

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

Tuesday, March 24, 1981

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

Prayer by the Reverend E. Richard Wrentzel of the East Auburn Baptist Church.

The journal of yesterday was read and approved.

Papers from the Senate

Bill "An Act to Revise Governmental Ethics and Election Practices" (S. P. 483) (L. D. 1365)

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

In the House referred to the Committee on Election Laws in concurrence.

Bill "An Act Requiring Energy Efficiency in Buildings Financed with Public Funds" (S. P. 480) (L. D. 1363)

Bill "An Act to Protect Public and Private Property from Ice Jams" (Emergency) (S. P. 479) (L. D. 1362)

Bill "An Act to Authorize the Department of Environmental Protection to Provide Technical Assistance to Municipalities and other Quasi-municipal Entities Regarding Solid Waste Management" (S. P. 475) (L. D. 1358)

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

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

Bill "An Act Concerning Alternatives to Institutionalized Care" (S. P. 478) (L. D. 1361)

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

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

Bill "An Act to Permit the Opportunity for Continuing Health Insurance" (S. P. 477) (L. D. 1360)

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

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

Later Today Assigned

Bill "An Act to Authorize the Extension of Old Orchard Pier" (S. P. 476) (L. D. 1359)

Came from the Senate referred to the Committee on Local and County Government 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 Amend the Definition of Home Improvement Note Set Forth in the Maine Housing Authorities Act" (S. P. 481) (L. D. 1364)

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

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

Petitions, Bills and Resolves**Requiring Reference**

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

Aging, Retirement and Veterans

Bill "An Act Concerning Payment to the State Retirement System by Elected or Appointed State Officials" (H. P. 1227) (Presented by Representative Brown of Livermore Falls) (Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act Concerning Cancellation of Indi-

vidual Health Insurance Policies" (H. P. 1228) (Presented by Representative Brannigan of Portland)

(Ordered Printed)

Sent up for concurrence.

Energy and Natural Resources

Bill "An Act Concerning Disposal of Material by Certain Waste Disposal Systems" (H. P. 1229) (Presented by Representative LaPlante of Sabattus) (Cosponsors: Representatives Fowlie of Rockland and Masterman of Milo and Senator Shute of Waldo)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act to Establish Rights for Residents of Nursing, Boarding and Foster Homes" (H. P. 1230) (Presented by Representative Prescott of Hampden) (Cosponsors: Representative Hanson of Kennebunkport and Senators Brown of Washington and Perkins of Hancock) (Governor's Bill)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act Concerning Operation of a Motor Vehicle while under the Influence of Intoxicating Liquor" (H. P. 1231) (Presented by Representative Davies of Orono) (Cosponsor: Representative Thompson of South Portland)

Bill "An Act to Amend the Probate Laws" (H. P. 1232) (Presented by Representative Kany of Waterville)

Bill "An Act to Prohibit Housing Discrimination Against Families with Children" (H. P. 1233) (Presented by Representative Benoit of South Portland) (Cosponsors: Representatives Cunningham of New Gloucester and Soule of Westport)

Judiciary

Bill "An Act to Provide Group Medical Health Care Insurance Benefits to Judicial Employees" (H. P. 1234) (Presented by Representative O'Rourke of Camden)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act Concerning Attorney's Fees Under the Workers' Compensation Laws" (H. P. 1235) (Presented by Representative Davis of Monmouth) (Cosponsors: Representatives Armstrong of Wilton and Damren of Belgrade)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act to Prohibit the Export of Hydroelectric Power" (H. P. 1236) (Presented by Representative Reeves of Pittston) (Cosponsor: Representative Michael of Auburn)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Increase the Veterans Real Property Tax Exemptions." (H. P. 1237) (Presented by Representative Smith of Island Falls) (Cosponsor: Representative Gillis of Calais)

Bill "An Act to Recover Overdue Student Loan and Child Support Payments" (H. P. 1238) (Presented by Representative Nelson of Portland) (Cosponsors: Representatives Brennerman of Portland and Benoit of South Portland)

Bill "An Act to Conform the Existing Sales Tax Exemption for 750 Kilowatts of Electricity to Patterns of Usage" (H. P. 1239) (Presented by Representative Baker of Portland) (Cosponsors: Representatives Boyce of Auburn and Ingraham of Houlton and Senator Wood of York)

Bill "An Act to Establish a Limited Tax Credit to Aid Businesses Providing Day Care

Services to their Employees" (H. P. 1240) (Presented by Representative Diamond of Bangor) (Cosponsors: Representatives Post of Owl's Head and Hayden of Durham and Senator Najarian of Cumberland)

Bill "An Act to Replace the Inheritance Act with a Maine Estate Tax and Provide for Funding through Gradual Elimination of Certain Tax Credits" (H. P. 1241) (Presented by Representative Post of Owl's Head)

Bill "An Act to Provide for a Local Excise Tax on Watercraft" (H. P. 1242) (Presented by Representative Damren of Belgrade)

(Ordered Printed)

Sent up for concurrence.

Orders

On motion of Representative LaPlante of Sabattus, the following Joint Order (H. P. 1247)

ORDERED, the Senate concurring, that the Joint Standing Committee on Local and County Government report out a bill to the House to extend the time for the apportionment of county taxes.

The Order was read and passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Special Sentiment Calendar

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

Recognizing:

David McCall, of Sanford, who won the State Elks Hoop Shoot and placed second in the New England competition; (H. P. 1243) by Representative Tuttle of Sanford. (Cosponsors: Senator Wood of York and Representatives Ridley of Shapleigh and Paul of Sanford)

Kristen Gatz of Auburn, who has been selected to compete as a cross country racer in the National Junior Ski Championship; (H. P. 1244) by Representative Boyce of Auburn.

Rusty Young of Auburn, who has been selected to compete as a Nordic Combined Specialist in the National Junior Ski Championship; (H. P. 1246) by Representative Boyce of Auburn.

There being no objections, these items were considered passed and sent up for concurrence.

House Reports of Committees**Ought Not to Pass**

Representative Pouliot from the Committee on Business Legislation on Bill "An Act to Prevent the Unauthorized Sale of Stripped Cover Magazines and Paperback Books" (H. P. 267) (L. D. 330) reporting "Ought Not to Pass" (Senator Sewall of Lincoln — abstained)

Was placed in the Legislative Files without further action pursuant to Joint Rule 22, and sent up for concurrence.

Leave to Withdraw

Representative Gwadosky from the Committee on Business Legislation on Bill "An Act to Provide for Licensing for Dog Groomers and Grooming Shops" (H. P. 590) (L. D. 668) reporting "Leave to Withdraw"

Representative Brannigan from the Committee on Business Legislation on Bill "An Act Concerning Application of the Insurance Code to the Nonprofit Hospital or Medical Service Organization" (H. P. 649) (L. D. 754) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Divided Report**Later Today Assigned**

Majority Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act to Permit School Bus Drivers to be Eligible for Unemployment Compensation" (H. P. 70) (L. D. 98)

Report was signed by the following members:

Senators:

SEWALL of Lincoln
SUTTON of Oxford
DUTREMBLE of York
— of the Senate.

