

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**LEGISLATIVE RECORD**

OF THE

***One Hundred and Tenth  
Legislature***

OF THE

STATE OF MAINE

***Volume II***

**FIRST REGULAR SESSION**

**MAY 4, 1981 to JUNE 19, 1981**

**INDEX**

**FIRST SPECIAL SESSION**

**AUGUST 3, 1981**

**INDEX**

**FIRST CONFIRMATION SESSION**

**AUGUST 28, 1981**

**INDEX**

**SECOND SPECIAL SESSION**

**SEPTEMBER 25, 1981**

**INDEX**

**THIRD SPECIAL SESSION**

**DECEMBER 9, 1981**

**INDEX**

## HOUSE

Friday, May 22, 1981

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

Prayer by Sister Mildred Barker of the United Society of Shakers, Poland Spring.

The journal of yesterday was read and approved.

### Papers from the Senate Non-Concurrent Matter

Bill "An Act Relating to the Employment of Minors and Overtime Pay" (S. P. 188) (L. D. 490) (C. "A" S-162) which was passed to be Enacted in the House on May 11, 1981.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-162) as amended by Senate Amendment "B" (S-270) thereto in non-concurrence.

In the House: The House voted to recede and concur.

### Non-Concurrent Matter

Bill "An Act to Clarify the Inland Fisheries and Wildlife Laws of Maine" (H. P. 1423) (L. D. 1577) (H. "A" H-312 and H. "B" H-340) which was passed to be Enacted in the House on May 20, 1981.

Came from the Senate passed to be engrossed as amended by House Amendments "A" (H-312) and "B" (H-340) and Senate Amendments "A" (S-240) and "B" (S-268) in non-concurrence.

In the House: On motion of Mr. MacEachern of Lincoln, the House voted to recede and concur.

### Non-Concurrent Matter

Bill "An Act to Adjust Annually Individual Income Tax Laws to Eliminate Inflation Induced Increases in Individual State Income Taxes" (H. P. 907) (L. D. 1074) which was passed to be engrossed as amended by Committee Amendment "A" (H-431) in the House on May 20, 1981.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-431) as amended by Senate Amendment "A" (S-264) thereto in non-concurrence.

In the House: The House voted to recede and concur.

### Non-Concurrent Matter

Bill "An Act Relating to Law Libraries" (S. P. 562) (L. D. 1532) which was passed to be Enacted in the House on April 21, 1981.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-271) in non-concurrence.

In the House: The House voted to recede and concur.

### Non-Concurrent Matter

Bill "An Act to Amend the Law Concerning Inherited Liability of Certain Business Firms for Severance Pay" (H. P. 1187) (L. D. 1411) on which Report "A" "Ought to Pass" as amended by Committee Amendment "A" (H-448) Report of the Committee on Labor was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-448) in the House on May 21, 1981.

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

In the House: On motion of Mrs. Kany of Waterville, the House voted to insist and ask for a Committee of Conference.

By unanimous consent, ordered sent forthwith to the Senate.

### Messages and Documents

The following Communication:

### Committee on Legal Affairs

May 21, 1981

The Honorable John L. Martin  
Speaker of the House

State House  
Augusta, Maine

Dear Speaker Martin:

The Committee on Legal Affairs is pleased to report that it has completed all business placed before it by the first regular session of the 110th Legislature.

Total number of bills received	65
Unanimous reports	51
Leave to Withdraw	14
Ought Not to Pass	10
Ought to Pass	12
Ought to Pass as Amended	15
Divided Reports	14

Respectfully submitted,  
S/HAROLD R. COX

House Chairman

The Communication was read and ordered placed on file.

The following Communication:

### Local and County Government

May 21, 1981

The Honorable John Martin

Speaker of the House  
State House

Augusta, Maine 04333

Dear Speaker Martin:

The Joint Standing Committee on Local and County Government is pleased to report that it has completed all business placed before it by the First Regular Session of the 110th Legislature.

Bills received in Committee	58
Unanimous reports	50
Ought to Pass	5
Ought to Pass as Amended	17
Ought to Pass in New Draft	2
Ought Not to Pass	8
Leave to Withdraw	17
Referral	1
Divided Reports	7
Recommitted	1

Respectfully submitted,  
J.P. NORMAND LAPLANTE

House Chairman

The Communication was read and ordered placed on file.

### Orders

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

ORDERED, that Representative Alexander Richard of Madison be excused May 28 and 29 for personal reasons.

### Special Sentiment Calendar

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

Recognizing:

Doral M. Smith, daughter of Mr. and Mrs. Norman Smith, of LaGrange, valedictorian, School Administrative District No. 41, graduating Class of 1981; (H. P. 1535) by Representative Masterman of Milo. (Cosponsor: Senator Pray of Penobscot)

Rodney W. Russell, son of Mr. and Mrs. H. Richard Russell of LaGrange, salutatorian, School Administrative District No. 41, graduating class of 1981; (H. P. 1536) by Representative Masterman of Milo. (Cosponsor: Senator Pray of Penobscot)

Angela Porter, of Island Falls, who has been selected to attend the Maine Summer Humanities Program at Bowdoin College for talented and gifted children; (H. P. 1537) by Representative Smith of Island Falls. (Cosponsor: Senator Carpenter of Aroostook)

The University of Maine School of Law, its faculty, students and staff for assisting the 110th Legislature through its class in legislative drafting; (S. P. 631)

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

### House Reports of Committees

#### Leave to Withdraw

Representative Benoit from the Committee on Judiciary on Bill "An Act to Clarify the Sentencing Statutes under the Criminal Code" (H. P. 1070) (L. D. 1273) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

#### Tabled and Assigned

Representative Kane from the Committee on Taxation on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Amend the Provisions Requiring the State to Reimburse Municipalities and Counties for Losses Caused by Property Tax Revenues and Credits Enacted after April 1, 1978 (H. P. 1449) (L. D. 1589) reporting "Leave to Withdraw"

Report was read.

On motion of Mrs. Post of Owl's Head, tabled pending acceptance of the Committee Report and assigned for Tuesday, May 26.

#### Ought to Pass in New Draft

Representative Michaud from the Committee on Energy and Natural Resources on Bill "An Act to Amend the Hazardous Waste Statute to Meet Certain Requirements for Delegation of the Federal Program and to Provide Internal Consistency" (H. P. 314) (L. D. 382) reporting "Ought to Pass" in New Draft (H. P. 1527) (L. D. 1640)

Report was read and accepted and the New Draft read once. Under suspension of the rules, the New Draft was read the second time, passed to be engrossed and sent up for concurrence.

#### Ought to Pass in New Draft

Representative Brannigan from the Committee on Business Legislation on Bill "An Act to Specify the Exemptions which will Apply in Bankruptcy Cases" (H. P. 630) (L. D. 711) reporting "Ought to Pass" in New Draft (H. P. 1530) (H. P. 1642)

Report was read and accepted and the New Draft read once. Under suspension of the rules, the New Draft was read the second time, passed to be engrossed and sent up for concurrence.

#### Ought to Pass in New Draft

Representative Connors from the Committee on Marine Resources on Bill "An Act to Clarify Certain Provisions of the Marine Resource Laws" (Emergency) (H. P. 73) (L. D. 134) reporting "Ought to Pass" in New Draft (H. P. 1532) (L. D. 1644)

Report was read and accepted and the New Draft read once. Under suspension of the rules, the New Draft was read the second time, passed to be engrossed and sent up for concurrence.

#### Ought to Pass in Second New Draft

Representative Racine from the Committee on Business Legislation on Bill "An Act Relating to Permits and Inspection for Electrical Installations in Commercial Buildings under the Electrician Law" (H. P. 13) (L. D. 7) reporting "Ought to Pass" in Second New Draft (H. P. 1531) (L. D. 1643)

Report was read and accepted and the New Draft read once. Under suspension of the rules, the New Draft was read the second time, passed to be engrossed and sent up for concurrence.

#### Ought to Pass in New Draft/New Title

Representative Kiesman from the Committee on Energy and Natural Resources on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 to Assist Municipalities with Resource Recovery of Solid Waste" (H. P. 795) (L. D. 949) reporting "Ought to Pass" in New Draft under New Title

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$2,500,000 to Assist Municipalities with Resource Recovery of Solid Waste" (H. P. 1528) (L. D. 1641)

Report was read and accepted and the New Draft read once. Under suspension of the rules, the New Draft was read the second time, passed to be engrossed and sent up for concurrence.

#### Tabled and Assigned

Representative Thompson from the Committee on Education on Bill "An Act to Promote Alcohol and Drug Abuse Education and Rehabilitation" (H. P. 219) (L. D. 256) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Promote Alcohol and Other Drug Abuse Education and Rehabilitation" (H. P. 1533) (L. D. 1645)

Report was read.

On motion of Mrs. Mitchell of Vassalboro, tabled pending acceptance of the Committee Report and assigned for Tuesday, May 26.

#### Divided Report

Majority Report of the Committee on Local and County Government reporting "Ought Not to Pass" on Bill "An Act to Conform the Definition of Manufactured Housing with Federal Laws" (H. P. 894) (L. D. 998)

Report was signed by the following members:

Senators:

AULT of Kennebec  
PERKINS of Hancock  
CHARETTE of Androscoggin  
— of the Senate.

Representatives:

STOVER of West Bath  
WENTWORTH of Wells  
RIDLEY of Shapleigh  
ARMSTRONG of Wilton  
CURTIS of Waldoboro  
— of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Equalize the Treatment of all Manufactured Housing" (H. P. 1534) (L. D. 1646) on same Bill.

Report was signed by the following members:

Representatives:

LaPLANTE of Sabattus  
SWAZEY of Bucksport  
PARADIS of Old Town  
ROBERTS of Buxton  
McHENRY of Madawaska  
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. LaPlante.

Mr. LaPLANTE: Mr. Speaker, I move the Minority "Ought to Pass" Report.

The SPEAKER: The gentleman from Sabattus, Mr. LaPlante moves that the Minority "Ought to Pass" Report be accepted.

The Chair recognizes the gentleman from Wilton, Mr. Armstrong.

Mr. ARMSTRONG: Mr. Speaker, Men and Women of the House: I urge you not to support the Minority "Ought to Pass" Report. I feel that this is a poor bill, this rewritten bill. However, I agree with part of its intent. I believe that it tries to be all encompassing and goes too far.

This new, rewritten L.D., 1646, is on your desks this morning, and basically what I think it attempts to do is to put all so-called manufactured housing into the same category as mobile homes.

If you will look on Page 2, it defines manufactured homes. It says: "Manufactured homes means a structural unit or units designed for occupancy and constructed in a manufacturing facility and transported by the use of its own chassis or placement on an independent chassis to a building site." The term includes any type of building which is constructed at a building

site or it is utilized for housing and may be purchased or sold by a dealer in the interim. Well, this is so broad that I believe it could include almost any type of dwelling. It can include the so-called modular homes, it can include brand types of homes, like Key-Loc Homes, high priced homes that are built in sections or walls that are built at factories and then moved to a building site.

Actually, the term includes "any type of building which is constructed at a building site." So, presumably, we are lumping any type of housing into the law that applied in the past to mobile homes.

I would call your attention in the same bill, farther down in Section 7, to "Corrective Action. The manufacturer, dealer or both shall take appropriate corrective action at the site of the manufactured home in instances of substantial defects in materials or workmanship which become evident within one year from the date of delivery of the manufactured home to the consumer, provided the consumer or his transferee gives written notice of such defects to the manufacturer or dealer at their business address not later than one year and ten days after date of delivery."

I think one of the things you are doing with this bill is putting a one-year warranty on all housing built in Maine.

The committee did consider this, they did feel that it was difficult to distinguish between the large manufactured homes that we used to call mobile homes and things like the preconstructed homes and the modular homes, but I do not believe that this bill in its present form is a good bill, and I would urge you to vote against the Minority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. LaPlante.

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: This bill that we have before us is to put us pretty much in compliance with the federal guidelines. In 1976, the federal government passed new stringent building codes on manufactured homes that were built in a factory and transported to a home site because they were having too much difficulty with the safety standards and construction standards.

In 1974, the U. S. Department of Housing and Urban Development produced a report entitled "Six of the Housing and Community Development Act of 1974" and they developed guidelines as to what would be a manufactured home and what a mobile home. The federal government has ruled under the HUD specification and BOKA code, which is a building code used quite predominately throughout the whole United States, that they are now building predominately throughout the whole United States, that they are now building stringent manufactured homes under those guidelines, and they must be under those guidelines. Any manufacturers of modular homes or manufactured homes, so-called mobile homes, anything over 40 feet must now meet the HUD specifications. Anything below 40 feet, it can be anything, it is a camper trailer, you don't need 2 x 4, you can have anything, it is a camper trailer, you don't need 2 x 4, you can have 2 x 2. You don't need the fire safety material, you don't need a certain type of flooring or even the curtains don't have to be fire resistant compared to what you find in manufactured homes.

There was a task force in 1979 by the Status of Housing in Maine, prepared by the Maine State Planning Office, which was submitted to Governor Longley at the time, and they decided that we had a lot of discrimination in housing in the State of Maine, and one of them is the bill that we passed a few days ago when we had the landlord and tenants sit down together because we felt there was discriminatory rental problems.

Some of the guidelines that the report of August 11, 1977, a two-year housing planning process accumulated in the adoption by Gover-

nor James Longley of a set of housing policies for the State of Maine. Some of those policies were that the state must ensure that the home buying consumer is adequately informed before making housing decisions; to inform residents of Maine of their rights, duties, obligations and options in the pursuit of suitable living conditions; to provide every Maine citizen with equal access to housing opportunities and protect the rights of the housing consumer; to develop increased income earning capabilities to reduce the reliance of Maine residents on federal housing subsidies.

