

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
INDEX

SECOND CONFIRMATION SESSION
July 16, 1982
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HOUSE

Friday, March 5, 1982

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

Prayer by Father Thomas Joyce of St. Mary's Catholic Church, Augusta.

The journal of yesterday was read and approved.

**Papers from the Senate
Reports of Committees
Leave to Withdraw**

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act Concerning Declaration of Value for Deeds of Distribution" (S. P. 748) (L. D. 1751)

Report of the Committee on Local and County Government reporting "Leave to Withdraw" on Bill "An Act to Authorize the Use of Surplus Proceeds of Municipal Borrowing for Other Purposes" (S. P. 797) (L. D. 1879)

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act Relating to Property Taxes Prorated between Seller and Purchaser" (S. P. 744) (L. D. 1747)

Came from the Senate with the Reports read and accepted.

In the House, the Reports were read and accepted in concurrence.

Messages and Documents

The Following Communication:

**State of Maine
Public Utilities Commission
242 State Street
State House Station 18
Augusta, Maine 04333**

March 3, 1982

Honorable Joseph Sewall
President of the Senate of Maine
State House
Augusta, Maine 04333
Honorable John L. Martin
Speaker of the House of Representatives
of the State of Maine
State House
Augusta, Maine 04333
Honorable Richard S. Davies
House of Representatives of the
State of Maine
State House
Augusta, Maine
Gentlemen:

The Public Utilities Commission was deeply gratified to learn of the Joint Resolution being considered today honoring Horace S. Libby, our recently deceased General Counsel. The Resolution represents a fitting tribute to an individual whose integrity, courage and devotion to public service will long be remembered by all of us who knew and loved him. His death is a loss that will be realized not only by this Commission but by all the citizens of this State.

Very truly yours,

S/RALPH H. GELDER, Chairman

The Communication was read and ordered placed on file.

Orders

On motion of Representative Martin of Eagle Lake, the following Joint Order: (H. P. 2137)

WHEREAS, settlers along the Allagash, St. John and Fish Rivers in Northern Maine were subject to the hardships and violence of a rugged environment; and

WHEREAS, no general medical and surgical treatment center existed north of Bangor to meet the needs of this remote Northern Aroostook community; and

WHEREAS, under the guiding hand of Reverend Joseph S. Marcoux, these isolated citizens, many of whom shared a common language, faith and customs, united to build a general hospital; and

WHEREAS, Northern Maine General Hospital, located at Eagle Lake, has endured through the years to serve this area as a glowing tribute

to Father Marcoux and his followers and has become part of a rich tradition in this close-knit community; and

WHEREAS, the institution has evolved from a general hospital to a nursing home, boarding care facility and a mental retardation center to be known as the Powell Memorial Center; now, therefore, be it

ORDERED, the Senate concurring, that the members of the 110th Legislature take this opportunity to commend Father Marcoux and his followers for their foresight in founding Northern Maine General Hospital at Eagle Lake, and in recognizing February 19, 1907 the 75th anniversary of its founding, extend gratitude of the deepest sense to all those who have dedicated themselves over the years to the success of this outstanding medical facility; and be it further

ORDERED, that a duly authenticated copy of this Joint Order be transmitted forthwith to the appropriate officials of Northern Maine General Hospital with best wishes for continued success.

Under suspension of the rules, the Order was read and passed and sent up for concurrence.

