

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 3, 1980 to May 1, 1981

KJ PRINTING
AUGUSTA, MAINE

HOUSE

Thursday, January 29, 1981

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

Prayer by Reverend Robert E. Stuart, Winter Street Baptist Church, Gardiner.

The journal of yesterday was read and approved.

Papers from the Senate

Bill "An Act to Provide Cost-of-living Adjustments to Retirement Allowances under the Maine State Retirement System to Parallel those Granted to Active State Employees" (S. P. 181) (L. D. 459)

Came from the Senate referred to the Committee on Aging, Retirement and Veterans and ordered printed.

In the House, was referred to the Committee on Aging, Retirement and Veterans in concurrence.

Bill, "An Act to Establish Minimum Standards for Medicare Supplement Insurance Policies" (S. P. 175) (L. D. 455)

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.

Bill "An Act Further Amending the Planning and Zoning Statute" (S. P. 183) (L. D. 461)

Came from the Senate referred to the Committee on Energy and Natural Resources and ordered printed.

In the House, was referred to the Committee on Energy and Natural Resources in concurrence.

Later Today Assigned

Bill "An Act to Change the Head of Tide on the Penobscot River" (S. P. 186) (L. D. 464)

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

In the House: On motion of Mr. Fowlie of Rockland, tabled pending reference in concurrence and later today assigned.

Bill "An Act to Require Certain Unsuccessful Claimants in Civil Actions to Pay the Other Party's Attorney's Fee" (S. P. 179) (L. D. 457)

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

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

Bill "An Act Providing Due Process when the State Liquor Commission Designates a Location for a State Liquor Store" (S. P. 180) (L. D. 458)

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 Continue the Joint Select Committee on Decommissioning of Nuclear Generating Facilities" (S. P. 174) (L. D. 454)

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

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

Bill "An Act to Amend the Law Concerning Cremation of Old State Bonds" (S. P. 182) (L. D. 460)

Bill "An Act Amending the Maine Guarantee Authority Revenue Obligation Securities Law to Remove Retail Merchandising Projects" (S. P. 184) (L. D. 462)

Bill "An Act to Establish a Revolving Fund for the Maine State Library" (S. P. 185) (L. D. 463)

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

printed.

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

Bill "An Act Amending the Protection of Underground Facilities Statute" (S. P. 178) (L. D. 456)

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

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

**Petitions, Bills and Resolves
Requiring Reference**

The following Bills, Resolves and Resolution were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Appropriations and Financial Affairs

Bill "An Act Relating to State-municipal Revenue Sharing" (H. P. 444) (Presented by Mr. Fowlie of Rockland) (Cosponsors: Mr. Brenerman of Portland and Mr. Paradis of Old Town)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act to Require Individually Marked Prices on Certain Retail Merchandise" (H. P. 445) (Presented by Mr. Cunningham of New Gloucester) (Cosponsor: Mr. Michael of Auburn)

Bill "An Act Concerning Use of Aircraft by Aircraft Dealers" (H. P. 446) (Presented by Mr. Hobbins of Saco)

Bill "An Act to Provide for the Arbitration of Disputes Between Health Insurers and Policyholders" (H. P. 447) (Presented by Mr. Randall of East Machias)

Bill "An Act to Provide Notice of Cosigners and Others Similarly Situated in Consumer Credit Transactions" (H. P. 448) (Presented by Mr. Jackson of Yarmouth) (Cosponsors: Mrs. Cahill of Woolwich and Mr. Diamond of Bangor)

Bill "An Act to Repeal Continuing Education Requirements for Real Estate Brokers" (H. P. 449) (Presented by Mr. Leighton of Harrison) (Cosponsors: Mr. Jacques of Waterville, Mr. Carroll of Limerick and Mr. Peterson of Caribou)

Bill "An Act Concerning Certain Practices of Oil and Solid Fuel Burner Technicians" (H. P. 450) (Presented by Mr. LaPlante of Sabattus)

Bill "An Act to Permit the Use of Foam Plastic Insulation in Certain Facilities Without the Required Thermal Barrier" (H. P. 451) (Presented by Mrs. MacBride of Presque Isle) (Cosponsors: Senator Violette of Aroostook, Mr. Martin of Eagle Lake and Senator McBreairey of Aroostook)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act Establishing a National Guard Scholarship Program in Vocational-technical Institutes" (H. P. 452) (Presented by Mr. Strout of Corinth) (Cosponsors: Mr. Martin of Eagle Lake, Mr. Theriault of Fort Kent and Mr. Drinkwater of Belfast)

Bill "An Act to Amend the Eligibility Age for Preschool Handicapped Children" (H. P. 453) (Presented by Mrs. Ketover of Portland)

(Ordered Printed)

Sent up for concurrence.