In another portion it says most people in the state of Maine are not wealthy. Decent housing, especially new housing, is expensive, more expensive than many people can afford. Consequently, many people live in crowded, crumbling, unattractive surroundings which are spiritually depressing and physically injurious as it goes on and on and on. It is declared that there exists in urban and rural areas in the state unsanitary, unsafe, over-crowded dwelling combinations and the state has a shortage of safe and sanitary dwellings.

We finally had a study, which was approved by the legislature last year, and we brought back a proposal, and these definitions and a bill that passed, I believe it was Tuesday in this House, to have Maine Municipal Association and the Maine housing industry have educational programs throughout the state for municipalities to understand ordinances, guidelines, safety procedures that manufacturing homes have to do, what the difference is between a mobile and a manufactured home, and everything so the municipality can be aware that this is available.

What we found in some of the studies was that like one town, if you build a site-built home, you can build on an acre. If you put a so-called mobile home, as some describe mobile home, you must be back 250 feet from the road and have two to three acres of land, where a site-built home only needs one acre. Also, if you put a manufactured home in that community, you must have permission of your abutting homeowners on both sides of you for five hundred feet before you would have the right to put a manufactured home on your property. So that, of course, is an unfair practice of exclusionary zoning.

Actually, rather than the study that we passed Tuesday, I much favor the Act 236 in Vermont that they passed several years ago which said that there will be absolutely no discrimination in housing in the state of Vermont, so if you own a piece of property, and you can only afford a manufactured home, then you may place a manufactured home on your property, which is a right under the Constitution to pursue the pursuit of happiness in owning a home.

New Hampshire is also having a study which they intend to follow pretty closely to Act 236 of Vermont for equal treatment of housing and they plan to be working on this in the next couple of years.

The committee studied this for a year and we have come up with these guidelines which are pretty much what the guidelines of the federal government are right now and we feel much safer describing our own guidelines here in the state rather than letting the feds come back again with more stringent guidelines than we had before.

What this bill really does is, it places everything that so-called mobile, modular, manufactured, anything over 40 feet that meets the HUD code, that meets the safety requirements, under manufactured housing. Some people say, this thing comes upon wheels. They have a new procedure now in manufactured housing where this manufactured home comes on wheels but you may place it on a foundation, slip out the frame, get a refund from the owner and you have a permanent housing. So, all this bill really does is put us in conformity with fed-

eral guidelines.

The Manufacturing Housing Board has had to do the same this year, L. D. 90, was passed by the Legislature here without any problem whatsoever. You have the same guidelines under the Business Regulation on the Manufactured Housing Board, so all this does, is bring all the other statutory provisions that deal with mobile and manufactured home parks and such, as manufactured homes, that is all we are doing, labeling manufactured homes as a manufactured home, that is over 40 feet and meets the federal guidelines and meets the safety requirements, so that people in the state of Maine can live in a home that they can afford.

Now, these homes sell anywhere from \$24,000 to \$35,000. Before we used to assume that this was only site-built home, but today when you are talking \$60,000, \$80,000 or \$100,000 for young couples to live in a site-built home, they can no longer afford it. There have been a lot of people who have been battling manufactured homes, many of them have been electricians, plumbers, some real estate agents, because everything is built right there in the factory. So I think that we should not discriminate against people who can only afford this type of home, which now, I guess, you can assume is low cost housing, \$27,000 to \$35,000, for those who can only afford low cost housing.

Let me give you an example of what happened several years ago when the bill first came to our committee in 1977. An elderly couple running a farm decided that they could no longer afford to heat the home and such and run it, they were too old to run the farm, decided to turn this over to one of their children. They kept two acres of land, purchased a manufactured home (it was a mobile home) brought it in to be placed on the site and the town said, sorry, you have to leave town. They had lived there for 55 years, but because they could only afford to live in that kind of home, they were no longer able to live in that community.

We have young people who have court cases across this state that are pending now, some have lost, some of them have won, people have spent an enormous amount of money. A young couple several years ago purchased a piece of land, went out to purchase a home, went to get the permit, they could not afford it, went to court, lost all the money that they had in the land, all the money they had put into the down payment, they lost money on the court cases, had to resell their land in order to recuperate their money, had to move back into the city in an apartment. It will take them several years now to save up the money again to go back into a home that they wish to own.

I think all we are doing here is placing ourselves under the federal guidelines on definitions and I do hope you pass it.

The SPEAKER: The Chair recognizes the gentleman from West Bath, Mr. Stover.

Mr. STOVER: Mr. Speaker, Ladies and Gentlemen of the House: I signed the "Ought Not to Pass" Report. There are certain areas in this bill that I agree with. I think there should be standards for mobile homes to protect the buyer and I personally have nothing against mobile homes. In fact, there are two right in my area that wouldn't be there if they didn't have my blessing. I had to give one of them a right of way across my land to put it there, and one I own the land it is on. But, at the same time, I do feel that each town has its own options in places where they think mobile homes would enhance the property, would not depreciate, and there are other areas where they wouldn't and they know best. I think maybe a little local control against state control has entered in here but I do think that the town should have some option as to where they feel — perhaps it is an historical area or whatever — that they shouldn't have these mobile homes or manufactured housing.

Also, another part of the bill that bothers me and I don't own a trailer park, never expect to, but here they set up all these guidelines on what this man has to do to operate his own property. It seems to me if a man wants to go out and spend his own money, develop a trailer park, he should have some jurisdiction over what type of rules and regulations people should have to live by in that park. I just feel that we are getting into areas here where we are just going to discourage people from trying to do anything on their own because, after all, what fun is it when you get the thing all done and you find you have no control over it.

I hope we defeat the motion on the floor of the House and I would request a division.

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

Mrs. WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I also signed the "Ought Not to Pass". I also do not object to mobile or manufactured housing, but I do object to the redraft which covers far more than the intended first bill did.

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

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I am on the "Ought to Pass" Report and I encourage your support of this bill. As Chairman LaPlante has pointed out to us this morning very well the report of the committee which has worked on arriving at this bill for this past year and I served on that.

We do have a very serious housing problem, especially for our younger people, and this manufactured housing which we have, built on the local economy, is certainly meeting that and it is a different form of housing than many of us in my age group have been familiar with. It meets the needs, it is a comfortable home, it is safe, and I believe that we should do what we can to encourage the location of this within our municipalities.

The committee found that there were some areas of discrimination and the possibility of discrimination which existed in some of our municipalities. As our letter of inquiry and information went out to municipal officials, it brought attention to the problem, and the response which we received was gratifying and the corrections which were being taken up on a voluntary basis by the municipal officials were certainly encouraging that we were on the right track.

I believe that the passage of this bill will further define the problems and identify them and bring them to our officials so that we can get on with the housing problems. I encourage your support of the "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. LaPlante.

Mr. LAPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: Just to alienate the fears of what Mr. Stover alluded to, in Section 28 you will find that failure of the tenant to comply with reasonable written rules and regulations of the manufactured home park, the only thing that was changed that is in existing law now is that the word "mobile" to "manufactured home" park. Nothing in the law itself has been changed other than what you see. I lined out which is mobile, changed to manufactured home. It is merely the word change.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I don't know how many of the people here who spoke on this bill live in a mobile home, but I will tell you what, I have for the last 10 years, and when Representative LaPlante says what he said, he is right on target, exactly.

When I first moved my mobile home into the town that I live in there was one street in town where I could put that mobile home. I later traded for another one, spent almost \$24,000 just for the unit, that didn't include the foundation that I dug and the land that I had to buy to

put it on. I have about \$40,000 invested right now in it, and can you believe, we have areas within town right now where I can't put that mobile home beside a tar paper shack, I just can't do it, and yet they tell me that this is not real good housing because it is a mobile home. Well, I have got news for you, if you have never been in one, especially in the last 8 or 9 years, it is not the old trailers that were 10 feet wide and 40 feet long, I have 2,000 feet of living space in mine. That is as much as most homes. Yet, they tell me that it is not in standard to be beside a tar papered shack.

The only thing about this bill, it is too late. It should have been five or ten years ago, because right now many of the people in my area can't afford \$100,000 or \$75,000, which is about what it costs to even build a small construction house. The mobile home you can purchase for \$25,000 to \$30,000, some of them are down to \$20,000 now, but it is a chance for some people who haven't got the money to get a place of their own rather than have to get those rent receipts every month, because those rent receipts after years bring you nothing. It is a chance for our young people. We have a lot of elderly citizens right now that are moving into mobile homes because it is all they can afford and because they are easier to heat in the wintertime, it doesn't take quite so much energy.

Again, this bill is too late but at least it is a start, and I would hope that you would support the "Ought to Pass" Report on this thing.

Mr. Jackson of Yarmouth requested a roll call.

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

Mr. MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I just want to point out another thing that hasn't been pointed out, and that is, the modular homes today that are built, manufactured housing, is five to fifty times safer for your people than any stick built home. It is the most safe place to live in and it is the most cost-efficient home that you can have. It is a place where you can live and you can save on energy and everything. It is well built, and I hope that you do support the Minority "Ought to Pass" Report.

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

Mrs. WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: In answer to a previous speaker, I am not opposed in any way to any mobile homes. We have many and they can be in any place in my town as long as they conform to the size of lot. The only thing that I am objecting to is that the redraft deals with ordinances and not a definition of the home.

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

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. LaPlante.

Mr. LAPLANTE: Mr. Speaker, I would like to pose a question through the Chair I would like the gentlelady from Wells to at least point out what ordinances we are changing in L.D. 1646.

The SPEAKER: The gentleman from Sabattus, Mr. LaPlante, has posed a question through the Chair to the gentlewoman from Wells, Mrs. Wentworth, who may respond if she so desires.

The Chair recognizes the Gentlewoman.

Mrs. WENTWORTH: Mr. Speaker, Men and Women of the House: I did not mean that you were changing ordinances. The bill talks about allowing homes in various places and I thought it was only to be a definition of a manufactured home.

The SPEAKER: The Chair recognizes the

gentleman from Sabattus, Mr. LaPlante.

Mr. LaPLANTE: Mr. Speaker, I would like to pose another question through the Chair to the gentlady from Wells, Mrs. Wentworth. Could the gentlady from Wells, Mrs. Wentworth, also point out where we are making changes in this bill?

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Armstrong.

Mr. ARMSTRONG: Mr. Speaker, Men and Women of the House: I think the debate on this has gone a little far afield here. I don't think anyone on the majority committee that signed the "Ought Not to Pass" Report had any intent of making it more difficult for people to buy, use or locate mobile homes.

This redraft, 1646 in fact, I believe doesn't have anything to do with your ability to put a mobile home wherever you want to within a community. It doesn't say you can or can't.

Really, my only objection to this redraft is the broad definition of manufactured homes that includes or can include just about every type of dwelling that is built. Basically, it says that anything that is a manufactured home now has to comply with what Maine law in the past had to do with so-called mobile homes.

The only thing that it might change as far as the town goes, and I would doubt it, but this could possibly be interpreted to say if a person can locate a \$65,000 or \$75,000 Key-Loc home on a street, that, in fact, is a manufactured home, so the neighbor could not be refused permission or right to put a mobile home there, but I don't think it is the intent of this document to address the matter where you can or cannot place mobile homes within a town.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Drinkwater.

Mr. DRINKWATER: Mr. Speaker and Members of the House: I was on that committee that worked last summer on this problem. The only thing I would like to add is that I would encourage you to support this piece of legislation.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Sabattus, Mr. LaPlante, that the Minority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Beaulieu, Bell, Benoit, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Callahan, Carroll, Carter, Chonko, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Dillenback, Drinkwater, Erwin, Fitzgerald, Gowen, Gwadosky, Hall, Hickey, Higgins, H.C.; Hobbs, Huber, Jacques, Jocye, Kane, Kany, Ketover, Kilcoyne, LaPlante, Laverriere, Lisnik, Livesay, Locke, MacEachern, Mahany, Manning, Martin, A.; Masterman, McGowan, McHenry, McKean, McSweeney, Michael, Mitchell, E.H.; Mitchell, J.; Nadeau, Nelson, M.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Pearson, Perry, Pouliot, Prescott, Racine, Reeves, P.; Richard, Roberts, Rolde, Swazey, Theriault, Thompson, Tuttle, Vose, The Speaker.

NAY — Aloupis, Armstrong, Berube, Bordeaux, Brown, K.L.; Cahill, Carrier, Clark, Conary, Connors, Curtis, Damren, Davis, Day, Dexter, Dudley, Foster, Fowlie, Gavett, Hanson, Higgins, L.M.; Holloway, Hunter, Hutchings, Ingraham, Jackson, Jordan, Kelleher, Kiesman, Lancaster, Lewis, Lund, MacBride, Macomber, Masterton, Matthews, McCollister, McPherson, Michaud, Murphy, Nelson, A.; Peterson, Post, Randall, Reeves, J.; Ridley, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soule, Stevenson, Stover, Strout, Studley, Tarbell, Telow, Treadwell, Walker, Webster, Wentworth, Weymouth.

ABSENT — Austin, Baker, Cunningham, Gillis, Hayden, Jalbert, Martin, H.C.; Moholland, Paul, Perkins, Salisbury, Soulas, Twitchell.

Yes, 75; No, 62; Absent, 13; Vacant 1.

The SPEAKER: Seventy-five having voted in the affirmative and sixty-two in the negative, with thirteen being absent, the motion does prevail.

Thereupon, the New Draft was read once and assigned for second reading the next Legislative day.

#### Divided Report

Majority Report of the Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-455) on Bill "An Act to Regulate the Use of Motor Vehicles on Ice-covered Bodies of Water" (H. P. 992) (L. D. 1180)

Report was signed by the following members:

Senators:

EMERSON of Penobscot  
USHER of Cumberland

— of the Senate.

Representatives:

McPHERSON of Eliot  
HUNTER of Benton  
HUTCHINGS of Lincolnville  
McKEAN of Limestone  
REEVES of Pittston

— 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:

O'LEARY of Oxford

— of the Senate.

