

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

Wednesday, February 25, 1981

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

Prayer by the Reverend Cannon Roger S. Smith of the Cathedral Church of Saint Luke, Portland.

The Journal of yesterday was read and approved.

Papers from the Senate

Bill "An Act to Remove the Political Sign Restrictions from the Billboard Law" (S. P. 328) (L. D. 958)

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

In the House, on motion of Ms. Benoit of South Portland, the Bill was referred to the Committee on Election Laws in non-concurrence and sent up for concurrence.

Bill "An Act to Include Services Performed by Chiropractors Under all Health Insurance Policies and Health Care Contracts which Pay Benefits for Those Procedures if Performed by a Physician" (S. P. 329) (L. D. 959)

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

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

Bill "An Act Relating to the Calculation of State Average Per Pupil Operating Costs and the Basic Education Allocation for Operating Costs" (S. P. 330) (L. D. 960)

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

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

Bill "An Act to Include the Term 'Sexual or Affectional Orientation' in the Maine Human Rights Act" (S. P. 331) (L. D. 961)

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

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

Bill "An Act to Require that Certain Town Reports List all Property Owners and their Taxes" (S. P. 332) (L. D. 962)

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

In the House, referred to the Committee on Local and County Government in concurrence.

**Reports of Committees
Ought to Pass
Amended Bill**

Report of the Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-21) on Bill "An Act to Abolish the Legislative Council and Reestablish the Legislative Research Committee" (S. P. 147) (L. D. 318)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-21) as amended by Senate Amendment "A" (S-23) thereto.

Report was read and accepted in concurrence and the Bill read once. Committee Amendment "A" (S-21) was read, Senate Amendment "A" (S-23) to Committee Amendment "A" (S-21) read and adopted in concurrence. Committee Amendment "A" (S-21) as amended by Senate Amendment "A" (S-23) thereto was adopted in concurrence and the Bill assigned for second reading on Thursday, February 26.

Non-Concurrent Matter

Bill "An Act to Regulate Entrance Fees Charged by Mobile Home Parks" (H. P. 779)

(L. D. 924) which was referred to the Committee on Business Legislation in the House on February 19.

Came from the Senate referred to the Committee on Legal Affairs in non-concurrence.

In the House: On motion of Mr. Cox of Brewer, the House voted to adhere.

**Petitions, Bills and Resolves
Requiring Reference**

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

Agriculture

Bill "An Act to Establish Truck Volume Labeling for Certain Wood By-Products" (H. P. 832) (Presented by Representative Dexter of Kingfield)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act to Prevent Certain Abuses in Door-to-Door Sales" (H. P. 833) (Presented by Representative Brannigan of Portland) (Cosponsor: Senator Charette of Androscoggin)

Bill "An Act Establishing the Bonding and Excess Insurance Requirements for Self-insuring Workers' Compensation Employers" (H. P. 834) (Presented by Representative Brannigan of Portland)

Bill "An Act to Establish a Program of Funded Self-insurance for Public Schools and Municipalities" (H. P. 835) (Presented by Representative LaPlante of Sabattus)

Bill "An Act to Repeal the Termination Date of the Emergency Petroleum Products Supply Act" (Emergency) (H. P. 863) (Presented by Representative Martin of Eagle Lake) (Cosponsors: Senators Pray of Penobscot and Collins of Knox and Representative Huber of Falmouth) (Governor's Bill)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act Creating a Student Seat on the University of Maine Board of Trustees" (H. P. 836) (Presented by Representative Davies of Orono) (Cosponsors: Representatives Tarbell of Bangor and Connolly of Portland)

Bill "An Act Concerning Gifted and Talented Education" (H. P. 837) (Presented by Representative Nelson of Portland) (Cosponsors: Representative Boyce of Auburn and Thompson of South Portland and Senator Troitzky of Penobscot)

Bill "An Act Concerning Conduct on College Campuses and on Property Used for Educational Purposes" (H. P. 838) (Presented by Representative Small of Bath)

