

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

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FOURTH SPECIAL SESSION

April 28, 1982 and April 29, 1982

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FIFTH SPECIAL SESSION

May 13, 1982

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SECOND CONFIRMATION SESSION

July 16, 1982

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HOUSE

Friday, March 12, 1982

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

Prayer by Father Frank Murray, Chaplain, Maine Medical Center, Portland.

The journal of yesterday was read and approved.

Papers from the Senate Reports of Committees Leave to Withdraw

Report of the Committee on Agriculture reporting "Leave to Withdraw" on Bill "An Act to Provide for Identifying Seed Potatoes" (S. P. 869) (L. D. 2014)

Report of the Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act to Regulate the Sale of Franchises and Business Opportunities" (S. P. 806) (L. D. 1892)

Came from the Senate with the Reports read and accepted.

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

Special Sentiment Calendar

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

The East Branch Snow Rover Club, of East Millinocket, which has been named the number one snowmobile club in the State by the Maine State Snowmobile Association; (H. P. 2166) by Representative Michaud of East Millinocket) (Cosponsors: Senator Pray of Penobscot, Representatives Clark of Millinocket and MacEachern of Lincoln)

Julius Sussman, of Augusta, a recipient of the 1982 Jefferson Award for Outstanding Public Service for the joy he has brought to young, retarded, handicapped and elderly persons through his love of life and dedication to humanity; (H. P. 2167) by Representative Lund of Augusta. (Cosponsors: Senator Ault of Kennebec, Representatives Hickey of Augusta and Paradis of Augusta)

Vena Merrill, of Wiscasset, winner of the Jefferson Award for Outstanding Public Service for greatest public service benefiting local communities; (H. P. 2168) by Representative Soule of Westport. (Cosponsors: Representatives Hobbins of Saco, Davies of Orono and Senator Sewall of Lincoln)

The Garland Street Junior High School's 1981 Girls Soccer Team on winning the Central Division Championship; (H. P. 2169) by Representative Diamond of Bangor. (Cosponsors: Representatives Soulas of Bangor, Aloupis of Bangor and Senator Trotzky of Penobscot)

Ralph Cammack, of Bangor, who has been named to the 1981 Maine Class AA All-State Football Team; (H. P. 2170) by Representative Diamond of Bangor. (Cosponsors: Representatives Soulas of Bangor, Kelleher of Bangor and Trotzky of Penobscot)

Linda Mae Lauer, of Bridgton, who has distinguished herself in her home, her profession and her community, and therefore is included in the 1981 edition of Outstanding Young Women of America; (H. P. 2171) by Representative Jackson of Harrison) (Cosponsors: Senator Sutton of Oxford and Representatives Bell of Paris and Twitchell of Norway)

Paul Bellavance, Mary Jo Thompson and others of the Scarborough Elementary School Unit, for bringing national recognition to the school in arts education and a \$10,000 grant from the Rockefeller Brothers Fund; (H. P. 2172) by Representative Higgins of Scarborough.

Wayne Proctor, of Windham, on attaining the high rank and distinction of Eagle Scout; (H. P. 2173) by Representative Diamond of Windham.

J. Robert Feeley, M.D., of Brewer, for his distinguished career in medical service to the

people of Maine; (H. P. 2174) by Representative Cox of Brewer. (Cosponsors: Senator Devoe of Penobscot and Representative Treadwell of Veazie)

Hollis Ingalls, of Machias, winner of the Jefferson Award for public service; (H. P. 2175) by Representative Randall of East Machias. (Cosponsor: Senator Brown of Washington)

Mae Winslow, of Randolph, the oldest resident of that town, who will celebrate the 100th anniversary of her birth on April 12, 1982; (H. P. 2176) by Representative Weymouth of West Gardiner)

Laura Bouchard, of Caribou, a senior at the University of Maine at Presque Isle and captain of the Womens' Basketball Team, for being the first woman to be named "Athlete of the Month" by the University; (S. P. 917)

Ron Doody, of Fairfield, a senior center on the Lawrence Bulldogs Basketball Team, for reaching the 1000 point scoring mark, only the second person in Lawrence High School history to do so; (S. P. 918)

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

House Reports of Committees Leave to Withdraw

Representative McPherson from the Committee on Transportation on Bill, "An Act Relating to Interstate Signing" (H. P. 1725) (L. D. 1710) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "B" (H-645) on Bill "An Act to provide for the Use of Major Credit Cards at the Kittery Liquor Store" (H. P. 1914) (L. D. 1900)

Report was signed by the following members:

Senators:
CHARETTE of Androscoggin
VIOLETTE of Aroostook
— of the Senate.