Representatives:

FOWLIE of Rockland  
STROUT of Corinth  
MACOMBER of South Portland  
MOHOLLAND of Princeton  
CARROLL of Limerick

— of the House.

Reports were read.

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

Mr. CARROLL: Mr. Speaker, I move acceptance of the Minority "Ought Not to Pass" Report.

The SPEAKER: The gentleman from Limerick, Mr. Carroll, moves that the Minority "Ought Not to Pass" Report be accepted.

The Chair recognizes the gentlewoman from Belgrade, Mrs. Damren.

Mrs. DAMREN: Mr. Speaker and Members of the House: I hope you won't vote this morning to accept the "ought not to pass" report and let me explain the bill to you.

The bill is under the local ordinance section of the law. What it requests is that towns that surround a body of water be allowed to make their own decisions by passing identical ordinances so that they can control the travel of motor vehicles on their lakes. The amendment changes it so that it covers the hours from sunset to sunrise the following day.

The reason that some towns would like this enabling legislation is that they are having a lot of trouble with four-wheel drive vehicles and other motor vehicles on lakes that are there after the hours of darkness and they are breaking into camps and literally cleaning them out.

I would like you to consider this, and if you realize how hard it is to have two or three towns pass identical ordinances, you will know that unless there is a real need, this legislation would not be used.

The towns in some areas are having a problem and are hiring their own people to patrol the lakes, sometimes the sheriff's department, or lake association or something is hiring a sheriff, and they need a bill like this or a law like this so that they can have a local ordinance to carry this out.

I hope that you will not support the "ought not to pass" and go along with the "ought to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Monmouth, Mr. Davis.

Mr. DAVIS: Mr. Speaker, I would request a division.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Drinkwater.

Mr. DRINKWATER: Mr. Speaker, I would like to pose a question through the Chair. Does this include snowmobiles?

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

The Chair recognizes the gentlewoman from Belgrade, Mrs. Damren.

Mrs. DAMREN: Mr. Speaker, no, this does not include snowmobiles.

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

Mr. STROUT: Mr. Speaker, in answer to the last question, I would challenge the answer. The way I read the bill, I don't think that the amendment that was supposedly going to be offered was ever offered. When it says "vehicles on icebound inland waters," I don't know if you consider snowmobiles vehicles or not.

While I am on my feet, I would just ask you to look at this L. D. and wonder, for instance, when three municipalities in my area have got to get together to come up with an ordinance that they can all agree on, I think you are looking down the road quite a ways.

One of the problems I have is that camps on our ponds and lakes in the northern area of the state where you have non-residents coming in and visiting and using these facilities in the winter months when the bodies are covered with ice, not knowing that there are ordinances that have been adopted by the municipalities. I wonder what the law enforcement are going to do when some of these four-wheel drive vehicles are out on the lake at night and are late getting back to the cottage and these law enforcement people stop them, I just wonder what they are going to do. I don't see any penalties in this bill, and I think we are really enacting a piece of legislation that isn't going to be very enforceable.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. McGowan.

Mr. MCGOWAN: Mr. Speaker, I would pose a question through the Chair. Does this bill include aircraft?

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

The Chair recognizes the gentlewoman from Belgrade, Mrs. Damren.

Mrs. DAMREN: The bill follows what is now on our books for motor vehicles, and that does not include aircraft and it does not include snowmobiles.

The SPEAKER: The Chair recognizes the gentleman from Lincolnville, Mrs. Hutchings.

Mrs. HUTCHINGS: Mr. Speaker, Ladies and Gentlemen of the House: I think Mrs. Damren has pretty much told you what the bill would do. This is just a step to try to control some of the terrible things that are happening on some of the more populated lakes, particularly in the coastal areas where they are being vandalized and completely destroyed, as has happened over in our area and in her area. We just feel that as long as it is left up to the towns to make this local option, and it is a very rare, probably, that four towns, for instance, bounding a lake would agree that this should happen, so I would hope that you would go along. This is just one step to help us control what is really a very bad problem.

In our coastal area at one point this winter, one cottage was broken into, which has been in the same family for generations, an old lady owned it and she lost everything in that cottage. They just ruined everything, every window, every piece of glass, every dish, stick of furniture.

The snowmobile would not be included in

this, simply the trucks, which would be banned from these lakes, with the permission of all the towns, after dark.

I would hope that you would not accept the Minority Report and accept the Majority Report.

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

Mr. MACOMBER: Mr. Speaker and Members of the House: I rise very briefly to explain why I signed the "ought not to pass" report. I think that there are problems that exist and I would say that I sympathize with the gentlewoman from Belgrade, but I have talked to wardens in my district, I come from the southern part of the state, around Sebago Lake. She is assuming that the damage is all being done by people driving four wheel vehicles, and I have been told that that is not the case, there are people on snowmobiles going in with toboggans cleaning out camps, dragging things away in that fashion. I think it is discriminatory in that fashion. I think if you are going to do it, you have to include everybody.

The other point, I think, on a lake such as Sebago Lake there are, I believe, either seven or eight communities that bound the lake, and as far as enforcement goes, I don't understand how you can decide which part of the lake belongs to Naples, which part of the lake belongs to North Sebago, which part of the lake belongs to East Sebago. So as far as policing this particular L.D., I don't really see how it could be done because I am afraid you would never get seven or eight towns to agree as to who would police a certain part of the lake, who would police another part. I think the intent is good, but I don't believe it can be enforced.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: First of all, to clear up the snowmobile part of it, under the definition of a motor vehicle in Title 12, it includes motorcycles but it doesn't include track vehicles like snowmobiles, so snowmobiles are not in this particular legislation.

The reason that I signed it "ought to pass," I think, first of all, is because if the problem is so bad that you can get three or four towns to agree, if you can imagine even getting three or four towns to agree on one thing other than to disagree, then you really do have a problem. I think if you can get them to agree, they certainly are going to post the ordinance that they have on the lake or around the lake so people can see it, and under the statutes, the way you read it, that means that if any law enforcement officer in any one of the three or four or whatever towns there are around the lake finds somebody hauling somebody's goods out of a cabin, any one of the law enforcement officers, regardless of what town he happens to be from, can take action on it. I think the problems that were told to us in the committee certainly warrant some sort of action to be taken, and, again, I don't think that you are going to find that many cases where you are going to get all of the towns to agree. I believe that is the key to it. If the problem is that severe, they all agree, then I think there is more power to them, they need to have something done and this is just the legislation to do it.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Limerick, Mr. Carroll, that the Minority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

31 having voted in the affirmative and 72 having voted in the negative, the motion did not prevail.

Thereupon, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-455) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended and sent up for concurrence.

#### Divided Report Tabled Unassigned

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-462) on Bill "An Act to Create an Appellate Division of the Workers Compensation Commission" (H. P. 1252) (L. D. 1476)

Report was signed by the following members:

Senators:

DEVOE of Penobscot  
CONLEY of Cumberland  
KERRY of York

— of the Senate.

Representatives:

BENOIT of South Portland  
DRINKWATER of Belfast  
SOULE of Westport  
LIVESAY of Brunswick  
LUND of Augusta  
HOBBINS of Saco  
CARRIER of Westbrook  
JOYCE of Portland  
O'ROURKE of Camden

— of the House

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

Report was signed by the following members:

Representative:

REEVES of Newport

— of the House.

Reports were read.

On motion of Mrs. Mitchell of Vassalboro, tabled unassigned pending acceptance of either Report.

#### Consent Calendar First Day

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

(H. P. 773) (L. D. 918) Bill "An Act to Amend the Law Relating to Foreclosure Proceedings by Civil Action"—Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-463)

(H. P. 1113) (L. D. 1318) Bill "An Act to Provide Sales Tax Exempt Status for Non-profit Family Crisis Service Agencies"—Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-465)

(H. P. 1240) (L. D. 1465) Bill "An Act to Establish a Limited Tax Credit to Aid Businesses Providing Day Care Services to their Employees"—Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-466)

There being no objections, under suspension of the rules, the above items were given Consent Calendar Second Day notification, passed to be engrossed as amended and sent up for concurrence.

#### Second Readers Later Today Assigned

Bill "An Act to Control the Cost of Workers' Compensation Rates to Maine Employers" (H. P. 1483) (L. D. 1611)

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

On motion of Mr. Diamond of Windham, tabled pending passage to be engrossed and later today assigned.

#### Tabled and Assigned

Bill "An Act to Authorize Municipal Ordinances Preventing Drinking in Public" (H. P. 146) (L. D. 172)

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

On motion of Mr. Cox of Brewer, tabled pending passage to be engrossed and assigned

for Tuesday, May 26.

#### Later Today Assigned

Bill "An Act to Amend the Petroleum Liquids Transfer Vapor Recovery Law" (Emergency) (S. P. 602) (L. D. 1600) (C. "A" S-259)

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

On motion of Mr. Mitchell of Freeport, tabled pending passage to be engrossed as amended and later today assigned.

#### Orders of the Day

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

HOUSE REPORT—"Leave to Withdraw"—Committee on Labor on Bill "An Act to Provide Employees in Private Long-term Care Facilities and Service Agencies Wages and Fringe Benefits Equivalent to Wages and Fringe Benefits Paid in State Facilities" (H. P. 983) (L. D. 1168)

Tabled—May 20 by Representative Beaulieu of Portland.

Pending—Acceptance of the Committee Report.

On motion of Mrs. Beaulieu of Portland, tabled pending acceptance of the Committee Report and assigned for Tuesday, May 26.

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

Bill, "An Act to Make Drinking in an Unclassified Public Place a Class E Crime" (H. P. 1011) (L. D. 1207) (C. "A" H-426)

Tabled—May 21 by Representative Cox of Brewer.

Pending—Passage to be Engrossed.

On motion of Mr. Hobbins of Saco, tabled pending passage to be engrossed and specially assigned for Tuesday, May 26.

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

Bill, "An Act to Prohibit Hunting of Bear with Bait" (S. P. 64) (L. D. 91)

—In the House, Passed to be Enacted on May 20, 1981.

—In Senate, Indefinitely Postponed in non-concurrence.

Tabled—May 21 by Representative Davies of Orono.

Pending—Motion of Representative MacEachern of Lincoln to Recede and concur.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I wish you would adhere and I would like to speak to my motion.

I was told this morning that I had enough votes to insist, but that would mean another merry-go-round and I don't want another one of those. I wish to adhere for the simple reason that we, the members of this House, do not approve of the vote that was taken in the other body. We are known to be the House of the people of the State. Let us also be known as being the friend of the Maine Wildlife animals. I thank you all for your time and your patience. As for myself, I am glad it is over with.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. Murphy.

Mr. MURPHY: Mr. Speaker, Men and Women of the House: For those of us who are freshmen here in the 110th Legislature, the bear bills, especially this baiting bill, has been very educational in the different techniques of lobbying for or against a bill.

I have sat here and watched my seatmate, Mrs. Martin, I have seen her anguish as opponents of this bill have twisted arms, traded off votes and intensely lobbied against it. I have heard her say, "I just can't do what they are doing. All I can do is talk to the issue and hope they will hear me."

Well, ladies and gentlemen, we listened to her in the past days. It appears she may have lost this war but I feel she has won the battle. I



applaud the dignity, the openness and fairness with which Mrs. Martin has fought the good fight. We, the freshmen, have learned from her example. Again, with a final vote, I plan on following the gentleness from Brunswick, Mrs. Martin's light.

Mr. Macomber of South Portland requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: I, too, feel very proud of my good friend from Brunswick. I am in favor of receding and concurring. The only reason we have fought so hard to have this done is because the bill will be unenforceable and we have a deal already to straighten out the baiting and I hope you will go along to recede and concur.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Lincoln, Mr. MacEachern, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Armstrong, Bordeaux, Brannigan, Brown, D.; Callahan, Carroll, Clark, Conners, Damren, Day, Drinkwater, Dudley, Erwin, Gavett, Hayden, Hunter, Jacques, Jordan, Kelleher, Laverriere, Lewis, Lisnik, MacEachern, Masterman, McCollister, Michael, Michaud, Mitchell, E.H.; Nadeau, Nelson, A.; Norton, Peterson, Pouliot, Prescott, Salsbury, Sherburne, Smith, C.B.; Theriault, Vose.

NAY — Aloupis, Beaulieu, Bell, Berube, Boisvert, Boyce, Brenerman, Brodeur, Brown, A.; Brown, K.L.; Cahill, Carrier, Carter, Conary, Connolly, Cox, Crowley, Curtis, Davies, Davis, Diamond, G.W.; Diamond, J.N.; Dillenback, Fitzgerald, Foster, Fowlie, Gowen, Gwadosky, Hall, Hanson, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Huber, Hutchings, Ingraham, Jackson, Joyce, Kane, Kany, Ketover, Kiesman, Kilcoyne, Lancaster, Livesay, Locke, Lund, MacBride, Macomber, Manning, Martin, A.; Masterton, Matthews, McGowan, McHenry, McKean, McSweeney, Mitchell, J.; Murphy, Nelson, M.; O'Rourke, Parris, E.; Paradis, P.; Pearson, Perry, Racine, Randall, Reeves, J.; Reeves, P.; Richard, Ridley, Roberts, Rolde, Small, Smith, C.W.; Soulas, Soule, Stevenson, Stover, Strout, Studley, Swazey, Tarbell, Telow, Thompson, Treadwell, Tuttle, Walker, Webster, Wentworth, Weymouth.

ABSENT — Austin, Baker, Benoit, Chonko, Cunningham, Dexter, Gillis, Jalbert, LaPlante, Mahany, Martin, H.C.; McPherson, Moholland, Paul, Perkins, Post, Twitchell, The Speaker.

Yes, 39; No, 93; Absent, 18; Vacant 1.