Special Sentiment Calendar

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

Captain Bill Brennan, of the Maine Maritime Academy, who will retire on August 31, 1982 after 16 years of true and faithful service to the academy; (S. P. 904)

The John Bapst Crusaders, who have won the State Class D Boys' Basketball Championship for the Academic year 1981-1982; (S. P. 903)

Dan Philippon, of Bangor, who has been named to the 1981 Maine Class AA All-State Football Team; (H. P. 2138) by Representative Diamond of Bangor. (Cosponsors: Representatives Soulas of Bangor, Kelleher of Bangor, and Alopous of Bangor)

Stu Gerow, of Bangor, who has been named to the 1981 Maine Class AA All-State Football Team, second team; (H. P. 2139) by Representative Diamond of Bangor. (Cosponsors: Senator Trotzky of Penobscot, Representatives Tarbell of Bangor and Soulas of Bangor)

The Central Aroostook High School Girls' Basketball Team, which won the Eastern Maine Class C Sportsmanship Award for 1982; (H. P. 2141) by Representative Smith of Mars Hill. (Cosponsor: Senator Carpenter of Aroostook)

The Central Aroostook High School Girls' Basketball Team and coach Dick Barstow, for winning the State Class C Championship for 1981; (H. P. 2140) by Representative Smith of Marsh Hill. (Cosponsor: Senator Carpenter of Aroostook)

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

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

Representative Damren from the Committee on Fisheries and Wildlife on Bill "An Act Relating to Wild Birds and Wild Animals kept in Captivity" (H. P. 1720) (L. D. 1705) reporting "Ought Not to Pass"

Representative Kiesman from the Committee on Energy and Natural Resources on Bill "An Act to Strengthen the Fire Control Laws" (H. P. 1913) (L. D. 1899) reporting "Ought Not to Pass"

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

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-625) on Bill "An Act to Equalize the Price of Liquor throughout the State" (H. P. 1918) (L. D. 1895)

Report was signed by the following mem-

bers:

Senator

SHUTE of Waldo

—of the Senate.

Representatives:

STOVER of West Bath
McSWEENEY of Old Orchard Beach
SWAZEY of Bucksport

COX of Brewer

SOULAS of Bangor

TREADWELL of Veazie

PERRY of Mexico

—of the House.

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

Report was signed by the following members:

Senators:

VIOLETTE of Aroostook

CHARETTE of Androscoggin

—of the Senate.

Representatives:

DUDLEY of Enfield

STUDLEY of Berwick

BOISVERT of Lewiston

—of the House.

Reports were read.

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

Mr. COX: Mr. Speaker, I move we accept the Majority "Ought to Pass" Report and would speak briefly to my motion.

The SPEAKER: The gentleman from Brewer, Mr. Cox, moves that we accept the Majority "Ought to Pass" Report.

The gentleman may proceed.

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I will not at this point debate the bill, I will simply explain the bill at this time.

The amendment is now the bill and I will simply read to you the Statement of Fact.

"This amendment provides for a statutory referendum on the issue of equalization of liquor prices statewide. If approved by the voters, this bill will (1) repeal the provisions in the present law allowing operation of a single discount store and provide for review by the 111th Legislature of the price level of liquor, determined in accordance with the Revised Statutes, Title 28, Section 451."

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would ask for a division and would speak in opposition to the gentleman's motion.

As you all know, I am something of a traditionalist and an amateur historian and I have a very strong feeling for history, so I wouldn't feel that everything was in its place if a session passed and we didn't have to deal with a bill to close the Kittery Liquor Store.

Recently, I gave a speech on how Augusta became the State Capital. It took almost a hundred years to stop attempts to have the capital taken out of Augusta, so I can't expect Kittery to be left alone after only about 10 or 12 years.

I have heard for many sessions the arguments against this store, that it is unfair to people in the other parts of the state, that it discriminates against them, so forth and so on. But if you look at it very closely, what is it that really is unfair and discriminates — and I do agree that having the store is unfair and it does discriminate—but what does discriminate and what is unfair in geography. People are angry in other parts of the state because I, living in York, can easily drive over to Kittery and buy liquor cheaper than they can, but they won't be angry if I go across the border to New Hampshire and also buy it at the same price. I suppose I can understand that kind of emotional response, and I, particularly as a politician, can understand why someone would want to vote to cater to those who have real feelings such as that.