Representatives:
SWAZEY of Bucksport
BOISVERT of Lewiston
McSWEENEY of Old Orchard Beach
STUDLEY of Berwick
PERRY of Mexico
SOULAS of Bangor
— 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:
SHUTE of Waldo
— of the Senate.

Representatives:
COX of Brewer
DUDLEY of Enfield
TREADWELL of Veazie
STOVER of West Bath
— of the House.

Reports were read.

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

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

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

The gentleman may proceed.

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: You may note that I am not a signer of the Majority "Ought to Pass" Report, so I will explain why I am moving that report, and I want to make it clear that I will be voting against the report.

I think it would improve our understanding of the bill if we deal with the "ought to pass"

report. I will simply say that if you vote for the "ought to pass" report, you will be voting for people to be able to charge liquor on their credit cards at any state liquor store.

My signature on this report, which is in opposition to my own motion, is not based on any expertise that I have that is greater than that of anyone else in the House. It is based on my personal belief that being able to charge liquor would increase consumption. On that note, I will say that I will simply trust the judgment of this House and respect whatever decision this House makes.

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

Mr. STOVER: Mr. Speaker, Ladies and Gentlemen of the House. I am a signer of the "Ought Not to Pass" report. It seemed rather incongruous to me that here in the State of Maine just last session, and I voted for it, we enacted one of the toughest drunk driving laws, if not the toughest, in the nation. We passed a bill, they call it not a tax but a premium on alcohol to deal with the problems created by alcohol, and at the same time, we have people who would sponsor something that would increase the use of liquor.

There is no question about it, there is a fiscal note on it that sums it right up. I don't know how they came up with the exact figure, but it says \$1,565,000 more would go into the general fund if we pass this bill. That means that much more liquor is going to be sold. However, they didn't mention the fact that if you use credit cards, whoever uses them has to pay for that privilege, which could run somewhere around 3 percent. So we will say that \$30 million worth of liquor was sold on credit cards, it is going to cost the State of Maine \$900,000 just for the privilege of using these cards. I have maintained many times that we don't need to entice business. We have got a monopoly. If they want to buy liquor, there is only one place they can buy it, they buy it at the liquor stores under our control.

We are here to provide it, but we certainly aren't here to promote it, and that is all this does.

We have got a paper called the Coastal Journal and it goes to every house, it is delivered that way because the advertising pays for it, so it has quite a circulation. I won't read the whole editorial, but it says, "The basic reason behind the State of Maine's drink now-pay later scheme is greed. Officials resent the fact that the imbibers of our fair state, a state with one of the highest rates of alcoholism in the nation, buy their liquor next door in New Hampshire." Okay, a good point, but what about the obviously ridiculous nature of the whole thing?

Not too long ago, as I said, we passed one of the toughest drunk driving laws in the nation, and now certain legislators think it would be a good idea to offer credit card sales to promote the sale of more liquor.

I urge you to vote along with me for the "ought not to pass" and I ask for a roll call when the vote is taken.

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

Mr. JACKSON: Mr. Speaker, I would like to pose a question through the Chair. I would like to ask if it is permissible now for credit cards to be accepted in restaurants or bars or whatever the case may be to procure liquor?

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

The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: I don't own a credit card and I don't want one, but the answer to that is yes.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I really can't see how this bill differs from that, then. I have had sev-

eral people approach me in regards to the possibility of these people expending their monies and procuring the liquor and then after their monies are gone using their credit cards. I am sure the same application could be applied in the question that I just asked — that any person could expend their cash and then use their credit cards in restaurants where it might be a little more costly for those people and actually take them to the limit on their credit cards.

I just wonder, if it is good on one hand, why isn't it good on the other hand?

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

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: To answer the question that we just answered about using credit cards — yes, you are allowed to use credit cards at a restaurant, hotels, motels and so forth. That is why I don't think this bill is any different. I think you should vote for this because you are only allowing the people to do exactly what they are doing anyway.

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

Mrs. MARTIN: Mr. Speaker and Members of the House: I haven't spoken yet this year because I haven't found anything to speak on, but I can tell you, I found something on this.