The SPEAKER: Thirty-nine having voted in the affirmative and ninety-three in the negative, with eighteen being absent, the motion does not prevail.

Thereupon, the House voted to adhere.

By unanimous consent, ordered sent forthwith to the Senate.

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

Bill, "An Act to Amend Certain Motor Vehicle Laws" (H.P. 1512) (L.D. 1628)

Tabled—May 21 by representative McKean of Limestone.

Pending—Motion of the same gentleman to reconsider Passage to be Engrossed.

Thereupon, the House reconsidered its action whereby this Bill was passed to be engrossed.

Mr. McKean of Limestone offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-461) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" and sent up for concurrence.

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

Bill, "An Act to Revise the Public Drinking Law," (S.P. 66) (L.D. 93)

Tabled—May 21 by Representative Hobbins of Saco.

Pending—Adoption of House Amendment "B" (H-458)

On motion of Mr. Cox of Brewer, tabled pending adoption of House Amendment "B" and specially assigned for Tuesday, May 26.

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

House Divided Report—Majority (9) "Ought to Pass" as amended by Committee Amendment "A" (H-450)

Minority (3) "Ought Not to Pass"—Committee on Public Utilities on Bill, "An Act to Require Approval by the Public Utilities Commission of Any Transfer of a Controlling Interest of the Stock of a Public Utility" (H.P. 477) (L.D. 534)

Tabled—May 21 by Representative Davies of Orono.

Pending—Motion of Representative Vose of Eastport to accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Tarbell.

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I understand that the House Chairman is with us on this measure. It was tabled yesterday. I would like an explanation of the bill and the need for this bill and a little bit of discussion among the members of the committee so that I have some direction on it.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker and Members of the House: I urge you to take out House Amendment H-450 so you can see what I am referring to because it is substantially different from the original bill that was presented.

The amendment that you have before you and the legislation that it is related to tries to deal with the situation of the Casco Bay Lines and similar related matters that have occurred with small, not public-owned, utilities in the State of Maine.

As you recall, in the recent past the Casco Bay Lines was able to circumvent the public utilities law because the Public Utilities Commission has regulatory authority over the sale of the capital equipment, the assets of a company. They have the ability to review any transfer of those materials but they do not have the ability to deal with a situation where the stock in a company is transferred from one party to another. The result was, in the Casco Bay Lines there has been a great deal of question raised where there would appear to be some serious question raised about the ability or the intent of the new owners of Casco Bay Lines to deal with the situation that occurred there. I will allow Representative Beaulieu to speak more directly to that since she is most familiar with it.

We also have situations with other small utilities where their stock is not traded on the stock market, and where they are not transferring it from one member of a family to another, where the person obtaining controlling interest in a small utility simply is not able to handle the responsibilities of administering that utility. The result is not the problem for the owner but, in fact, the people who are served by that utility. One that comes to mind is the situation with the Stonington Power and Light Company, where a woman who simply

was unable to handle the responsibility of that small utility came to be the owner and the Commission was not in the position of protecting the interest of the ratepayers in that district because they did not have the ability to view the transfer of a controlling ownership in that small utility. The same is true with Casco Bay Lines.

This amendment makes a major modification in the proposal that was originally made, which, if it had been carried through in the original form, would have PUC approval of all transfers of controlling interest in any utility. The amendment makes it very clear that it is not construed to prevent the holding of any stock, nor is it to prohibit any transfer within families, nor does it apply to any stock that is traded on any public stock exchange, whether it is the New York Stock Exchange, the American Stock Exchange or over the counter. So, it is only going to deal with those few utilities that are not publicly traded, where the controlling interest is not going from one member of a family to another member of the family, so we can guard against the situation such as the Casco Bay Line problem that has cropped up, the problem that came from the Stonington Light and Power Company. It is very much changed from its original form and it has been modified to make sure that we are not going to unduly interfere with stock transactions, we are not going to be able or are unwilling or are going to use that to destroy or alter the company to the detriment of the ratepayers.

There is also a provision in the amendment that says that when a transfer of this type is proposed and the commission is notified of it, if they do not respond within 30 days, then it is considered automatically approved, so the burden is on the commission to act promptly to make their ruling on it, and if they fail to act within 30 days, the approval is automatic based on this legislation.

So, to protect the ratepayers of the State of Maine from situations like Casco Bay or Stonington Light and Power, we urge you to support this amendment. It has bipartisan support out of the committee and we feel very strongly that legislation of this type is necessary to protect the ratepayers who are not in a position of protecting themselves.

The SPEAKER: The Chair recognizes the gentleman from Fryeburg, Mr. Kiesman.

Mr. KIESMAN: Mr. Speaker, I would like to pose a question through the Chair. I would like to know if this amendment would control the situation where at the present time we have a number of small low head hydro systems developing power and selling it to a major utility, the major utilities are required to buy it. Would this prevent the major utilities from acquiring a controlling interest of these new, small, low head hydro units and thereby controlling their output and so forth?

The SPEAKER: The gentleman from Fryeburg, Mr. Kiesman, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker, in response to Mr. Kiesman, the answer is no, it will not have any effect on that. There will be other legislation coming from our committee which will deal with that subject and I will speak with him after the session to inform him of that, but the answer to his question is no.

The SPEAKER: The Chair recognizes the gentleman from Mt. Desert, Mr. Bordeaux.

Mr. BORDEAUX: Mr. Speaker, Ladies and Gentlemen of the House: I would entertain a little optimism for the stand that I took on this bill; however, I would like to explain why I signed "Ought Not to Pass." This bill was introduced timely, prompted by panic by the Casco Bay Lines fiasco. It seems to me that the operators of the company that has operated it satisfactorily for a number of years has knowl-



edge as to whom they should sell their controlling stock in most cases. Those buying stock of that magnitude should have that fair knowledge as to the outcome of their venture. I feel the Casco Bay sale was one of a very few that turned out disastrous. I believe that this bill creates an unnecessary intervention into private enterprise.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: Yes, the bill was introduced because of the Casco Bay Lines situation. When I joined with my constituents and we started rocking the boat, so to speak, with the PUC over the situation that was existing in Portland, it was brought to my attention that the PUC had no say whatsoever whenever a company was being sold or there was to be a stock transfer process going on.

Through the hearings, the series of hearings and all of the data that we discovered about potential abuse that was going on that directly impacted upon my ratepayers and my constituents, I said to the PUC, I can't believe that this situation has existed. Why is it if you, indeed, are there to protect the general public and to make sure that they are treated fairly by any utility, you have no say whatsoever when it comes to the disposal of that particular public utility? Do other states have laws that give you at least the opportunity to look at the situation when there is a proposed sale of a utility that you ultimately regulate in every other instance? They said, yes, there are states with similar laws, we do not have one here. So I contended that maybe the Casco Bay Line situation, at least concerning that portion involved with the stock transfer and the misuse of that process, that had the PUC simply had the right to investigate that or to be made aware of what was happening, that Casco Bay Lines mess probably would not have occurred and in such magnitude.

I see this bill as no attempt whatsoever to prohibit any sale or the transfer of stocks. All I was asking for was that if the PUC regulates any enterprise, public utility factor, that they should have the ability when that is being disposed of, either through a sale or transfer of stock, they should have the ability to monitor and see what is happening and whether or not it is appropriate. I see it as a protection for the ratepayer; I see it as a mechanism for the PUC to be fully informed when there is disposal.

The bill I presented addressed Casco Bay totally, but in the working of the bill and through the Committee investigation and their work, they found that Casco Bay is not the only situation in this state, and I think it is an appropriate thing to be asking for in lieu of what happened in one particular instance.

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

Mr. WEYMOUTH: Mr. Speaker, Ladies and Gentlemen of the House: I, too, signed the "ought not to pass" on L.D. 534. The reason I signed this is two reasons; number one, I think it was an overreaction to Casco Bay Lines. As the gentledady from Portland just said, the bill originally was for Casco Bay Lines only. Number two, we have worked in the Public Utilities Committee to eliminate much of the work of the Public Utilities. We are deregulating the trucking industry, we are deregulating water companies. I feel this is a step in the other direction.

I would ask you not to accept the "ought to pass" report.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I think this is one more example of a piece of legislation that was put in to try and solve one isolated problem. If this bill passes, it is going to be a significant step in expanding regulation by the Public Utilities

Commission.

We are hopefully entering a period where we are going to be starting to see less regulation rather than more. Responsibility of the Public Utilities Commission is to regulate utilities, not to regulate securities and stock transfers.

This bill, if it passes, will create numerous problems for those who own stock in small Maine utilities. For example, it will interfere with the estate planning of those who own a majority interest in a small Maine utility. For example, if you or I or one of our constituents happens to be the major stockholder for a small Maine utility and you don't consider that a member of your immediate family is capable of running that utility and you wish to leave that stock to someone else in your will, the PUC is actually going to control whether or not that can be done. Now, really, isn't that going just a bit too far?

Secondly, this bill would effectively prohibit a stockholder from using his or her stock in a small utility as collateral for a bank loan. No bank is going to accept stock as collateral when it will be prevented from foreclosing on that stock without the approval from the PUC — is that right?

Thirdly, by placing restrictions on a person's right or ability to sell, transfer, or even give away personal property, the bill effectively reduces the value of that person's stock. Already it is difficult to find people who are willing to invest in utilities. If this bill passes, it is just going to make that situation even worse by telling a potential investor if a proposed stock sale is in "the public interest." This bill is just one more example of stifling regulation. It is not needed.

Mr. Speaker, I move that this bill and all of its accompanying papers be indefinitely postponed, and when the vote is taken, I request the yeas and nays.

The SPEAKER: The gentleman from Livermore Falls, Mr. Brown, moves that this Bill and all its accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker and Members of the House: A situation exists where we have to look after the interests of the ratepayers and consumers of utility services. That is the responsibility of the Public Utilities Commission; that is the responsibility of the Public Utilities Committee of this legislature.

A situation exists whereby through the transfer of stock it is possible to create very serious problems for the ratepayers. They have to be seen, given the fact that they are a public utility, the ratepayers have to be seen as having a higher interest than the owners of the stock. This would not be true in a non-regulated instance, but in this case, because of the nature of it, it is very important that those ratepayers have their interest protected. If there is some slight reduction in the freedom of the stockholder because of that, I think that is a policy decision that this legislature has to make, and it was the feeling of the majority of this committee, both Republicans and Democrats, that that ought to take place.

Let me give you just one example other than the Casco Bay Lines, just to give you an example of the kind of problem that could exist. There was an elderly woman who became the owner of the Stonington Power and Light Company, a very small company, yet it has a number of ratepayers in that area who were affected by it. She did not have the ability to handle the responsibilities of that company. She did not have the ability to go out and obtain financing to make improvements in the transmission lines and distribution lines so that adequate amounts of electricity would be made available to the ratepayers. On several occasions, because of that failing, power was discontinued to the Stonington area. One example mentioned to the committee on several occasions

was the example on Thanksgiving Day when, because of the inadequate quality of the transmission line that comes across the bridge to Stonington, the power failed and people went through Thanksgiving Day unable to celebrate the holiday and prepare their food if they happened to have an electric oven. That was not the only incident; it has happened time and time again, in that case and in several other cases, so that the transfer of the stock to that woman, as well intentioned as it might have been, resulted in serious problems for those people who are the recipients of the service of the company that she came to own.

We are not saying that she can't transfer that stock or no one else can transfer the stock, but there has to be an opportunity for the commission to look to see whether the effect of that transfer of controlling interest in the company is going to end up being to the detriment of the ratepayer. As I said before, the ratepayer has to be seen as having the primary interest and the stockholder secondary in that case, and only in the case of regulated industry.

I urge you to reject the motion to indefinitely postpone this bill, support the strong bipartisan motion of the Public Utilities Committee.

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 Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: for eight years I sat on the Public Utilities Committee, and for four years I chaired that committee. In the past five years, Casco Bay Ferry Lines had problems, had problems with its operation and had problems with the customers that it served. There were two groups down there vying against each other for whatever their reasons were.

I can understand the frustrations that Representative Beaulieu has, but I don't think those frustrations should be taken out in this House today by supporting this measure.

I would urge that you support Mr. Brown's position, because I think it is an impossible factor, that we should be putting the Public Utilities Commission in a position where they are concerned with who gets what stock and transfers. I think it would be an error for this House to do that, so I would urge you to support the gentleman's motion to indefinitely postpone this bill; it is a horrendous bill.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry that Representatives Kelleher and Representative Brown saw fit to make this issue one which I feel is of extreme importance to the people of the State of Maine, extremely important because we have conglomerates throughout this nation now that are raiding stock companies and stockholders throughout this nation. They can come in here and take over, control the stock, take over the operation, just as Casco Bay was taken over, transfer it to Florida, take the facility away from the people, and I can tell you that the people in Casco Bay are not asleep, they came to this legislation three times and asked for something and we can be sure that they will be watching this.

They acted too late. The raiders came in and raided and took a boat to Florida. Two hundred thousand dollars in attorney's fees have got to be paid by somebody. This is what I call a stock raid, and if the Public Utilities Commission doesn't have the power to defend the consumer, then who has, who is looking out for the little man?

I have seen Representative Brown look out for the big man ever since he has been working here; when are you going to smarten up and see who Darryl is working for? He is a fat cat kid — smarten up Darryl.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Carroll, I resent that, and I am going to tell you and this House and this body, and anyone else who is interested in knowing why I resent that. Mr. Carroll, I grew up on a small farm in Richmond, I was number 15 of 15 kids. I can remember when we got electricity and we never had indoor plumbing. So when you or anybody else tells me that I am a fat cat kid, you better be ready for an argument.

I have a question I would like to pose to the chairman of the Public Utilities Committee. We are all interested in the little people and we are all interested in the ratepayer, but let's consider a hypothetical situation. Let's look at one of these small investor-owned utilities that serve the people. If the situation should ever develop that government regulation and the rights of the stockholders or stock purchasers are so stifled that there is no longer a purchase of the stock to provide the required capital for the efficient operation of that utility, what is going to happen to that utility?