Energy and Natural Resources

RESOLVE, Providing for Revision to the Land Use Regulation Commission's Land Use Handbook, Section 6, 'Erosion Control on Logging Jobs' (H. P. 454) (Presented by Mr. Hall of Sangerville) (Submitted to the Department of Conservation pursuant to Joint Rule 24.)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act to Provide for a Closed Season on Black Bear from the First Monday Following Thanksgiving to September 1st" (H. P. 455) (Presented by Mrs. Locke of Sebec)

(Ordered Printed)

Sent up for concurrence.

Later Today Assigned

Bill "An Act to Improve the Nursing Home Ombudsman Program's Capacity to Respond to Nursing and Boarding Home Complaints" (H. P. 456) (Presented by Mrs. Prescott of Hampden) (Cosponsor: Senator Najarian of Cumberland)

Committee on Health and Institutional Services was suggested.

On motion of Mrs. Prescott of Hampden, tabled pending reference and later today assigned.

Health and Institutional Services

Bill "An Act to Prohibit Smoking in Food Stores and Portions of Restaurants" (H. P. 457) (Presented by Mr. Twitchell of Norway) (Cosponsors: Mrs. Kany of Waterville and Mr. Rolde of York)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Ease the Enforcement of Judgments" (H. P. 458) (Presented by Mr. Manning of Portland)

Bill "An Act to Make Operating a Vehicle under the Influence of Intoxicating Liquor or Drugs an Adult Crime Regardless of the Age of the Operator of the Vehicle" (H. P. 459) (Presented by Mr. Brown of Livermore Falls) (Cosponsor: Mr. Tuttle of Sanford)

Bill "An Act to Provide for Forfeiture of Illegally Obtained or Illegally used Property" (H. P. 460) (Presented by Mr. Paradis of Augusta) (Cosponsors: Mr. Jacques of Waterville and Mr. Gwadosky of Fairfield)

Bill "An Act to Prohibit Rent Increases for Dwellings in which there are Violations of the Warranty or Habitability of Housing, Building, Health or Safety Code" (H. P. 461) (Presented by Mr. Brenerman of Portland) (Cosponsors: Mr. Racine of Biddeford, Mr. Fowlie of Rockland and Mr. Macomber of South Portland)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act to Expedite the Filing of Medical Reports under the Workers' Compensation Act" (H. P. 462) (Presented by Mrs. Beaulieu of Portland)

Bill "An Act Relating to Occupational Loss of Hearing" (H. P. 463) (Presented by Mr. Soulas of Bangor)

Bill "An Act Relating to Unavailability Due to Illness under the Employment Security Law" (H. P. 464) (Presented by Mr. Baker of Portland)

Bill "An Act Relating to the Notice Provisions of the Workers' Compensation Act" (H. P. 465) (Presented by Mr. Tuttle of Sanford) (Cosponsor: Mr. Martin of Eagle Lake)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Repeal the Law Preventing Hotels and Restaurants from Permitting Secular Business on Sunday" (H. P. 466) (Presented by Miss Lewis of Auburn)

Bill "An Act to Establish Guidelines for the Issuance of Concealed Weapon Permits" (H. P. 467) (Presented by Mrs. Nelson of Portland) (Cosponsors: Mr. Jackson of Yarmouth, Mr. Murphy of Kennebunk and Mr. Gwadosky of Fairfield)

Bill "An Act to Provide for the Regulation and Licensure of Guard Dogs and their Trainers, Sellers and Handlers" (H. P. 468) (Pre-

sented by Mr. Boyce of Auburn) (Cosponsors: Senator Hichens of York, Mr. Michael of Auburn and Mr. Callahan of Mechanic Falls) (Ordered Printed)
Sent up for concurrence.

Local and County Government

Bill "An Act to Bring Accountability to the Penobscot County Budget" (H. P. 469) (Presented by Mr. Diamond of Bangor) (Cosponsors: Mr. Davies of Orono, Mrs. Prescott of Hampden and Senator Emerson of Penobscot)

Bill "An Act to Improve Integrity of the Voting Process in Town Meetings and Elections" (H. P. 470) (Presented by Mrs. Gowen of Standish) (Cosponsor: Mr. McKean of Limestone)

(Ordered Printed)
Sent up for concurrence.

