

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Tenth
Legislature

OF THE

STATE OF MAINE

SECOND REGULAR SESSION
January 6, 1982 to April 13, 1982
INDEX

FOURTH SPECIAL SESSION
April 28, 1982 and April 29, 1982
INDEX

FIFTH SPECIAL SESSION
May 13, 1982
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SECOND CONFIRMATION SESSION
July 16, 1982
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HOUSE

Thursday, February 25, 1982

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

Prayer by the Reverend Bruce Meyer of the Prince of Peace Lutheran Church, Augusta.

The journal of yesterday was read and approved.

Papers from the Senate

Bill "An Act to Create the Maine Condominium Act" (S. P. 870) (L. D. 2019)

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

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

Special Sentiment Calendar

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

The John Baptist Crusaders, Eastern Maine Boys' Class D Basketball Champions for the academic year 1981-1982; (S. P. 873)

The entire legislative family for their overwhelming support of "Steve Gould Night" a very special event which was greatly enjoyed and appreciated by all; (S. P. 872)

Larry Bolduc, of Auburn, who has been elected State Grand Commander of the Military Order of the Cootie; (H. P. 2090) by Representative Boyce of Auburn. (Cosponsor: Representative Callahan of Mechanic Falls)

Julie Fritz, a sophomore at Biddeford High School and daughter of Mr. and Mrs. Richard Fritz of Arundel, who holds the Girls' State Class A record for the 1,000-yard event and recently won the New England Indoor Championship in that event; (H. P. 2089) by Representative Hanson of Kennebunkport.

The members of "Le Regiment Soissonais," Rochambeau Expeditionary Corps., who reenacted the historic march of 1781 from Newport, Rhode Island, to Yorktown, Virginia, at the Bicentennial Observance of the Battle of Yorktown, October, 1981; (H. P. 2094) by Representative Reeves of Pittston. (Cosponsors: Representatives Lund of Augusta, Hickey of Augusta and Senator Bustin of Kennebec)

The Gould Academy Boys' Basketball Team, which won the Western Maine Class D Championship for 1982; (H. P. 2091) by Representative Brown of Bethel. (Cosponsor: Senator Sutton of Oxford)

Debbie McQuire, of Hodgdon High School, who was selected for the Eastern Maine Class C Girls' Basketball "All Tourney" Team for 1982; (H. P. 2092) by Representative Smith of Island Falls. (Cosponsor: Senator Carpenter of Aroostook)

Carol Bubar, of Hodgdon High School, who was selected for the Eastern Maine Class C Girls' Basketball "All Tourney" Team for 1982; (H. P. 2093) by Representative Smith of Island Falls. (Cosponsor: Senator Carpenter of Aroostook)

Sherri Weeks, of Central Aroostook High School, who was selected for the Eastern Maine Class C Girls' Basketball "All Tourney" Team for 1982; (H. P. 2100) by Representative Smith of Mars Hill. (Cosponsor: Senator Carpenter of Aroostook)

Patti Brewer, of Central Aroostook High School, who received an Honorable Mention for the Eastern Maine Class C Girls' Basketball "All Tourney" Team selections for 1982; (H. P. 2101) by Representative Smith of Mars Hill. (Cosponsor: Senator Carpenter of Aroostook)

Wilfred and Theresa Saucier, of Fort Kent, upon their retirement following 35 years each of federal service, as custodians at the Canadian border station; (H. P. 2098) by Representative Crowley of Stockton Springs. (Cosponsor: Representatives Theriault of Fort Kent and Martin of Eagle Lake)

Camilla Nicolas, of Central Aroostook High School, who received an Honorable Mention for

the Eastern Maine Class C Girls' Basketball "All Tourney" Team selections for 1982; (H. P. 2099) by Representative Smith of Mars Hill. (Cosponsor: Senator Carpenter of Aroostook)

Mexico High School Pintos, winners of the Western Maine Class C Girls' Basketball Championship for 1981-1982; (H. P. 2104) by Representative Perry of Mexico.

