is against the request of the donor, that it not be paved, and has been kept pretty much a one-track road with turnouts so that cars can go by each other, but is left pretty much in the situation it was at the time that Governor Baxter gave the land to the state.

The northern part of the road is what would be the southern entrance to the Allagash Wilderness Waterway. Some of the traffic that is generated over that is generated because of the travel of people going into the Allagash. I think there is a responsibility to the state for this part of the operation, because the Allagash park is entirely operated and is under the jurisdiction of the state.

Down through the years there have been appropriations to scrape the road two or three times a year or when it is necessary. The highway commission has always gone along with and the legislature has appropriated money to take care of the maintenance of bridges, because they have the expertise, the engineering ability, to be able to do the work to keep these bridges in repair.

Another example of where the Highway Department has gone along with at least maintaining the roads in the park, about ten years ago, when the effort was being made to take logs out of the rivers so they could no longer drive on the rivers and you had to go into hauling, Great Northern, who owns much of the land, quite a bit of it, decided to go into building a road of their own, which is the so-called Golden Road, which is a private road and trucks driving on there are private trucks and some of them owned by the company and some are owned by private individuals. These trucks are hauling loads way above what is normally allowed on public highways. The road leading from Millinocket Lake into Baxter Park was a road that belonged to Great Northern and was open to the public but was always a "pass at your own risk" type of situation. When the Golden Road was tied into this highway, the authority, at that time, felt there was a possibility of one of these trucks having a major accident with people traveling into Baxter Park. They discussed this with the Highway Commission and the Highway Commission at that time, procuring land from Great Northern, with an appropriation that was authorized by the legislature, built a road which presently is the one that you travel when going into Baxter Park from Millinocket Lake in through the entrance of the Park.

I think there is a long history of the Highway Department funding the highway program of the roads within the park. This is the only money that goes from the State of Maine General Fund or the Highway Fund into the operation of the park. I think it is a small contribution for the gift that we have there and the benefits that accrue to the people of the State of Maine, and I hope you will do as the gentleman from East Corinth expressed, allow this to go on to the Highway Appropriation Table. At that time, the Highway Committee will have a chance to review it with all of the other bills before them and decide whether it is possible to fund any or all of this particular project. I hope you will vote against the motion

before you.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. McKean.

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I stand on this particular issue with sadness and some gladness — the sadness because I would love to help the Baxter State Park but I can't, and the gladness because, for once, I am on the same side of my committee chairman — it is going to be a little easier this time.

I signed the bill out "ought not to pass" for a couple of reasons. One, we did contact General Day from the National Guard and there is a possibility that this bridge can be scheduled sometime in the future.

Another thing that I thought of was, if there is a problem with funds to build this bridge, then why can't there be a realignment of the fees that are charged with the park and let the major users of the park pay for the bridge? I have talked with a couple of people in my area who make use of the park and it wouldn't bother them a bit to pay a little higher fee. This way, the users of the park, the users of the bridge, could build a bridge.

Our highway fund, as you probably know, is in pretty critical condition right now and it looks like things are going to get worse. I hate to take funds out of the highway fund to fix the potholes that I am busting my shocks and springs on every weekend when I go home.

So, I would hope that you would go along with my friend and committee chairman, Representative Carroll, and indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. Elias.

Mr. ELIAS: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from East Millinocket, Mr. Birt.

Can you tell me if last year you had a surplus account in the park and if you did, how much of that surplus was spent?

The reason I ask is that I know next year you will have between \$50,000 and \$80,000 in surplus and I know that it is going to cost \$55,000 to build and reconstruct the bridges. I was just wondering if your surplus account might be able to handle that?

The SPEAKER: The gentleman from East Millinocket, Mr. Birt, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: To answer that question, the figure that I gave you relative to the cost of operating the park and the income does indicate about the difference.

I think there is one other factor that hasn't been brought into this whole program and I appreciate the opportunity to be able to explain. This is the fact that the people in Baxter State Park are under the same salary schedules as the state employees. They have been involved in employee negotiations and it is my understanding that at least half of that money and probably more of this surplus that might accrue might be necessary to fund the increase in salaries for members of the Baxter State Park people.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I don't want you to get carried away with that soft-soap pitch. Let it go onto the table. The table is right here. This is the place to do your duty and do your work. We have an estimated \$7 million loss of revenue, or a deficit, in other words, in the highway department, and we have to start making it up right here and now, today. This is your first step if you want to follow me.