I think you are encouraging people to get drunk, and I think we have got enough drunks. I drink, I drink like anybody else, but I will be darned if I am going to use my credit card to go to Kittery to buy gallons. I think there are more important things in this world to buy with this credit card, if you have one, and I don't have one, I pay cash for everything I have except my clothes, but I will tell you, I think this is a terrible, terrible bill. I can see why Mr. Bubar is against us; he has good reasons.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Gillis.

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: I am opposed to this bill and I am going to vote against the "ought to pass" report. I think the comparison of a credit card being used in a restaurant as compared to using a credit card in the state liquor stores is a little asinine. I think that anybody who uses that argument is really searching for a clue of some sort.

If the State of Maine is that hard up for a few bucks, I think they should find a more legitimate way of doing it, a way in which the homes in this state are not going to be placed in jeopardy.

You can take an alcoholic — and there are more alcoholics sitting here in the State of Maine than are actually known on record, and if he is going out to buy liquor and he runs out of money, he is going to use his credit card whether it is in a liquor store or not. But if he is in a liquor store, he would go whole-hog on this.

I urge you to vote against the "ought to pass" report.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. 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 Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker and Members of the House: I can see the positive side of allowing credit cards to be utilized at Kittery. There are many people who travel through Kittery, tourists from out of state, traveling salesmen, whatever, and it certainly would be an incentive for them to use their credit cards in Kittery, spending money in Maine, as opposed to Portsmouth. However I think we are still compounding the problem of the prices which are lower in Kittery, and we are not ex-

tending the privilege to the remainder of the state — does the amendment include every liquor store in the state?

May I request the Chairman to explain what the amendment does, please?

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

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

Mr. COX: Mr. Speaker and Members of the House: Yes, and I thought I included that in my original remarks, but this does include every liquor store in the state.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Brewer, Mr. Cox, that the Majority "ought to pass" report be accepted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Armstrong, Berube, Boisvert, Brannigan, Brown, D.; Carter, Conary, Fitzgerald, Foster, Gavett, Hall, Hobbins, Huber, Ingraham, Jackson, P.C.; Jalbert, Joyce, Kane, Kelleher, Laverriere, Manning, Masterman, Masterton, McCollister, McSweeney, Moholland, Paradis, P.; Paul, Perkins, Perry, Peterson, Pines, Pouliot, Roberts, Rolde, Soulas, Soule, Studley, Tarbell, Telow, Tuttle, Twitchell.

NAY—Austin, Baker, Beaulieu, Bell, Bordeaux, Boyce, Brennerman, Brodeur, Brown, A.; Brown, K.L.; Cahill, Callahan, Carrier, Carroll, Chonko, Clark, Conners, Connolly, Cox, Crowley, Cunningham, Curtis, Damren, Davies, Davis, Day, Dexter, Diamond, G.W.; Diamond, J.N.; Dillenback, Drinkwater, Erwin, Fowlie, Gillis, Gowen, Gwadosky, Hanson, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Holloway, Hunter, Hutchings, Jackson, P.T.; Jacques, Jordan, Kany, Ketover, Kiesman, Kilcoyne, Lancaster, Lewis, Lisnik, Livesay, Locke, Lund, MacBride, MacEachern, Macomber, Mahany, Martin, A.; Martin, H.C.; Matthews, McGowan, McHenry, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Murphy, Nadeau, Nelson, A.; Nelson, M.; Norton, O'Rourke, Paradis, E.; Pearson, Post, Racine, Reeves, J.; Reeves, P.; Richard, Ridley, Salisbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Stevenson, Stover, Strout, Theriault, Thompson, Treadwell, Vose, Walker, Webster, Wentworth, Weymouth, Willey.

ABSENT—Benoit, Dudley, LaPlante, McPherson, Randall, Swazey, The Speaker.

Yes, 43; No, 100; Absent, 8.

The SPEAKER: Forty-three having voted in the affirmative and one hundred in the negative, with eight being absent, the motion does not prevail.

Thereupon, the Minority "Ought Not to Pass" Report was accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-646) on Bill "An Act to Ensure Consistency in State and Federal Laws Concerning Job Opportunities for Welfare Recipients" (H. P. 1811) (L. D. 1796)

Report was signed by the following members:

Senators:

GILL of Cumberland
BUSTIN of Kennebec

—of the Senate.

Representatives:

NELSON of Portland
MacBRIDE of Presque Isle
KETOVER of Portland
MANNING of Portland
RICHARD of Madison
BRODEUR of Auburn

RANDALL of East Machias
McCOLLISTER of Canton
WEBSTER of Farmington
HOLLOWAY of Edgcomb

—of the House.