The Wells High School Boys' Basketball Team, and Coach Dufort, for winning a semi-finalist berth in their first year in the Western Class B Championship playoffs; (H. P. 2015) by Representative Wentworth of Wells. (Cosponsor: Senator Hichens of York)

Tripp Switzer, of Bangor, who has received the 1981 NEWS Thom McAn Football Trophy for Athletic and Scholastic Excellence; (H. P. 2106) by Representative Diamond of Bangor. (Cosponsors: Representatives Tarbell of Bangor, Soulas of Bangor and Aloupis of Bangor)

Barry Sweeney of Dresden, on attaining the high rank and distinction of Eagle Scout; (H. P. 2107) by Representative Soule of Westport. (Cosponsor: Senator Sewall of Lincoln)

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

Special Sentiment Calendar

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

The Following items:

Recognizing:

Mary Harrigan, a freshman at Houlton High School, who received an Honorable Mention in the Eastern Maine Class B Girls' Basketball "All Tourney" Team selections for 1982; (S. P. 874)

The Poland Busy Bees on the 50th anniversary of their organization on February 13, 1932, and for their past contributions to charitable causes; (S. P. 877)

Lauri Dunn, of Houlton High School, who was selected for the Eastern Maine Class B Girls' Basketball "All Tourney" Team for 1982; (S. P. 876)

Lisa Collett, of Houlton High School, who was selected for the Eastern Maine Class B Girls' Basketball "All Tourney" Team for 1982; (S. P. 875)

Marion Pulsifer Rowe, an original member of the Poland Busy Bees, which was organized 50 years ago on February 13, 1932; (S. P. 880)

Annie Pulsifer, an original member of the Poland Busy Bees, which was organized 50 years ago on February 13, 1932; (S. P. 879)

Hattie Pulsifer, an original member of the Poland Busy Bees, which was organized 50 years ago on February 13, 1932; (S. P. 878)

There being no objections, these items were considered passed in concurrence.

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

Special Sentiment Calendar

The Following Items:

Recognizing:

Emily Bridghan Segers, an original member of the Poland Busy Bees, which was organized 50 years ago on February 13, 1932; (S. P. 881)

Elvira Birney, an original member of the Poland Busy Bees, which was organized 50 years ago on February 13, 1932; (S. P. 883)

Thelma Bridghan Rollins, an original member of the Poland Busy Bees, which was organized 50 years ago on February 13, 1932; (S. P. 882)

Margaret Birney Owen, an original member of the Poland Busy Bees, which was organized 50 years ago on February 13, 1932; (S. P. 885)

Martha Birney, an original member of the Poland Busy Bees, which was organized 50 years ago on February 13, 1932; (S. P. 884)

The Houlton High School "Shiretown" Girls' Basketball Team, which won the 1982

Class B Eastern Maine Championship; (S. P. 889)

Stephanie Lundeen, of Central Aroostook High School, who has been selected for the Eastern Maine Class C Girls' Basketball "All Tourney" Team for 1982; (S. P. 890)

There being no objections, these items were considered passed in concurrence.

House Reports of Committees**Leave to Withdraw**

Representative Mahany from the Committee on Agriculture on Bill "An Act to Increase the Potato Tax" (H. P. 1771) (L. D. 1761) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

Ought to Pass**Pursuant to Joint Rule H. P. 1846****Later Today Assigned**

Representative Roberts from the Committee on Local and County Government on Bill "An Act to Extend the Time for the Apportionment of County Taxes" (Emergency) (H. P. 2102) (L. D. 2025) reporting "Ought to Pass" pursuant to Joint Order (H. P. 1846)

Report was read.

On motion of Mrs. Mitchell of Vassalboro, tabled pending acceptance of the Committee Report and later today assigned.

