

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Ninth

Legislature

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 2 to April 3, 1980

THIRD SPECIAL SESSION

May 22, 1980

THIRD CONFIRMATION SESSION

July 17, 1980

FOURTH CONFIRMATION SESSION

July 24, 1980

FIFTH CONFIRMATION SESSION

September 12, 1980

**REPORT, HEARING TRANSCRIPT AND
RELATED MEMORANDA OF THE JOINT
SELECT COMMITTEE ON INDIAN LAND
CLAIMS**

HOUSE

Friday, February 22, 1980

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

Prayer by the Reverend Frederick Niles, Retired, United Methodist Conference of Maine, East Poland.

Rev. NILES: Almighty God, whose voice called creation into being and whose work makes the nations shaken with fear and trembling, it is with fear and reverence that we ask your presence here today.

Your love requires justice to roll down like living waters and righteousness like an ever-flowing stream. We ask your blessing on the leaders here gathered not with blanket endorsement of their own wishes but with the redeeming and renewing power of your Holy Spirit that the work of their hearts and minds will rise up to bless all the people of this state, this nation and the world.

We pray in the names of Abraham, Isaac, Jacob and Jesus Christ. Amen.

The journal of yesterday was read and approved.

Papers from the Senate

Bill "An Act to Extend the Period for Issuance and Coverage under the Maine Medical and Hospital Malpractice Joint Underwriting Association Act by One Year" (Emergency) (S. P. 764) (L. D. 1957)

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

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

Reports of Committees

Leave to Withdraw

Report of the Committee on Legal Affairs reporting "Leave to Withdraw" on RESOLVE, Authorizing the Town of Strong to Sue the State of Maine (S. P. 700) (L. D. 1836)

Report of the Committee on Legal Affairs reporting "Leave to Withdraw" on RESOLVE, Authorizing Larry R. Coffren of Strong to Bring Civil Action Against the State of Maine (S. P. 701) (L. D. 1837)

Came from the Senate with the Reports read and accepted.

In the House, the Reports were read and accepted in concurrence.

Special Sentiment Calendar

In accordance with House Rule 56, the following Joint Orders (Expressions of Legislative Sentiment) Recognizing,

Pam Valliere of Biddeford, who won the nationwide "Design Your Room" contest sponsored by Co-Ed Magazine, (S. P. 762)

Kevin McKenzie, of Lawrence High School, winner of the Ray Story Memorial Award as the Pine Tree Conference's most outstanding football player, student and sportsman; (S. P. 763)

Laurin Kelly, member of the Belgrade Grange for 70 years, who celebrated his 85th birthday on January 27, 1980 (S. P. 761)

Chester Reynolds, of Gardiner, who has unselfishly helped the people of Guatemala since a devastating earthquake and is helping to build a children's hospital wing; (H. P. 1867) by Mr. Dow of West Gardiner.

There being no objections, these expressions of Legislative Sentiment were considered passed.

House Reports of Committees
Divided Report

Majority Report of the Committee on State Government on Bill "An Act Combining the Offices of Justice of the Peace and Notary Public and to Establish their Appointment by the Secretary of State" (H. P. 1718) (L. D. 1829) reporting "Ought to Pass" as amended by

Committee Amendment "A" (H-798)

Report was signed by the following members:

Messrs. MARTIN of Aroostook
SUTTON of Oxford

— of the Senate.

Mrs. MASTERTON of Cape Elizabeth
REEVES of Pittston
KANY of Waterville

Ms. LUND of Augusta

Messrs. PARADIS of Augusta
BARRY of Fort Kent
CONARY of Oakland

— of the House.

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

Report was signed by the following members:

Mr. AULT of Kennebec

— of the Senate.

Mrs. DAMREN of Belgrade
BACHRACH of Brunswick

Mr. LANCASTER of Kittery

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: I move acceptance of the Majority "Ought to Pass" Report.

The SPEAKER: The gentlewoman from Waterville, Mrs. Kany, moves acceptance of the Majority "Ought to Pass" Report.

The Chair recognizes the gentleman from Dixfield, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will not accept the Majority "Ought to Pass" Report. I was at the hearing and spoke against this bill. I think it is a bad bill and I don't believe we should pass it.

The statement of fact says that there is a lot of confusion; I don't agree with that. I have been a justice of the peace for quite a few years, I have a notary public across the street and anything that he can't handle I do and we get along very well. I would like to see it continue that way and I hope you will vote against the "ought to pass" report.