Later Today Assigned

Bill "An Act Concerning the Interest Charge on Outstanding County Taxes" (H. P. 471) (Presented by Mr. Tuttle of Sanford) (Cosponsors: Mr. Lancaster of Kittery, Senator Dutremble of York and Mr. Hanson of Kennebunkport)

Committee on Local and County Government was suggested.

On motion of Mr. LaPlante of Sabattus, tabled pending reference and later today assigned.

Local and County Government cont'd

Bill "An Act to Clarify the Authority of Councils of Government" (H. P. 472) (Presented by Mrs. Gowen of Standish) (Cosponsor: Ms. Brown of Gorham)

(Ordered Printed)
Sent up for concurrence.

Marine Resources

Bill "An Act to Create a Wholesale Shellfish License" (H. P. 473) (Presented by Mr. Vose of Eastport) (Cosponsors: Mr. Fowlie of Rockland and Mr. Salsbury of Bar Harbor) (Submitted by the Department of Marine Resources pursuant to Joint Rule 24)

(Ordered Printed)
Sent up for concurrence.

Later Today Assigned

Bill "An Act Concerning the Regulation of Atlantic Salmon" (H. P. 474) (Presented by Mr. Kelleher of Bangor) (Cosponsors: Mr. Gillis of Calais, Mr. Peterson of Caribou and Mr. Vose of Eastport)

Committee on Marine Resources was suggested.

On motion of Mr. Fowlie of Rockland, tabled pending reference and later today assigned.

Marine Resources cont'd

Bill "An Act to Repeal Drag Limits in Blue Hill Bay" (H. P. 475) (Presented by Mr. Fowlie of Rockland) (Submitted by the Department of Marine Resources pursuant to Joint Rule 24)

(Ordered Printed)
Sent up for concurrence.

Public Utilities

Bill "An Act to Require the Public Utilities Commission to Consider Issues of Operational Efficiency in Rate Cases" (H. P. 476) (Presented by Mrs. Huber of Falmouth) (Cosponsor: Mr. Davies of Orono)

Bill "An Act to Require Approval by the Public Utilities Commission of Any Transfer of a Controlling Interest of the Stock of a Public Utility" (H. P. 477) (Presented by Mrs. Beaulieu of Portland) (Cosponsor: Mr. Davies of Orono)

Bill "An Act to Make Corrections in the Topsham Sewer District Charter" (H. P. 478) (Presented by Mrs. Chonko of Topsham)

Bill "An Act to Adjust the Fiscal Year of the Cobbossee Watershed District" (H. P. 479) (Presented by Mr. Davis of Monmouth)

(Ordered Printed)
Sent up for concurrence.

State Government

RESOLVE, Authorizing the State to Convey Certain Land to the Town of Swan's Island for Park and Recreational Purposes (H. P. 481) (Presented by Mr. Perkins of Brooksville)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Change the Term of Office of the Attorney General from Two Years to Four Years beginning December, 1984 (H. P. 480) (Presented by Mr. Murphy of Kennebunk) (Cosponsors: Mr. Diamond of Bangor and Mr. Kane of South Portland)

(Ordered Printed)
Sent up for concurrence.

Taxation

Bill "An Act to Repeal the Sales Tax on Bird Seed" (H. P. 482) (Presented by Mrs. Chonko of Topsham)

Bill "An Act to Amend the Elderly Householders Tax and Rent Refund Act by Increasing the Income Limits" (H. P. 483) (Presented by Mr. Tuttle of Sanford) (Cosponsors: Mr. Ridley of Shapleigh and Mr. Paul of Sanford)

(Ordered Printed)
Sent up for concurrence.

Transportation

Bill "An Act to Require Motorists Traveling on Maine Highways to Turn on their Headlights when Conditions Require Continuous Operation of Wiper Blades and to Require Certain Vehicles to Activate Rear Blinkers at Slow Speeds" (H. P. 484) (Presented by Mr. Moholland of Princeton)

(Ordered Printed)
Sent up for concurrence.

Special Sentiment Calendar

In accordance with House Rule 56, the following items (Expressions of Legislative Sentiment)

Recognizing:

Todd E. Potter of Palermo, a member of Boy Scout Troop 222, who has been named a recipient of the Honor Medal for Lifesaving for heroism in rescuing his father from the Kennebec River; (S. P. 187)

Miss Carolyn Dolan of Fort Kent, winner of the Kraft Hostess Award for 1981; (H. P. 443) by Mr. Theriault of Fort Kent. (Cosponsors: Mrs. Martin of Van Buren, Mr. McHenry of Madawaska and Senator Violette of Aroostook)

There being no objections, these items were considered passed.