Ought to Pass**Pursuant to Joint Order H. P. 1846**

Representative Wentworth from the Committee on Local and County Government on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Waldo County for the Year 1982 (Emergency) (H. P. 2103) (L. D. 2026) reporting "Ought to Pass" — pursuant to Joint Order (H. P. 1846)

Report was read and accepted, the Resolve read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-605) on Bill "An Act to Exempt Portions of the Central Maine Air Quality Control Region from Petroleum Liquids Transfer Vapor Recovery Requirements (H. P. 1836) (L. D. 1833)

Report was signed by the following members:

Senators:

McBREAIRTY of Aroostook
REDMOND of Somerset
O'LEARY of Oxford

— of the Senate.

Representatives:

HALL of Sangerville
HUBER of Falmouth
DEXTER of Kingfield
JACQUES of Waterville
MICHAUD of East Millinocket
AUSTIN of Bingham
KIESMAN of Fryeburg
DAVIES of Orono

— of the House.

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

Report was signed by the following members:

Representatives:

MICHAEL of Auburn
MITCHELL of Freeport

— of the House.

Reports were read.

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

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

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

Mr. KIESMAN: Mr. Speaker, Ladies and

Gentlemen of the House: I would like to place something on the record.

Last year we had a bill before us in the Energy and Natural Resources Committee that brought to our attention the fact that there is in Searsport, which is on the west side of the river, a major petroleum bulk plant. All of the other major bulk plants in that area are on the east side of the river. Those on the east side of the river are in the Eastern Air Quality Zone. By being grouped in that rather arbitrary line, east of that arbitrary line, they are not required to have a so-called vapor recovery filling system on their tanks, nor are the trucks who fill from those tanks required to have the installation on their trucks which runs some \$3,000 to \$5,000 each. As a result, the one plant in Searsport is economically affected by the requirement of being in the Central Air Quality Region of having to make these installations on their filling tanks and the truck operators, the independent truck operators, would have to make a \$3,000 to \$5,000 investment to put the necessary connections on their trucks.

We went through the process last year, directed the Department of Environmental Protection to take the necessary steps to exempt Searsport from this requirement. They went to the federal EPA, through the normal process, and did receive this exemption.

The approval has come back, and now we must here in legislation accept this change or it expires, and I would like to put on the record that because of the concerns about this exemption, if the Eastern Air Quality Region was made to comply in the same manner to have vapor recovery filling systems, then the Searsport Refinery would no longer have that exemption.

I would put this on the record—it is the intention of the legislature that the application of Title 38, Section 610, of the Town of Searsport be reevaluated by the Department of Environmental Protection if the Downeast Air Quality Control Region is designated non-attainment. The legislature has received communications indicating that the Department of Environmental Protection has committed the state to this reevaluation and that this commitment has been endorsed by the United States Environmental Protection Agency. This puts it on the record of the legislature so it is on in three different places and this should satisfy everyone who has concerns.

I urge that you accept the Majority Report.

THE SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Mitchell.

MR. MITCHELL: Mr. Speaker, Men and Women of the House: The original vapor recovery statutes were passed in 1979 in an effort to reduce ozone pollution of the air.

Members of this House who represent districts in southern Maine can no doubt remember a summer day last year when they heard an announcement on the radio which warned any citizen who has respiratory ailments to stay inside and not to exercise outside because of the high levels of ozone pollution.

The Vapor Recovery Act, which passed in 1979, attempted to reduce the ozone pollution by eliminating one of its sources, and that is the bulk transfer of gasoline from bulk tanks to gasoline tank trucks, and they did that by requiring the truckers to use a bottom loading procedure rather than top loading procedure where you just back the truck under the tank and open the tap and let it pour in.

Now, Irving Oil Company came to the Legislature last spring and brought their special problem to our attention, and we passed a law which allowed the Board of Environmental Protection to delay the compliance schedule in the Central Maine Air Quality Region until the time that it could be applied evenly throughout Irvings' market area.

In its desire to help Irving Oil, the Board went way beyond the suggestion of the legislature and passed a rule and submitted it to the

EPA which basically takes the town of Searsport completely and entirely out of the Central Maine Air Quality Region for the purposes of this law. The bill before us today is a ratification of this rule of the Board.

The Board of Environmental Protection seems to be so enamored with the industry it is supposed to regulate that they are going out of the way to give them every possible concession that they need to do business.