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: I would just like to point out that the previous speaker was the only person at the public hearing testifying in opposition to the bill, and that notary public across the street definitely could handle everything that he does do.

Justices of the peace, long ago, had many judicial functions which they no longer can perform, we have given them to others instead of retaining them with justices of the peace. I have a feeling that if there is any sentimental objection to doing away with justices of the peace, it is just that, a little bit of sentimental objection.

Perhaps there might be a few people in this body, including the previous speaker, who might worry what would happen to them. There are probably a few other justices of the peace sitting around here in this room, and I would just like to point out to you the last page in the bill, the transition provision, Section 52, which states that whoever is justice of the peace or notary public on December 31, 1980, shall continue in office after December 31 until the expiration of his term, except that he shall be a notary public as provided in this act.

Really, you needn't worry. People in Maine are often asking us to get rid of things we no longer need, and if there ever was something we no longer need, it is the justice of the peace.

I hope you will go along with the Majority Report.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mrs. Bachrach.

Mrs. BACHRACH: Mr. Speaker and Members of the House: I just want to say that I

guess I am one of those sentimental people who kind of likes the idea of justices of the peace and see no overwhelming need to get rid of them.

I do see a little bit of confusion on the part of the voters coming up because they are accustomed to having JP's register them and come around for absentee ballots, and I do think that they might feel, if someone designated as a notary came around for their ballot, that they might have to pay a fee of some sort.

I guess it won't be earthshaking whichever way you vote, but I prefer, myself, to keep the JP's.

The SPEAKER: The Chair recognizes the gentlewoman from Wells, Mrs. Wentworth.

Mrs. WENTWORTH: Mr. Speaker and Members of the House: I would like to agree with Mrs. Kany; I think it is a complete duplication of office. As I understand it, there is only one thing at the present time that cannot be performed by both, and that is putting a seal on legal papers that require it or on interstate papers. And any notary who wants to get a seal can do it if they handle that sort of business.

I would hope that you would go along with the majority report.

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

Mr. PEARSON: Mr. Speaker, I would like to pose a question to the chairman of the committee that heard this bill. Is there a loss of revenue to the General Fund through the combination of these offices?

The SPEAKER: The gentleman from Old Town, Mr. Pearson, has posed a question through the Chair to the gentlewoman from Waterville, Mrs. Kany, and the Chair recognizes that gentlewoman.

Mrs. KANY: Mr. Speaker and members of the House: I am delighted to report that there would be no revenue loss.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: That is a difficult thing for me to comprehend in that I know an awful lot of people that are both justices of the peace and notaries public and they continue to get their offices renewed time and time again. I am both a justice of the peace and notary public and I think it is \$10 for each one of them. If you can't be one and you can only be the other, then it seems to me that is a loss of revenue.

I would also like to go a little bit further on this, just a sentimental little trip down the voyage of life, I guess, is that a lot of times, and I really don't know how much this amounts to, but a lot of times in classes that I have had over the years in teaching government or history, I have always told the students that a lot of our traditions come from English-British history and one of them is that justices of the peace, that is carried down through the centuries, is basically a British heritage, part of the British heritage that we have, and I usually start out by asking them if they know what Houlton's basketball team's nickname is, and they tell me it is the Shiretowners, and I tell them, well, you know, the Shiretown is the county seat and that is why they call themselves the Shiretowners and that is where the shire reeve was, and they have shortened it to sheriff, and we have had a lot of other things that have come down over the years and one of them is justice of the peace. I am not sure that the county seat is still in Houlton, but I kind of have a sentimental attachment to that office of the justice of the peace.

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, just briefly two little things. One I would like to say to the members of this House is that every once in a while I think sometimes we had vestiges of the British Empire that we decided to reject. Of course, we had the Boston Tea Party, and this

is another vestige that I hope we would reject.

As far as that huge loss of money from people who might choose to be both a justice and notary, there aren't that many, Representative Pearson. You don't find yourself in a group of huge number.

Actually, the Secretary of State's Office thought there would be a savings of several hundred dollars by the passage of this bill, because the Secretary of State's Office does have to spend a considerable amount of time by its staff members answering questions about the confusion that exists about having these two offices and which one can do what. So they actually felt that there would be a savings.