Bill "An Act Concerning Equivalent Courses Offered at the Various Campuses of the University of Maine" (H. P. 839) (Presented by Representative Webster of Farmington)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act to Provide Free Fishing Licenses to Mentally Retarded and Chronically Mentally Ill Persons" (H. P. 840) (Presented by Representative Locke of Sebect)

Bill "An Act to Permit the Establishment of a One-week Hunting Season for Antlered Deer Only" (H. P. 841) (Presented by Representative Day of Westbrook)

Bill "An Act Restricting a Section of the Union River in Ellsworth to Fly Fishing Only" (H. P. 842) (Presented by Representative Foster of Ellsworth)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act Providing for Minimum Support for All Children of a Responsible Parent under

the Alternative Method of Support Enforcement Law" (H. P. 843) (Presented by Representative Masterton of Cape Elizabeth) (Cosponsor: Representative Benoit of South Portland)

Bill "An Act to Authorize Joint Custody Orders as Part of Divorce Judgments" (H. P. 844) (Presented by Representative Soule of Westport) (Cosponsor: Representative Benoit of South Portland)

Bill "An Act to Protect Privacy in Divorce and Child Custody Actions" (H. P. 864) (Presented by Representative Benoit of South Portland) (Cosponsors: Representative Soule of Westport and Senators Collins of Knox and Devoe of Penobscot) (Governor's Bill)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act to Implement Certain Cost Savings while the State's Unemployment Compensation Fund Remains in Debt" (H. P. 845) (Presented by Representative Dexter of Kingfield) (Cosponsor: Representative Cunningham of New Gloucester)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act to Clarify the Procedure for Waiver of Unemployment Compensation Benefit Overpayments" (H. P. 848) (Presented by Representative Hayden of Durham)

Committee on Labor was suggested.

On motion of Mrs. Beaulieu of Portland, tabled pending reference and tomorrow assigned.

Legal Affairs

Bill "An Act to Permit On-premise Consumption of Alcoholic Beverages by Persons 18 to 20 Years of Age and to Make the Sale of Liquor to an Intoxicated Person a Class E Crime" (H. P. 850) (Presented by Representative Davies of Orono)

Bill "An Act to Permit the On-premise Consumption of Beer and Wine by Persons 18 Years of Age or Older" (H. P. 851) (Presented by Representative Davies of Orono)

Bill "An Act to Exempt the Elderly from Beano Licensing and License Fees" (H. P. 852) (Presented by Representative Tarbell of Bangor) (Cosponsors: Representatives Brown of Bethel, Bell of Paris and Boyce of Auburn)

RESOLVE, Authorizing Rodney W. Ross, Jr. to Bring Civil Action Against the State of Maine (H. P. 849) (Presented by Representative Cox of Brewer) (Cosponsor: Senator Devoe of Penobscot)

(Ordered Printed)

Sent up for concurrence.

Local and County Government

Bill "An Act to Modify the Contingent Account Requirement for Counties" (H. P. 853) (Presented by Representative Paul of Sanford)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act to Prohibit the Burning of Oil by Utilities for the Generation of Electricity after January 1, 2000" (H. P. 854) (Presented by Representative Davies of Orono)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Encourage the Use of Wind Power" (H. P. 859) (Presented by Representative McHenry of Madawaska) (Cosponsors: Senator Dutremble of York and Representatives Theriault of Fort Kent and Swazey of Bucksport)

Bill "An Act to Provide for Payment of Interest to the Taxpayer on the Amounts Over-collected by Taxes" (H. P. 860) (Presented by

Representative McGowan of Pittsfield)
(Ordered Printed)
Sent up for concurrence

Public Utilities

Bill "An Act to Authorize the Public Utilities Commission to Purchase Electric Energy for Resale on a Nonprofit Basis to Electric Utilities Serving this State" (H. P. 865) (Presented by Representative Davies of Orono) (Cosponsors: Senator Carpenter of Aroostook and Representative Baker of Portland and Huber of Falmouth) (Governor's Bill)

Bill "An Act to Require Certain Public Utilities to Submit a Plan to the Public Utilities Commission to Provide Financing to Customers for Energy Conservation and Renewable Resource Measures" (H. P. 866) (Presented by Representative Davies of Orono) (Cosponsors: Representative Huber of Falmouth and Senators Hichens of York and Wood of York) (Governor's Bill)

(Ordered printed)
Sent up for concurrence.