Representatives:

LEWIS of Auburn
MARTIN of Brunswick
FOSTER of Ellsworth
BEAULIEU of Portland
TUTTLE of Sanford
LAVERRIERE of Biddeford
HAYDEN of Durham
LEIGHTON of Harrison

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-120) on same Bill. Report was signed by the following members:

Representatives:

McHENRY of Madawaska
BAKER of Portland

— of the House.

Reports were read.

On motion of Mrs. Beaulieu of Portland, tabled pending acceptance of either Report and later today assigned.

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-121) on Bill "An Act Relating to the Issuance of Motorboat Racing Permits" (H. P. 396) (L. D. 439)

Report was signed by the following members:

Senators:

USHER of Cumberland
HICHENS of York

— of the Senate.

Representatives:

PAUL of Sanford
MacEACHERN of Lincoln
DAMREN of Belgrade
CLARK of Millinocket
SMITH of Island Falls
PETERSON of Caribou
JACQUES of Waterville
GILLIS of Calais
ERWIN of Rumford

— of the House.

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

Report was signed by the following members:

Senator:

REDMOND of Somerset

— of the Senate.

Representative:

CONNERS of Franklin

— of the House.

Reports were read.

On motion of Mr. MacEachern of Lincoln, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-121) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report**Later Today Assigned**

Majority Report of the Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-116) on Bill "An Act to Repeal the Termination Date of the Emergency Petroleum Products Supply Act" (Emergency) (H. P. 863) (L. D. 977)

Report was signed by the following members:

Senator:

CLARK of Cumberland

— of the Senate.

Representatives:

RACINE of Fairfield
MARTIN of Van Buren

BRANNIGAN of Portland
GWADOSKY of Fairfield
FITZGERALD of Waterville
POULIOT of Lewiston

— of the House.

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

Report was signed by the following members:

Senators:

SUTTON of Oxford
SEWALL of Lincoln

— of the Senate.

Representatives:

PERKINS of Brooksville
GAVETT of Orono
JACKSON of Yarmouth
TELOW of Lewiston

— of the House.

Reports were read.

Mr. Brannigan of Portland moved that the Majority "Ought to Pass" Report be accepted.

On motion of the same gentleman, tabled pending his motion to accept the Majority Report and later today assigned.

Consent Calendar**First Day**

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

(H. P. 354) (L. D. 402) Bill "An Act Relating to Unemployment Compensation Benefits for Persons Receiving a Pension or Retirement Pay" (Emergency)—Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-122)

(H. P. 490) (L. D. 542) Bill "An Act Relating to Credit Disability Insurance Under the Consumer Credit Code"—Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-123)

No objections being noted, the above items were ordered to appear on the Consent Calendar of March 25, under listing of Second Day.

Consent Calendar**Second Day**

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

(H. P. 659) (L. D. 762) Bill "An Act to Require Primary Suppliers to Report Deliveries of Petroleum Products to the Office of Energy Resources" (Emergency) (C. "A" H-117)

(H. P. 334) (L. D. 373) Bill "An Act to Exempt Deeds of Distribution from the Real Estate Transfer Tax"

(H. P. 607) (L. D. 684) Bill "An Act to Provide for a Transition before the Attorney General takes Office"

(H. P. 638) (L. D. 728) Bill "An Act to Clarify and Make Consistent Appeal Procedures in the Employment Security Law" (C. "A" H-119)

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

Passed to be Engrossed

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Lincoln County for the Year 1981 (Emergency) (H. P. 1213) (L. D. 1381)

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

Amended Bill

Bill "An Act to Improve the Marketing of Maine Agricultural Products" (H. P. 308) (L. D. 380) (C. "A" H-114)

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

**Passed to Be Enacted
Emergency Measure**

An Act Converting Great Pond Plantation into the Town of Great Pond (H. P. 287) (L. D. 369) (C. "A" H-118)

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. 132 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

Emergency Measure

An Act to Clarify Transition Provisions for Guardians under the Probate Code and to Conform Certain Language Concerning Appellate Procedure in Adoption Cases to the Procedures Adopted in the Probate Code (H. P. 246) (L. D. 280) (C. "A" H-99)

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. 136 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Adjust the Fiscal Year of the Cobossee Watershed District (H. P. 479) (L. D. 535) (C. "A" H-106)

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. 137 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to be Enacted

An Act to Provide an Open Season on Moose (S. P. 128) (L. D. 300) (C. "A" S-49)

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

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Ketover.

Mrs. KETOVER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask for a roll call.

Could someone explain to me how this bill differs from the experimental moose season of last year?

The SPEAKER: The gentlewoman from Portland, Mrs. Ketover, has posed a question through the Chair to anyone who may care to answer.

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

Mr. JACQUES: Mr. Speaker, I will try to explain to the gentlewoman in my own humble fashion.

Last year, or two years ago, we passed an act to establish a one-year experimental season on moose—we did that. All the data is in and everybody was surprised at the amount of moose we had. This year, we are trying to put an L. D. before us that would establish an open season on moose starting in the year 1982 and would carry over from that time on.

The experimental season, those of you who were here will remember, was to find out how a season would go off. It went off very well and we would like to have it continue. I hope that answers the gentlewoman's question.

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 pending question is on passage to be enacted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Armstrong, Bell, Boisvert, Boyce, Brannigan, Brown, A.; Brown, D.; Cahill, Callahan, Carter, Clark, Conary, Conners, Crowley, Cunningham, Curtis, Damren, Davis, Day, Dexter, Drinkwater, Erwin, Fowlie, Gavett, Gillis, Hall, Hickey, Hobbins, Holloway, Hunter, Hutchings, Ingraham, Jacques, Jallbert, Jordan, Kane, Kiesman, LaPlante, Laverriere, Leighton, Lisnik, Lund, MacBride, MacEachern, Mahany, Martin, H.C.; Matthews, McCollister, McHenry, McKean, McPherson, McSweeney, Michael, Michaud, Mitchell, E. H.; Moholland, Murphy, Nadeau, Nelson, A.; Norton, O'Rourke, Paradis, P.; Paul, Perkins, Perry, Peterson, Racine, Randall, Richard, Ridley, Roberts, Sherburne, Smith, C.B.; Smith, C. W.; Soulas, Soule, Stevenson, Strout, Studley, Swazey, Tarbell, Telow, Treadwell, Tuttle, Twitchell, Vose, Walker, Webster, Wentworth, Weymouth, The Speaker.

NAY — Aloupis, Austin, Baker, Beaulieu, Benoit, Berube, Bordeaux, Brodeur, Brown, K.L.; Carrier, Carroll, Chonko, Connolly, Cox, Diamond, G.W.; Diamond, J. N.; Dillenback, Fitzgerald, Foster, Gowen, Hanson, Higgins, Higgins, L.M.; Huber, Jackson, Kany, Ketover, Kilcoyne, Lancaster, Lewis, Livesay, Locke, Macomber, Manning, Martin, A.; Masterton, Masterton, McGowan, Mitchell, J.; Nelson, M.; Paradis, E.; Pearson, Post, Pouliot, Reeves, J.; Reeves, P.; Salisbury, Small, Stover, Thompson.

ABSENT — Brenerman, Davies, Dudley, Gwadosky, Hayden, Joyce, Kelleher, Prescott, Rolde, Theriault.