House Reports of Committees

Leave to Withdraw

Mr. Cox from the Committee on Legal Affairs on Bill "An Act to Remove Location Restrictions on Burial Sites" (H. P. 108) (L. D. 142) reporting "Leave to Withdraw"

Mr. Gwadosky from the Committee on Business Legislation on Bill "An Act Concerning the Selection of Attorneys to Conduct Real Estate Title Searches" (H. P. 97) (L. D. 127) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Consent Calendar

First Day

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

(S. P. 72) (L. D. 109) Bill "An Act to Amend the Maine Nonprofit Corporation Act" Committee on Business Legislation reporting "Ought to Pass"

(H. P. 51) (L. D. 65) Bill "An Act to Provide Free Access for Disabled Veterans to State Parks, Camping Areas and Beaches" Committee on Aging Retirement and Veterans reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 2, 1981 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:

(S. P. 24) (L. D. 21) Bill "An Act to Revise the Land Surveyor Laws" (C. "A" S-2)

(S. P. 22) (L. D. 20) Bill "An Act Providing for the Maine State Housing Authority Financing of Intermediate Care Facility Group Homes for the Retarded and Persons with Retarded Conditions" (C. "A" S-3)

(H. P. 20) (L. D. 13) Bill "An Act to Amend the Operation Provisions of the Maine State Museum to Permit the Award of Stipend Support for Students Engaged in Nongeneral Fund Supported Archaeological and Conservation Projects"

(H. P. 59) (L. D. 103) Bill "An Act to Change the Name of Roadside Menagerie to Wildlife Exhibit Under the Inland Fisheries and Wildlife Laws."

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

Orders of the Day

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

Bill, "An Act Redesignating the Bureau of Resource Development as the Bureau of Social Services, and the Bureau of Social Welfare as the Bureau of Income Maintenance" (H. P. 64) (L. D. 95)

Tabled—January 28, 1981 by Mrs. Mitchell of Vassalboro.

Pending—Adoption of House Amendment "A" (H-2) (Roll Call Ordered)

Mr. McCollister of Canton withdrew House Amendment "A" (H-2)

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

The Chair laid before the House the following matter: Bill "An Act to Change the Head of Tide on the Penobscot River" (S. P. 186) (L. D. 464) which was tabled earlier in the day and later today assigned pending reference in concurrence.

On motion of Mr. Fowlie of Rockland, tabled pending reference in concurrence and specially assigned for Monday, February 2, 1981.

The Chair laid before the House the following matter: Bill "An Act to Improve the Nursing Home Ombudsman Program's Capacity to Respond to Nursing and Boarding Home Complaints" (H. P. 456) which was tabled earlier in the day and later today assigned pending reference.

On motion of Mrs. Prescott of Hampden, was referred to the Committee on Health and Institutional Services, Ordered Printed, and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act Concerning the Interest Cargo on Outstanding County Taxes; (H. P. 471) which was tabled earlier in the day and later today assigned pending reference.

On motion of Mr. LaPlante of Sabattus, was referred to the Committee on Taxation, Ordered Printed, and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act Concerning the Regulation of Atlantic Salmon" (H. P. 474) which was tabled earlier in the day and later today assigned pending reference.

On motion of Mr. Fowlie of Rockland, tabled pending reference and specially assigned for Monday, February 2, 1981.

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

Bill "An Act to Prohibit Suppliers from Reducing or Discontinuing Supplies of Petroleum Products to Maine Customers" (Emergency) (H. P. 485) (Presented by Mr. Martin of Eagle Lake) (Cosponsors: Senator Conley of Cumberland, Mr. Higgins of Scarborough, and Senator Collins of Knox) (Governor's Bill)

Under suspension of the rules, without reference to any committee, the Bill was read twice, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following item was taken up out of order by unanimous consent:

The Following Joint Order: (S. P. 195)

ORDERED, the House concurring that when the House and Senate adjourn, the House adjourns to Monday, February 2, 1981, at ten o'clock in the morning; and the Senate adjourns to Monday, February 2, 1981, at five o'clock in the afternoon.

Came from the Senate read and passed.
In the House: Was read and passed in concurrence.