State Government

Bill "An Act to Provide that Legislative Documents and Senate and House Calendars be Printed on 8½ x 11 Inch Commercial Paper" (H. P. 855) (Presented by Representative Day of Westbrook)

(Ordered Printed)
Sent up for concurrence.

Election Laws

Bill "An Act to Insure the Establishment of Clear Standards by the Commission on Governmental Ethics and Election Practices and to Amend the Penalty Provisions for Late Filing" (H. P. 856) (Presented by Representative Tuttle of Sanford) (Cosponsor: Representative Post of Owl's Head)

Committee on State Government was suggested.

On motion of Ms. Benoit of South Portland, the Bill was referred to the Committee on Election Laws, ordered printed and sent up for concurrence.

State Government cont'd.

Bill "An Act to Clarify the Administrative Procedure Act" (H. P. 857) (Presented by Representative Tarbell of Bangor) (Cosponsors: Representative Hobbins of Saco, Bell of Paris and Lisnik of Presque Isle)

Taxation

Bill "An Act Concerning Disability Benefits Paid to Veterans Receiving a Property Tax Exemption" (H. P. 858) (Presented by Representative Connors of Franklin)

(Ordered Printed)
Sent up for concurrence.

Transportation

Bill "An Act to Provide Reduced Toll for Car Pools Using the Maine Turnpike" (H. P. 861) (Presented by Representative Davies of Orono) (Cosponsors: Representatives Nadeau of Lewiston and Murphy of Kennebunk)

(Ordered Printed)
Sent up for concurrence.

Later Today Assigned

Bill "An Act to Establish Highway Use Fees" (H. P. 862) (Presented by Representative Carroll of Limerick) (Cosponsor: Representative Masterman of Milo)

Committee on Transportation was suggested.

On motion of Mrs. Post of Owl's Head, tabled pending reference and later today assigned.

Orders

On motion of Representative McSweeney of Old Orchard Beach, it was

ORDERED, that Representative Merle Nelson of Portland be excused Thursday, February 26, Friday, February 27 and Monday,

March 2 for Legislative Business.

Special Sentiment Calendar

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

Recognizing:

Mr. and Mrs. George Phillips of Hermon, who are celebrating the golden anniversary of their wedding; (H. P. 831) by Representative Reeves of Newport) (Cosponsor: Senator Emerson of Penobscot)

There being no objections, the above item was considered passed and sent up for concurrence.

House Reports of Committees

Leave to Withdraw

Representative Carroll from the Committee on Transportation on Bill "An Act to Require Removal of Snowplow Supports from a Vehicle when the Plow is Removed" (H. P. 678) (L. D. 872) reporting "Leave to Withdraw"

Representative Carroll from the Committee on Transportation on Bill "An Act to Exempt Agricultural Workers from Certain School Bus Transportation Laws" (H. P. 677) (L. D. 781) reporting "Leave to Withdraw"

Representative Higgins from the Committee on Taxation on Bill "An Act to Impose a Luxury Tax on Jewelry" (H. P. 579) (L. D. 659) 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. 144) (L. D. 315) Bill "An Act to Amend and Clarify the Procedure to File and Appeal Claims by Patients, Inmates or Prisoners"—Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-22)

(S. P. 108) (L. D. 238) Bill "An Act to Define Alewives for the Purpose of Managing or Leasing Alewife Fishing Rights"—Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-20)

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 26, under listing of Second Day.