Of course, we have a new wrinkle this year, a

referendum, and I can predict now that if this goes out to referendum, it would certainly pass, particularly since the fact would be hidden from the voters that to satisfy their feelings it would cost all of us in Maine two and a half million dollars. Also, who will defend the store? The people down my way will feel, well, if you close the store, we'll just buy our liquor over in New Hampshire at the same price, so why should we bother to go out and fight against the referendum? We would feel if the people of Maine are foolish enough to give up all that revenue, so be it.

Actually, the cost would be more than two and a half million dollars. There would be added to it the cost of the referendum. There will also be the lost sales tax from the businesses in the shopping center where the liquor store is located, and that shopping center will have to close down. Then there will be the remainder of the lease the state has on the property, which I forget, it is probably around 10 years now, maybe around \$100,000.

Of course, we will have less state employees. I don't know how many people would be fired, and that will be partly offset by the cost of unemployment insurance and the lost revenue from income tax.

I do understand, as I am sure the argument will be made, that there are people in Maine who are so angry about the fact that there is a Kittery store that they still go to New Hampshire to buy their liquor, but I really can't buy the logic that to solve that problem we will have everyone go to New Hampshire and buy their liquor.

In our area, we are talking probably about 40,000 people, plus the tourists who come. In York, our population goes up from 9,000 to about 30,000 in the summer, and most of those people who come from Massachusetts and other places do buy their liquor in Kittery, and I'm surprised that it was also not mentioned at the hearings that I was at the large number of New Hampshire people who come over and buy their liquor at Kittery. One day I was actually there and marched a license plate count, and there were more New Hampshire cars in the parking lot than there were Maine cars, and even though all of them were probably not buying at the store, they were spending money in Maine and that of course, we would lose if this bill goes through.

Now, to give you a quick view of what is happening in New Hampshire, as opposed to Maine, New Hampshire started off the year with a deficit and they have had a very difficult time trying to figure out what they are going to do with their budget. The Republican dominated House in New Hampshire has actually voted for a broad-based tax, but the Democratic governor has pledged to veto it, so they are very desperately dependent on their liquor sales. They came up with a new store in Hampden, right on the interstate, trying to get more traffic away from us. They now have credit cards in all of their stores and they have gone to Sunday sales. Still, this is not enough to bail them out, and of course this bill will help them a good deal. In fact, I understand over there on the other side of the border they are calling this the New Hampshire Relief Act of 1982.

I want to make one point about the Kittery store. The Kittery store was not invented by a bunch of self-seekers from southern York County anxious to get liquor at lower prices than the rest of the state. We were already doing that before the store came into existence. It was the inspiration of a Representative from Portland, the late Jack Cottrell, who was seriously concerned about the outflow of Maine money to New Hampshire.

There is a law on the Maine books that says you are not supposed to go over to New Hampshire and buy more than one bottle of liquor and bring it back into the State of Maine, but when James Erwin was Attorney General, he tried to enforce that law, he had a woman ar-

rested who came across the border with a load of liquor and the case was thrown completely out of court, so the law that we have on the books to enforce that is unenforceable.

I, myself, have long advocated plugging more holes on the border. I had a bill in the last time to set up more cut-rate liquor stores along the border; that was defeated. I would even advocate dropping the prices all over the state to the same price as Kittery. That would certainly make more sense than the referendum; it would be giving the people something rather than just an added cost to government.

Those of us who are on the border are not seeking and have not sought any advantage at the expense of the rest of the state. We even have some disadvantages living there. Our merchants particularly suffer because of the sales tax competition with New Hampshire. And I would add again, from a personal point of view it won't bother my pocketbook except to the extent that I will have to share with all of you the lost tax revenue from this particular bill.

It is hard to appeal to reason on an emotional issue like this. I guess the only positive thing the people will be getting out of this bill is a study from the Legal Affairs Committee, and although I am a Democrat and I am supposed to be a free spender, I do think that two and a half million dollars is too high a price to pay for a study and for a fleeting sense of temporary satisfaction.