The SPEAKER: The gentleman from Livermore Falls, Mr. Brown, has posed a question through the Chair to the gentleman from Orono, Mr. Davies, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. DAVIES: Mr. Speaker and Members of the House: I certainly would not accuse the gentleman from Livermore Falls of being a fat cat; I think he is just mistaken in this case.

The situation does not exist where people are now buying utility stock. In fact, if you talk to the financial counsellors at any stock brokerage, they will tell you that utility stocks are one of the prize items to sell right now because there is a high rate of return that is allowed by utility commissions.

We have in this state a situation where if you are large and you are traded on a public market, you are already undergoing scrutiny by the federal government through one of the agencies of federal government. The situation also exists with small utilities that are not traded on a market where there is no supervision at all of that transfer of stock. The result is, if you happen to live in the area that is served by Central Maine Power Company or Bangor Hydro or Maine Public Service, you don't have to worry about somebody can't handle it getting hold of that stock because it is reviewed by the federal government. But in those few instances where there is a small utility that does not come under that purview, it is possible for the ratepayers in that district to suffer greatly because of the incompetence or the malicious intent of the owner of that stock to do something that is not in the interest of the ratepayers, and it will be beyond the purview of the Public Utilities Commission to do anything about it. The result is that you have unequal treatment of ratepayers.

One thing that the Public Utilities Committee and the Commission have tried very hard to do is to move towards equality of treatment, and this is one of those examples where this legislation, in its amended form, will move us in that direction towards equality of treatment, and that is extremely important.

I doubt if the situation is ever going to exist where regulation is going to stop people from buying and selling utility stocks, whether they are traded on the open market or whether they are traded privately. But the interest of those ratepayers, even if they are few in number, could suffer serious damage to which they would have no recourse whatsoever unless this legislature takes affirmative action on this bill

today.

I urge you to reject the false claims of Mr. Brown and Mr. Kelleher and pass this legislation.

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

Mrs. KANY: Mr. Speaker and Members of the House: I rise to urge you to heed the good words of the chairman of the Public Utilities Committee, Representative Davies. This is a serious matter, and in the 9 to 3 "ought to pass" report of the Public Utilities Committee, the basic thinking, the basic thrust was just to assure the citizens of Maine that these utilities, indeed, can serve the people, and the only way in which the Public Utilities Commission could deny approval of someone purchasing majority ownership, the controlling stock ownership, in any of these investor-owned utilities would be if there were real concerns about impairing the efficient operation of that utility which, by law, must serve those particular needs.

I just ask you to think in terms of, for instance, Representative Hunter, I know, serves the area of the little China Telephone Company, and what if you had an investor deciding to purchase the controlling interest in that stock and the financial status was such that they could not keep that telephone service up? That is all we are looking at. There are numerous small investor-owned water companies throughout the state and little investor-owned electric utilities. This is a serious matter and, once again, no arms length exchange of stock are we looking at, we are not looking at the exchanges of families and also of those companies which are traded over the major exchanges.

This is very positive legislation and certainly in the interest of all the citizens dependent upon these utilities. I urge you to vote against the indefinite postponement motion.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Dillenback.

Mr. DILLENBACK: Mr. Speaker and Ladies and Gentlemen of the House: I am sorry to delay this, but this is a bad bill. The PUC has been fighting with the Casco Bay Lines for the last 30 years. This serves my town, it serves Chebeague Island, and they have had opportunities in their judgments on rate increases and other things to do something about Casco Bay Lines.

I cosigned with the lady from Portland to do something about having the people take over Casco Bay Lines. This bill has nothing to do with this. This bill is just the wrong thing for us to encourage. We cannot control people's assets, and I say, let's do away with this bill.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I believe it is the other way around — Casco Bay Lines has been fighting the PUC all these years.

I think this is an important bill. It is not going to solve the problem that my constituents in my city had, but I don't want to see any other situation similar to what happened to us anywhere in this state.

I think it is important to remember that this bill is only implied and only comes into play if that utility is under the PUC regulation and control, and only in the State of Maine. This has nothing to do with intrastate stock transfers or anything else.

The committee has worked very hard on this bill, I have worked very hard. I have worked with the lobbyists who represent banking interests, telephone interests, Central Maine Power interests, and to my knowledge, they assisted in helping to put this bill in order. I find it inconceivable that the PUC could control all aspects of utility regulation and not have an opportunity to oversee or pay attention when that particular regulated utility is to be sold. That is what I am trying to accomplish. I want to give them the vehicle and the right to pay at-

tention to that aspect of it, too.

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

#### ROLL CALL

YEA—Aloupis, Armstrong, Austin, Bell, Berube, Bordeaux, Boyce, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Carrier, Carter, Canary, Connors, Cox, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Gavett, Gowen, Hanson, Hickey, Higgins, H.C.; Higgins, L.M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jacques, Jordan, Kelleher, Kiesman, Lancaster, Laverriere, Lewis, Livesay, Lund, MacBride, Masterman, Masterton, Matthews, McCollister, McPherson, McSweeney, Murphy, Norton, Paradis, E.; Peterson, Racine, Randall, Reeves, J.; Roberts, Salisbury, Sherburne, Small, Smith, C.W.; Soulas, Stevenson, Stover, Strout, Studley, Swazey, Tarbell, Telow, Treadwell, Walker, Webster, Wentworth, Weymouth.

NAY—Beaulieu, Benoit, Boisvert, Brannigan, Brennerman, Brodeur, Carroll, Chonko, Clark, Connolly, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Fowlie, Gwadnosky, Hall, Hayden, Hobbs, Joyce, Kane, Kany, Ketover, Kilcoyne, LaPlante, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A.; McGowan, McHenry, McKean, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Nadeau, Nelson, M.; Paradis, P.; Pearson, Perry, Post, Pouliot, Prescott, Reeves, P.; Richard, Ridley, Rolde, Smith, C.B.; Soule, Theriault, Thompson, Tuttle, Vose, The Speaker.

ABSENT—Baker, Cunningham, Gillis, Jalbert, Martin, H.C.; Moholland, Nelson, A.; O'Rourke, Paul, Perkins, Twitchell.

Yes, 79; No, 60; Absent, 11; Vacant, 1.

The SPEAKER: Seventy-nine having voted in the affirmative and sixty in the negative, with eleven being absent, the motion does prevail.

Sent up for concurrence.

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

HOUSE DIVIDED REPORT—Report "A" (6) "Ought Not to Pass" Report "B" (5) "Ought to Pass" in New Draft (H. P. 1518) (L. D. 1633) Report "C" (2) "Ought to Pass" in New Draft (H. P. 1519) (L. D. 1634) Committee on Energy and Natural Resources on Bill "An Act to Establish an Emergency Radiological Response System" (H. P. 923) (L. D. 1094)

Tabled—May 21 by Representative Hall of Sangerville.

Pending—Motion of the same gentleman to Accept Report "B".

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker and Members of the House: The reason why I would like to see Report B passed is because it partially comes from problems that I see rising for the people that live in an area, particularly right around the atomic plant at Wiscasset, that have to face the fear that the rest of the people in the state are maybe enjoying.

I had a little problem about how to face that so I did a little calling. I called back home, three or four calls to some people that I knew who had voted against getting rid of the plant, because that would be the only safe way to see how they felt. I would like to tell you how one good old arch conservative Democrat felt in regard to this. He put it conservatively, he wouldn't give ten cents to see the Statue of Liberty unveiled, so you can see how he feels. I asked him, would you be willing to see your light bill go up 20 cents this year to help finance a plan started by the federal government so it would make it a little easier to continue an

emergency plan for the people that live right around the plant? His answer was, of course, that is money well invested. So, I would like to leave you with that thought.

There will be other people here speaking one way or the other but to me that was the final sum up of how I felt in regard to why we should go this way.

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

Mrs. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: I am the sponsor of this bill and I would ask you, if you are interested, to look in your book at the new draft, 1633, which is Report B.

There are two basic questions that I would like to speak to this morning and there are two basic questions that we should be asking ourselves as we consider this particular report, which is An Act to Establish an Emergency Radiological Response System.

The first is, if we already have a plan to respond to a nuclear incident or accident at Maine Yankee, what else do we need? Isn't that enough?

The second question is, if we want to make the plan work, who should pay these costs?

I would like to give you a little background, if I may. Briefly, the Maine Yankee Emergency Radiological Response Plan does exist on paper. It took 18 months to two years and close to a million dollars to put it on paper. It started out under the authority of the State Police and this legislature then transferred that authority to the Civil Emergency Preparedness office. We neglected to fund it; however, the plan does carry forth under the authority due to the fact that it was federally mandated.

It covers towns within a ten mile radius of Maine Yankee and costs the utility itself some \$700,000. The state estimated that it has spent roughly \$150,000. There also were some federal funds involved because of the federal mandate. Needless to say, it cost countless individuals in the affected towns around Maine Yankee many hours of volunteer time and municipal officers, municipal employees, interested citizens, all worked on the plan. Currently, the plan is in Washington being reviewed by federal authorities and we will be told, hopefully, sometime this summer, whether or not it is adequate.

I suppose you could say that that is enough, if you ignore the fact that actual implementation requires further expenditures. If you want to take a million dollar plan and put it on the Wiscasset Library shelf, I guess that would be the way you would vote if you vote against Report B.

However, in spite of the fact that Maine Yankee and the State of Maine have met federal requirements, I don't think that is enough. There is no federal money for implementing the plan or to make sure that it works. The federal funds to the Civil Emergency Preparedness have been diverted to other activities, and although Maine Yankee will not do more than that, and I think justifiably so. Nobody forced us to build a nuclear power plant in the State of Maine. Now that we have one, I think it is up to us to accept the responsibility for making sure that the people who live in the vicinity of the plant have a way out in the case of an incidence.

All states with nuclear power generating reactors are required to have a plan under federal regulations, as I have stated. Six states have taken the next step, the one Report B asks you to take. Six states have established a fund to make the plan work. Arkansas, California, Illinois, Michigan, Minnesota and Oregon are those states. Four states which have operating nuclear power plants such as Maine are considering establishing a fund in addition to our own; Connecticut, Pennsylvania and Wisconsin. Three states where nuclear power plants are under construction for the first time have established or are considering a fund. Those

states are New Hampshire, Arizona and Texas.

The second basic question, if we want to make this plan work, who should pay for it, I think is answered by the way that the other states that I have just mentioned to you have dealt with this problem. Basically, a number of states have put in money from their General Funds as, in effect, Maine did when we developed a plan, I mentioned \$150,000 in state expenditure. However, for ongoing updating, training and equipment purchases and maintenance, the states that I have mentioned to you today have virtually all looked to the assessment route, in other words, through the rate base, as an obligation of the ratepayer set by the public utilities committees or regulatory bodies in those various states.

If we were looking at a healthy state surplus in Maine, clearly we could use the appropriations route, because clearly there is a state interest here. Since we aren't in a surplus position, it seems to a number of us that we who benefit from lower rates due to nuclear power generation should accept the cost of making this evacuation plan work.

When we voted to keep Maine Yankee open, I believe we obligated ourselves as ratepayers to make sure it was as safely run as possible. The evacuation plan has to be one of those responsibilities for those of us who benefit from less expensive nuclear power. It is not a fee for service, it is an obligation, just as this legislature agreed last year when it agreed to assess Maine Yankee customers almost \$60,000 annually to give the state independent monitoring capability.

The bill itself is tightly drawn to make sure money from such an assessment is spent wisely and with the requirement of review and approval of the Committee on Energy and Natural Resources, and also an allocation act approved by this legislature, I feel we have a good control over any expenditures.

The fund itself has a cap of \$250,000, with assessments of \$75,000 in 1982 and \$50,000 a year thereafter, until it reaches that limit. If the plant is out of operation for a period of time, payments may be suspended. The utility would have a representative on the Radiological Emergency Preparedness Committee, whose other members consist of the Director of Civil Emergency Preparedness, the Commissioner of Public Safety and the Director of the Division of Health Engineering in the Department of Human Services. It is on their recommendation that any monies may be spent up to the statutory limit of \$50,000 a year with legislative approval.

I, as many of you, am a ratepayer of the affected utility. I pay less for nuclear generated electricity than I would for oil, coal or hydro. Given the benefits that I receive and the fact that I don't live within the 10 mile federally established limit for a nuclear response plan, I don't think it is asking too much for me to contribute to make sure the plan works. In fact, I think it is my responsibility to pay this cost, just as I pay for the monitoring and to the decommissioning cost through my electric bill. It is part of the cost of generating electricity of nuclear power, and I feel that it is a reasonable and responsible action for this legislature to take.

I hope you will vote "Ought to Pass" on this Report B.

The SPEAKER: The Chair recognizes the gentleman from Fryeburg, Mr. Kiesman.

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: I have a great philosophical problem with this proposal this morning. I think we are seeing a new trend in state financing. It seems now that the way we are going anytime a department gets short on funds to do what it was mandated to do when it was established, you look around at somebody within your area of responsibility and then sock it to him with a fee and make up any shortage that the department is experiencing.

This specific L.D., actually we are talking about two L.D.'s because you do have two ways to go, either 1633 or 1634 or "Ought Not to Pass," which is Report A. This deals with Maine Yankee and the Bureau of Civil Emergency Preparedness. This sets up a radiological emergency preparedness committee that is chaired by the Director of CEP. It establishes a committee — and what are the duties of this committee? I would like to read just an excerpt of their duties. "The committee shall, in conjunction with all municipalities and state agencies it requires to provide assistance, prepare an emergency radiological response plan deemed necessary to protect the public and property of the state from hazards or being just from radiation, radioactive materials, nuclear materials or the occurrences of a radiological incident as a result of the presence of releases of, or emissions from radioactive materials, radioactivity or nuclear materials in this state."