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

Report was signed by the following member:
Senator:

HICHENS of York

—of the Senate.

Reports were read.

On motion of Mrs. Nelson of Portland, the Majority "Ought to Pass" Report was accepted.

Thereupon, the Bill was read once. Committee Amendment "A" (H-646) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act Relating to Informed Consent and Determination of Best Interest for those Unable to Give Informed Consent for Sterilization" (H. P. 1543) (L. D. 1660) reporting "Ought to Pass" in New Draft (H. P. 2179) (L. D. 2065)

Report was signed by the following members:

Senators:

DEVOE of Penobscot
CONLEY of Cumberland
KERRY of York

—of the Senate.

Representatives:

DRINKWATER of Belfast
REEVES of Newport
HOBBINS of Saco
JOYCE of Portland
O'ROURKE of Camden
SOULE of Westport
LUND of Augusta
LIVESAY of Brunswick

—of the House.

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

Report was signed by the following member:
Representative

CARRIER of Westbrook

—of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBINS: Mr. Speaker, I move acceptance of the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker and Members of the House: I rise because I am in opposition in this bill. I will not discuss the bill this morning, but I will only ask of you to really read the new draft. I want to especially impress on you one line in the new draft, which is on Page 2, part of Paragraph 2472, the first paragraph on the top of Page 2. It says that the legislature finds and declares that sterilization procedures are generally irreversible and represent potentially permanent and highly significant consequences for the patients involved.

I ask you to consider that over the weekend and also study the bill, study what the proposals are in the bill, and I will be back here next week on second reading.

Thereupon, the Majority "Ought to Pass" Report was accepted, the New Draft read once and assigned for second reading the next legislative day.

Consent Calendar First Day

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

(H. P. 1800) (L. D. 1790) Bill "An Act to Provide a Directional Sign at Exit 11 of the Maine Turnpike Indicating Sunday River Recreation Area"—Committee on Transportation report-

ing "Ought to Pass" as amended by Committee Amendment "A" (H-647)

No objections having been noted, under suspension of the rules, the above item was given Consent Calendar Second Day notification, passed to be engrossed as amended and sent up for concurrence.

Consent Calendar Second Day

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

(H. P. 2070) (L. D. 2011) Bill "An Act to Amend the Medical Practice Act"

(S. P. 842) (L. D. 1965) Bill "An Act to Establish the Cost of the Maine Forestry District in Fiscal Year 1982-83"

(S. P. 792) (L. D. 1868) Bill "An Act to Amend the Charter of the East Eddington Public Hall Company" (C. "A" S-406)

(H. P. 2121) (L. D. 2040) Bill "An Act to Eliminate Discrimination in Cases of Prostitution"

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.

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

Passed to Be Enacted Emergency Measure

An Act to Amend the Uniform Commercial Code Regarding Investment Securities (H. P. 1935) (L. D. 1919) (C. "A" H-639)

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

Emergency Measure

An Act to Establish "Free Look" Requirements for Medicare Supplement Policies" (H. P. 2111) (L. D. 2036)

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, 127 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.

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

Passed to be Enacted

An Act to Permit the Superintendent of Insurance to Promulgate Rules Requiring Provisions in Group Health Contracts Providing for Conversion to Individual Coverage Upon Termination of Group Coverage (S. P. 774) (L. D. 1845) (C. "A" S-405)

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.

Failed of Enactment

An Act Prohibiting Bond Issues of Less than \$2,000,000 (H. P. 1792) (L. D. 1782) (C. "A" H-597)

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

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: This is the measure that we had before us just the other day and it was passed by this body by a slim vote and sent

to the other body and it is now back for enactment. It deals with a prohibition against issuing bond issues that contain items of less than \$2 million.

Over the last several decades, in a list that I have in front of me, we have time and time again in this House and in the other body sent issues out to the voters of Maine to vote on on items that were less than \$2 million. This measure would say, in effect, that this legislature wants to put the state on a sort of automatic pilot, that what we have to say right now ought to effect those people who are going to serve here in the future, and I think that is a mistake, because there were compelling arguments at the time, when these bond issues were sent out, whether it was a docking facility on Matinicus Island or whatever it was, at that time it was the judgment of this legislature that the people of Maine ought to address that issue.