Yes, 91; No, 50; Absent, 10.

The SPEAKER: Ninety-one having voted in the affirmative and fifty in the negative, with ten being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

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

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

The SPEAKER: The gentleman from Waterville, Mr. Jacques, moves that we reconsider our action whereby this Bill was passed to be enacted. All those in favor will say yes; those opposed will say no.

A viva voce vote being taken, the motion did not prevail.

An Act Providing Due Process when the State Liquor Commission Designates a Location for a State Liquor Store. (S. P. 180) (L. D. 458) (C. "A" S-46)

An Act Concerning Retirement and Benefits for State Employees Returning to Work After Attaining the Age of 60 (S. P. 299) (L. D. 843)

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.

Enactor

Tabled and Assigned

An Act to Amend the Charter of the York Water District (H. P. 149) (L. D. 175)

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

On motion of Mr. Davies of Orono, tabled pending passage to be enacted and tomorrow assigned.

An Act to Amend the Laws Relating to Examinations of Motor Vehicles by Police Officers and to Increase the Penalty for Avoiding a Police Roadblock (H. P. 178) (L. D. 225) (C.

"A" H-101)

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

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. McHenry.

Mr. McHENRY: Mr. Speaker, I would like to pose a question through the Chair. I would like to know, if I am driving down the road and there is a police blockade and I take a side street, am I avoiding a police roadblock by doing this?

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

The Chair recognizes the gentleman from Portland, Mr. Joyce.

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I will respond to the gentleman's question. If you are driving down the road and you decide to turn, they are not going back to chase you.

This bill is the type of bill that is going to stop the speeders that the police are in hot pursuit of. This bill was born perhaps last summer, and I will speak while I am up on this particular bill. It is such a nice day now, we are all looking forward to next summer, but I think perhaps we should think back to last summer. It was last summer, July 13th, in Palmyra, Maine, when that young trooper, young Tommy Murray, was killed at a police roadblock. This bill was put in because of that incident.

We had two speakers at the committee that favored that bill, there were two people there who supported the bill. One was a Major from the Maine State Police. The other supporter of that bill did not speak one word in favor of the bill, but it really was her bill as she sat there for several days in the back row, the mother of trooper Thomas Murray. She had spent many days here in the halls of the House waiting for the day that the bill would come that she feels honestly will prevent incidents such as cost her the price of one son.

This is a good bill. There were several of these roadblock bills in, the committee worked on them for several days and we come up with a real good bill. There is nothing sneaky in this one. We have a cosponsor, that ex-state trooper, Jim Reeves, now Senator Reeves, and both he and I urge you, for that lonely lady that sat so many days in the back row, to vote this one through.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. McHenry.

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I believe that incident he was talking about last July, the driver of that car did not avoid the blockade, he ran right through it.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: This bill increases the fine; this bill spells out that there must be uniform policemen visible there. This is taking care of a lot of the problems that existed on that roadblock.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Establish Guidelines for the Issuance of Concealed Weapon Permits (H. P. 467) (L. D. 519) (C. "A" H-88)

An Act Relating to the Licensing of Pin Ball Machines (H. P. 503) (L. D. 554)

An Act Relating to Games of Chance Sponsored by Charitable Organizations (H. P. 504) (L. D. 555)

An Act to Exempt Fuel Adjustment Charges of Electric Utilities from the Requirement that such Charges be Prorated (H. P. 529) (L. D. 595) (C. "A" H-105)

An Act to Facilitate the Distribution of Child Custody Reports (H. P. 620) (L. D. 703) (C. "A" H-100)

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.

Enactor

Tabled and Assigned

An Act to Authorize the Designation of a Municipal Development District (H. P. 603) (L. D. 680)

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

The SPEAKER: The Chair recognizes the gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Speaker, I would like to pose a question to the Committee on Local and County Government, I guess it is. This bill removes a referendum process by which municipalities can accept or reject a proposed concept of development districts. My question then, what happens to those municipalities which have approved this under the impression that they will have a chance to vote in a referendum question? There is one particular community where some businessmen oppose that particular concept in their own district and, as you all know, the bill that was passed in 1977 or 1978, I guess, allows a municipality to tax an additional one-half to one mill increase in a special district, and that was my concern, the removal of the referendum clause.

The SPEAKER: the gentlewoman from Lewiston, Mrs. Berube, has posed a question through the Chair to anyone who may care to answer.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I am a little bit unclear with the gentlelady's question, because this particular provision does, in fact, deal with the way that a municipality chooses to approve whether or not they are to have a development district within their boundaries. The gentlelady said, what effect does this have on a town that has already approved a developmental district? If the community has already approved a developmental district to the structure that has been on the books, then that developmental district would remain. This would set up a mechanism in the future on how developmental districts are in fact set up within a community, and what it does is, it removes the mandatory provisions where the state tells a town how they go about setting up a development district and instead says it would have the approval of the governing body, which in many of the smaller communities would be town meetings, or if it is a larger community, with a city charter, then the designation of a development district would be in accordance with the provisions of the charter, thereby allowing local communities to decide how they shall make this decision.

Thereupon, on motion of Mrs. Berube of Lewiston, tabled pending passage to be enacted and tomorrow assigned.

The following Senate papers appearing on Supplement No. 1 were taken up out of order by unanimous consent:

The following Joint Resolution: (S. P. 511)
JOINT RESOLUTION IN HONOR
OF NIGERIAN LEGISLATIVE LEADERS
WHO ARE OBSERVING THE
MAINE LEGISLATURE

WHEREAS, the Federal Republic of Nigeria, one of Africa's most influential nations, gained its independence from Great Britain in 1960; and

WHEREAS, following an unsettled period of change, a constitution was adopted on October 1, 1979, providing a federal system of government resembling that of the United States; and

WHEREAS, under this democratic form of government, a national assembly and nineteen unicameral state assemblies and staff services were established; and

WHEREAS, through a cooperative program

of the Legislative Leaders' Exchange, Nigerian legislative leaders hope to gain a greater understanding of the American federal system and the role of state legislatures within that system; and

WHEREAS, as a part of this program, a delegation of legislative leaders from the National Assembly and state legislatures of Nigeria is presently observing the Maine Legislature; now, therefore, be it

RESOLVED: That the Senate and House of Representatives of the 110th Legislature, now assembled in first regular session, hereby officially recognize and welcome to the Maine Legislature, state and national legislative leaders from the Federal Republic of Nigeria, other participants in the Legislative Leaders' Exchange and representatives of the State Legislative Leaders Foundation; and be it further

RESOLVED: That our honored guests be congratulated for their inspiring efforts to strengthen, perfect and preserve a democracy for the people of the West African Nation of Nigeria through firsthand knowledge and experience from this and other states of our great Nation; and be it further

RESOLVED: That copies of this Joint Resolution be transmitted forthwith by the Secretary of State to members of the National Assembly of Nigeria, the Legislative Leaders' Exchange, the State Legislative Leaders Foundation and the 24 participating American state legislatures in honor of the occasion.

Came from Senate read and adopted.

In the House, the Resolution was read and adopted in concurrence under suspension of the rules.