Consent Calendar

Second Day

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

(H. P. 100) (L. D. 130) Bill "An Act to Require School Districts to Account for Federally Subsidized Pupils as Residents of the District" (C. "A" H-52)

(H. P. 176) (L. D. 196) Bill "An Act to Revise the Maine Medical Laboratory Act" (C. "A" H-53)

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.

Recommitted to Committee

on Energy and Natural Resources

An Act to Adopt a Lead Emission Standard under the Laws for Protection and Improvement of Air" (S. P. 103) (L. D. 216)

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

On motion of Mr. Hall of Sangerville the Bill was recommitted to the Committee on Energy and Natural Resources in non-concurrence and sent up for concurrence.

Passed to be Engrossed Emergency Measure

An Act to Include Money in the Law Regarding the Forfeiture of Property Used or Intended for Use in Violation of the Criminal Law Relating to Drugs (S. P. 55) (L. D. 88) (S. "A" S-15)

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. 144 voted in favor of same and 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure Failed of Enactment

An Act to Retain the Motor Vehicle Operator License and Examination Fees and Motor Vehicle Title Fees Currently in Effect (H. P. 510) (L. D. 561) (C. "A" H-32)

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

Mr. Higgins of Scarborough requested a roll call vote.

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

Mr. STROUT: Mr. Speaker Ladies and Gentlemen of the House: I rise this morning to ask you to give some consideration on passing this L. D.

There has been talk in the last couple of weeks that this bill should sunset this weekend. My personal feeling is that even though some of us in this body may not agree with extending the fees at this time, I feel that this vehicle that we have before us has done a couple of things in the last couple of months, even though we maybe don't have a total program for us to make the decisions at this time.

I have to look back over the last four terms, being a member of the Transportation Committee, and realizing that this is the first time since I have been a member of this body that on February 25 the Highway Allocation Act has already had a public hearing and has already had two work sessions.

I know those people who oppose this L. D. would say that if the Governor had given us the program that we needed, yes, we probably could go for this L.D. today because we need it. I believe that we do need the monies, and I say to you that if I felt we did not need the money ongoing after July 1, I probably would be standing here today opposing this L.D.

A year ago when I voted for the fees increased, I felt certain at that time, and I feel certain today, that they were going to be extended. When I accepted it in 1980, I had no reason to believe, since I have been a member of this body, that fees would be sunsetted.

We will be having issues before us in the days ahead that, which will, in my opinion, hopefully, take care of the budget for the highway program in the next two years.

Some will say that the Governor did not get the proposals before use early enough. I think a lot of us have got to realize that there are a lot of new members in this body, and even if he had gotten the programs or the other L. D.'s out, we still would not have had time to develop a total highway program by this date.

People are saying now that if we let this sunset this weekend, this is going to put more pressure on the Chief Executive; also, it will put more pressure on us. I think, in my own personal opinion, that if this should sunset on February 28, the pressure comes off. With the extension in the Committee Amendment that would sunset this again June 30, 1981, I believe that the pressure is going to be on us again next week.

The committee is moving, we have some L. D.'s that are going to give us additional revenues, whether it is going to be gas tax, fee increases or whatever, and this is not the time to stop the fees that are included in the bill before us.

I ask the members of my party and also

members of the other party today to consider giving this an extension until June 30, and we can come out with a program that will give us all an idea of where we are going.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Macomber.

Mr. MACOMBER: Mr. Speaker and Members of the House: I rise today in support of the Majority "Ought to Pass" Report.

Speaking as a freshman, I realize that my word may not carry the weight of a more experienced Representative, but I have been a member of the Transportation Committee long enough to know that these problems cannot be solved by the Democrats nor by the Republicans but only if the two parties can work together to come up with a solution.

This bill is not the answer, but it is a start. By extending the time to June 30, you would give the department and the committee time to develop other sources of revenue. If this bill is not passed today, the DOT will find itself with a problem that will get worse week by week. If this bill is not passed, the loss of revenue to the State will be in excess of \$40,000 per week.