Who are we to say that people shouldn't address those sorts of issues in the future. There will be an argument from somebody who will get up and say—this is a guideline. For goodness sake, we have guidelines all over the place. We have guidelines in November when we face the voters. We have guidelines in the Constitution that say you can't spend more money than you have got. We have an unwritten guideline that says that we are retiring more bonds than we are floating. You don't need that sort of legislation that will limit the ability of this legislature to respond to the needs of the people of Maine.

I think this particular piece of legislation is an absolutely unneeded piece of legislation. If you want to put out a bond issue under this bill in the future for less than \$2 million, you simply put a little clause in that says, "notwithstanding any other provision of the law we will put this out." It is meaningless, it is absolutely meaningless, and I would ask that this body reject this measure in a big vote.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: As I stated Monday when I moved to indefinitely postpone my own bill, and I said you hadn't heard the last of it, I stated that I was not going to take up hours and days on end—I mean, after once that it is for me. But I can't help but make one comment to you. This is the first time that I have been in a session of the legislature that there hasn't been a bond issue before this body, and I am going to tell you why there is no bond issue before this body. There was supposed to be one for \$9 million, and I will tell you why it wasn't put in, for the very simple reason that those people who wanted to sponsor bond issues read the people, and four newspaper editorials have come out for these two measures—this one included. I will tell you why there is no bond issue, because the would-be sponsors of the bond issues have been told by those who wanted them, this is no time to try to pass a bond issue.

I am making a statement here that this is a sound deal. I am making a further statement that there will never be a group bond issue passed by the people of this state. They have finally got wise to themselves.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Vose.

Mr. VOSE: Mr. Speaker, Ladies and Gentlemen of the House: Most of the time I look at bills and I try to figure out what good are they, or sometimes I try to figure out maybe they are bad. I have been looking at this bill and I can't figure out what good it is; yet, I am not so sure it is bad because I don't know who it is going to hurt later on down the pike, so I guess I will have to classify this bill as useless.

I hope you will go along with Representative Pearson.

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

Mr. PETERSON: Mr. Speaker, I ask for a di-

vision.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Vose.

Mr. VOSE: Mr. Speaker, I request a roll call vote.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: It's Friday afternoon and there has got to be a little levity around, and really and truly, I consider the gentleman from Eastport, Mr. Vose, a personal friend, but I can't quite understand him saying "I don't know if this bill is good, I don't know if it's bad, I don't know what I am going to do so I am going to have to call it useless." Would you explain that position to me sometime?

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 and having expressed a desire for a roll call, a roll call was ordered.

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

Mrs. KANY: Mr. Speaker and Members of the House: How useless is a bill like this? What are we trying to do? Perhaps what we are really trying to do is send the message that we should not spend an unnecessary amount of money on interest.

When we have a billion dollar budget a year, as we have for the last three years, perhaps for these smaller amounts we should upfront that money and pay directly with the taxpayers' money. I believe that that is actually what this is trying to provide. It is financial policy, it is trying to make certain that we do not spend an unnecessary amount of money on interest.

I would like to remind you that we are talking about only general obligations of the state of Maine, just general obligations of the state of Maine. The municipalities can still put forth all the general obligations of their municipalities that they want. We still could issue revenue bonds in the name of the state of Maine. We could issue revenue bonds in the name of the Maine State Housing Authority, revenue bonds in the name of municipalities, all kinds of other bond issues. We are just talking about general obligation bonds of the state of Maine, the kind that go out to the voters.

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

Mrs. HUBER: Mr. Speaker and Members of the House: I guess I draw a totally different reaction than the good gentlelady from Waterville on this bill, because in fact what we are saying is that you must have a minimum of \$2 million to put a bond issue out to referendum. I just would like her to think back to the \$1 million bond issue that we passed to help municipalities with solid waste last year. That, in essence, was a pilot project, it didn't have to have a particular dollar amount on it. The fact that it is operating now is helping our towns to cope with solid waste in Resource Recovery, which is a very big problem in this state. This would not have been possible under the \$2 million floor, if you will. In fact, you would have to have a \$2 million bill, which inflates the amount of interest rate over a period of the lesser bond issues.

I agree with the good gentleman from Appropriations and I do feel that he is on the right side this time. I hope you will vote against the bill.

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

Mrs. KANY: Mr. Speaker and Members of the House: In response, there was a question asked if it would have prevented having such a bond issue—of course, it would not have prevented it. The financial policy being recom-

mended here for our statutes, along with a great deal of other financial policy that we have in our statutes, such as transferring from one program line item to another program, setting dollar amounts specifically for the contingency fund of the Governor and so on, the financial policy in that case would have been to appropriate that million dollars directly and save all that high interest.