I urge you to reject the "Ought to Pass" Report.

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

Mr. JOYCE: Mr. Speaker, would it be proper at this time to offer a motion of indefinite postponement of this bill and all its accompanying papers?

The SPEAKER: The Chair would answer in the affirmative.

Mr. JOYCE: I so make that motion. I would also like to request the yeas and nays.

I think already enough has been said.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: Having just become familiar with Title I of the Maine Revised Statute 2601, as we have been discussing some of these issues with the Speaker, this particular bill caught my eye and I think we do have to make decisions here, tough decisions sometimes, and I know from time to time we do send issues out to voters, but I think this one is verging on the absurd.

Part of what is being dealt with in this bill is not only the issue of equalizing the price of liquor throughout the state, but it is also at what point the liquor taxes are going to be reviewed and whether or not we ought to review liquor taxes and I think I would differ, perhaps, with the gentleman from York, Mr. Rolde, that the Legal Affairs Committee might be doing that study. I think the Taxation Committee might be interested in that. But we get to the point that we are sending something out to referendum on whether or not committees are going to review some of our sections of the statutes, especially when it is one that we enacted last year, if you want to get all involved again in the issue of the alcohol premium and that dedicated premium, I think this is absurd.

I would certainly hope that you would support the motion of Mr. Joyce to indefinitely postpone this bill.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the previous two speakers in that I believe that this bill ought to be indefinitely postponed. I do so because I asked myself a couple of questions. First, does it raise any more money? No, it doesn't raise any more money, it loses money. It loses \$2.5 million to the state and, in addition to that, it costs the state whatever it costs to

put out a referendum issue.

Does it stop people from drinking? No, it doesn't stop people from drinking. People who live in southern Maine will go over to New Hampshire and people who come from northern Maine to go to the Kittery store will go to New Hampshire to buy their liquor, just as the people in Kittery will go over there. I can't see that it accomplishes a single thing for the state, not a single thing. Ever since I have been here, we have had this issue of the Kittery store, and I think it is basically done on jealousy. People in northern Maine say, I don't think I should pay more for my liquor than people in Kittery; that is what the basic argument comes down to. But the same people in northern Maine, if they can't go to Kittery, will go to New Hampshire if they are going to buy large quantities of liquor anyway.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I don't think I will involve myself in the emotional arguments. I think Mr. Rolde has presented these arguments in favor of the motion that I made and in opposition to the motion now before the House better than I could.

Very much has been made of this fiscal note of \$2.5 million. This is furnished by the Liquor Commission on the basis of the revenue they would expect to lose from the Kittery store.

The Legal Affairs Committee has in its hands statistics which seem to indicate that a large part of the revenue at the Kittery store is coming not necessarily from New Hampshire but is coming from other liquor stores within the State of Maine, from Portland, Kennebunk, Lewiston — I am pulling some of these names out of the hat because I don't have the list of the towns before me but we had them in the Legal Affairs Committee, evidence that when the price is changed at the Kittery store, the revenue dropped, the aggregate revenue from a number of these stores at the same time dropped in relationship to the increase at Kittery. So, I think we have to take this fiscal note with a grain of salt, a rather large grain of salt.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: As a member of this body for the last several years, I have always supported this measure and I intend to support it again today, but I don't think it is appropriate to place this measure out to public referendum. I would urge you to support the measure and perhaps we could reconsider the referendum aspect of it.

I think it is clear that if this measure did go out to public referendum in November, I think the voters in Maine would pass this particular bill in a minute. But I do think the voters of Maine are getting tired of us sending measure after measure out to referendum and, after all, this is not supposed to be government by referendum but government by elected representatives and our voters are going to have enough referendum issues to deal with on next November's ballot and I just don't think this is one that merits that. I think this is one that we ought to address here on the floor of the House and in the other body on its own merits and act accordingly.