Mr. Cox of Brewer moved that the House reconsider its action of earlier today, whereby Bill "An Act to Provide for the Regulation and Licensure of Guard Dogs and their Trainers, Sellers and Handlers" (H. P. 468) was referred to the Committee on Legal Affairs.

On further motion of the same gentleman, tabled pending his motion to reconsider and specially assigned for Monday, February 2.

(Off Record Remarks)

On motion of Mr. Boisvert of Lewiston, recessed until two-o'clock in the afternoon.

(After Recess) (2:00 p.m.)

The House was called to order by the Speaker.

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

Passed to be Enacted Emergency Measure

An Act to Prohibit Suppliers from Reducing or Discontinuing Supplies of Petroleum Products to Maine Customers (H. P. 485) (L. D. 489)

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

The SPEAKER: The Chair recognizes the gentleman from Auburn, Miss Lewis.

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I have done some research on this measure in the few brief hours that we have had this bill before us and I came upon an act in the Maine Revised Statutes that seems to me to already deal with this measure. This is Chapter 215, which is called, "The Motor Fuel Distribution and Sales Act." I would like to read to you just a few brief portions of this law which I believe are pertinent to the measure before us.

The bill says, no refiner or distributor as franchiser shall directly or through any officer, agents or employees terminate, cancel or fail to renew a franchise agreement except for a good cause. This law then goes on to say, notice of termination—the franchisers shall give the franchisee advanced written notice of termination, cancellation or intent to review.

It seems to me, therefore, that we already have a law on our Maine books. We have a second piece of evidence, which also, I think, deals with this particular evidence — this particular bill in front of us, and that is that every person who distributes any oil in the state of Maine already has a legal contract with his

supplier and this contract with his supplier also has the course of law, so it seems to me, that we could allow this bill to go through its regular public hearings, since we already have laws on the books in Maine that will protect us for the next few months.

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Leighton.

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I am feeling kind of poorly today, I think I am coming down with the flu but I don't feel so poorly that I don't want to stand up and go on record against this proposed measure. I think that this legislation poses the rhetorical question of, which serves the people of Maine or for that matter, the country, better in the distribution and pricing and availability of products — the free, competitive market or some kind of centrally planned government pricing and allocation system. I think the answer has been pretty well provided for us over the last few years if we just want to take a look. Controls came in under, as I recall, President Nixon and under President Carter and President Carter became convinced that the price control simply impeded the production of oil and, therefore, its availability and that the allocation system simply impeded, as central planning always does, and as the Old Army system does, for those of you who have been in the service, simply prevented things from going to the place that they ought to go. I believe firmly in the great democracy of the market place and allocating and properly pricing all commodities. President Carter discovered that these kinds of controls were ineffective and instituted a plan to decontrol and he had done that largely with the last controls to go out this coming September.

President Reagan decided to speed that up in his wisdom and I think it is good wisdom and I think our economic situation now is even worse than what President Carter thought it was at that time.

I have a Portland Press Herald here in front of me and those interests that are so important to Maine's economy welcome decontrol. On the front page of the Portland Press Herald is an item that says "tourism boost hoped for after deregulation." Bruce Taylor, Vice-President of the Maine Publicity Bureau and I am quoting now—said, "if I thought decontrol was going to cause any problems with distribution and supply, I would be concerned, said Taylor. He said, higher prices may help ensure the opposite by ridding the state of faulty regulations by the federal government, which he blamed for the supply problems in the disastrous tourist season two summers ago."

There is another quote here from Phil Pimentel — "That is what it should have been all along when the government gets in and tries to control it, that is when things really get screwed up."

I think Commissioner Weil in his remarks to us before our joint caucus this morning really said it best for the opponents of this bill as he appeared before us as a proponent — he told us that his department would require additional reports as if reports are somehow going to produce or provide for oil. About all I can see is that it would provide some dubious justification for the continued existence of his department. He finally said, if all 50 states and I think this was the most telling thing that he had to say to us this morning and mind you, he was saying this as a proponent — he said, if all 50 states did today what Maine is about to do, I am afraid the only state, they would effectively have counteracted and negated the federal decontrol that occurs today so I guess you would have to say, that if you think that controls of price and allocations work, then you probably ought to vote for this bill; if you think that the free enterprise system, the free competitive market is the greatest democracy in the world, as I do, then you want to vote against this bill.