I am sure you all understand that if this bill fails today, within the next two weeks there will be a bill before you concerning the reimbursement of \$700,000 to the people who paid the higher rate. I urge you to take all these facts into consideration when you cast your vote.

In closing, I would remind you of something that at times we all seem to forget—we are here today in these chambers because of the people in the communities that we represent who look upon us as leaders, not followers. I urge you all to use your own good judgment when you cast your vote.

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to say "amen" to what my good friend on the Transportation Committee, Representative Macomber, has said. It is very true that if this bill goes down, there will be another bill following very closely and it is going to cost the Transportation Department three quarters of a million dollars. If you think you have a problem now, wait until you try to make up that three quarters of a million dollars, because if you fail to vote yes on that bill, what you are doing is telling all those people who paid this higher fee, we don't care about you, we are going to discriminate against you, so you put yourself in that position to start with.

If you went home this weekend or have been going home and discussing it with your constituents, you have done it one of two ways, you have done it politically by telling them the way you feel or you have done it like a State Representative and say, well, how do you feel. I talked to a lot of my people, and I can tell you right now, we can't afford to lose any money, and if you don't believe me, take a ride up Highway 1 or around the roads right here in Augusta. I don't think we can afford to lose that three quarters of a million dollars.

Another thing, we have asked for every little except time. Today's bulletin, item 3-32, is another fee bill, which is all part of the total program.

People will say, the only thing I am going to be satisfied with is the gas tax—well, rah rah. How much do you want to put on? If you are talking 2 cents or you are talking 3 cents, you are not even talking enough to start the program. If you are willing to vote for a 7 or 8 cent gas tax, fine, on top of the 2 cents the Feds may be putting on. Well, I will tell you one thing, my constituents can't stand too much more.

We have got to have the time to develop a program which will take in the gas tax, the different user fees that are being programmed into it; we can't depend upon just gas tax because just gas tax is not the answer. Even if we

put on an 8 cent gas tax right now, where are you going to be two or three years down the road, in the same bind? So, we are asking for a little bit of time to come up with a responsible program, and if you are going to be responsible and responsive to the needs of your constituents, you are going to give us the time that we need to do that.

I would hope that you would vote today to leave this fee as it is and extend the sunset. If you have listened to your constituents, I am sure that they have probably said the same thing to you that they have said to me. They said, when you put it on, we didn't figure you were going to take it off, and if you are going to take it off and deprive us of the roads that we need, then you haven't done your job. So listen to them and be responsible, and vote to leave this fee on for the time that we need.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote 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 Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I rise today and I must confess that it is not a pleasant task to have to vote against this piece of legislation. However, I think that above all the rhetoric and the partisan debates we have heard back and forth the last few days on this, the people of this House, whether they be Republicans or whether they be Democrats, are people of principle.

I look back at the three terms that I have served in the House, and surely we have seen this problem coming for the last two or three years. We have had numerous studies, we had a study on our desks at least a year ago now that indicated that the highway fund was going to be short some forty to sixty million dollars in the next biennium. We knew that, we have known it for a long time, we have known that we would have to take some drastic actions in order to implement or to eliminate, if you will, that problem.

I think the gentleman from South Portland really hit it on the head when he said that the people of the state look to us to solve their problems—there is no question about that, but I am not sure that this is the solution. I am not sure that putting it off two years ago was the solution then anymore than it is right now. So I guess if we have to make a point, if we have to say to the public, we make a stand and this is it, we have waited long enough, we need some solutions, and despite the fact that you may hear that we are a lot further along on the process and we have got the budget in front of us that we haven't had, this is the first time in history, I submit to you that that is a long way from being enacted in either branch of this legislature. I think we have moved somewhat expeditiously on some things, but I still don't think that we have a feeling of mutual cooperation, I guess, between the executive branch and the legislative branch on solving this problem. I haven't heard that, I haven't felt it anywhere that I have been.