The SPEAKER: The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question. I have had this brought up to me several times in regards to justices of the peace. I have a couple of people that applied for bailiff in Hancock county, and in order to be a bailiff or a bondsman, it is necessary that you are a justice of the peace. I just hastily glanced over this bill and I don't see any provisions in there that includes them, and that is part of the law now, that they have to be a justice of the peace. These two people wanted to be sworn in and they said they couldn't unless there were a justice. Is there any provision in here?

The SPEAKER: The Chair recognizes the gentlewoman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, in answer to the question, in another section of the statutes, Representative Churchill, a notary public is given all the powers of a justice of the peace.

I have a list here of 29 duties of both the notary and JP. Some of these duties are given to the JP's and some of them are rather archaic and maybe ought to be done away with altogether. This bill does not seek to change any of those duties. Some of these duties are the responsibility of both the notary and the JP, some are solely the responsibility of the notaries, but you do have that section in the statutes, which is a relatively recent amendment, I believe, that says that a notary can do all of those things granted to a justice of the peace. So, you have two officials doing virtually the same thing.

Now, with regard to the numbers of both. The Secretary of State is computerizing names of notaries and JP's, so we are beginning to get a better idea as to how many there are.

In your statement of fact it says, and this is correct, there are roughly 20,000 of both in the State. Then it goes on to say that 7,500 of these are notaries. Actually, as the computerization has gone along, the Secretary of State is able to be a little more exact and he estimates now that of those 20,000, 16,000 are notaries, 4,000 are JP's, and there are several hundred who serve as both.

I want to just mention that this reform has the blessing of the Governor's Office and it has the blessing of the Secretary of State's Office, and I would urge you to seize upon this opportunity to streamline government for your people back home and make it simpler for them as well as for the JP's and notaries.

The SPEAKER: The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: That still didn't answer my question because it still is not spelled out in that section. I know what we tried to do, I was on State Government when we changed it before, if I remember right, and I was inclined to believe that we should streamline state government, but there is nothing here, and I was over to the Deputy Secretary of State, Mr. Henderson, just recently and the man still had his application in and was waiting to be sworn in, and there is no way they will swear him in. Perhaps there is some legal beaver here in the House that can explain it to me better, but there is no way he can be sworn

in as a bondsman unless he is a justice of the peace, and there is no provision in this bill that provides for that.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Hickey.

Mr. HICKEY: Mr. Speaker, I would like to ask the sponsor a question. I would like to know if every notary public has to have a seal?

The SPEAKER: The gentleman from Augusta, Mr. Hickey, has posed a question through the Chair to the sponsor, and the Chair recognizes the gentlewoman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker and Members of the House: I am glad you asked that question. Under the present law, the notaries public must have a seal. In fact, that is the sole difference between him and a JP. In this bill, we have made the seal optional.

Notaries public today use their seals on everything, but they don't have to except on deeds and on interstate documents where the other outside state demands a notary seal. But in most of the things that a notary does today, he need not use his seal under the law. So what we are providing for is the option for the new notary to either buy a seal, which may cost up to \$25 or \$30, I am told, if he is going to be doing deed work or interstate work, and I suppose lawyers would be doing that. But for those of you who want to go out and attest signatures on absentee ballots or petitions or nomination papers, you would not, as a new notary, need to have a seal under the law.

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: It has been said here that there will be no loss of revenue, but there will be a loss of revenue in East Dixfield because there is only going to be one notary public. I expect there will be other towns the same way.

It has also been said that—well, as far as I am concerned, I don't know why it all had to be changed to notaries public. I guess I would like it a lot better if the notaries were justices of the peace.

The SPEAKER: The Chair recognizes the gentleman from Wiscasset, Mr. Stetson.

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: This bill disturbs me greatly because as an attorney at law and under Section 1056 of the present statute, I have the powers of a justice of the peace and I have had the pleasure of performing the marriage ceremony for no less than 14 people within this state and they have all stuck together even to this day. If we pass this law, I just wonder if those marriages are going to stick because under Section 122, it takes away the jurisdiction or authority of a justice of the peace to solemnize a marriage. I just wonder if those marriages are going to be questioned.

I feel for the gentleman from Dixfield. I think that we ought to continue these offices of justices of the peace for that reason.

The SPEAKER: The Chair recognizes the gentlewoman from Wells, Mrs. Wentworth.