Ought Not to Pass

Report of the Committee on Judiciary reporting "Ought Not to Pass" on 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)

Was placed in the Legislative Files without further action pursuant to Joint Rule 22.

Orders of the Day

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

Bill, "An Act Providing for Pupil Screening for Scoliosis and Related Spinal Abnormalities" (H. P. 273) (L. D. 319)

— In House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-81) on March 13

— In Senate, Passed to be Engrossed as Amended by Committee Amendment "A" (H-81) as Amended by Senate Amendment "A" (S-58) thereto on March 20

Tabled — March 23 by Representative Prescott of Hampden.

Pending — Further Consideration.

On motion of Mrs. Prescott of Hampden, the House voted to recede and concur.

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

Bill "An Act to Authorize a Self-liquidating Bond Issue for Kennebec County for the Construction of a New Detention Facility" (H. P. 1216) (Committee on Local and County Government suggested)

Tabled — March 23 by Representative LaPlante of Sabattus.

Pending — Reference.

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

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

SENATE REPORT—"Ought to Pass" — Committee on Aging, Retirement and Veterans on Bill, "An Act to Amend the Group Life Insurance Program for State Employees and Teachers" (S. P. 301) (L. D. 845)

Tabled—March 23 by Representative Kany of Waterville.

Pending—Acceptance of Committee Report.

Thereupon, the Report was accepted in concurrence, the Bill read once and assigned for second reading tomorrow.

(Off Record Remarks)

On motion of Mr. Gillis of Calais,
Recessed until the sound of the gong.

After Recess

11:40 a.m.

The House was called to order by the Speaker.

The Chair laid before the House the following matter:

Bill "An Act to Authorize the Extension of Old Orchard Pier" (S. P. 476) (L. D. 1359) which was tabled and later today assigned pending reference in concurrence.

Thereupon, the Bill was referred to the Committee on Local and County Government in concurrence.

The Chair laid before the House the following matter:

HOUSE DIVIDED REPORT—Majority (11) "Ought Not to Pass"—Minority (2) "Ought to Pass" as amended by Committee Amendment "A" (H-120)—Committee on Labor on Bill "An Act to Permit School Bus Drivers to be Eligible for Unemployment Compensation" (H. P. 70) (L. D. 98)—which was tabled and later today assigned pending acceptance of either Report.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker, I move that the House accept the Minority "Ought Not to Pass" Report.

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to say a few words about the bill and I am not looking for a knockdown-dragout Donnellybrook, but I hope you will let me have a few minutes.

One of the reasons that I signed this report out is that when a similar piece of legislation came to our committee last session, I went along to help kill it, along with everybody else on the committee. After we had disposed of the bill, I had a few thoughts about it and I said to myself, if it ever comes along again, I would at least want to get it onto the floor of the House.

The bill basically, as amended, covers non-professional school personnel in the area of unemployment compensation benefits. I know this is probably not the best time to talk about expanding that type of system, but I wanted to call to your attention something that I feel is a problem. It was obvious last year, last session, by members representing the school management, that there is a problem here, and it is income for those school personnel who find themselves without work during the summer, and I am talking about non-professional school personnel, and perhaps the matter should be handled through collective bargaining, and that is a good point, except I was hearing the argument of collective bargaining from management, and management, of course, does everything they can to fight the collective bargaining process, it is only natural.

So, the bill came up this time because several school bus drivers in the area of Norway, Maine, were finding that when the school year was over they were without work and couldn't find a job, and they wanted to be able to file for unemployment benefits and they are not allowed to.

Currently, federal law allows states to deny non-professional school workers unemployment benefits; 44 states have chosen to do so.

Now, in some cases school workers that are

employed by other governmental units other than school boards are covered by unemployment compensation, and in some cases in our state, some non-professional school employees are covered, so there is some inequity in the system.

For example, in Maryland, some school crossing guards and nurses that are employed in county public safety and health agencies are covered by unemployment compensation.

One can make the argument that when non-professional school employees take the job, they know what they are getting into and they know that the work is seasonal and they can expect that. I would say, well, all right, but then we have areas in the private sector that are also seasonal and workers know what they are getting into. We have a whole area such as fishing, such as canneries, that operate on a seasonal basis, and if it wasn't for the unemployment compensation system they wouldn't be able to exist.

One person brought out that first, Mr. Baker, how do you expect to defend this before boards and town meetings? This is a costly bill, and I am not going to hide the cost. If everybody took advantage of this bill, there would be a cost of a little over \$2 million. All right, I will be honest about that, but it seems to me that if there is a problem in getting a better income for people who are non-professional school employees, it is going to cost money whether we give them more through collective bargaining or this way.

I know a lot of you are not going to vote for the bill, and that is all right, I don't take it personally, I understand your reasons, but what I would like to ask of you if you don't vote for the bill today is to talk to some of your non-professional school employees and try to deal with this in any way possible, if it means perhaps going in the local school budgets, maybe we should do that. I think it behooves you to be aware of this situation and the inequities that I feel are contained in the system, and I would like very much to have the yeas and nays.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: It was very uncomfortable for some of us to vote "ought not to pass" on this measure. However, the majority of the committee felt that indeed the \$2 million cost would be prohibitive, especially at this time. I think the major factor that was mentioned most often by the committee was that unlike most jobs, these jobs are defined in regards to the number of days to be worked and, therefore, the people involved have privileges that are afforded to them where it is not possible for an overwhelming majority of the workers in our state. These jobs then become not a direct result of an unexpected layoff situation and I believe that was the overriding contention that put many of us in the position of voting "ought not to pass."

I request that you accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. McHenry.

Mr. MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I signed the "Ought to Pass" Report for the simple reason that I feel these people should be handed out justice, because we pay out from the unemployment fund to the construction people, who are actually seasonal but who do not want to be considered seasonal by their employers because it is another benefit that they can give them. These are the people that will be drawing the maximum benefits of unemployment, while the school employees, non-professionals, will be drawing a minimum. I think the average would come out to \$69 per employee in benefits. In order to qualify, these school employees would have to go out and look for work, they can't just sit home and say, look, I will receive my unemployment; they have to go out and look for

work, be available for it, and if there is work available, they have to take it and these people aren't paid minimum wages. It would take 5 cents above minimum wage to put them to work.

I believe that in order to provide justice for these people, we should give them unemployment. I have several widows that work for the schools and they do need that money and they are out searching for work. I will agree that the majority of the people that work for schools want to be off in the summertime, but I think we could work on a waiver or something for these people because they do not want to work in the summertime, but there are some widows that do need that money and I would hope that you would support the "Ought to Pass" report.