I have a couple other objections to this bill. It is my understanding that a copy of this bill was posted in the Searsport town hall, but we held a public hearing in the Energy and Natural Resources Committee and not one person from the town of Searsport came over and spoke for or against the bill.

I think that if my town was to be removed from an air quality region or removed from any law, there would be a major dispute in the town, there would be a major debate and it would have been a matter of great concern and, frankly, I can't imagine that the people of Searsport would sit back and let us remove this protection of their town without having something to say about it. I just can't imagine it.

Another objection that I have with the bill is that basically it is a special interest bill that is designed to help one company, one oil company that made a bad deal. After the Vapor Recovery Statutes were enacted in 1979, the Shell Oil Company, which owned that facility, sold it to Irving Oil Company. After Irving Oil Company bought it, apparently they learned of these environmental requirements and then came to the legislature and asked us to change the law and exempt them from the requirements.

When a small businessman makes a bad deal and loses some money or gets into something that he can't get out of, he has to lump it. The same is true of a citizen. If I make a bad deal, I just have to accept it, I can't come to the legislature and change the law and change the rules so that I don't lose my money.

This bill is certainly a special piece of legislation that is designed to protect one small interest.

Furthermore, there was absolutely no evidence presented at the committee hearing that exempting the town of Searsport would not adversely affect the quality of the air. The measure passed last spring allows the board to meet the special circumstances in the Irving Oil Company case. That is all we need, and I urge that the members of the House defeat the motion before us and then I will make a motion to accept Committee Amendment "B", the "Ought Not to Pass".

MR. SPEAKER, when the vote is taken, I request the yeas and nays.

THE SPEAKER: The Chair recognizes the gentleman from Stockton Spring, Mr. Crowley.

MR. CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I will try not to be too redundant. I am the sponsor of this bill. The first point that I would like to react to from Representative Mitchell pertaining to Searsport is that Senator Shute and I attended a meeting with the Board of Selectmen in Searsport and this was one of the items we brought it up and they were happy for us to work with them on this.

The Department of Environmental Protection helped draft this amendment to make sure that it would meet all its specifications, and now this will put Searsport oil terminal on the same air quality program as their competitors and neighbors in Bucksport, Hampden, Brewer and Bangor. And when DEP revises its air quality in this section of the state, I am sure that Irving Oil and all the rest of them will comply when that is necessary and it will be necessary as soon as they do that air quality study and find out that there is a problem with the ozone.

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

MR. COX: Mr. Speaker, Ladies and Gen-

tlemen of the House: I would like to inquire, since Bangor is on the western side of the Penobscot River, if all the people who own the oil tanks in Bangor are not being required now to have these safety devices which Searsport wants to do away with?

THE SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Crowley.

MR. CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: In answer to that question, all the terminals, all ten terminals, all eleven terminals in this area, will now be under the same air quality program. If we didn't put this bill in, then Searsport would be the only one that would be in a different air quality zone.

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 pending question is on the motion of the gentleman from Sangerville, Mr. Hall, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Armstrong, Austin, Beaulieu, Bell, Boisvert, Bordeaux, Boyce, Brannigan, Brennerman, Brown, D.; Brown, K.L.; Cahill, Callahan, Carroll, Carter, Chonko, Clark Conary, Connors, Crowley, Cunningham, Curtis, Damren, Davies, Davis, Day, Dexter, Diamond, G.W.; Dillenback, Drinkwater, Erwin, Foster, Fowlie, Gavett, Gillis, Hall, Hanson, Hickey, Higgins, L.M.; Hobbins, Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, P.T.; Jackson, P.C.; Jacques, Jalburt, Jordan, Joyce, Kane, Kelleher, Ketover, Kiesman, Kilcoyne, Lancaster, Laverriere, Lewis, Lisnik, Livesay, Lund, MacBride, MacEachern, Mahany, Manning, Martin, H.C.; Masterman, Masterton, Matthews, McHenry, McPherson, Michaud, Mitchell, E.H.; Moholland, Murphy, Nadeau, Nelson, A.; Nelson, M.; O'Rourke, Paradis, E.; Paradis, P.; Paul, Perkins, Perry, Peterson, Pines, Pouliot, Randall, Reeves, J.; Ridley, Roberts, Rolde, Salsbury, Sherburne, Small, Smith, C.W.; Soulas, Stevenson, Stover, Strout, Studley, Swazey, Tarbell, Telow, Theriault, Thompson, Treadwell, Twitshell, Vose, Walker, Webster, Wentworth, Weymouth.