I would like to read to you what the duties are of the Bureau of Civil Emergency Preparedness. "The Bureau of Civil Emergency Preparedness has been and must be involved in preparedness planning that covers minor disasters of a local nature to major disasters involving several counties or the entire state to prior planning the normal functions of all levels of government can better cope with a disaster regardless of its severity. This planning process must cope with nuclear, natural or man-made catastrophes which affect human life and property." Now, except for the rewrite that took place, they say the same thing as I read them. How much money does the Bureau of Civil Emergency Preparedness presently receive? Well, in 1981, they had \$2,248,187, and their budget for 1982 is \$2,163,861.

You might ask, what is Maine Yankee doing? They are down there and they are creating a problem that CEP must cope with, what are they doing? Well, last year Maine Yankee paid taxes of \$6,531,584, their corporate income tax, which I presume is a tax that is levied on industrial activity to pay for the cost of this monitoring that the state must do of their activity — just in their corporate income tax, they paid \$1,594,654.

What has Maine Yankee done for this area where they are doing business? It reminds me of the story that you hear occasionally about, yes, I know you have done a lot for me, but what have you done for me lately?

After the Three Mile disaster and the possibilities of disasters got cranked up again in people's minds, they started in with the program on evacuation of the area, Maine Yankee contributed a half million dollars to this ten mile area around the plant for the purchase and installation of warning equipment. This is sirens, horns and whatever that would not only be used for that purpose but would also be used in the towns for their fire warning, to summons in their rescue personnel and so on — a half a million dollars to buy the equipment and install it. In addition, they pledged \$60,000 a year to maintain the equipment after they installed it in those towns. In addition, they provided two million dollars to assist in developing the evacuation plan, and in addition, they provided \$17,000 in financial assistance to the Bureau of Civil Emergency Preparedness to publish the plan.

Last year, we had the same arguments about Maine Yankee to the Department of Human Services for installation of additional monitoring equipment in the area of Maine Yankee, which they pay every year.

I call this a bottomless bucket bill, because what it does, it provides, if passed, an assessment of \$75,000 (this is more money than what I just talked about) on the first year assessment and \$50,000 back into the fund so the bucket will never run dry. A point about this bottomless bucket plan is that once you get this on the books, CEP never comes back for an ap-

propriation on this, this comes in every year and they spend it, they don't have to justify the acquisition and the spending of these funds. It looks to me like here is a case that an industrial activity pays and pays and pays and the ratepayer pays and pays and pays because it gets passed on.

I am not going to ask for indefinite postponement of this legislation. I want it to go on record. As I say, you can go any one of three ways on this. You can vote yes on the motion that has already been made to assess this through the utility, or you can go the other report, which would follow, I presume, 1634, which says that if you really believe that CEP needs this extra money, should have this extra money, we will put it right in the General Fund where it ought to be or you have the third alternative, which is "Ought Not to Pass," and when the vote is taken, I would like a roll call.

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

Mrs. HUBER: Mr. Speaker, Men and Women of the House: I would like to correct a misstatement the good gentleman just made when he said that the CEP could keep spending this money without any further legislative approval, that is totally incorrect and I am sorry that he made that mistake. If you will look on Page 4 of L. D. 1633, the committee, the Director of the Civil Emergency Preparedness, the Commissioner of Public Safety, the Director of Health Engineering, shall report to each legislature its budget recommendations for disbursements from the fund together with an allocation bill. The report shall be reviewed by the legislative committee having jurisdiction over Appropriations and Financial Affairs. Approval of the allocation act, the state controller shall authorize expenditures. Clearly, there is a legislative responsibility here and we will have direct control over how much money is spent out of that fund every year.

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, 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 Freeport, Mr. Mitchell.

Mr. MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: When the members of the House vote on this issue, I hope that you, if you have ever been to Wiscasset or Boothbay Harbor, that you will think about that area and think about those long rivers and those long peninsulas and the special havoc that is going to appear if that area ever needs to be evacuated. Can you imagine evacuating the town of Boothbay Harbor in July if there is an accident at Maine Yankee? Everyone has to travel up Route 27 to within two miles of the plant, a two-lane highway, and then get out onto Route 1 and leave the area. That is a very good plan, I don't know if it could be implemented, but it would be a massive undertaking to evacuate the area. It is going to take a lot of people and a lot of money to make sure that plan stays in effect.

All the people of the state benefit from that plant, people outside of Maine benefit, and the question is, who is going to pay? The taxpayers of Maine or the ratepayers? I think the people who use electricity should pay money, part of their rate should support this plan which protects those people who bear a special burden, the threat of having a nuclear accident at Maine Yankee.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Sangerville, Mr. Hall, that Report B, the "Ought to Pass" in New Draft Report be accepted. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Beaulieu, Benoit, Berube, Boisvert, Boyce, Brannigan, Breherman, Brodeur, Brown, A.; Cahill, Carrier, Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Curtis, Davies, Davis, Diamond, G.W.; Diamond, J.N.; Drinkwater, Erwin, Fitzgerald, Foster, Fowlie, Gowen, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Holloway, Huber, Hutchings, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Laverriere, Livesay, Locke, Lund, MacEachern, Macomber, Mahany, Manning, Martin, A.; Masterton, McCollister, McGowan, McHenry, McSweeney, Michael, Mitchell, E.H.; Mitchell, J.; Nelson, M.; O'Rourke, Paradis, P.; Pearson, Perry, Post, Pouliot, Prescott, Randall, Reeves, J.; Reeves, P.; Richard, Ridley, Roberts, Rolde, Salsbury, Small, Soulas, Soule, Stevenson, Stover, Swazey, Telow, Theriault, Thompson, Treadwell, Vose, Webster, Mr. Speaker.

NAY—Aloupis, Armstrong, Austin, Bell, Bordeaux, Brown, D.; Brown, K.L.; Callahan, Conary, Connors, Damren, Day, Dexter, Dillenback, Dudley, Gavett, Hanson, Higgins, L.M.; Hunter, Ingraham, Jackson, Jacques, Jordan, Keisman, Lancaster, Lewis, Lisnik, MacBride, Masterman, Matthews, McKean, Michaud, Murphy, Nelson, A.; Norton, Paradis, E.; Peterson, Racine, Sherburne, Smith, C.B.; Smith, C.W.; Strout, Studley, Tarbell, Walker, Wentworth, Weymouth.

ABSENT—Baker, Cunningham, Gillis, Jalbert, Martin, H.C.; McPherson, Moholland, Nadeau, Paul, Perkins, Tuttle, Twitchell.

Yes, 91; No, 47; Absent, 12; Vacant, 1.

The SPEAKER: Ninety-one having voted in the affirmative and forty-seven in the negative, with twelve being absent, the motion does prevail.

Thereupon, the New Draft was read once. Under suspension of the rules, the New Draft was read the second time, passed to be engrossed and sent up for concurrence.

The following Joint Order: (S. P. 635)

ORDERED, the House concurring, that when the House and Senate adjourn, the House adjourns to Tuesday, May 26, 1981, at 9:30 o'clock in the morning and the Senate adjourns to Tuesday, May 26, 1981, at ten o'clock in the morning.

Came from the Senate read and passed.

In the House, the order was received out of order by unanimous consent, read and passed in concurrence.

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

#### Passed to Be Enacted Emergency Measure

An Act to Provide Cost-of-living Adjustments to Retired State Employees, Teachers and Beneficiaries (S. P. 385) (L. D. 1143) (C. "A" S-217)

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. 121 voted in favor of same and 6 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Enactor Tabled and Assigned

An Act to Remove the Customer Charge from Electric Utility Rate Structures (S. P. 417) (L. D. 1240) (C. "A" S-245)

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

Mr. Davies of Orono moved that this be tabled for one legislative day.

Whereupon, Miss Brown of Bethel requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Orono, Mr.

Davies, that this matter be tabled pending passage to be enacted and specially assigned for Tuesday, May 26. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

93 having voted in the affirmative and 31 having voted in the negative, the motion did prevail.

#### Passed to Be Enacted Emergency Measure

An Act to Amend the Unfair Sales Act (H. P. 1479) (L. D. 1610) (H. "A" H-420)

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

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I guess first of all I would like to make it clear that I am not against the bill in any way, shape or fashion, I guess I just want a little reassurance.

The original title of this bill was "An Act to Prohibit Refiners and Distributors from Selling Motor Fuel at Retail." I guess the original intent of the bill was to stop the practice of a distributor owning a station not too far from an independently owned station, where he could price the independently owned station pretty well out of business.

I think at this point, I would also like to vent a little frustration, probably on the oil companies. This is probably the only chance I will get.

Last week, the New York tank price of gasoline was 98.4 cents a gallon. Well, I allowed as to how that wasn't too much profit, seeing as how they are only selling it in some places here for about \$1.28 a gallon, that is 30 cents difference. You have got to take the tax off there that they charge. But I think where my frustration comes from is the fact that in one area of Maine where you are locked into an automobile with long periods of travel because usually you work about 20 miles from where you live, in a rural area, in northern Maine especially, and they pay up there an average of \$1.31 a gallon, it was just hard for me to understand why when you pay 98.4 cents tank price in New York, \$1.31 in Augusta, that it is going to cost 10 or 12 cents more to go a little further up the line to Aroostook County. So I did a little checking into it and I found out that the cost on an 8,000 gallon tank is approximately 5 cents per gallon, which includes the cost of moving the tank, the manpower, the insurance, the whole nine yards comes out to 5 cents a gallon. A little less than one fourth of that is the fuel cost for that tank truck to go north. I don't know if the committee has looked into that situation or not; I would call that price fixing. This difference between the price of fuel from the distributors point down here to further up north, to me is just a little bit out of line, way out of line, and it puts an undue burden on those people up there.

As far as I am concerned, the oil companies should be a public utility, it is a necessity, necessity of life in a lot of parts of Maine.

I think what I am looking for is a little reassurance from the committee, because I seem to think that I can go up here to Exxon, just past the Interstate, and I can buy my gas, the regular, for \$1.27.9, I believe, and the unleaded for \$1.31. I can go down the street further on to a full service station and I can get gas for 5 or 6 cents a gallon higher. It seems to me that that lower price charged by the distributor-owned station is one of the lids that we have on the price of gasoline, because even though you have a station 10 miles down the road, you know if you put that price up too high, they are going to pass you up and go down to that distributor-owned station so they can get it a little cheaper. This is good for the consumer, it helps them get gasoline just a little bit cheaper, and these days, believe me, you need to get it a little cheaper.

I guess I just need the assurance that we are not going to stifle this competitor process



which a number of months ago the present administration in Washington, of course, they deregulated and they say the price wouldn't jump too much on account of deregulation and we found out that that just didn't happen to be exactly what would happen. I guess I just want to make sure that we don't come into the same type of thing here now, we put a regulation on or something on that will cause us to lose that competition, because that is the only thing we have right now that is keeping that price down and I don't want to take those bars off. If I can just get that assurance, then I would be happy.

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: This was studied very carefully, this whole issue, by the Committee on Business Legislation. It was my bill to do the divorce issue, which was to make wholesalers compete with wholesalers and retailers to compete with retailers because of some of the abuses that many of you have read about, especially from the Bangor area, abuses where a wholesaler would be opening a station or having a station right near a retailer and selling at retail less than he was selling at wholesale to the station across the street.

Our committee decided that that kind of a bill was too restrictive and was too drastic, and so I can assure the gentleman, Mr. McKean, the frustrations you are feeling are the frustrations that we and many other people felt.

This bill is a unanimous decision by the committee, worked out very carefully with the dealers and the distributors, along with the Attorney General's Office, to make sure that competition does stay in effect. It just will allow, and I think it will help some of the situations you are talking about, it will allow the Attorney General, his office, in one of these kinds of situations, a very close radius, when a wholesaler is selling to its own customers at retail cheaper than it sells wholesale right across the street or within a mile radius to this other station, to make sure there is nothing illegal being done, that they can look at the books, look at some of the costs, look at the cost in New York, the rack prices, and these are all very complicated, I guess, the rack price and the tank wagon price, they can look at it, look at the costs to make sure nothing illegal is being done and nothing is being done to squelch competition, because the fear is that three or four, and in some areas only one or two distributors are left and all the little people are driven out and there will be no competition. That was seen when there was shortages, those company and distributor-owned stations went right up, so we want to see a wide range of competition, and I think that this bill will assure it.

We have put an emergency measure on because there are some abuses going on right now and we would like to see if this is going to work well by next January so we can address it in another way, but we are working for as much competition as possible and distributors and retailers will still be competing against each other, but not unfairly.

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

A vote of the House was taken.

111 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.

#### Tabled and Assigned

RESOLVE, to Authorize Expenditure of Certain Federal Funds for new or Expanded Programs (H.P. 1361) (L.D. 1546)

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

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

Mrs. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: L.D. 1546 has been debated, I don't want to debate it again today, but I would ask you to vote against it. It still includes the provision for a study which I don't feel has the same relevance to Maine as the other two allocations do concerning safe drinking water and geological studies pursuant to storage of radioactive waste.

If we defeat this bill today, it certainly can come back to us amended and we would have the opportunity to spend money where it makes sense for Maine, instead of using our taxpayer dollars to fund a study that basically doesn't have any relevance here in the state.