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

Mr. SOULAS: Mr. Speaker, Men and Women of the House: I have been hearing so much about this so-called emotional issue. This is not an emotional issue, this is a pocketbook issue. This costs 90 percent of the taxpayers of this state of Maine, who are subsidizing the other 10 percent of the people in the state of Maine. All we are asking in this bill is that this go out for referendum and the only reason we are asking for it is because we know in the last three sessions this bill failed and will fail again when it gets down to the so-called major-major Appro-

priations Committee.

We are not trying to kid anybody here. All we are trying to do is ask you, in good clear conscience, to allow this to go out to a referendum. So you have a choice today, you can either put this out to referendum through this legislative body, which means "let's bite the bullet" and do it now, or Representative Robert Soulas will be going for a referendum on his own if this fails today.

The SPEAKER: The Chair would advise the gentleman from Bangor, Mr. Soulas, and members of the House, that this bill will be going to the Appropriations Table with or without the clause for a referendum.

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

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: I support the motion that is before us. I come from a border area. I don't think there is a pint of booze bought in the Kittery store from the district that I represent, we are too close to the New Hampshire border. But I still support having the store at Kittery because a great portion of the income that comes into that store does not come from the Maine residents, it comes from out-of-state residents and a lot of them live a lot further from the border than New Hampshire.

In Fryeburg, we had a state store and we lost that state store because there was not enough traffic in that store to warrant keeping such a store and we wound up with an agency store. The reason for that is because we are on the border just like Kittery is. The residents of Fryeburg, just like the residents of Kittery, would go across the border into New Hampshire.

I agree with one of my fearless leaders that this shouldn't go out to referendum for the same reasons that he states, and I think the motion before us will take care of that issue too and I hope you will support it.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I would just address myself to the reasons that have been given here for not sending this out to referendum, and the reasons are that if it goes to referendum, it will pass. So the only reason for us deciding it here is obviously to thwart the will of the people of Maine.

The SPEAKER: The Chair would advise members of the House that now that both sides have discussed the question of referendum, the question of referendum is not before this body at the present time. The question is acceptance of the bill. The referendum is part of Committee Amendment "A", which will be discussed if the motion to indefinitely postpone does not prevail.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: Just common sense tells me that over the last few years the cost of liquor in the State of Maine has increased and I have paid my share for it. If we lose \$2.5 million in that store down in Kittery, what do you think it is going to cost the rest of the state? We are going to make that up. We need that money; we're going to make it up and the cost of your liquor is going to increase. I see no advantage to anybody that lives in the state if you equalize the cost of liquor. It is just a common sense issue.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on

the motion of the gentleman from Portland, Mr. Joyce, that this Bill and all its accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Biddeford, Mr. Norton.

Mr. NORTON: Mr. Speaker, I request permission to pair my vote with the gentleman from Waterville, Mrs. Kany. If she were here and voting, she would be voting nay; if I were voting, I would be voting yea.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Joyce, 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, Baker, Berube, Boisvert, Bordeaux, Boyce, Brannigan, Brodeur, Brown, D.; Cahill, Callahan, Carroll, Connolly, Crowley, Cunningham, Curtis, Davies, Day, Diamond, G.W.; Diamond, J.N.; Dillenback, Drinkwater, Dudley, Erwin, Foster, Fowlie, Gillis, Gowen, Hanson, Hayden, Hickey, Holloway, Huber, Hunter, Ingraham, Jordan, Joyce, Kane, Ketover, Kiesman, Kilcoyne, Lancaster, Lewis, Locke, MacEachern, MacBride, MacEachern, Macomber, Manning, Masterman, Masterton, Matthews, McColister, McPherson, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nelson, A.; Nelson, M.; Paradis, P.; Paul, Pearson, Perkins, Peterson, Pines, Post, Racine, Randall, Reeves, J.; Reeves, P.; Richard, Ridley, Roberts, Rolde, Sherburne, Smith, C.W.; Stevenson, Studley, Telow, Thompson, Tuttle, Walker, Wentworth, Weymouth. The Speaker.