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. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken, 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 the motion of the gentleman from Portland, Mrs. Beaulieu, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Armstrong, Austin, Beaulieu, Bell, Benoit, Berube, Boisvert, Bordeaux, Boyce, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Carrier, Carroll, Clark, Conary, Connors, Cox, Crowley, Cunningham, Curtis, Damren, Davis, Day, Dexter, Diamond, G.W.; Diamond, J.N.; Dillenback, Drinkwater, Erwin, Foster, Fowlie, Gavett, Gillis, Gowen, Gwadosky, Hanson, Hickey, Higgins, H.C.; Higgins, L.M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jacques, Jalbert, Jordan, Joyce, Kane, Kany, Ketover, Kiesman, Kilcoyne, Lancaster, LaPlante, Laverriere, Leighton, Lewis, Lisnik, Livesay, Locke, Lund, MacBride, MacEachern, Macomber, Mahany, Manning, Martin, A.; Martin, H.C.; Masterman, Masterton, Matthews, McGowan, McKean, McPherson, McSweeney, Michaud, Mitchell, E.H.; Moholland, Murphy, Nadeau, Nelson, A.; Nelson, M.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Paul, Pearson, Perkins, Perry, Peterson, Post, Pouliot, Prescott, Racine, Randall, Reeves, J.; Richard, Ridley, Roberts, Salsbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soulas, Soule, Stevenson, Stover, Strout, Studley, Swazey, Tarbell, Telow, Theriault, Thompson, Treadwell, Tuttle, Vose, Walker, Webster, Wentworth, Weymouth.

NAY — Baker, Chonko, Connolly, Davies, Fitzgerald, Hobbins, McColister, McHenry, Michael, Mitchell, J.; Reeves, P.; Twitchell.

ABSENT — Carter, Dudley, Hall, Hayden, Kelleher, Rolde.

Yes, 132; No, 12; Absent 6.

The SPEAKER: One hundred and thirty-two having voted in the affirmative and twelve in the negative, with six being absent, the motion does prevail.

Sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Repeal the Termination Date of the Emergency Petroleum Products Supply Act" (H.P. 863) (L.D. 977) which was tabled and later today assigned pending acceptance of the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Gentleman from Portland, Mr. Brannigan.

Mr. BRANNIGAN: Mr. Speaker, Ladies and Gentlemen of the House: We are dealing this morning with the oil notice bill. This is a bill that we dealt with earlier in January in which

we moved it through both Houses without a hearing, without reference to committee, in order to have a sunset which goes into effect next week. We have not had a hearing and we are back with this bill for consideration before this House this morning.

What this bill requires is that any oil company, major oil company, which is to withdraw from the State of Maine or reduce their supply to the state or withdraw from a part of the state or reduce their supply to part of the state, that they give one year's notice to the administration of this state so that we can do something to help that part of the state or the whole state as it is going to be affected.

This bill is to be in effect only two years; it will be sunsetted as of April 1 two years from now. It is an attempt to let down gradually from some very tight controls that have been on this industry for the last ten years. It is an insurance policy that places in our state will not be cold in the winter or without fuel in the winter. We hope that the problem it addresses will not be with us and there will be no need for any kind of adjustment, but if there is, we will be ready, this bill will keep us from having problems if there are problems that develop.

Again, an oil company must give notice, if they wish to withdraw, one year in advance, or, if they can find another supplier to take over their customers, if that section of the state is not going to be harmed, then they can withdraw as soon as those arrangements have been made. That is what the bill does. Do we need it? Do we need this kind of notice? I think we do. It is a cautionary insurance kind of a provision.

This industry had been tightly controlled for ten years. Hopefully the controls are coming off and the oil will flow properly, all of our state, all parts of our state will have all of the oil, fuel oil, gasoline, that it needs, hopefully. A lot has happened in the last ten years and no one knows whether supply and demand is going to work perfectly right away and we don't have much time in this state to make adjustments.

For an example of what has happened in the last ten years — ten years ago, when the controls went on and tightened up, it was the policy of major oil companies to distribute oil and compete all across our country, in all states; that is all changed now. Now they distribute not across all the states but they distribute according to profit, where they can make profit. There is nothing wrong with that, except what if Maine is not the place and there are some quick shifts and changes? Let's see what happens. Just for a couple of years let's have this cautionary and insurance against some kind of real shortage when we are in real need.

Do we need it? We do have needs, we have special needs in Maine. We have needs because of where we are located in the United States. We are far away from refineries, and even though we have deep water ports, lots and lots of the oil that comes there is just on its way through to our neighbors in Canada. We have need because of the position of our state in the nation, we have need because of the position of parts of our state so far away from places where oil can be landed, so we do have special needs from that point of view. We have needs because of other points of view. We need fuel oil badly to heat our homes, and we need it constantly through certain months and we need to have the fuel our cars and trucks need to travel and to carry on our business. We depend on those tremendously, and so we have great need.

Is there any need of this bill because there are dangers that we might have shortages? Now, we hope that we won't have any shortages, we hope not, but for a couple of years we need this notice because there are dangers.

In our hearing, big oil was there, people dressed in very expensive clothing coming in on airplanes to tell us that, yes, there was plenty of oil and, yes, there was no danger of

shortage, that they were prepared, there were plenty of companies prepared to take on new business. If anybody wanted out, they were ready to rush in. Wonderful! If anybody wants to move out, under this bill they can get some of these people to rush in and take their place. But, most of the people who were ready to rush in and take on new business, right now there is plenty of oil and they can get all they want, all the gasoline, all the fuel oil, because the country is glutted with it, refineries are slowed down; that is now, that is March and April 1981, but these people that are ready to rush in and are looking for new business have no refineries, they have no control over product. What happens when product gets tight? Let's hope product never gets tight so that we have a problem, but what if it does? Let's have some notice that these things are going to happen.

These people came to us and they said — no figures, just trust us. We are oil companies, trust us. We have plenty, trust us. We hope they have plenty, we hope they can take care of us, but I say, let's take a couple of years' precaution before we do all that kind of trusting.

Do we need it? Yes, we do need to be prepared, we do need in this state to know where we are going with heating oil and gasoline in the next two years, and I hope you will support this measure.

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

Mr. JACKSON: Mr. Speaker and Members of the House: I think of an old Welch prayer which goes — "protect us from beasties and goolies and things that go bump in the night," and I think that is what we are looking at here.

A little bit of history maybe is in order. My colleague spoke of ten years ago. Ten years ago, February 14, 1971, OPEC was formed, and it was formed through a series of coincidences. A bulldozer in Syria ran into a pipeline, Nigeria had a civil war and Colonel Gaddafi in Libya decided it was the time to start jacking up the price oil and it has been going up ever since. We haven't known what was going on ever since and our pocketbooks have been hurting and we don't know what is happening and we look for people to blame.

Possibly ten years ago you could have said the big oil companies were to blame, and you muttered dark things about the seven sisters and things like that. The seven sisters now really have very little control, it is the Arabs and the Nigerians and the Venezuelans and a number of different people who control the oil, and they hit on a little scheme, which is basically the idea in back of OPEC, which is called the Texas Railroad Commission, which basically says when demand is low, you pump less oil and you keep the price up. That is what they have been doing.

Now, down to the present. Oil is being decontrolled in the United States and that basically means that the world price is going up but the United States government chose, because of a series of different things, mostly political, to artificially keep the well head price low in this country. We have taken those controls off of heating oil, we did that about a year ago, and we were planning to do it on gasoline in September or October, but we had a surprise when the President, the first of the year, in fact as soon as he was elected, took them off gasoline.