NAY—Baker, Benoit, Berube, Brodeur, Brown, A.; Connolly, Cox, Diamond, J.N.; Fitzgerald, Gowen, Gwadosky, Hayden, Higgins, H.C.; Kany, Locke, Macomber, Martin, A.; McCollister, McGowan, Mitchell, J.; Norton, Pearson, Racine, Reeves, P.; Richard, Smith, C.B.; Soule.

ABSENT—Carrier, Dudley, LaPlante, McSweeney, Micahel, Post, Tuttle, The Speaker. Yes, 115; No, 27; Absent, 8; Vacant 1.

THE SPEAKER: One hundred and fifteen having voted in the affirmative and twenty-seven in the negative, with eight being absent, the Majority "Ought to Pass" Report is accepted.

Thereupon, the bill was read once.

Committee Amendment "A" (H-605) was read by the Clerk and adopted and the Bill assigned for Second Reading tomorrow.

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

The following Communication:

State of Maine

OFFICE OF THE SECRETARY OF STATE
February 25, 1982

To the Honorable John L. Martin,
Speaker of the House of Representatives
of the One Hundred and Tenth Legislature:

In compliance with the Constitution and laws of the State of Maine, I have the honor to herewith report the return of votes cast in Representative District 70 at the Special Election held on February 23, 1982, according to a review of the returns made by the Governor, to fill the vacancy that existed in that district, as follows:

Barbara W. Grover, Plymouth 391
Ralph M. Willey, Hampden 550
S/JAMES S HENDERSON
Deputy Secretary of State

The Communication was read and ordered placed on file.

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

The following Communication:
State of Maine
OFFICE OF THE SECRETARY OF STATE
To Edwin H. Pert,
Clerk of the House of Representatives
of the One Hundred and Tenth Legislature:

In compliance with the Constitution and laws of the State of Maine, I hereby certify that a Special Election was held on February 23, 1982, in Representative District 70 for the purpose of electing a Representative to the One Hundred and Tenth Legislature: that Ralph M. Willey of Hampden having received a plurality of all votes cast in District 70, as contained in a report to the Governor on February 25, 1982, appears to have been elected a Representative to the One Hundred and Tenth Legislature. In Witness Whereof, I have caused the Great Seal of the State of Maine to be hereunto affixed this twenty-fifth day of February in the year of our Lord, One Thousand Nine Hundred and Eighty-two.

S/JAMES HENDERSON
Deputy Secretary of State

The Communication was read and ordered placed on file.

At this point, the Speaker announced the presence in the Hall of the House of Representative-elect Willey from Hampden and appointed the following members to escort the Representative-elect to the Office of the Governor to enable him to receive and subscribe the oaths necessary to qualify him to enter upon his official duties:

Representatives:
HIGGINS of Scarborough
SHERBURNE of Dexter
ALLOUPIS of Bangor
KELLEHER of Bangor
REEVES of Newport

Subsequently, Representative Higgins reported that the necessary oath had been taken by Representative Willey to qualify him to enter upon his official duties and the Speaker assigned him to Seat 70.

The following paper appearing on Supplement No. 5 was taken up out of order by unanimous consent:

Leave to Withdraw

Report of the Committee on Transportation reporting "Leave to Withdraw" on Bill "An Act Relating to the Safety of Herring Spotter Planes" (S. P. 838) (L. D. 1961)

Came from the Senate with the Report read and accepted.

In the house, the Report was read and accepted in concurrence.