I hope you will vote against the bill and I would ask for the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: This bill was, indeed, debated at great length the other day, and it was stated that the federal government has singled out six states of this union dealing with migrant children and what effect education has on them. I don't care whether you vote for it or not, because if they don't do it here, they are going to do it somewhere else. Now, it is up in Aroostook County. They have got a good program going up there, the money is going to be spent there, but if it isn't, it is going to be spent elsewhere. So to tell you the truth, I don't care whether you vote for it or not. Maybe the people in Aroostook County are proud of the program that they have up here, certainly the federal government thinks they have a working program in Aroostook and Mars Hill, and as I said before, it doesn't make that much difference to me, because the feds, if they don't use the state of Maine's program, which they view to be efficient and we do have a relationship to this program because there are 4300 migrant children in this state that would come under the study provision, if you want to vote with Mrs. Huber and have it down in Mississippi or Massachusetts or California, that is fine with me. But you know the feds are going to do it and we might just as well get a little benefit out of the tax dollars and also the children would get the benefit of the results of what the program is all about.

There is direct relationship here because there are 4300 Maine children involved.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the gentleman from Fairfield, Mr. Gwadosky, to the rostrum to act as Speaker pro tem.

Thereupon, Mr. Gwadosky assumed the Chair as Speaker pro tem, and Speaker Martin retired from the Hall.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: This is the bill that we debated the other day with a study to see if we wanted to do a study on migrant children, and I would again stress the fact that we are not doing anything directly for them, we are just seeing if we want to do a study to do something for them, and so I hope you will vote against it.

I would also point out to you that there is another section of this which also points out to you that there is another section of this which I have restrained myself talking about but I can't resist pointing out this point just before enactment.

There is also a little sum in here of \$527,000 to be used to drill holes throughout the state of Maine down into the rocks to see if the state of Maine is suitable for the burial of nuclear waste. We have seen a lot of bills coming through here on radiation, the promise of Maine Yankee trying to keep nuclear waste out of the state of Maine, how much can be stored

in the waste pool at Maine Yankee, this type of thing, and so here we are with the federal government testing out our rock to see if it is suitable for this. There was quite an outcry when there was some talk in Blue Hill about opening up an old mine to use it for that but here is the federal government doing it. You can bet that if the federal government finds that we have the suitable type of rocks in Maine to store nuclear waste, that anything we do in this House isn't going to do us much good because it will be coming in here.

I hope you will vote against this bill.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: First, on migrant children — this particular bill is designed, as Representative Kelleher said, to provide for a pilot study to establish some uniform testing and reporting results so that when a child moves from one school to another, they can tell in the next school that he goes to, from the records that are compiled, how well he is doing in Math, how well he is doing in English and all the different subjects. Right now there are so many different testing devices, these children, when they go from one school to another, the receiving school doesn't know how to interpret what the sending school has for records. And, in some cases, the records aren't transferred at all. This is to try to put some sense into that records transferral.

Anybody who has ever been a teacher or had a child that has moved from one school to another knows how valuable records are. They include everything from education to some of their health records that are vital information for schools to have. This is an attempt to do that.

As Representative Kelleher said, if it isn't done here, it will be done somewhere else. The federal government has targeted Maine as being the one that is going to coordinate this program in the six states and I think if it is going to be done and they recognize that we probably could do a good job at it, we ought to do it.

Now, as far as the other argument is concerned about nuclear waste and drilling holes in Maine, I think it is to our advantage for us to adopt that section of the bill more than any other, because that gives us the control and some kind of knowledge about what is going on in this state because, you see, we are going to be receiving the money. The federal government is no doubt going to be studying all the states of the union for the storage of nuclear waste. It is to our advantage to know as much as we possibly can about our own area so that we can make our arguments whether we should have nuclear waste storage here or not on some kind of a less than ignorant level. This money provided by the federal government will allow us to do that.

The SPEAKER Pro Tem: 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, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER Pro Tem: The pending question is on final passage. 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

YEA—Austin, Beaulieu, Benoit, Berube, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Brown, A.; Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Gowen, Hall, Hayden, Higgins, H.C.; Hobbins, Ingraham, Jacques, Kane, Kany, Ketter, Kiesman, Kilcoyne, LaPlante, Laver-

riere, Lisnik, MacEachern, Macomber, Mahany, Manning, Masterton, McCollister, McGowan, McHenry, McKean, McSweeney, Michaud, Mitchell, E.H.; Mitchell, J.; Nadeau, Norton, Paradis, P.; Perry, Peterson, Pouliot, Prescott, Racine, Reeves, P.; Roberts, Rolde, Sherburne, Smith, C.B.; Smith, C.W.; Soulas, Soule, Swazey, Telow, Theriault, Thompson, Tuttle, Vose, Webster.

NAY—Aloupis, Armstrong, Bell, Bordeaux, Brown, D.; Brown, K.L.; Cahill, Callahan, Carrier, Conary, Conners, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Fowlie, Gavett, Hanson, Higgins, L.M.; Huber, Hunter, Hutchings, Jackson, Jordan, Kelleher, Lancaster, Lewis, Livesay, Locke, Lund, MacBride, Martin, A.; Masterman, Matthews, McPherson, Michael, Murphy, O'Rourke, Paradis, E.; Pearson, Post, Randall, Reeves, J.; Ridley, Stevenson, Stover, Strout, Studley, Tarbell, Treadwell, Walker, Wentworth, Weymouth.

ABSENT—Baker, Cunningham, Gillis, Gwadosky, Hickey, Holloway, Jalbert, Joyce, Martin, H.C.; Moholland, Nelson, A.; Nelson, M.; Paul, Perkins, Richard, Salisbury, Small, Twitchell, The Speaker.

Yes, 73; No, 58; Absent, 19; Vacant, 1.

**The SPEAKER Pro Tem:** Seventy-three having voted in the affirmative and fifty-eight in the negative, with nineteen being absent, the motion does not prevail.

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

Mr. PEARSON: Mr. Speaker, having voted on the prevailing side, I now ask reconsideration of this and further ask that this be tabled for one legislative day.

Mrs. Huber of Falmouth requested a roll call vote.

**The SPEAKER Pro Tem:** For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

**The SPEAKER Pro Tem:** The pending question before the House is on the motion of the gentleman from Old Town, Mr. Pearson, that this be tabled for one legislative day pending his motion to reconsider. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Austin, Beaulieu, Benoit, Boisvert, Brannigan, Breneman, Brodeur, Brown, A.; Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Dudley, Erwin, Fitzgerald, Foster, Gowen, Hall, Hayden, Higgins, H.C.; Hobbins, Ingraham, Jacques, Kane, Kany, Kelleher, Kestover, Kiesman, Kilcoyne, LaPlante, Laverriere, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Masterton, McCollister, McGowan, McHenry, McKean, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Nadeau, Norton, Paradis, P.; Pearson, Perry, Peterson, Post, Pouliot, Prescott, Racine, Reeves, P.; Roberts, Rolde, Sherburne, Smith, C.B.; Smith, C.W.; Soulas, Soule, Strout, Studley, Swazey, Telow, Theriault, Thompson, Tuttle, Vose, Webster.

NAY—Aloupis, Armstrong, Bell, Bordeaux, Boyce, Brown, D.; Brown, K.L.; Cahill, Callahan, Carrier, Conary, Conners, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Fowlie, Gavett, Hanson, Higgins, L.M.; Huber, Hunter, Hutchings, Jackson, Jordan, Lancaster, Lewis, Livesay, Lund, MacBride, Martin, A.; Masterman, Matthews, McPherson, Murphy, O'Rourke, Paradis, E.; Randall, Reeves, J.; Ridley, Stevenson, Stover, Tarbell, Treadwell, Walker, Wentworth, Weymouth.

ABSENT—Baker, Berube, Cunningham, Gillis, Gwadosky, Hickey, Holloway, Jalbert,

Joyce, Martin, H.C.; Mollohand, Nelson, A.; Nelson, M.; Paul, Perkins, Richard, Salisbury, Small, Twitchell, Mr. Speaker.

Yes, 80; No, 50; Absent, 20; Vacant, 1.

**The SPEAKER pro tem:** Eighty having voted in the affirmative and fifty in the negative, with twenty being absent, the motion does prevail.

#### Finally Passed Emergency Measure

**RESOLVE,** for laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1981 (H.P. 1498) (L.D. 1618)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and two-thirds vote of all the members elected to the House being necessary, a total was taken, 130 voted in favor of same and 2 against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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

#### Enactor Tabled and Assigned

An Act Relating to State Participation in Local Leeway under the School Finance Act (S.P. 265) (L.D. 747) (C. "A" S-251)

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

On motion of Mr. Pearson of Old Town, tabled pending passage to be enacted and specially assigned for Tuesday, May 26.

#### Passed to Be Enacted

An Act Requiring an Annual Report on Safety Problems by Nuclear Power Plants (S.P. 420) (L.D. 1242) (C. "A" S-253)

Was 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 Create a Bond Issue for Energy Conservation and Conversion for Small Business (S.P. 489) (L.D. 1390) C. "A" S-255)

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

On motion of Mrs. Mitchell of Vassalboro, tabled pending passage to be enacted and specially assigned for Tuesday, May 26.

An Act to Require the Department of Human Services to Provide Home-based Care as an Alternative to Nursing Home Care (S.P. 614) (L.D. 1620)

An Act to Remove the Towns of Medford, Osborn and Great Pond and Lakeville Plantation from the Maine Forestry District (H.P. 252) (L.D. 292) (H. "A" H-403 to C. "A" H-380)

An Act to Clarify the Law Prohibiting Persons under Disabilities from Getting Married (H.P. 320) (L.D. 349) (C. "A" H-402)

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.

The following papers appearing on Supplement No. 3 were taken up out of order by unanimous consent:

#### Passed to Be Enacted

An Act to Clarify the Domestic Violence Statutes (H.P. 636) (L.D. 726) (C. "A" H-425)

An Act Clarifying Municipal Authority to Invest Funds (H.P. 884) (L.D. 1053) (C. "A" H-393)

An Act to Improve County Budget and Financial Procedures (H.P. 1095) (L.D. 1292) (C. "A" H-418)

An Act to Adopt the Maine Municipal and Rural Electrification Cooperative Agency Act

(H.P. 1096) (L.D. 1295) (C. "A" H-421)

An Act to Establish an Arson Reporting Immunity Act (H.P. 1272) (L.D. 1487) (C. "A" H-427)

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 Provide for the Election of Jury Trials in Certain Criminal Cases (H.P. 1328) (L.D. 1527)

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

On motion of Mr. Tarbell of Bangor, tabled pending passage to be enacted and specially assigned for Tuesday, May 26.

The following papers appearing on Supplement No. 4 were taken up out of order by unanimous consent:

#### Finally Passed Emergency Measure

**RESOLVE,** to Change an Authorized Expenditure of Franklin County for the Year 1981 (H.P. 1509) (L.D. 1623)

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, 129 voted in favor of same and one against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

#### Passed to Be Enacted

An Act to Encourage Motorists to Protect Children in Motor Vehicles by Use of Approved Child Safety Seats (H.P. 1360) (L.D. 1545) (C. "A" H-411)

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

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

Mr. STROUT: Mr. Speaker, before I discuss this issue, I would ask if there should not be a fiscal note on this bill?

**The SPEAKER:** In response to the question, the Chair would answer in the negative.

The gentleman may proceed.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: You have heard the answer from the Speaker. The problem I had with this L.D. is where it requires the Commissioner of Public Safety to develop and implement a public information education program and I feel that it would require some money somewhere. I know the sponsor of the bill has told me that money to the highway from federal funds will be used to implement these programs. However, in our tight restraints here in the State of Maine, in the Department of Transportation, which funds the State Police to the tune of 72 percent, I think it is imperative upon me to question how we are going to require our Commissioner of Public Safety to implement, even if it is only an audio-visual aid program and a television program, an oral or written safety information program, there has to be money somewhere to pay for this L.D.

I read also in the amendment that the Commissioner shall conduct a study to ascertain the nature and extent of any reduction in the number and rate of injuries and deaths of children under four years of age. I think anytime in the past that we have ever had a study, there has been a requirement for some monies appropriated to take care of the study.

It also says that the Commissioner shall prepare and submit a report to the legislature no later than March 1, 1983. I don't know, there must be money somewhere in that department to conduct these studies and prepare these reports.

My final reason for opposing this L.D. is that it says in the final paragraph of the Committee



Amendment "Termination: This section shall remain in effect only until June 30, 1983, and as of that date, it is repealed unless a later enacted statute deletes or extends this date." I just want to remind the members of this House that you are starting a program that is going to be voluntarily put into effect, and I can assure you that maybe in 1982 or somewhere down the road, you are going to be faced with monies to continue this child restraint program.

I would ask that when the vote is taken on this, we have a roll call.

The SPEAKER: The Chair recognizes the gentlewoman from Pittston, Mrs. Reeves.

Mrs. REEVES: Mr. Speaker, Ladies and Gentlemen of the House: The federal public highway money is now being used by the Department of Transportation to conduct a public information and education program on this very important issue of the death of young children in car accidents and encourage people to use these safety seats and child restraints in cars. This money is already being used by our department to conduct this kind of advertising.

As I told you a couple of days ago, legislation to encourage the use of child safety seats and seatbelts for young children is a top priority all around the country. We have a precedent for this voluntary public education and information law in other states, and I think that we should go ahead and do this now.

A report in two years could tell us a great deal about how much impact this kind of program can have on the State of Maine and on the incident of child deaths, and I urge you to vote for this law.

The SPEAKER: The Chair recognizes the gentlewoman from Paris, Miss Bell.

Miss BELL: Mr. Speaker, Ladies and Gentlemen of the House: I think the merits of the concepts here are laudable. I have some problems with how it would be implemented. I think if our intent really were to provide an educational program, there are other ways to do this.

For example, yesterday many of you attended the hospice tea that took place at the Blaine House. There we saw people from many communities putting in energies at the grass-root level. I have been involved with the health education program in the Oxford Hills area whereby people at that level provide information where the people involved can make informed decisions as to how they would like to operate in their own lives.

This bill smells like a mandate to me, and that is why it first made me uncomfortable. It has been watered down or amended considerably, but I think that this type of legislation is just not proper at this time and a comprehensive approach should be taken.