The SPEAKER: The Chair recognizes the

gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I haven't got any one particular individual that I want to quote today but I think I can in general for the people of the state of Maine and that is, they are not skeptical at all if there is enough product available, meaning gasoline or home heating fuel or what have you. The problem that they see right now is the cost of it. I am a little apprehensive about taking controls off or applauding this present President for taking them off or applauding the former President, which is of my party, for taking them off, because I think in the long run, the only production that is created, if there is any in terms of developing more available fuel, is the inconsistent amount of money that we have to pay for the price of the product.

I read a story one time when I was in high school and it had an illustration — if people start talking about something, then in four or five months, it really happens. It is the press, the oil companies and the government that are saying to all of us now, if we take off the controls, that the cost of the product may go up. Well, you know it is going to go up — it will go up five cents, ten cents or up to twenty-five cents a gallon for gasoline and it might go up that high for home heating fuel and I say, how in the name of the good Lord are the people of Maine, most of the working people in this state or even in New England or in this nation, going to be able to take care of the price of the cost of fuel, particularly the people who are on Social Security, that are on old age pensions, that are on fixed incomes? You know how they are going to do it? They are going to drive the temperature in their houses down, they are going to tighten their belts. Lord only knows, they can't tighten it any more than they are now.

This document that we have here today — I don't think is going to help us one little bit because you know something, those companies have plenty of product, all kinds of it and they are going to ship it to Minnesota if they can get an extra four or five cents a gallon and if they can gouge us up here in this state and this is what they are going to do, gouge the poor people of this state, then they will send the product here. They have all kinds of it. You wonder when you have a major or national oil company in this state or comes into this state, that has a product and he sells it under his own sign and then down the road, he is hauling in to one of these Top Gas or super savers and they are selling gas for two or three or four cents a gallon less — it is the same gasoline. Even the most skeptical people, you and I, Mainers, we like to ask questions, we don't want to take it on surface and we say to ourselves, why is this happening? I ask myself the question, what is going on in Washington? Where are those four giants of ours that are down there representing us in the national Congress?

If there is any way that we are going to be able to ensure that there is a product in Maine is that our own delegation in Washington does it because the national companies aren't going to listen to us, the allocation if we set a certain amount aside, listen they have all kinds of it. You don't think so? Just look at the consumer reports, the profit reports dealing with these companies.

I am going to vote for this bill this afternoon. I don't see how it is going to improve life in Maine or not improve life in Maine but let me tell you something — when they take the decontrols off as I know and I am just an average guy in this state like most everyone in this room, like the people we represent, I am just absolutely amazed that we lay back, the people of this state lay back and just let them keep putting the price to us, day in and day out, with no real accountability. Now they are going to dig oil out of some place in southwestern Texas because they take off decontrols, yes sir, they have enough now to dig in that ground any time

they want to and who is paying for it? The poor constituent back home, the guy and the gal that we are here to represent. I just want to know, where are our friends down in Washington?

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I didn't want to get up and I don't want to get excited but I will tell you right now — I am going to tell you my story. I am here and I earn what money I make here because I need it to keep my home. I paid \$1200.00 last year for oil, I closed all my upstairs and I live on \$474 a month pension and I have a home to take care of. My taxes were \$900; my heating bill was \$1200; my boiler gave out on my furnace and then my motor gave out on my furnace so that was extra. If you think that this deregulation is going to help me, forget it, you have another thought coming.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I, like the gentleman from Bangor, Mr. Kelleher, am going to vote for this piece of legislation today, perhaps for some different reasons but I too feel that this legislature cannot really afford not to pass this legislation. I don't think it is intended to be political in nature by any stretch of the imagination but I do think that it looks at the reality of the fact that the price of oil has been deregulated and the reality is, that there are going to be some political and some economic dislocations within our economy. Perhaps they will be temporary in nature — if they are, then we have a two month period in which this bill will be enacted and we will have to deal with it again. I think in the meantime it gives us a chance to have a hearing on this piece of legislation to find out just what is going to happen from the so-called experts around the state. I think it is also going to give us an opportunity to look at the other states in the nation to find out from those states that did not pass this legislation, have they suffered, have those oil companies withdrawn supply from that state? We are not going to change or control the price of oil here today, no one is trying to say that we are, all we want to do is make sure that the people of this state have an adequate supply of fuel oil and gasoline. I don't think that that is an awful lot to ask.

I see this as sort of a scenario being that once the price gets high enough and it is going to get as high as the market will bear and then some, then if a company wants to withdraw from this state, they will be able to by simply asking or deferring their supply to another company and that is perfectly legal under this bill. All they have to do is make provisions for another company to pick up their source of supply. So when the price gets up there high enough, that if one company doesn't want to stay in the state of Maine, they will find someone else, someone else would want to come in and they will be able to shift it around but, in the meantime, between now and the first of April, when heating oil is going to be at a critical supply or critical need for the people of this state, I think we seriously have got to look at this problem and enact the legislation today.