We didn't know what was going to happen. We didn't know if it was going to be terrible things or if there were going to be bumps in the night and all kinds of problems or not, so this bill was presented, the petroleum supply act, the idea being that if the companies were going to pull out of the State of Maine, this would give us some form of protection. We had very little time to look at it, so it was passed through here. Now, leadership, at that point, did a very interesting thing and I thoroughly approve of what they did. They chose to put a sunset on the bill because it hadn't had a public hearing and bills going through here should have a public

hearing and they should be looked at soberly and carefully. So they put a sunset on and they sunset the bill for April 1. It will die at that point and we, at that point, scheduled it to the Business Legislation Committee, and the Business Legislation Committee had a full hearing on the bill and we considered all the things that were going on here and we tried to figure out whether it was a needed piece of legislation or not.

We had over eight major oil companies come in, we had their suppliers to the state come in, and one fact became very clear right at the outset, and that is that the State of Maine isn't way off the beaten track, we are not at the end of the railroads and this type of thing because we are on the ocean, we are easy to supply. There are refineries sitting in Philadelphia just to supply this state, and we are a state that people want to supply because we have long, cold winters and we also don't have public transportation systems, so we need gasoline and we need oil for our people and we are a good market, we are a good market in the free market sense. So what happened is, these companies have big investments in the state.

The picture that was being painted by the State Energy Office, and I would point out that they were the only proponents of the bill that came in, the picture they painted was that there was a chance that all these companies might pull out of Maine and we might be left with nothing. I think you should think about that because it is not a very likely thing to happen. You are talking about eight companies, you are talking companies with a large investment in the state. They own oil tanks, they own tank farms, they have shipping lines that bring the stuff in here, they have pipelines, they have employees here, they have a big investment. They are not going to walk away from that, they are not going to walk away from a good market. So, I don't think you can consider that they are really going to pull out of here in a great hurry.

There were some other factors that came out at the hearing, and one was that most of these companies are signing three-year contracts with their suppliers here in the state, with the people who are distributing. And again, if they are thinking of three-year contracts, they are not going to walk out in a great hurry.

Another factor is, and again this just applies to the question of diesel oil and gasoline, you have a federal act called the Petroleum Management Practices Act, and that requires on the federal level a six-month notice before you can leave the State.

There are a number of things here, but these, among them all, seem to point that there is no rapid pullout in sight.

I want you to consider two final factors and then I will close this off, and one is, should we really, as a state, be setting up a patchwork type of legislation like this? Should Maine be doing one thing, Virginia doing another thing, Montana doing another thing? I think it should be uniform, and if it is going to be approached as a uniform thing, there is a federal bill which is pending right now by Senator Snowe, H. R. 2239, with the inspiring title "Setaside System," and it would address this type of thing, it would do it on the federal level, and I think that is where it should be if it has to be done.

The final thing is, these companies are supplying the state and they are doing a good job supplying the state, and this bill does not talk about price. I am sure we are going to hear people here who are concerned about price, we all are, but this doesn't do anything as far as price, it has nothing to do with price. It merely says—a year's notice if a company plans to pull out. If a company wanted to pull out, a 5 cent differential on the price would effectively put them out of the Maine market, they wouldn't be able to sell oil in Maine, so any company that wanted to could get out that way.

The bill also provides a loophole if Colonel Gaddafi decides to raise the price of oil, there is an OPEC meeting in May, then you could have another oil crisis at some point—if anything like this happens, this bill doesn't operate anyway, they are freed from that. So, in my view, we are responding to something that is going bump in the night, it is an unnecessary piece of legislation, there are some very bad things against it. I think it works against the free enterprise system. I hope you will accept the minority report of the committee and vote against this, and I would ask for a decision on this.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Cox.

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I have been listening with interest to these remarks about us responding to things that go bump in the night, but as I understand the bill, things would have to go bump in the night before the provisions of the bill went into effect, the provisions of the bill or the law, so unless people representing the oil companies are afraid things may go bump in the night, why should they be particularly worried about this bill?

Another point was raised that there was a bill before Congress that may address this area. I think we know that any bill before Congress is going to have to get by the votes of a lot of Representatives and Senators from the Southern states where this is a motto floating around, "let the.....freeze to death."

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

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: Those of you who were here in the 109th know that the words I spoke weren't always my own; that is, I claimed from time to time that I had been visited in the night by the ghost of Abraham Lincoln, and last night I had another nocturnal visit, or at least I thought so, from Honest Abe, and he had with him Thomas Jefferson, or so I perceived it, and they told me that I should have courage enough to stand for free market principles here today. I asked Mr. Jefferson what he was doing there, and he told me, you Republicans don't think you have a corner on protecting free market principles do you? He said, it was me who said, "Let government do only those things that the people can't do themselves." I said, why don't you go get Representative Dudley from Enfield? Mr. Jefferson said, I was over there and he wasn't in his bed.

I would like to read something entitled "The Five D's", if I may, by Dr. William H. Peterson. It says, "The task to solve America's economic problems involves unfettering productivity, unleashing the inborn incentives dwelling in each and every one of us, releasing the job creating prosperity inducing genie of savings, of business investment, of capital formation, unhampering capitalism. It is as simple as saying 'laissez faire or laissez passer' as Adam Smith and the French Physiocrat said more than 200 years ago, or, in 'Five D's,' deregulate, decontrol, despend, detax and disinflate. We know, in other words, what has to be done.

After all, our problem is not really economic, it is political and, beyond that, it is moral. Productivity represents survival, it cuts to the very soul and eons long heritage of man, who not that long ago emerged from a cave.

Man is the answer to productivity or its lack and that answer, again, is ultimately not economic but moral. In my judgment, our age is marked by a full-found moral crisis, a crisis involving a free lunch philosophy of something for nothing and a rising misuse of the state to that end; hence, a crisis involving the sanctity of property and the dignity and the freedom of the individual."

My good friend, Representative Brannigan, suggested that we not trust the oil companies. I agree. Let's not trust the oil companies, let's

trust the American system of a free, competitive market.

Since federal government began to control the price of oil in 1971, domestic production has failed to keep up with demand. Since the federal government began to allocate petroleum products, supplies have not shown up where they are needed or when they are needed.

Decontrol is not a partisan matter. President Carter urged decontrol and, in fact, had a plan to decontrol and did, in fact, decontrol heating oil and the last controls under President Carter's administration were due to expire in October. All that President Reagan did was to speed up that schedule, and I think the results of speeding up that schedule and of the earlier action by President Carter speak for themselves, and if you will allow me, let me quote from some newspaper clippings I have cut out at random in the last few days. Here is one from the Press Herald, Tuesday, March 17, and it says: "In February, Ashland Oil Company and Champlain Petroleum Company reduced their wholesale gasoline prices and earlier this month, Sun Company lowered its gasoline in Florida. Shell Oil Company, last week, cut its wholesale gasoline prices by 2 cents a gallon in the midwest. Sun Texaco, Inc., Atlantic-Richfield Company, Gulf Oil Corporation and the City Service Company are offering dealers discounts of up to 4 cents a gallon on gasoline purchases that exceed 80 percent of the amount sold a year ago. On March 13, Amoco trimmed its wholesale prices for heating oil, diesel fuel and kerosene by 2 to 3 cents a gallon in the northeast and other selective U. S. markets.