Coming from public safety, where there are law enforcement officers dealing with many critical issues at this time, I would question their patience in providing the appropriate information. I would oppose this bill.

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

Mrs. THOMPSON: Mr. Speaker, Men and Women of the House: The original bill called for penalties against the drivers of cars who were transporting children under four years of age with no appropriate seat restraints. I think the committee, in deliberating that original bill, has come up with an adequate and fair compromise. We are talking about educating people about the necessity of keeping their children, four years of age and younger, in seat restraints.

I think probably when the committee heard the testimony, they were stunned by some of the statistics that I would like to read to you. In the past decade, 47 children under five years of age were killed and 3,000 children under five years of age were severely injured. The National Highway Traffic Safety Administration Research Information says that if those children were restrained in their cars, 75 percent

of them, or 2,000 of them, would not have been either killed or severely injured.

When a child is in a car unrestrained by an appropriate device, it is tantamount to playing on a third story rooftop. Young children who move about unrestrained cause accidents by disturbing and distracting the drivers.

Another fact, the safety device, a \$25 car seat, is a minor expense when you consider the cost of a car radio, for instance. And based on estimates from the National Highway Traffic Safety Administration, \$250,000 for each fatality, \$10,000 for each injury to the cost of Maine, for four lives and 270 serious injuries it costs Maine \$3 million a year when the cost of insurance is considered.

Of course, the financial statistics pale when you consider the unmeasurable cost of a dead child.

I think the committee is merely talking about educating the public about the necessity of child restraint devices. I urge you to support this bill.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to make some very brief points.

First of all, I think this bill has already had a good educational effect. There has been quite a bit of publicity in the paper, and hopefully some parents have read it and felt the need to have some child safety seats.

I would remind you that the chiefs of police and the state police have supported the bill and also support the amended version. I think one of the biggest objections I have heard to this bill is that it won't really do much and why clutter up the books, and to that, I would just simply respond that if it would keep one child from going through a windshield and mangled and killed, then I would be happy to have our books cluttered.

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—Beaulieu, Benoit, Berube, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Carroll, Chonko, Clark, Connolly, Cox, Crowley, Davies, Davis, Dexter, Diamond, G.W.; Diamond, J.N.; Drinkwater, Erwin, Fitzgerald, Foster, Fowlie, Gowen, Gwadosky, Hall, Hanson, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Huber, Ingraham, Joyce, Kane, Kany, Kelleher, Ketover, Kiesman, Kilcoyne, LaPlante, Laverriere, Lisnik, Livesay, Locke, Lund, MacBride, Macomber, Mahany, Manning, Martin, A.; Matthews, McCollister, McGowan, McKean, McPherson, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Murphy, Nadeau, Nelson, M.; Norton, Paradis, P.; Pearson, Perry, Pouliot, Prescott, Racine, Randall, Reeves, P.; Richard, Rolde, Small, Smith, C.B.; Soulas, Soule, Stevenson, Stover, Swazey, Tarbell, Telow, Theriault, Thompson, Tuttle, Vose, Walker, Webster, Wentworth, Mr. Speaker.

NAY—Aloupis, Armstrong, Austin, Bell, Bordaoux, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Carrier, Carter, Conary, Connors, Curtis, Damren, Day, Dillenback, Dudley, Gavett, Holloway, Hunter, Hutchings, Jackson, Jacques, Jordan, Lancaster, Lewis, MacEachern, Masterman, Masterion, McHenry, Nelson, A.; O'Rourke, Paradis, E.; Peterson, Post, Reeves, J.; Ridley, Roberts, Salisbury, Sherburne, Smith, C.W.;

Strout, Studley, Treadwell, Weymouth.  
ABSENT—Baker, Cunningham, Gillis, Jalbert, Martin, H.C.; Moholland, Paul, Perkins, Twitchell.

Yes, 94; No, 47; Absent, 9; Vacant, 1.

The SPEAKER: Ninety-four having voted in the affirmative and forty-seven in the negative, with nine being absent, the bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

By unanimous consent, all preceding Enactors were ordered sent forthwith to the Senate, with the exception of L. D. 1498.

An Act Authorizing Reasonable Fees for Nonresident Users and Public Libraries (H. P. 548) (L. D. 624) (C. "A" H-415)

Was 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.

The Chair laid before the House the following matter:

Bill "An Act to Amend the Petroleum Liquids Transfer Vapor Recovery Law" (Emergency) (S. P. 602) (L. D. 1600) (C "A" S-259) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

On motion of Mr. Hall of Sangerville, tabled pending passage to be engrossed and specially assigned for Tuesday, May 26.

At this point, Speaker Martin returned to the rostrum.

Speaker MARTIN: The Chair would thank the gentleman from Fairfield, Mr. Gwadosky, for presiding.

Thereupon, the Sergeant-at-Arms escorted Mr. Gwadosky to his seat on the floor, amid the applause of the House, and Speaker Martin resumed the Chair.

The Chair laid before the House the following matter:

Bill "An Act to Control the Cost of Workers' Compensation Rates to Maine Employers" (H. P. 1483) (L. D. 1611) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Mr. Brannigan of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-453) was read by the Clerk.

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

Mr. JACKSON: Mr. Speaker, I would like to hear an explanation of this amendment.

The SPEAKER: The gentleman from Yarmouth, Mr. Jackson, has posed a question through the Chair to anyone who may respond if they so desire.

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

Mr. BRANNIGAN: Mr. Speaker, Members of the House: I did go over this yesterday, but I can understand why, after the long debate, people would not remember the things I said.

This amendment, first of all, takes care of a few technical errors that were in the bill such as in section 4, which said 22 and should have said 23.

When the bill was printed we had not had reports back from the Finance Office or from the Attorney General's Office and we have incorporated some of their suggestions, most of which are clarifying. One clarifies the relationship of this state fund to the Bureau of Insurance, putting it under Title 24-A, except those provisions which are in the bill which would exempt it from 24-A. It clarifies the start up date, the start up date for giving of policies, issuing of policies will be in January of 1983, but the start up costs and preparations will begin as any other L.D.

It deals with an issue of clarifying how the

treasurer will be reimbursed for his or her work in being keeper of the funds and it deals with the issue, a possible constitutional issue, dealing with the full faith and credit of the state. We never intended for that to be used, and because there was some possible constitutional issue, we took that out, clarifying its relationship with the state and nailed down completely and required reinsurance both in aggregate and excess reinsurance in order to remove any doubt of solvency. We originally were going to leave that up to the director but decided where we had made the other change that we would put it in the bill.

If the gentleman wants to ask me the question that he asked me in the corridor, if he wants me to answer at this time or if you would like to pose it, I would be glad to answer it.

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

Mr. JACKSON: Mr. Speaker, Members of the House: It sounds like a little technical problem amendment.

I think the House spoke yesterday as far as the state fund, it was voted on and I objected to that because I don't think it is a good idea but it was voted in.

But this particular amendment, though, I have a few problems with it because it opens a couple of doors. If you look at the front page and go down to the bottom of the last paragraph, you are putting it under the control, 24-A, but then you use interesting terms here, "this chapter and the reasonable implications thereof" — I am not sure what the reasonable implications thereof are — "in which the provisions of this chapter shall govern." The problem we have is that when you set up an insurance company, let's go out into the private world, you have an insurance company and they get into trouble and they start to go down the tube, there is a fund set up and all the other private insurance companies come in and make sure that the people who wrote policies in that company don't lose their benefits and all. They pick up the pieces and they cover them.

One of the problems with the state fund is, if the state gets into trouble, it has to go somewhere. Now, the obvious thing is that it will come to the taxpayers of the state of Maine and it would seek support from the legislature and the taxpayers. Okay, if you are going to buy a state fund, that is the way it would be handled. What we seem to be saying here is that in some way we are going to get out and tap into this private fund and be able to use this and I guess the question comes, if you can go out and you can tap into the private fund, if a private company starts going down the tube, then does the state have to put in its share to help pay off the people who hold policies from that private company? That is one area that bothers me.

The second area is, there was long talk yesterday about full faith and credit of the state. In other words, who is actually standing behind this company? There was a question raised and it was talked about and it certainly was talked about in the corridors about the question of full faith and credit of the state, were we pledging the state's credit, were we getting into our bonding, were we getting into the bonding levels of the state and our credit rating as the state? There seems to be an attempt on the last page at the end of the paragraph, "Provided that the debts and liabilities of the fund shall not constitute debts and liabilities of the state." In other words, we don't want the state to be liable. Again, I guess the question is, if you get into trouble, if during that time you don't get enough people to buy policies or if at some point in the future the state fund gets into trouble, where do you go to bail yourself out? They seem to be saying that they want the best of worlds, they don't want to be responsible, they don't want to affect our bond rating and, yet, on the other hand, somewhere, someone is going to have to protect them if they do. I am not really sure where this protection is going to

come from.

I think we are better off just facing up to it. If the majority of this House wants a state fund, let's make the state responsible for it, let's put the burden where it should be, on the state fund, and it is in most of the other state funds, and let's do this.

I move the indefinite postponement of this amendment and I hope you will support me on it. Let's just go straight state fund and have it the way we did it. Let's not try and put them out of it. It brings me back to the quote of George Orwell, *An Animal Fan*. "All animals are equal but some are a little more equal than others," and we seem to be putting up an animal here that is just a little bit more equal than the rest.

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: To deal with the first question — really the two questions are the same as far as — because, first of all, this does not plug this fund into the private sector, the guarantee fund. There are certain self-insurance funds that are plugged in, and those are only group self-insurance that are plugged into the private funds.

There are 66, I believe, in our state, self-insurers, individual self-insurers. They are not plugged into that fund, they are not plugged into any guarantee fund. However, in working with some of the bills that we still have before us, we are working on a possibility of a self-insurers guarantee fund, and some of the proposals deal with both groups and individual self-insurers. It is possible that this fund would plug into that.

Let me just say that there are many, many workers' comp insurance funds that are not plugged into a guarantee fund. That is a much bigger question.

The solvency and this question here deals with reinsurance. Other groups have started up dealing with different kinds of reinsurance, which gives them guarantees that people will not go uncared for. We feel very confident that this is the proper way to go, this is the advice we received, and we believe that this will give us the solvency that we need.

When the vote is taken, I ask that a division be taken.

The SPEAKER: The pending question is on the motion of the gentleman from Yarmouth, Mr. Jackson, that House Amendment "A" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

40 having voted in the affirmative and 57 having voted in the negative, the motion did not prevail.

Thereupon, House Amendment "A" was adopted.

Mr. Higgins of Scarborough requested a roll call on passage to be engrossed.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting, 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 engrossed as amended by House Amendment "A". All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from Skowhegan, Mr. Walker.

Mr. WALKER: Mr. Speaker, I request permission to pair my vote with the gentleman from Calais, Mr. Gillis. If he were here, he would be voting nay; if I were voting, I would be voting yea.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Webster.

Mr. WEBSTER: Mr. Speaker, I request per-

mission to pair with Representative Martin from Van Buren. If she were here and voting, she would be voting yea; I would be voting nay.

The SPEAKER: The Chair recognizes the gentleman from Kingfield, Mr. Dexter.

Mr. DEXTER: Mr. Speaker, I request permission to pair my vote with the gentleman from Princeton, Mr. Moholland. If he were here, he would be voting yea; if I were voting, I would be voting nay.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Boyce.

Mr. BOYCE: Mr. Speaker, I request permission to pair my vote with the gentleman from Lewiston, Mr. Jalbert. If he were here, he would be voting yea; I would be voting nay.

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Conary.

Mr. CONARY: Mr. Speaker, I request leave of the House to pair my vote with the gentleman from Portland, Mr. Baker. If he were present and voting, he would be voting yea; I would be voting nay.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Ms. Brown.

Ms. BROWN: Mr. Speaker, I request permission to pair my vote with Representative Perkins of Brooksville. If he were here, he would be voting yea; if I were voting, I would be voting nay.

#### ROLL CALL

YEA—Beaulieu, Benoit, Boisvert, Brannigan, Brennerman, Brodeur, Carroll, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Fowlie, Gwadodsky, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Laverriere, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A.; McColister, McGowan, McHenry, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Nadeau, Nelson, M.; Norton, Paradis, P.; Pearson, Perry, Pouliot, Prescott, Racine, Reeves, P.; Richard, Ridley, Roberts, Rolde, Smith, C.B.; Soule, Strout, Swazey, Telow, Theriault, Thompson, Tuttle, Vose, The Speaker.

NAY—Aloupis, Armstrong, Austin, Bell, Berube, Bordeaux, Brown, D.; Brown, K.L.; Callahan, Carrier, Curtis, Damren, Davis, Day, Dillenback, Drinkwater, Dudley, Foster, Gavett, Gowen, Hanson, Higgins, L.M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jordan, Kiesman, Lancaster, Lewis, Livesay, Lund, MacBride, Masterman, Masterton, Matthews, McPherson, Murphy, Nelson, A.; O'Rourke, Paradis, E.; Peterson, Randall, Reeves, J.; Sherburne, Smith, C.W.; Soulas, Stevenson, Stover, Studley, Tarbell, Treadwell, Wentworth, Weymouth.

ABSENT—Cahill, Carter, Connors, Cunningham, Paul, Post, Salsbury, Small, Twitchell.

PAIRED—Baker-Conary; Brown-Perkins; Boyce-Jalbert; Dexter-Moholland; Gillis-Walker; Martin, H.C.-Webster.

Yes, 73; No, 56; Absent, 9; Paired, 12; Vacant, 1.

The SPEAKER: Seventy-three having voted in the affirmative and fifty-six in the negative, with nine being absent and twelve paired, the Bill is passed to be engrossed as amended by House Amendment "A".

Sent up for concurrence.

(Off Record Remarks)

On motion of Mr. McHenry of Madawaska, Adjourned until Tuesday, May 26, at nine-thirty tomorrow morning.