We have a budget, an allocation act in front of us, and I guess when I talked before about us trying to solve the people's problems of the state and looking for some new ideas and some new solutions that were going to work, I mean, we can all come up with a solution but we need a solution that is going to work, and when I look at the allocation act and the other pieces of legislation that have come in that affect the Department of Transportation's budget, I see we are talking about undedicating the highway fund—that is going to be one part of the solution; yet, that piece of legislation, constitution-

al change, received somewhat less than 80 votes, I think, in this body before, I know that it received less than a majority, and I think it received two or three votes in the other body.

We also see the idea of taking some money from the general fund, \$25 million; yet, two years ago or a year ago, we couldn't even take \$2 million from the general fund, this legislature was opposed to it. It may be a unique idea, but it isn't going to work.

We also have a new program, a new block grant approach, and I applaud the Governor for that because I think it is a unique plan. It is those kinds of unique plans that we need. But the problem with the block grant is, at this point in time the situation hasn't been resolved. We still have people who are not completely confident in how that is going to work and how it is going to affect each and every one of our towns. But that is the kind of approach that we need, that one issue right there.

My main concern today is that we have not seen anyone yet, and perhaps you could say that is true of the Republican party as well, but I for one have put out as many feelers as I can to as many different people as I can from both parties and the executive branch to say, let's sit down and let's come up with a solution, let's work at it together, because we aren't going to solve it as Democrats and we aren't going to solve it as Republicans, it is going to be a mutual effort, and I haven't seen that mutual effort come forward yet. I hope that I do in the near future because I think and I know that it is the only solution to our problems. I do intend to vote against this piece of legislation today, but I do so mainly as a personal principle, and I think above all else, that is why we are all here in this legislature.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I plead with you today to let the Committee on Transportation run the committee's duties, let the Committee on Transportation work on solving the problems of transportation.

Leadership, in the last session, ran the show. You have got a dead-eye bill, you have got it right before you now; that was leadership's bill, that wasn't the Committee on Transportation's bill. I ask you today, as I will ask you tomorrow, as I will ask you the day after, let the Committee on Transportation handle this issue, not leadership on my left or leadership on my right. We have studied the problem. We meet sometimes nightly, and we are prepared to walk the last mile to solve the problems of the Committee on Transportation and the Department of Transportation.

I ask leadership once again to not get into a fight with each other, do not take the mallet away from me and carry it; let my committee, as you saw it today. You saw a gentleman from each side get up and speak. I have always asked my committee to work as a committee and to speak on bills. Many times people ask, who is the leader of that committee, why isn't Carroll on his feet—because I believe in team work. Team work is the greatest essence in the legislature. Team work is what we must do if we are to accomplish what the gentleman on the left asked us to accomplish, and it is team work today that I ask of you. I ask of you, brothers and sisters from one end of this state to the other, to vote for the fee bill today because we are asking for an extension. We are asking to buy some time so that our committee can address this.

You see on today's calendar that you have a bill, highway user fees, we have another bill, highway trucking fees, we have many other facets of legislation that our committee would like to address, so we ask you once again, please let the Committee on Transportation solve the problem of the Department of Transportation, and I ask leadership to please be patient. You couldn't tell me three years ago that

Ronald Reagan was going to be President of the United States, you couldn't tell me two years ago he was going to be, so don't ask me to tell you that I am going to look into a crystal ball and solve the problems three years hence.

I ask you all to please remember that we are not asking for the impossible dream, we are not asking for something where you are going to break the hearts of those who love you. What we are asking you for is to let the Committee on Transportation work on this problem, don't let this fee bill die, give us the extension, and I can promise you that we will work to the best of my effort to come up with a solution where we will not be hollering at each other from one side of this building to the other.

The SPEAKER: A roll call has been ordered. 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.