In another UPI article it says, "The average domestic refinery, plagued by sluggish demand and mounting unsold inventories, operated at an inefficient 71.7 percent of total capacity in the week ending March 6, the Energy Department said Monday. Despite decontrol, domestic oil and gasoline prices are rising slower than during a comparable period last year and at least five refiners were forced to cut wholesale prices last week after a round of increases."

Decontrol rejects the lifeflow strategy of sharing scarcity. We suffer from over-regulation and an inflation caused by government printing presses printing ever increasing amounts of funny money to finance our deficit. We suffer from over-taxation and a lack of productivity.

If you will bear with me just a moment—we are not out of energy resources; timewise we are loaded, we have about 1000 years of energy, we have 150 years of crude oil and shale oil, 2,000 years of natural gas, and though our energy resources are not unlimited, we certainly have vast quantities on hand but we are short on production and there are fall guys galore. The news media and certain other types often are not short on verbal gas, pointing accusing fingers at everybody except government itself, you and me, the motorists, for using too much; profiteering oil companies and greedy Arabs, and all of these are blamed for inflation. The big oil boys are really lost of little people, stockholders.

For example, in 1978, the stockholders of Standard Oil of Indiana received dividends of \$280 per share, while taxes were \$14.19 per share, five times the profits. Clearly, government is the big, gouging profiteer.

Uncle Sam grabs 46 percent of all profits in excess of \$100,000, but look at who is doing the pointing. The Department of Energy, this sprawling bureaucracy, an energy octopus, sucked \$10 billion from taxpayers its first year and may guzzle \$20 billion its second year. The Department of Energy's budget exceeds the profit of all the major oil companies combined.

Scores of costly regulatory agencies are throttling our nation's prosperity with miles of red tape, rules and fines. Forced busing of 300,000 school children daily wasting millions of gallons of gas, mandatory pollution control de-

vices on new cars waste 5 billion gallons per year, still, government keeps on blaming everyone else.

Government, the resource strangler, has, until recently, banned offshore drilling, restricted domestic drilling, especially on federal land, limited oil refineries, delayed Alaskan oil availability, controlled prices, taxed the oil industry disproportionately. Standard Oil Company of Ohio recently abandoned its pipeline from California to Texas after several years and \$15 million because of the inability to cut red tape in obtaining over 700 permits from government agencies. The oil now goes to Japan.

What about the greedy Arabs or the OPEC nations? Since the U. S. government has so hampered oil production, we have become dependent on foreign sources for nearly half of our needs. Any camel knows the dollar isn't worth what it used to be. The OPEC nations, the Persian Gulf states, increased production to meet 90 percent of the world's rapidly rising demand for oil since 1969 and it involved costly delay for much new equipment. OPEC's oil increases have hardly kept pace with the rapid decline in the value of the U.S. dollar.

This is an ineffectual bill. It is only important in that it symbolizes a lack of faith in a free market system; it does nothing. Any first year law student knows that a state cannot regulate interstate commerce but it does show bad face towards a good business climate in the state and a bad faith towards industry.

I don't think it was a coincidence that the Gulf Oil Company took away the state of Maine's discount the day after this bill was passed. That cost the state, as I understand it, just under a million dollars, and that million dollars could have gone a long ways towards solving some of the state of Maine's present problems. That amount alone could nearly have resurrected the forest service program. It could have perhaps bought the slots, or come close to it, for our professional students.

The bill shows a basic lack of faith in the free market forces and it continues to use oil companies as a scapegoat for all our economic ills, which is grossly unfair. They don't cause inflation. The fact is, oil products, over any reasonable period of time, say ten years, have not inflated in price anymore than anything else. It has not inflated evenly because of government policies of controlling distribution and pricing, which causes a pentup production which is suddenly released or a pentup demand which is suddenly released, and so the line on the graph doesn't go straight up, it is full of peaks and valleys.

This singles out a fall guy to blame. But what they can do to big oil today, just because it is popular to pander to a public misunderstanding of the problem I think, what they can do to big oil today they can do to carrots tomorrow or cotton or to wool or whatever you are involved in. So, I urge you very strongly to support the sunset of this bill.

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

Mrs. HUBER: Mr. Speaker, Members of the House: I hope the day doesn't come when we heat our houses with carrots, but aside from that I would like to get back to the legislation and commend the Chairman of the Business Legislation Committee for his presentation. He has explained the bill, I think, very well and I would only add, as a cosponsor and a supporter, that there has been some confusion as to exactly what the bill covers and I would like to make that perfectly clear, because the federal legislation that has been referred to here earlier does not cover, as this bill does, home heating oil, kerosene, jet and aviation fuel, residential oil, bunker C, propane, butane and LPG at all. All of these commodities are left out of the federal legislation, which I would point out to you is also a safety net as this bill would be for Maine.

In addition, the federal legislation does not cover a partial withdrawal from any other than the major metropolitan cities in the state; in other words, entire counties could be withdrawn from by a supplier and they would not be covered under the federal legislation for gasoline. It does not cover with all due respect to gasoline and diesels from dealers who do not have a franchise relationship with the supplier, and I am told that there are many of those such dealers in the state of Maine. The federal law does not cover reductions in supply to dealers when these reductions are not connected with market redrawing. Our law allows reduction without notice only if these reductions are a result of some external force and are applied equitable here and other places.

Finally, the federal law does not provide, as ours would, for enforcement by state authority only to lawsuits. I think these are rather dramatic differences, I think they do make our law reasonable and worthwhile and I hope for those of us who would like to continue heating our homes with fuel oil, albeit at a lower rate perhaps, we can pass this legislation and give ourselves the insurance that we will, in fact, I am afraid, need.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Lisnik.

Mr. LISNIK: Mr. Speaker, Ladies and Gentlemen of the House: Representative Leighton's speech is very much reminiscent of a speech we heard in Agriculture the other day. This gentleman also extolled the free market principles, he also said, let government do only what people can't best do themselves. He also said, if left to our own devices, we will best serve ourselves and the people of Maine. This man was a spokesman for the Maine poultry industry.

I don't know if we will ever need this legislation, but I am casting my vote for the citizens of this state just in case the free market principles don't hold up.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: The comments that were made relative to things that go bump in the night stirred something in my literary soul and reminded me of that great Maine author, Stephen King, that if he were here and listening to some of the tales being told by those who would make us think that we are going to go down the gloomy aspects of need and want as expressed by the chairman of the Business Legislation Committee, Mr. King would certainly use those comments as a basis of perhaps the greatest horror novel that he may ever write.

I am concerned about some of the remarks that my good friend Mr. Brannigan had to say. I am especially concerned that he chooses to categorize those folks who appeared before his committee in business suits as being representative of a group of people that perhaps shouldn't be heard. I regret that I wore my three-piece suit today, and had I known he was going to make those comments, I would have chosen something else; however, I did receive this on sale at \$59.95 at Emery's in Farmington, so I am not apologizing for that at all.

Ladies and gentlemen, I don't own any oil company stock, I am not a friend of big oil nor am I an enemy of big oil. In fact, the only contact I have with big oil is when I pay my gasoline and fuel bills at the end of the month, and my business is a very big user of both of those commodities. I am, however, a firm believer in the free enterprise system and the free market system that has made this country great and hopefully will continue to do so in the many years to come. But further than that, I am more than a believer, I am a supporter of the free enterprise system and the free market system, as you will witness by my vote on this issue.