NAY—Austin, Beaulieu, Bell, Brown, A.; Brown, K.L.; Carter, Chonko, Clark, Conary, Connors, Cox, Damren, Davis, Dexter, Fitzgerald, Gavett, Hall, Higgins, L.M.; Hutchings, Jackson, P.T.; Jackson, P.C.; Jacques, Kelleher, LaPlante, Laverriere, Lisnik, Livesay, Mahany, Martin, A.; Martin, H.C.; McGowan, McHenry, McSweeney, Michael, Michaud, O'Rourke, Paradis, E.; Perry, Pouliot, Salisbury, Small, Smith, C.B.; Soulas, Stover, Strout, Swazey, Tarbell, Theriault, Treadwell, Twitchell, Vose, Webster, Willey.

ABSENT—Benoit, Brennerman, Carrier, Gwadosky, Higgins, H.C.; Hobbins, Jalbert, Nadeau, Soule.

PAIRED—Kany-Norton.

Yes, 87; No, 53; Absent, 9; Paired, 2.

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

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

Mr. JOYCE: Mr. Speaker, having voted on the prevailing side, I move that we reconsider and hope you all vote against me.

Whereupon, Mr. Kelleher of Bangor 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. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Joyce, that the house reconsider its action whereby this Bill and all its accompanying papers were indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Beaulieu, Bell, Berube, Brown, A.; Brown, K.L.; Carter, Chonko, Clark, Conary, Connors, Cox, Damren, Davis, Dexter, Fitzgerald, Gavett, Hall, Hutchings, Jackson, P.T.; Jackson, P.C.; Jacques, Kelleher, LaPlante, Laverriere, Lisnik, Livesay, Mahany, Martin, A.; Martin, H.C.; McGowan, McHen-

ry, McSweeney, Michael, Michaud, Moholland, O'Rourke, Paradis, E.; Perry, Pines, Pouliot, Salisbury, Small, Smith, C.B.; Soulas, Stover, Strout, Swazey, Tarbell, Theriault, Treadwell, Twitchell, Vose, Webster, Willey.

NAY—Armstrong, Austin, Baker, Bordeaux, Boyce, Brannigan, Brodeur, Brown, D.; Cahill, Callahan, Carroll, Connolly, Crowley, Cunningham, Curtis, Davies, Day, Diamond, G.W.; Diamond, J.N.; Dillenback, Drinkwater, Dudley, Erwin, Foster, Fowlie, Gillis, Gowen, Gwadosky, Hanson, Hayden, Hickey, Higgins, L.M.; Holloway, Huber, Hunter, Ingraham, Jordan, Joyce, Kane, Ketover, Kiesman, Kilcoyne, Lancaster, Lewis, Locke, Lund, MacBride, MacEachern, Macomber, Manning, Masterman, Masterton, Matthews, McColister, McPherson, Mitchell, E.H.; Mitchell, J.; Murphy, Nelson, A.; Nelson, M.; Norton, Paradis, P.; Paul, Pearson, Perkins, Peterson, Pines, Post, Racine, Randall, Reeves, J.; Reeves, P.; Richard, Ridley, Roberts, Rolde, Sherburne, Smith, C.W.; Stevenson, Studley, Telow, Thompson, Tuttle, Walker, Wentworth, Weymouth.

ABSENT—Benoit, Boisvert, Brennerman, Carrier, Higgins, H.C.; Hobbins, Jalbert, Kany, Nadeau, Soule, The Speaker.

Yes, 54; No, 86; Absent, 11.

The SPEAKER: Fifty-four having voted in the affirmative and eighty-six in the negative, with eleven being absent, the motion does not prevail.