The SPEAKER: The Chair recognizes the gentleman from Millinocket, Mr. Marshall.

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I am going to apologize to the gentleman from East Millinocket,

Mr. Birt. I haven't had time to concur with him on this, but regrettably so. I am going to vote to kill this bill as well, which may come as a surprise to the gentleman.

My rationale is basically different. For those of you who are ardent snowmobilers, you will know that currently snowmobiles are prohibited from using the unplowed roadway in the wintertime that the park authority has and the state law states that any road maintained by state dollars and not plowed shall be open to snowmobilers, and until this discrepancy is worked out, I can't allocate any more state monies to the Baxter State Park Authority when they are in direct conflict with law.

We have asked for an Attorney General's opinion of this, and it has been unsatisfactory to me and to many other people in my district, and until that opinion is satisfactory, I will continue to oppose monies for the funding of roadway repair in the park.

The gentleman from East Millinocket, Mr. Birt was granted permission to speak a third time.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I think I may chastise my little friend from Millinocket just a little bit. He might have done his homework a little better and he would realize that this wasn't a decision of the authority. The decision was made by a review of the Attorney General. There isn't anybody who has been anymore unhappy over that situation than I am. But, at the same time, I think to attempt to kill a piece of legislation because of a ruling of the Attorney General would not be in good taste.

The SPEAKER: The Chair recognizes the gentleman from Millinocket, Mr. Marshall.

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: My good gentleman mentor friend from East Millinocket also realizes that the Attorney General sits on the Baxter State Park Authority. I am soliciting an opinion next week to ask the current Attorney General. If such a ruling is favorable, I would be more than glad to accommodate any such legislation.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Limerick, Mr. Carroll, that this Bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Pearson of Old Town requested a roll call.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. 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 having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I didn't know that this was going to be on the calendar and I am not awfully well prepared, but I would urge you to vote with my good friend from East Millinocket, Mr. Birt, on this issue.

What the argument has dissolved into, I think, is a local parochial argument on the part of the people of Millinocket who have a concern about snowmobile riding.

You have heard the gentleman from Millinocket, Mr. Marshall, indicate that he didn't like the Attorney General's opinion and was going to seek another one; then, if it was favorable, he could go for it. Unfortunately, that is down the road a little ways.

If we kill the bill now, it is killed forever. If you vote for the bill now, it goes to the Highway Appropriation Table and then they can deal with that at a future date.

Anyone who has ever been to Baxter State

Park and anybody who has ever enjoyed the beauty of that area, I ask you now to vote for this bill.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Limerick, Mr. Carroll, that this bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Beaulieu, Benoit, Berry, Blodgett, Bordeaux, Bowden, Brenerman, Brodeur, Brown, A.; Brown, K. L.; Brown, K. C.; Bunker, Call, Carroll, Carter, D.; Cloutier, Curtis, Damren, Dexter, Drinkwater, Elias, Fillmore, Gavett, Gray, Gwadosky, Hall, Hanson, Hickey, Howe, Jacques, E.; Joyce, Kane, Kany, Kiesman, Leighton, Lizotte, Locke, Lougee, Lund, MacBride, Mahany, Marshall, Martin, A.; Masterman, Matthews, Maxwell, McHenry, McKean, McSweeney, Mitchell, Morton, Nadeau, Nelson, A.; Nelson, M.; Nelson, N.; Paul, Reeves, J.; Smith, Sprowl, Stetson, Stover, Studley, Theriault, Tozier, Tuttle, Vose, Wentworth, Whittemore.

NAY—Aloupis, Austin, Bachrach, Baker, Barry, Berube, Birt, Boudreau, Brannigan, Brown, D.; Churchill, Conary, Connolly, Cox, Cunningham, Davies, Davis, Dellert, Diamond, Doukas, Dow, Dutremble, D.; Dutremble, L.; Fenlason, Fowlie, Gould, Gowen, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, P.; Kelleher, Laffin, Lancaster, LaPlante, Lewis, Lowe, MacEachern, Master-ton, McPherson, Michael, Norris, Paradis, Payne, Pearson, Peltier, Peterson, Prescott, Reeves, P.; Rollins, Sewall, Sherburne, Silsby, Small, Soulas, Strout, Tarbell, Tierney, Torrey, Twitchell, Vincent, Violette, Wood, Wyman.

ABSENT—Carter, P., Dudley, Garsoe, Gillis, Higgins, Hobbins, Jalbert, Leonard, McMahon, Post, Rolde, Roope, Simon, The Speaker.