Mrs. WENTWORTH: Mr. Speaker and Members of the House: As a notary for 21 years, I average about 50 weddings a year and I don't think that interferes with the justices in any way.

I think also, I am old enough to like sentimental things but there is a time when moving forward is more important, and I think it is more important to use one office for the same work.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, I would like to pose a question. I read quickly through the document and I know that one of the duties of a justice of the peace is to call a town meeting in a community where the select people have failed to do so. In going through the bill, I fail to note where this provision has been incorporated.

The SPEAKER: The gentleman from Winslow, Mr. Carter, has posed a question through the Chair.

The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: Once again, all duties of the justices would be incorporated into duties of the notaries.

While I am on my feet, I would also like to respond to the Representative from Dixfield and say that whether you like it or not, if this bill passes you would become a notary and there would be two notaries in your town. If you are concerned about that, maybe we can all get together and help make you a new sign to put on your lawn, too, so you will be good competition for that person.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Masterman.

Mr. MASTERMAN: Mr. Speaker, Men and Women of the House: One point has been overlooked in the application. I am a justice of the peace, and when we apply—I will start by saying that when you apply for a notary public, that is completely handled within the Secretary of State's Office, but if you apply for a justice of the peace there is another step, and not only does it go through the Secretary of State's Office but it is also recognized and accepted or rejected by the Governor of the State, and I rather like that restriction.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Laffin.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I am glad to see that the leadership of this legislature felt that this issue was so important that it had to be brought into a special session.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentlewoman from Waterville, Mrs. Kany, that the Majority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

61 having voted in the affirmative and 55 having voted in the negative, the motion does prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (H-798) was read by the Clerk and adopted and the bill assigned for second reading the next legislative day.

The SPEAKER: The Chair is pleased to recognize in the back of the Hall of the House Harold W. Brown. He is Clerk Assistant to Legislative Assembly of New Brunswick in Fredericton. He is visiting the Clerk of the House today. Clerk Assistant Brown informs us that in New Brunswick there is only one legislative body, they have no Senate. They abolished that outmoded institution. Harold is here today visiting with us and is hoping that we will learn from him and vice versa. Would you please join with me at the rostrum.

Thereupon, Mr. Brown was escorted to the rostrum by the Sergeant-at-Arms amid applause of the House, the members rising.

Consent Calendar

First Day

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

(H. P. 1735) (L. D. 1853) Bill "An Act to Allow Counties to Participate in the Solid Waste Management Subsidy" Committee on Energy and Natural Resources reporting "Ought to Pass"

On the objection of Mr. Blodgett of Waldoboro, was removed from the Consent Calendar.

Thereupon, the Report was accepted, the Bill read once and assigned for second reading the next legislative day.

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

(S. P. 720) (L. D. 1870) Bill "An Act to Allow School Districts to Account for Federally-subsidized Pupils as Residents of the District and not of the Municipality in which they Reside" (C. "A" S-416)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was passed to be engrossed as amended in concurrence.

Passed to Be Enacted Emergency Measure

An Act to Appropriate Funds for Special Election (H. P. 1672) (L. D. 1779)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 105 voted in favor of same and 4 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Provide Compensation and Benefits Agreed to by the State and the Maine State Troopers Association (H. P. 1753) (L. D. 1880)

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

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

Mr. CARROLL: Mr. Speaker, I would like to pose a question through the Chair. If anybody has the answer, I would like to know just how much, with the passage of this act, is it going to cost us for the services of a state trooper per year?

The SPEAKER: The gentleman from Limerick, Mr. Carroll, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker and Members of the House: I have those figures but I don't have them right at hand. I don't know exactly where I kept them the last time I set them down. I have had them, I know what they are, but I would hesitate to give any exact figures. I thought his question dealt with the individual salaries. Are they on the bill?

The SPEAKER: The Chair would answer in the negative.

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

Mr. CARROLL: Mr. Speaker, I will defer my question until later. We may vote on this question now and I will get that information from Mr. Morton.

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

A vote of the House was taken.

123 having voted in the affirmative and none in the negative, the Bill was passed to be enacted.

Signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act to Provide Arthritic Drugs to Eligible Individuals under the Low Cost Drug Program (S. P. 654) (L. D. 1693) (C. "A" S-414)

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

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mrs. Huber.