I am a big believer in supply and demand and I am a big believer in the free market system but I think in the next two month period, at least we, as responsible citizens of this state, have got to look at the situation, make a judgment and then when this legislation sunsets, perhaps we will have to take another look at it but we will be able to take a look at it with more information than we have right now but, in the meantime, I am not sure we can afford to wait. I hope you will join with me and vote for this enactor.

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

Mr. PEARSON: Mr. Speaker, Ladies and

Gentlemen of the House: I just want to add a little thought to this debate and that is the geographical uniqueness of the state of Maine. Here we are stuck up here in the northeast, bordered on three sides by Canada, one by the Atlantic Ocean and one by New Hampshire and we must be, of all the states in the union, in the most geographically unique situation as far as the market place is concerned and I think any economist will tell you, almost all of the other theories that you can advance about the economic various theories that might apply to the rest of the country, I think when you get to the end of the pipeline, which we are located in, here in the state of Maine, that you have to look at it from a very practical standpoint. We have got to protect the people in the state. We live in a cold climate and this bill is only going to last for a little while, just as a stop gap measure until we can have full hearings on it and reenact it. I think it calls for a practical reality and I urge everybody to vote for it.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Bangor, Mr. Kelleher, has asked a rhetorical question about where is our delegation in Washington? I happened to glance at the front page of the Portland paper today and perhaps I can answer that question for him. It said that the Maine Congressional Delegation had sent a letter to the White House urging government guarantees that gasoline would be available to poorer regions. The Maine legislators were quite worried about the consequences of the President's act and they said, the decision to decontrol immediately is a very important one to the people in Maine is what they told the President and we feel that this step should not be taken unless a reasonable transition period is included. The delegation, which includes the three Republicans, Representative Olympia Snowe and David Emery and Senator William Cohen and the Democratic Senator, George Mitchell, fear that gasoline suppliers will sell only to the highest bidders offering a full supply to wealthy regions and little to states such as Maine. It would be very important, they told President Reagan, to assure Americans, that while they might face higher immediate costs as the result of decontrol, there will be no chaotic marketing or supply changes.

I would like to add one other thing to reply to the gentelady from Auburn about the bill she mentioned, or law because I am quite familiar with that, that relates strictly to oil companies, not being allowed to terminate their own dealers, their own gas stations without some just cause. It does not relate to possibly their pulling out of the state entirely. So my feelings are that this is the sort of reasonable transition that our delegation in Washington has asked for from the President and by taking this action in this reasonable fashion, I think we will be adding protection for our people here in the state.

The SPEAKER: The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker, I would request a roll call.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, Members of the House: I don't intend to vote against this piece of legislation because I want to please the leadership of both parties and make them feel better.

I want to tell you, we have never had a bill before this House where the people in the House knew any less than they do about this. I have listened to the speakers and each one of them don't really know anything about the subject at all and I don't know it all either but I can tell you, being a distributor, it doesn't make any difference if you are in California or Maine or New York, the product is sold f.o.b. to the plant so you are responsible for the freight. So,

they are not concerned because you pay the freight, I pay the freight and the other distributors pay the freight. I think maybe you are getting distributors mixed up with dealers. Let me tell you, if I want to go out of business, this law wouldn't stop me from going out of business as long as we have no price control because, if I put my gas 50 cents higher a gallon than the guy across the street, I am soon out of business so I went out the back door; I would just as soon go out the front door. This bill might stop me from going out the front door but as long as we don't have price controls, you can go out the back door. You see? People don't seem to know that the gas company doesn't care if you are in Maine or California as long as they sell the product f.o.b. to the plant.

Let me also tell you about one thing that did help. When they deregulated trucking - used to be a limited amount of trucks that I could get to haul my product or a limited amount of ways to get it, but by deregulating trucking, there are many people now who will bring me a load of gas. I don't call up Highway Transport or Merrill Transport and they say, well we have to have your order four days in advance or five days in advance - this doesn't exist any more - we will start a truck out this morning and get there at midnight tonight, Mr. Dudley if you need it in a hurry. So deregulating trucking did do something for us.

I don't think this bill is going to do anything to hurt us or anything to help us. It is not a bad bill, it is not a good bill and I will vote for it to make people feel better but it doesn't do anything.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Brown.