ROLL CALL

YEAS — Baker, Beaulieu, Benoit, Berube, Boisvert, Brannigan, Brennerman, Brodeur, Brown, A.; Carrier, Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G. W.; Diamond, J. N.; Erwin, Fitzgerald, Fowlie, Gowen, Gwadosky, Hall, Hayden, Hickey, Higgins, Hobbins, Huber, Jacques, Jalberty, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A.; Martin, H. C.; McCollister, McGowan, McHenry, McKean, McSweeney, Michael, Michaud, Mitchell, E. H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, Paradis, P.; Paul, Pearson, Perry, Post, Pouliot, Prescott, Racine, Reeves, P.; Richard, Ridley, Roberts, Rolde, Smith, C. B.; Soulas, Soule, Strout, Swaze, Theriault, Thompson, Tuttle, Vose, Webster, The Speaker, J. Sewall.

NAYS — Aloupis, Armstrong, Austin, Bell, Bordeaux, Boyce, Brown, D.; Brown, K. L.; Cahill, Callahan, Conary, Conners, Cunningham, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Gavett, Gillis, Hanson, Higgins, L. M.; Holloway, Hunter, Hutchings, Ingraham, Jackson, Jordan Kisman, Lancaster, Leighton, Lewis, Livesay, Lund, MacBride, Masterman, Masterton, Matthews, McPherson, Murphy, Nelson, A.; O'Rourke, Paradis, E.; Perkins, Peterson, Randall, Reeves, J.; Salsbury, Sherburne, Small, Smith, C. W.; Stevenson, Stover, Studley, Tarbell, Telow, Treadwell, Twitchell, Walker, Wentworth, Weymouth.

ABSENTS — Dudley, Laverriere.
Yes, 85; No, 64; Absent, 2.

The SPEAKER: Eighty-five having voted in the affirmative and sixty-four in the negative, with two being absent, the motion does not prevail.

Passed to Be Enacted

An Act Relating to the Organization of the Department of Transportation (S. P. 56) (L. D. 82) (C. "A" S-14)

An Act to Establish Statutory Compliance with Modern Technology and Procedure for Scoring Examinations (H. P. 203) (L. D. 248) (C. "A" H-35)

An Act Concerning the Acceptance of Gifts by State Officials or Members of any Branch of State Government (H. P. 333) (L. D. 372) (C. "A" H-34)

An Act Removing the Authority of Justices to Retain Certain Publications as their Own (H. P. 349) (L. D. 397)

An Act to Phase out County Payments for the Support of the Judiciary (H. P. 352) (L. D. 400) (C. "A" H-33)

Were reported by the Committee on Engrossed Bills as truly 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:

An Act to Create a Special Moped License for Persons 16 Years and Over (H. P. 121) (L. D. 153) (C. "A" H-25)

Tabled — February 24 by Representative Higgins of Scarborough.

Pending — Passage to be Enacted.

The SPEAKER: The Chair recognizes the gentlewoman from Bethel, Miss Brown.

Miss BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I had this tabled yesterday because I wanted to talk to some of the constituents in my district about this bill. I have talked to them. As you know, Maine has a lot of tourism coming in in the summer and a lot of mopeds are rented and sold to these people and used. A lot of the people who are coming in do not hold driver licenses with other states; therefore, they would not be eligible to rent or buy a moped in the State of Maine. It is also creating an additional licensing fee for the department, and overall I just feel it is an unnecessary piece of legislation.

I would like to ask for a division and hope you will support me in it.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I would just make a few comments to the gentlelady from Bethel, Miss Brown. I think one of her concerns is that this is requiring a license for all people who might operate a moped. The answer to that is not so. What this says with the amendment is that anyone at the present time who has a Class 3 license will not have to apply for a moped license. What this L.D. is saying is that any person who does not have a Class 1, 2 or 3 license would have to apply for a moped license and take a road test. It is my feeling, even though there are people coming in from out of state who do not have an operator's license, that they should be required to take a road test with that moped. We have left it up to the discretion of the Secretary of State's Office.

I really don't see any problem with this, and if I have not answered the gentlelady concerning the license that the person would need, I would ask her to clarify herself.

The SPEAKER: The Chair recognizes the gentlewoman from Bethel, Miss Brown.