Mrs. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: L. D. 1693 is the bill to provide arthritic drugs to eligible individuals and it does have a price tag of \$264,000. In case you think I am committing political suicide by bringing this to your attention, I would point out that I plan to vote for this bill. I would like to state, however, that in my opinion, a bill that

deals with a real need in an area where people, I think we can say, are fairly desperate, should have been addressed by the department and funds for this purpose could and should have been put into the department's budget.

I would request a roll call on this measure.

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 pending question before the House is on passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Austin, Bachrach, Beaulieu, Benoit, Berube, Blodgett, Bordeaux, Brannigan, Brennerman, Brodeur, Brown, D.; Brown, K. L.; Brown, K. C.; Bunker, Call, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Cloutier, Conary, Connolly, Cox, Cunningham, Curtis, Damren, Davies, Davis, Dellert, Dexter, Doukas, Dow, Drinkwater, Dutremble, L.; Elias, Fenlason, Fillmore, Fowlie, Garsoe, Gavett, Gillis, Gowen, Gray, Gwadnosky, Hall, Hanson, Hickey, Higgins, Hobbins, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kelleher, Kiesman, Laffin, Lancaster, LaPlante, Leighton, Lewis, Locke, Lougee, Lowe, Lund, MacBride, MacEachern, Mahany, Martin, A.; Masterman, Masterton, Matthews, McHenry, McKean, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, A.; Nelson, M.; Nelson, N.; Norris, Paradis, E.; Paradis, P.; Paul, Payne, Pearson, Peltier, Peterson, Post, Prescott, Reeves, P.; Rolde, Rollins, Sewall, Sherburne, Silsby, Simon, Small, Smith, Soulas, Stetson, Stover, Strout, Studley, Tarbell, Theriault, Tierney, Torrey, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wentworth, Whittemore, Wood, Wyman, The Speaker.

NAY — Marshall.

ABSENT — Baker, Barry, Berry, Birt, Boudreau, Bowden, Brown, A.; Diamond, Dudley, Dutremble, D.; Howe, Hughes, Kany, Leonard, Lizotte, Maxwell, McMahon, Reeves, J.; Roope, Sprowl.

Yes, 130; No, 1; Absent, 20.

The SPEAKER: One hundred thirty having voted in the affirmative and one in the negative, with twenty being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

Enactor

Tabled and Assigned

An Act to Amend the Law Regarding the Reporting of Accidents under the Motor Vehicle Laws (H. P. 1626) (L. D. 1736) (C. "A" H-775)

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

On motion of Mr. Hobbins of Saco, tabled pending passage to be enacted and assigned for Monday, February 25.

An Act to Limit Possession of Lobsters on board Boats Rigged for Otter or Beam Trawling, Seining or Netting (H. P. 1631) (L. D. 1741) (C. "A" H-786)

An Act to Allow Limited Use of Hydraulic Dredges in the Taking of Soft Shell Clams or Quahogs (H. P. 1633) (L. D. 1743) (C. "A" H-787)

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 today assigned matter:

Bill, "An Act to Allow the Commissioner of

Marine Resources to Exercise Limited Authority over the Conservation of Atlantic Salmon" (H. P. 1630) (L. D. 1740) (C. "A" H-785)

Tabled—February 20, 1980 by Mr. Fowlie of Rockland.

Pending—Passage to be Engrossed.

On motion of Mr. Dow of West Gardiner, tabled pending passage to be engrossed and specially assigned for Tuesday, February 26.

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

JOINT ORDER—Relative to the Collection and Disposition of Funds by the Division of Recreational Safety and Registration within the Department of Inland Fisheries and Wildlife (H. P. 1864)

Tabled—February 21, 1980 by Mr. Dow of West Gardiner.

Pending—Passage.

The SPEAKER: The Chair recognizes the gentleman from West Gardiner, Mr. Dow.

Mr. DOW: Mr. Speaker, Ladies and Gentlemen of the House: I move indefinite postponement of the Study Order.

This Order calls for Performance Audit to study this collection of funds, and Performance Audit studied this four years ago, I, Walter Birt and Mr. Silverman were on the committee that did the study. We recommended at that time, that the snowmobile and boat registration be put in one division. It was done. I understand Performance Audit is working on the Sunset Bills and they should have plenty to do. I think it is a useless study at this time.