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to be voting for this bill this afternoon, not because of the favorable response by leadership of both parties, not because I am a supplier, not because I am a distributor - in fact, I am a user and a very big user. I have great confidence in the free market system. I have heard some speakers this afternoon, my good friend from Bangor, Mr. Kelleher, who spoke of great hints of what is going to happen if we don't pass this legislation. I think this is unfortunate. I think we are getting into a situation almost resembling an aura of panic and that bothers me a great deal.

The think that I object to most, I think, is the speed with which this is being forced through this body.

I take my son around on his paper route mornings when it is cold and this morning was one of them and as I was struggling around on his route at five o'clock and trying to read the paper by the dim light on top of the car, I read in the headlines that the Governor was proposing this legislation, that was the first that I knew of it. Nine hours later, we are in a posture of trying to approve a measure that we have only had barely nine hours to see and consider and basically hear the proponents of the bill and very little from the opponents.

Because of President Reagan's positive action yesterday, there are those in this State, who are attempting to create this aura of panic. I don't see it as that. What on earth is the rush? Prior to his election, Mr. Reagan pointed out, loud and clear, that he was going to come out for deregulation, it is no great surprise. For those of us who voted for him knew that he was going to do it; others who didn't vote for him knew that he was going to do it; and it almost seems as if it is something that caught us unaware, it certainly did not.

I am voting against this bill for three reasons. First of all, I want to give the free market a chance. Secondly, this is going much too fast, I would have much preferred that this bill go through proper channels, have a public hearing; albeit speeded up, I wouldn't object to that, it could have been done in a period of two weeks but no, we are trying to ram it through in

less than 24 hours. The third reason is that I frankly believe passage of this bill isn't going to do a darn thing to affect the safety, health and welfare of our citizens so I am going to be voting against this bill and I encourage you to do the same.

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 obviously, more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

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

ROLL CALL

YEA — Aloupis, Armstrong, Austin, Baker, Beaulieu, Bell, Benoit, Berube, Boisvert, Bordeaux, Boyce, Brannigan, Brennerman, Brodeur, Brown, A., Cahill, Callahan, Carrier, Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Cunningham, Curtis, Damren, Davies, Day, Diamond, G. W., Diamond, J. N., Dillenback, Drinkwater, Dudley, Erwin, Fitzgerald, Foster, Fowlie, Gavett, Gillis, Gowen, Gwadosky, Hall, Hanson, Hayden, Hickey, Higgins, Higgins, L. M., Hobbins, Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jacques, Jalbert, Jordan, Joyce, Kane, Kany, Kelleher, Kiesman, Kilcoyne, Lancaster, LaPlante, Laverriere, Lisnik, Livesay, Locke, Lund, MacBride, MacEachern, Mahany, Manning, Martin, A., Martin, H. C., Masterman, Masterton, Matthews, McCollister, McGowan, McHenry, McKean, McPherson, McSweeney, Michaud, Mitchell, E. H., Mitchell, J., Moholland, Murphy, Nadeau, Nelson, A., Nelson, M., Norton, O'Rourke, Paradis, E., Pardis, P., Paul, Pearson, Perkins, Perry, Peterson, Post, Pouliot, Prescott, Racine, Randall, Reeves, J., Reeves, P., Richard, Ridley, Roberts, Rolde, Salisbury, Sherburne, Small, Smith, C. B., Smith, C. W., Soule, Stevenson, Stover, Studley, Swazey, Tarbell, Telow, Theriault, Thompson, Treadwell, Tuttle, Twitchell, Vose, Walker, Webster, Wentworth, Weymouth, The Speaker.

NAY — Brown, D., Brown, K. L., Conary, Connors, Davis, Leighton, Lewis.

ABSENT — Dexter, Ketover, Macomber, Michael, Soulas, Strout.

Yes, 138; No, 7; Absent, 6.

The SPEAKER: One Hundred and thirty-eight having voted in the affirmative and seven in the negative with six being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

The following item was taken up out of order by unanimous consent:

Special Sentiment Calendar

In accordance with House Rule 56, the following item (Expression of Legislative Sentiment)

Recognizing:

Dr. Paul N. Silverman, who, on February 2, 1981, will be inaugurated as the 13th President of the University of Maine; (H. P. 486) by Mr. Davies of Orono.

There being no objections, the expression of Legislative Sentiment was considered passed.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Mr. Lisnik of Presque Isle, adjourned until Monday, February 2, at ten o'clock in the morning.