The following papers appearing on Supplement No. 6 were taken up out of order by unanimous consent:

Passed to Be Enacted

An Act to Provide Assistance in the Marketing of Maine Agricultural Products (H. P. 1900) (L. D. 1885)

Finally Passed

RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands (H. P. 1739) (L. D. 1728) (C. "A" H-594)

1728) (C. "A" H-594)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, the Bill passed to be enacted, the Resolve finally passed, signed by the Speaker and sent to the Senate.

Divided Report Tabled and Assigned

Majority Report of the Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-606) on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Prevent Combining more than One Bond Issue Item on a Single Bond Issue Bill (H. P. 1793) (L. D. 1783)

Report was signed by the following members:
Senators:

AULT of Kennebec
GILL of Cumberland

— of the Senate.

Representatives:

BELL of Paris
DILLENBACK of Cumberland
DIAMOND of Bangor
KANY of Waterville
GWADOSKY of Fairfield
MASTERTON of Cape Elizabeth
BOYCE of Auburn
SMALL of Bath

— of the House.

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

Report was signed by the following members:
Senators:

VIOLETTE of Aroostook

— of the Senate.

Representatives:

PARADIS of Augusta
McGOWAN of Pittsfield

— of the House.

Reports were read.

On motion of Mr. Pearson of Old Town, tabled pending acceptance of either Report and tomorrow assigned.

Consent Calendar First Day

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

(H. P. 1922) (L. D. 1904) RESOLVE, Authorizing the Maine Forest Service to Convey by Bid Sale of the State's Interest in Certain Real Estate in the Maine Forestry District and to Use the Proceeds for Energy-saving Improvements to Other Existing Fire Control Buildings—Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-609)

There being no objections, this item was ordered to appear on the Consent Calendar of Friday, February 26, under the listing of Second Day.

Consent Calendar Second Day

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

(S. P. 771) (L. D. 1821) Bill "An Act Establishing a Directional Sign at Exit 8 of the Maine Turnpike Indicating St. Joseph's College" (C. "A" S-389)

(S. P. 739) (L. D. 1724) Bill "An Act to Adjust the Fees for Licenses Issued by the Arborist Examining Board" (C. "A" S-388)

(H. P. 1728) (L. D. 1713) Bill "An Act to Adjust the Fees for Licenses of the Electrician's Examining Board" (C. "A" H-607)

(H. P. 1776) (L. D. 1766) Bill "An Act to Require Removal of Motor Vehicles from Great Ponds, Rivers and Streams" (C. "A" H-608)

(S. P. 812) (L. D. 1908) Bill "An Act Relating

to the Terms of the Public Utilities Commissioners"

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

(Off Record Remarks)

On motion of Mr. Strout of Corinth,
Recessed until four-thirty in the afternoon.

After Recess 4:30 p.m.

The House was called to order by the Speaker.

Finally Passed Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Life of Bond Authorizations (S. P. 753) (L. D. 1756) (C. "A" S-385)

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

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

Mr. BRODEUR: Mr. Speaker and Members of the House: I would pose a question through the Chair. Would somebody please explain this Constitutional Amendment?

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

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

Mrs. KANY: Mr. Speaker and Members of the House: Actually, it is a good thing that this question was raised. It certainly is appropriate for us to have something on the record whenever we pass a constitutional amendment.

This proposed constitutional resolution, if approved by the voters, would enable the legislature to automatically deauthorize a bond issue if no debt has been issued within five years from the date of the original ratified amendment authorization and the legislature does not act within two years after the five year period expires to extend the issuance period for a further five years.

There are really several reasons for this. It would formalize a review process for the state's capital improvement program. It requires legislative reevaluation of the capital project for which the authorization had been outstanding and inactive. Not only would this provide for a reexamination of the amount of bonds authorized, but of the project itself to assure that it remains of current value both economically and financially.

Given rapid changes in inflation, interest costs and technology, an institutionalized capital program review will enable the state to avoid or cancel projects whose benefits may no longer be cost effective or timely.