Sent up for concurrence.

Consent Calendar

First Day

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

(H. P. 2030) (L. D. 1996) Bill "An Act to Permit Persons Employed by Games of Chance Licensees as Bartenders to Operate and Conduct Certain Licensed Games of Chance"—Committee on Legal Affairs reporting "Ought to Pass"

There being no objections, the above item was ordered to appear on the Consent Calendar of March 5, under listing of Second Day.

(S. P. 829) (L. D. 1937) Bill "An Act to Amend the Definition of Table Wine"—Committee on Legal Affairs reporting "Ought to Pass"

On the objection of Mr. Kelleher of Bangor, was removed from the Consent Calendar.

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

Consent Calendar

Second Day

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

(H. P. 1735) (L. D. 1720) Bill "An Act to Clarify Certain Provisions of the Public Advocates Statutes" (C. "A" H-621)

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

(H. P. 1825) (L. D. 1807) Bill "An Act to Authorize Governmental Entities to Provide Self-insurance"

On the objection of Mr. Brannigan, of Portland, was removed from the Consent Calendar.

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

(H. P. 2075) (L. D. 2018) Bill "An Act Relating to Maintenance and Snow Removal in Compact Areas" (Emergency) (C. "A" H-620)

(H. P. 1990) (L. D. 1966) Bill "An Act to Reduce Discrimination by Allowing Employees of Local Districts which Participate in the Social Security System the Option of With-

drawal from the Maine State Retirement System.

(S. P. 746) (L. D. 1749) Bill "An Act to Provide the District Courts with Concurrent Jurisdiction over Mechanics Lien Actions" (C. "A" S-394)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was passed to be engrossed as amended in concurrence.

(H. P. 1904) (L. D. 1889) Bill "An Act to Repeal the Maine Bid Preference Law" (C. "A" H-624)

On the objection of Mrs. Beaulieu of Portland, was removed from the Consent Calendar.

Thereupon, the report was accepted and the Bill read once. Committee Amendment "A" (H-624) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(H. P. 1843) (L. D. 1838) Bill "An Act Relating to the Publication of a Consolidated Map of the State" (Emergency) (C. "A" H-623)

On the objection of Mr. Swazey of Bucksport, was removed from the Consent Calendar.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. SWAZEY: Mr. Speaker, Ladies and Gentlemen of the House: As I recall, the last session we raised money for this very thing, and I am just unclear as to what this means. Now it is an emergency act and I thought we had taken care of it in the last session. Could somebody please explain that problem?

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

The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker and Members of the House: The question raised by the good gentleman from Bucksport, Mr. Swazey, in reference to this bill—the last session did not raise any funds for it. The last session merely allocated money from the highway fund and those funds were going to be restored through the sale of the maps. But a difficulty arose in that people from out of state would be charged 25 cents for a map, but the state would have to send them a letter, which would cost them 20 cents, to advise them of this fact, and it would not be very profitable.

A private business firm has expressed interest in doing the map for the State of Maine and distributing same, naturally at a cost. It is a private business venture, and the firm would provide free maps to the Maine Publicity Bureau to send outside the state to tourists who inquire about maps. I hope that the private firm will print a good consolidated map that everyone can benefit by because the tourist industry in the State of Maine is a big business and the simplest and most effective way that we can assist our tourist industry is by providing them with a map that is comprehensive and gives them all the necessary information that one might need. If one should need more detailed information, then one should be able to purchase the same.

I hope I have answered the good gentleman's question on this matter.

Thereupon, the Report was accepted and the Bill read once.

Committee Amendment "A" (H-623) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(H. P. 1921) (L. D. 1903) Bill "An Act Relating to the Compensation of Public Utilities Commissioners" (C. "A" H-626)

On the objection of Mr. Higgins of Scarborough, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-626) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(Off Record Remarks)

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

Bill "An Act to Protect the Atlantic Salmon Fishery in the Lower Penobscot River from Veazie to the Southernmost Point of Verona Island" (S. P. 906) (L. D. 2048)

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

In the House:

The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Conners.