Yes, 68, No, 68; Absent, 15.

The SPEAKER: Sixty-eight having voted in the affirmative and sixty-eight in the negative, with fifteen being absent, the motion does not prevail.

Whereupon, the Bill was passed to be engrossed and sent up for concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Remove the literacy Requirements for Eligibility to Vote (H. P. 430) (L. D. 547)

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

#### Second Reader

##### Tabled and Assigned

Bill "An Act to Increase the Surplus Account of the Kennebec Treatment District" (H. P. 223) (L. D. 271)

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

On motion of Mr. Carter of Winslow, tabled pending passage to be engrossed and specially assigned for Tuesday, March 27.

#### Passed to Be Enacted

An Act Relating to Filing Abstracts of Divorce Decrees with Registry of Deeds (S. P. 104) (L. D. 201) (H. "A" H-101 to C. "A" S-28)

An Act to Require Certification of Teachers in Bilingual Education Programs (H. P. 122) (L. D. 130) (C. "A" H-96)

An Act Concerning the Release of Certain Information Furnished for the Filing of Liens for Support Payments (H. P. 461) (L. D. 574)

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.

#### Orders of the Day

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

Bill, "An Act to Increase Penalties for Violation of the Statutes Concerning Minimum Wages" (S. P. 82) (L. D. 155) — In the House, Passed to be Enacted on March 13, 1979. — In Senate, Failed of Passage to be Enacted on March 21, 1979.

Tabled — March 22, 1979 by Mr. Wyman of Pittsfield.

Pending—Further Consideration.

On motion of Mr. Wyman of Pittsfield, re-tabled pending further consideration and specially assigned for Monday, March 26.

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

Bill, "An Act to Create a Department of Forestry" (H. P. 1140) (Committee on Energy and Natural Resources suggested)

Tabled—March 22, 1979 by Mr. Blodgett of Waldoboro.

Pending—Reference.

On motion of Mr. Blodgett of Waldoboro, was referred to the Committee on State Government, ordered printed and sent up for concurrence.

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

Communication (H. P. 1113) From Rodney S. Quinn, Secretary of State Relative to initiative petitions relating to "An Act to Repeal the Forced Deposit Law" — In House, House reconsidered placing Communication on file on March 22, 1979.

Tabled—March 22, 1979 by Mr. Tierney of Lisbon.

Pending—Placing on File.

On motion of Mrs. Mitchell of Vassalboro, tabled pending being placed on file and specially assigned for Monday, March 26.

The Chair laid before the House the fourth tabled and today assigned matter.

Bill, "An Act to Clarify Home Rule Authority" (H. P. 1097) — In House, Reconsidered Referring to Committee on Legal Affairs on March 21, 1979.

Tabled—March 22, 1979 by Mr. LaPlante of Sabattus.

Pending—Reference.

On motion of Mr. LaPlante of Sabattus, was referred to the Committee on Local and County Government, ordered printed and sent up for concurrence.

#### Bill Held

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Purposes for the Meeting of the First Regular Session of the Legislature during December to Election of Constitutional Officers and Legislative Officers and to Provide for Senate Apportionment in 1983 (H. P. 288) (L. D. 348) — In House, Finally Passed on March 22, 1979.

Held at the request of Mrs. Kany of Waterville.

The bill was released prior to the session by Representative Kany from Waterville.

#### (Off Record Remarks)

Mrs. Beaulieu of Portland was granted unanimous consent to address the House.

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I am pleased that the Speaker explained number three to us since I just sent a note down to Mrs. Mitchell asking why also.

I have no doubt that the proponents and the opponents of the so-called bottle bill will be at it again this Fall on the statewide referendum.

However, most of you know that I travel every day from Portland. Since I work very hard to follow the 55 mile per hour speed limit, I am able to observe the roadways. I tell you that if I had been able to take the time in my

travels this very past week to stop and pick up bottles and cans along I-295, I would have at least three trash bags of bottles and cans in the well of the House today to show you and bring you evidence of what I am observing on our roads. The stretch of road between Brunswick and the Gardiner exit is atrocious. It is littered with bottles and cans. This morning the cans and bottles between Gardiner through to the Augusta toll booth was unbelievable.

I bring this to all of your attention today in hopes that you will, as you travel, do two things, and that is — follow the speed limit and open you eyes and look at your roadways before you set your seats and heads in cement over what will be a major issue this Fall.

---

On motion of Mr. Paul of Sanford, adjourned until Monday, March 27, at ten o'clock in the morning.