Another select committee just studied the funding of Fisheries and Wildlife and came up with the recommendations to increase the boat registration. I honestly don't know if I have room enough under this desk for another study, to tell you the truth and, as I said before, I move the indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I think the fact that this was done four years ago, the circumstances have changed completely now. There is a recommendation, as you all know, on boat licensing increases and possibly make it every year.

This study would direct Performance Audit to look into the Bureau of Watercraft Registration and particularly look at their administrative costs. They have published administrative costs but I would like a neutral body, such as Performance Audit, to go in and look at these. I have talked with Performance Audit and I am told that there is a possibility they can do that this year and report to this legislature, which certainly would be helpful when we are facing the problem of increasing these fees. By having them go in, there would not be a great deal of cost, I am assured, involved in it.

We also have a problem here that some of this money that goes to Watercraft is coming not only from the state but from the federal government and there are problems with the money coming from federal government and may terminate in fiscal year 1980. There is some question about what further would be coming in, which also would make it very critical that we know exactly what it is costing to administer this department and where the money that is coming into it is going.

After the money comes in and they have taken their administrative costs out of it, the money is then sent to two departments, it goes to Fish and Game and it also goes to Marine Resources. It is intended to be earmarked for watercraft safety, inspection of watercraft and this type of thing.

Again, I think with all of these things happening, the possible loss of federal funding, the possible increase in boat license fees and the other things that are going on here, it is important that we allow Performance Audit to go in and check their administrative costs.

I ask for a division and hope you will support this Order.

The SPEAKER: The Chair recognizes the gentleman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: You may remember when we had the original bill on increasing boat registration fees, it was sent, for some reason, to Taxation in the other body. I think that was done primarily because they wanted a neutral group to take a look at boat registration fees since the money goes both to Marine Resources and Inland Fisheries and Wildlife. But it wasn't a taxation issue and I didn't feel it was appropriate for a neutral body to take a look at the issues that Representative Jackson has raised.

I, myself, would be faced, as a coastal legislator, of having to vote to either increase the registration fees for the boats that my constituents have. They would have to register every year. My constituents pay heavy taxes on their boats. Many of the inland people do not have to pay taxes on their boats. In fact, it has been some of the sportsmen's groups that have kept us from making reform in boat taxation. I can't justify, at this point, to fishermen having to pay heavy taxes on their boats and also having to pay a registration fee every year to bail out the Department of Inland Fisheries and Wildlife.

If we had a neutral group look at this, we could come up with equal division between the two departments and we could get some information from a neutral party and then it might make sense at that time, but at the present time, there is no way I can justify increased registration fees without that third group looking at it.

I would hope that you would vote against the motion of indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from West Gardiner, Mr. Dow.

Mr. DOW: Mr. Speaker, Ladies and Gentlemen of the House: Just one short thing. We are going to have that hearing on the boat registration this coming Tuesday and anybody that is interested can come and say anything they want to.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the Motion of the gentleman from West Gardiner, Mr. Dow, to indefinitely postpone the Joint Order. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. MacEachern of Lincoln requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. 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 Sanford, Mr. Paul.

Mr. PAUL: Mr. Speaker, Ladies and Gentlemen of the House: Before I begin, I wonder if it would be appropriate to request the Clerk to read the Order so we know just what the specific language of the Order is?

Thereupon, the Order was read by the Clerk.

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

Mr. PAUL: Mr. Speaker, Ladies and Gentlemen of the House: Thank you for bearing with me for a moment on that, but the reason I rise is because I have serious problems with the language of the Order in that inaccurate statements, as far as I am concerned, are made in the Order.

The Order says that the administrative figures are not available to the members of the legislature and I just want to say that that is just absolutely untrue. I think if we are asked to act on an order here, it ought to be appropriately reflected what the intent is.

I have had no trouble in getting these figures.

I have all the administrative costs right down to the travel expenses, printing expenses right up through the fiscal year, the end of last month, right to the penny. I can document it here. I have spoken to Mr. Jackson, about it, so I think the inference that there is no communication to supply the figures is certainly untrue. I don't think the legislature should take the position that these figures aren't available when they are.

I hope you do support the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I am glad we had the opportunity to hear the Order in full. I would point out that the figures that have come have come from the Department of Fisheries and Wildlife, which the Watercraft Safety is a part of. They haven't come out of Performance Audit. These aren't up-to-date figures that Performance Audit had brought up, so they are from within the department. We are looking for the actual cost and purpose for which these funds are utilized and we are hoping to get these figures this session of the legislature. I have talked to the House Chairman of Performance Audit and she feels there is a good possibility that that can be done within this session.