Mr. CONNERS: Mr. Speaker, I don't know the exact procedure, but I would think that this should go to the Committee on Marine Resources. All the other Atlantic salmon bills have gone there.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MACEACHERN: Mr. Speaker, I looked at this bill, and when I first saw it I thought I might like to have it in Fisheries and Wildlife. But I read the bill over, and it doesn't pertain to Atlantic salmon at all, it pertains to the construction of dams on the lower Penobscot River. I couldn't quite fit that into Fisheries and Wildlife and I can't see how we could fit it into Marine Resources. I think we ought to leave it right where it is.

The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Conners.

Mr. CONNERS: Mr. Speaker, I would withdraw my opposition.

Thereupon, the Bill was referred to the Committee on Energy and Natural Resources in concurrence.

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

An Act to Allocate Funds from the Low-level Waste Siting Fund (H. P. 1751) (L. D. 1741) (H. "A" H-617)

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

Later Today Assigned

An Act to Adjust Fees for Licenses issued by the Real Estate Commission (H. P. 1809) (L. D. 1794) (C. "A" H-612)

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

On motion of Mr. Carroll of Limerick, tabled pending passage to be enacted and later today assigned.

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

An Act Amending the Charter of the Boothbay-Boothbay Harbor Community School District (H. P. 1902) (L. D. 1887) (H. "A" H-618 to C. "A" H-611)

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

An Act to Establish the Position of Director of Engineering Within the Public Utilities Commission (H. P. 1789) (L. D. 1779) (C. "A" H-615)

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) (S. "A" S-392 to C. "A" H-605)

An Act to Provide for Special Warehouse Storage Facilities for Liquor (S. P. 828) (L. D. 1936)

An Act to Reduce Burdensome Fees for Businesses Incorporating or Expanding with no Par Value Stock (H. P. 2006) (L. D. 1977)

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.

By unanimous consent, unless previous notice was given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk was authorized today to send to the Senate, thirty minutes after the House recessed for lunch, all matters that required State concurrence.

On motion of Mr. Macomber of South Portland, Recessed until four-thirty in the afternoon.

After Recess 4:30 p.m.

The House was called to order by the Speaker.

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

Bill "An Act to Clarify the 1981 Amendments Relating to the Operating Under the Influence and Habitual Offender Laws" (Emergency) (H. P. 2136) (Presented by Representative Joyce of Portland) (Cosponsors: Senator Devoe of Penobscot and Representative O'Rourke of Camden) (Governor's Bill)

Was referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

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

The following Communication:

State of Maine
HOUSE OF REPRESENTATIVES
Speakers' Office
Augusta, Maine 04333

March 4, 1982

Hon. Ed Pert
Clerk of the House
Maine House of Representatives
State House Station 2
Augusta, Maine 04333
Dear Clerk Pert:

Effective March 4, 1982, I am making the following changes in membership on the Joint Standing Committees:

Public Utilities — Rep. Eugene Paradis will replace Rep. Gordon Cunningham.

Local and County Government — Rep. Mary Small and Rep. Ralph Willey will replace Rep. Eugene Paradis and Rep. Richard Armstrong.

State Government — Rep. Muriel Holloway will replace Rep. Mary Small.

Health and Institutional Services — Rep. Susan Pines will replace Rep. Muriel Holloway.

Election Laws — Rep. Ralph Willey will replace Rep. Meredith Bordeaux.

Labor — Rep. Richard Armstrong will replace Rep. Richard Davies.

Sincerely,

S/JOHN L. MARTIN
Speaker of the House

The Communication was read and ordered placed on file.

(Off Record Remarks)

On motion of Mr. Pouliot of Lewiston, Adjourned until twelve o'clock noon tomorrow.