I voted against the emergency legislation when it came up in January, and I intend to do

so again today. We were told glowing reports of what control has done for this industry and for our people — I don't buy that. In the nine years of control, we have seen prices of commodities triple, quadruple, we have seen our dependence upon foreign oil nearly double in that period of time. I recall myself waiting in lines, gasoline lines, two years ago. We were under control then. What happened? I can tell you what happened — it didn't work.

Let's not get caught up in an emotion packed decision-making process that includes all of those popular arguments that we have heard — we are at the end of the pipeline, so to speak.

Frankly, I am proud to be a part of the great State of Maine, and I think it is time we stop preaching the gloom and doom that we have heard in the last few months about Maine getting caught out on a limb with the people in Washington just waiting to cut us off. I am tired of hearing the arguments that we are spending less federal money than we are receiving. If that is true, I am not necessarily proud of that.

We hear other arguments about people going cold, about homes and businesses running out of fuel, and again these are horror stories, ladies and gentlemen, and we shouldn't use these as emotion riddled arguments for attacking the system that has worked so great in our country for so many years.

So today, let's let reason prevail rather than emotion. Let's vote against the motion that this bill ought to pass.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Racine.

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to clarify a couple of points that have been made. The reason I would like to clarify these points is because I am a member of the Business Legislation Committee, and when we had our public hearing I was very impressed with the oil representative's presentation that we have nothing to worry about in the State of Maine and also the fact that we were governed by the Petroleum Marketing Practices Act of 1978, and the Act requires that they give at least a six month notification. However, when they made their presentation, this is about all that they said. They did not cover the fine points that were brought out by Representative Huber. They failed to give us all of the information that was available.

I was very impressed with their presentation; however, I believe that they lacked sort of a credibility, and the reason I mention that is, if you recall, a few years ago they advised us that the price of oil went up due to a shortage of OPEC deliveries. However, if you look at some of their profits, and I will also quote from the Oil Daily, like somebody else did — "During 1979, Texaco reported a 106 percent increase in net profit; City Service reported 72 percent; Sohio reported 164 percent. The reason that we are going into deregulation is to permit further exploration of oil."

I would like to again quote to you an article which appeared in the Journal Tribune, which is dated the 13th of March, 1981, and it reads as follows: "It is good to see U.S. Representative David Emery doing something about a question that has nagged at the minds of a lot of Americans in recent months. Emery wants to know why the oil companies are investing their profits in so many non-oil producing businesses when they are supposed to be increasing their investments in exploration and domestic production equipment. The First District Congressman has written the seven major oil companies asking for a full disclosure of the non-energy related investments." It goes on to say, "Emery has written in part: 'Recent new reports have drawn attention to oil company investments in such non-energy areas as business machines and hotel chains. While I realize that these investments are relatively small in comparison with our energy commitments, you

must understand that they do tend to raise eyebrows, particularly in the post-controlled environment'."

So, what I am leading up to, until all of the facts were presented at the hearing, I more or less felt that we should let free enterprise take care of this problem, but now I have my doubts and these are the reasons why I did not believe the testimony that was presented. I think that the only thing we are asking is that there is a sunset provision for two years, that is all we are asking, and if at the end of two years we don't have any problems, then this legislation could die, and I don't think that we are asking too much on this one.

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

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: I would like for us to focus on one thing before we vote on this bill. Losing oil, which is an essential, is much more serious than losing a shoe factory. That is bad, but we can wear old shoes. It is a little more serious than losing a textile mill, we can wear old clothes, or even a poultry plant, we can eat beef for a while, but losing oil, ladies and gentlemen, is losing something very essential, especially if you are an elderly person living in a city with no other source of heat. Those of us who live in the woods and can chop wood, that is another story, but many people have no other alternative.

We have heard it said that Mr. Jefferson would have us not meddle, let government do only what people can't do for themselves. How many of you could stop an oil company from pulling out of Maine as a single person? How many of you could? How many of your neighbors could?

I have also heard it said that because we believe in insurance policies, we are the prophets of gloom and doom. I'll bet you all have insurance policies but you don't expect to be hit by a truck this afternoon.

I am hopeful that the fact that we have legislation of this kind on the books, the threat of bad public opinion would make an oil company think twice before it tampered with the people of the State of Maine. This is a people's bill, and I think we can very proudly vote for it and believe in the system of free enterprise.

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: Just to answer one question. Again, one of the big things was that they came in, they told us there was plenty of supply, they were writing, as Mr. Jackson said, three-year contracts, and I just would like to read to you from the text of one of those three-year contracts. I am quoting from U.S. Oil, week on December 22, 1980. "One of the clauses of those three-year contracts is that if Texaco decides in its sole judgment, for any reason whatever, that it can't fulfill part of its contract, it will suspend the agreement." I urge you to take caution this afternoon, and when the vote is taken, I would ask that it be taken by the yeas and nays.

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 pending question is on the motion of Mr. Brannigan of Portland that the Majority "Ought to Pass" Report be accepted on Bill "An Act to Repeal the Termination Date of the Emergency Petroleum Products Supply Act." House Paper 863, L. D. 977. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Beaulieu, Benoit, Berybe, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Brown, A., Carrier, Carroll, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G. W., Diamond, J. N., Erwin, Fitzgerald, Fowlie, Gowen, Gwadosky, Hall, Hanson, Higgins, H. C., Hobbins, Huber, Jacques, JAlbert, Joyce, Kane, Kany, Ketover, Kilcoyne, LaPlante, Laverriere, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A., Martin, H. C., Masterton, Matthews, McCollister, McGowan, McHenry, McKean, McSweeney, Michael, Michaud, Mitchell, E. H., Mitchell, J., Moholland, Murphy, Nadeau, Norton, O'Rourke, Paradis, P., Paul, Pearson, Perry, Post, Pouliot, Prescott, Racine, Reeves, P., Richard, Roberts, Smith, C. B., Soule, Strout, Swazey, Theriault, Thompson, Tuttle, Twitchell, Vose, Walker, The Speaker.

NAY — Aloupis, Armstrong, Austin, Bell, Bordeaux, Brown, D., Brown, K. L., Cahill, Callahan, Conary, Conners, Cunningham, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Gavett, Gillis, Hickey, Higgins, L. M., Holloway, Hunter, Hutchings, Ingraham, Jackson, Jordan, Kiesman, Lancaster, Leighton, Lewis, Livesay, Lund, MacBride, Masterman, McPherson, Nelson, A., Paradis, E., Perkins, Peterson, Reeves, J., Ridley, Salsbury, Sherburne, Small, Smith, C. W., Soulas, Stevenson, Stover, Studley, Tarbell, Telow, Treadwell, Webster, Wentworth, Weymouth.

ABSENT — Carter, Dudley, Foster, Hayden, Kelleher, Nelson, M., Randall, Rolde.

Yes, 85; No, 58; Absent, 8.

The SPEAKER: Eighty-five having voted in the affirmative and fifty-eight in the negative, with eight being absent, the motion does prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (H-116) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(Off Record Remarks)

On motion of Mr. Theriault of Fort Kent, Adjourned until ten o'clock tomorrow morning.