I would further point out to you that the license fee increases are anticipated to be voted on in this session of the legislature and that combined with the federal promise that I pointed out earlier, I think it makes it very important that we have Performance Audit look into this and give us our figures on this department.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from West Gardiner, Mr. Dow, that the Joint Order be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Beaulieu, Bordeaux, Brennerman, Brodeur, Brown, K. C.; Bunker, Call, Carroll, Carter, D.; Churchill, Cloutier, Conary, Connolly, Cox, Curtis, Davies, Diamond, Doukas, Dow, Drinkwater, Elias, Fenlason, Gillis, Gwadosky, Hall, Hickey, Hobbins, Hunter, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kelleher, Laffin, LaPlante, Lougee, MacEachern, Mahany, Masterman, McHenry, McKean, McPherson, McSweeney, Mitchell, Nelson, A.; Norris, Paradis, E.; Paradis, P.; Paul, Pearson, Peterson, Reeves, P.; Simon, Soulas, Stetson, Tarbell, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wyman, The Speaker.

NAY — Aloupis, Austin, Bachrach, Benoit, Berube, Blodgett, Brannigan, Brown, D.; Brown, K.L.; Carrier, Carter, F.; Chonko, Cunningham, Damren, Davis, Dellert, Dexter, Dutremble, L.; Fillmore, Fowlie, Garsoe, Gavett, Gowen, Gray, Hanson, Higgins, Huber, Hutchings, Immonen, Jackson, Kiesman, Lancaster, Leighton, Lewis, Locke, Lowe, Lund, MacBride, Marshall, Martin, A.; Masterton, Matthews, Michael, Morton, Nadeau, Nelson, M.; Nelson, N.; Payne, Peltier, Post, Rolde, Rollins, Sewall, Sherburne, Silsby, Small, Smith, Stover, Strout, Studley, Torrey, Wentworth, Whittemore, Wood.

ABSENT — Baker, Barry, Berry, Birt, Boudreau, Bowden, Brown, A.; Dudley, Dutremble, D.; Howe, Hughes, Kany, Leonard, Lizotte, Maxwell, McMahon, Prescott, Reeves, J.; Roope, Sprowl.

Yes, 67; No, 64; Absent, 20.

The SPEAKER: Sixty-seven having voted in the affirmative and sixty-four in the negative, with twenty being absent, the motion does prevail.

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

Mr. PAUL: Mr. Speaker, having voted on the prevailing side, I now move reconsideration and hope you will vote against me.

The SPEAKER: The Chair will order a vote. The pending question before the House, is on the motion of the gentleman from Sanford, Mr. Paul, that the House reconsider its action whereby the Order was indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

63 having voted in the affirmative and 63 in the negative, the motion did not prevail.

Mr. Morton of Farmington was granted unanimous consent to address the House.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Limerick inquired about the results of the negotiations and what the salaries of state troopers would be and I have the salary schedule that was approved in that set of negotiations. Base pay for a trooper who is entering the academy would be \$205.60 a week, and as soon as he graduates that would be \$214.80. For a trooper, that would move on up to a final maximum of \$290.40 a week; that is the base pay. Many troopers are on what is called non-standard pay, which includes a bonus for the fact that they are out in the field and are not subject to standard hours, and those are all academy graduates and start at \$249.16 and go to \$336.86. Of course, there are higher salaries for corporals and sergeants. If that does not answer the gentleman's question, I have further details if he wants it.

Mr. Carroll of Limerick was granted unanimous consent to address the House.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I regret that that does not answer my question. My question was, what is the total cost of a state trooper for the State of Maine for a year's service? I would like the fringe benefits and all the benefits that he receives plus his retirement benefits figured in. I would like to know what our total costs are for a state trooper and his car.

Mr. Morton of Farmington was granted unanimous consent to address the House.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: There are other costs, they are relatively minor, their uniform expenses, they are all spelled out in the contract. There are one-time costs per year, there are some monthly expenses for telephones, relatively minor again, but, obviously, I didn't pick up that sheet when I went and got the rest of the information, so I will have to see the gentleman later.

(Off Record Remarks)

On motion of Mr. Brown of Livermore Falls, adjourned until Monday, February 25, at ten o'clock in the morning.