This particular constitutional amendment was a unanimously approved amendment from the State Government Committee. We do, at this time, have approximately \$189 million worth of authorized—that is not only voted upon and approved by the legislature but also approved by the voters of the State of Maine and not yet issued. One reason we have so many and so much is that particularly with highway funding, you certainly need to know you have the authorization or the approval to go ahead with a costly project, and yet certainly it perhaps may be unwise to issue bonds until you actually need that capital, so that is one reason. Certainly it makes sense to go ahead with this particular constitutional amendment just to reevaluate. It makes good financial management sense, and I certainly hope you approve it.

The SPEAKER: The pending question is on final passage. This being a Constitutional

Amendment, it requires a two-thirds vote of the House. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

103 having voted in the affirmative and one having voted in the negative, the Resolution was finally passed.

Signed by the Speaker and sent to the Senate.

The following paper appearing on Supplement No. 7 was taken up out of order by unanimous consent:

On motion of Representative LaPlante of Sabattus, the following Joint Order: (H. P. 2113)

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

Thereupon, the Order received passage and was sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Emergency Measure Tabled and Assigned

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1982 (H. P. 2000) (L. D. 1958) (S. "A" S-387)

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

On motion of Mr. LaPlante of Sabattus, tabled pending final passage and specially assigned for Monday, March 1.

Finally Passed Emergency Measure

RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to the Veterans' Property Tax Exemption (H. P. 1737) (L. D. 1722)

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. 119 voted in favor and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Concerning Grandfather Provisions with the Oil Burnerman's Licensing Law (S. P. 767) (L. D. 1825) (C. "A" S-386)

An Act to Clarify the Boundary Between the Town of Waterford and the Township of Albany (H. P. 1864) (L. D. 1858)

An Act to Clarify the Term "Account" in the Probate Code (H. P. 1780) (L. D. 1770)

Finally Passed

RESOLVE, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory (H. P. 1831) (L. D. 1813)

RESOLVE, Reimbursing Great Pond on Account of Taxes Lost Due to Lands Being Classified Under the Maine Tree Growth Tax Law (H. P. 1736) (L. D. 1721)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, the Bills passed to be enacted and the Resolves finally passed, signed by the Speaker and sent to the Senate.

Orders of the Day

The Chair laid before the House the first item of Unfinished Business:

BILL, "An Act to Allocate Funds from the Low-level Waste Siting Fund" (Emergency) (H. P. 1751) (L. D. 1741)

—In House, Passed to be Engrossed on February 9, 1982.

—In Senate, Passed to be Engrossed as Amended by Senate Amendment "A" (S-383) in non-concurrence.

Tabled—February 19, 1982 by Representative Twitchell of Vassalboro.

Pending—Further Consideration.

On motion of Mrs. Mitchell of Vassalboro, tabled pending further consideration and tomorrow assigned.

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

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Lincoln County for the Year 1982 (Emergency) (H. P. 2001) (L. D. 1959)

Tabled—February 23 by Representative LaPlante of Sabattus.

Pending—Final Passage.

On motion of Mr. LaPlante of Sabattus, retabled pending final passage and specially assigned for Monday, March 1.

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

An Act to Transfer Certain Responsibilities for Insect Nuisance Identification from the Department of Conservation to the Department of Agriculture, Food and Rural Resources (S. P. 741) (L. D. 1726)

Tabled—February 24 by Representative Mahany of Easton.

Pending—Passage to be Enacted.

On motion of Mr. Mahany of Easton, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

The same gentleman offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-610) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

(Off Record Remarks)

The Chair laid before the House the following matter:

Bill "An Act to Extend the Time for the Apportionment of County Taxes" (Emergency) (H. P. 2102) (L. D. 2025) which was tabled and later today assigned pending acceptance of the Committee Report.

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

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: Due to a mixup, this bill cannot be before us. I move that L. D. 2025 be indefinitely postponed.

Thereupon, the Bill was indefinitely postponed and sent up for concurrence.

On motion of Mr. Tarbell of Bangor,

Adjourned until twelve o'clock noon tomorrow.