Miss BROWN: Mr. Speaker, I don't feel that it is necessary to put the classification of mopeds in with the same driver licenses as you would have for a motorcycle. A lot of people who wouldn't go out and buy a motorcycle are buying mopeds because there is less complication in state requirements and price.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Jacques.

Mr. JACQUES: Mr. Speaker and Members of the House: This is my bill, and it is apparent that the gentlewoman from Bethel does not understand what the bill does. Mr. Strout tried to explain it.

The reason I introduced this certain piece of legislation, this would enable somebody that was 16 years old, who did not have a valid Maine driver's license, to apply for a moped license and take a road test. Now, the reason I put this bill in was that a constituent of mine has two daughters, 16 and 17, but because of the cutbacks in the school budget back home, they no longer have a driver education program there. These girls can't afford the \$50 or \$60 it takes to take the course. They have two mopeds and they both work. This is a one-car family and he asked me, how can I take both my daughters to work with one car when my wife and I both work also?

This L.D. would allow these girls to take a road test to show that they know all the laws, just like a motorcycle. I have a motorcycle license, and it would be almost the same exact test that you would take on a motorcycle with the examiner behind you, pulling from the hill, signaling, controlling your bike, then they

would be allowed the moped license, then they could operate their moped anywhere they wanted except the highway. That is what this L.D. does.

I don't care about the out-of-staters. I care about the people here that want to go to work, young girls that want jobs, young boys that want jobs that don't have a driver's license.

A moped is economical, they are becoming more and more popular. The members of the committee thought it was a very good idea, the department thought it was a good idea. We came out with the amendment that set up the road test to make sure that everybody that is on these will know what they are doing; that is what this bill does. It is my bill, I know.

The SPEAKER: The Chair will order a vote. The pending question is on passage to be enacted. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

126 having voted in the affirmative and 10 in the negative, the Bill was passed to be enacted.

Signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter:

Bill "An Act to Establish Highway Use Fees" (H. P. 862) which was tabled earlier in the day and later today assigned pending reference. (Committee on Transportation was suggested)

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

Mrs. POST: Mr. Speaker, Men and Women of the House: We have had similar fee bills which do, in fact, amend the Title 36 statutes in the Committee on Taxation.

Thereupon, on motion of Mrs. Post of Owl's Head, referred to the Committee on Taxation, ordered printed and sent up for concurrence.

On motion of Mrs. Post of Owl's Head,
Recessed until the sound of the gong.

After Recess 12:00 Noon

The House was called to order by the Speaker.

Mr. Twitchell of Norway moved that the House reconsider its action of earlier in the day whereby An Act to Retain the Motor Vehicle Operator License and Examination Fees and Motor Vehicle Title Fees Currently in Effect, House Paper 510, (L. D. 561) (S. "A" S-15) failed of passage to be enacted.

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

Mrs. MITCHELL: Mr. Speaker, I move that this be tabled one legislative day.

Whereupon, Mr. Higgins of Scarborough requested a vote.

The SPEAKER: The pending question is on the motion of the gentlewoman from Vassalboro, Mrs. Mitchell, that this matter be tabled pending the motion of Mr. Twitchell of Norway to reconsider and tomorrow assigned. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

78 having voted in the affirmative and 58 having voted in the negative, the motion did prevail.

(Off Record Remarks)

Mr. Higgins of Scarborough was granted unanimous consent to address the House.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question, if I could, to the Chair relative to S.P. 333, which was ruled out of order in the House yesterday. As I understand it, the Resolution went to the other body and they adhered down there and it failed to appear on the House Calendar this morning. I would just pose a question to the Chair, is not that in violation of Joint

Rule 6?

The SPEAKER: The Chair would answer in the negative.

Mr. HIGGINS: Mr. Speaker, could you explain to us why?

The SPEAKER: The Chair would be more than happy to do so in my office.

Mr. HIGGINS: May I continue on the record?

The SPEAKER: No.

(Off Record Remarks)

On motion of Mrs. Mitchell of Vassalboro,
Adjourned until nine o'clock tomorrow morning.