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

Mr. BRODEUR: Mr. Speaker and Members of the House: When I look at this bill, it appears to me that it goes contrary to what the people of the state of Maine said at the last November election for referendums. They passed at least one bond issue which was under \$2,000,000, but I don't see why we here should say that the people of the state of Maine should not have the opportunity to pass that.

I agree with my colleague from Eastport, Mr. Vose, who says this bill is useless. It is useless for two reasons as I see it. The legislature, at any time, can vote with only greater than one-third vote against a bond issue and I don't see why we have to pass this here right now. The other reason it is useless is that for the reasons that were stated, the legislature can also include a limit on the amount of percent interest they would allow under a bond issue, and it seems this bill doesn't address that policy but just says no, we are not going to have a bond issue, and the \$2,000,000 seems to be very arbitrary.

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

Mr. DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: I have to disagree with my good friend from Auburn, Mr. Brodeur, about what the message of the voters was last November. I think it was pretty clear and I think most of us here recognize the fact that the voters had a great concern about the propriety of issues on the ballot, the length of the ballot and the need for certain items on the ballot. Also, one item that has not really been raised is the expense of certain items on the ballot. This bill that was presented by Representative Jalbert really addresses the question of the need and the expense involved here. We dealt with it quite a bit this past week in looking at some of the bills that Representative Pearson mentioned earlier. The expense of some of these items, a \$300,000 items, for example, would have been more than double that going the route that was proposed in last November's referendum.

We recognized that in committee, the committee worked on coming up with a proposal, a statutory proposal that is flexible enough for us to change if necessary in order to establish guidelines for future legislatures to follow, using that as a reminder that people are concerned about the frivolous use of bonds as a mechanism for borrowing.

I hope this body will support the enactment of this measure. We had a very substantial victory in opposition to a reconsideration motion the other day and I hope you will have just as strong a vote this afternoon.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: The previous speaker indicated that the issues that I cited were earlier bond issues. Just this last year we had one of a million dollars for Resource Conservation and Recovery System, which was passed by the citizens of this state for a million dollars, less than \$2 million.

He also repeated, as I knew he would and others have, the issue of guidelines—this is a guideline, this is a guideline. You know, when I come down here from Old Town and I get on that road and the speed limit says it is 55 miles an hour, it is 55 miles an hour or less and that is not a guideline, that is a law. The citizens of this state are not allowed to treat statutes as

guidelines, I think the citizens of this state are required to obey the law. If we are going to pass a law in here that means anything, let's not do it just as guideline, let's be serious about it.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to answer the question of guidelines. Sure it is a guideline, Representative Pearson, but it is more than that, it is an intention. The legislature is saying to the people of Maine, look folks, we are turning over a new leaf.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: It would be nice if we didn't have to have any bond issue, that would be the best thing I can think of for the state. As long as we do, what in heck are we in here setting a limit for? I have no problem with it, be it \$150,000 up to \$9,000,000. I think it is asinine to set a limit on how much we should be having in a bond issue.

The SPEAKER: A roll call has been ordered. The pending question before the House is on passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Armstrong, Austin, Bell, Berube, Boisvert, Bordeaux, Boyce, Brown, D.; Brown, K.L.; Callahan, Carrier, Chonko, Conary, Curtis, Damren, Day, Dexter, Diamond, J.N.; Dillenback, Foster, Fowlie, Gavett, Gowen, Hanson, Hayden, Higgins, L.M.; Holloway, Hutchings, Ingraham, Jackson, P.T.; Jackson, P.C.; Jalbert, Jordan, Kane, Kany, Ketover, Kiesman, Laverriere, Lewis, Livesay, Lund, Masterton, Matthews, Michael, Michaud, Murphy, Nadeau, Nelson, M.; Paradis, E.; Paul, Perkins, Pouliot, Randall, Reeves, J.; Ridley, Salsbury, Sherburne, Small, Smith, C.B.; Soulas, Stover, Studley, Tarbell, Telow, Thompson, Twitchell, Walker, Webster, Wentworth, Weymouth, Willey.

NAY—Baker, Beaulieu, Brannigan, Brenerman, Brodeur, Brown, A.; Cahill, Carroll, Carter, Clark, Connolly, Cox, Crowley, Cunningham, Davies, Davis, Diamond, G.W.; Drinkwater, Erwin, Fitzgerald, Gillis, Gwadzky, Hall, Hickey, Higgins, H.C.; Hobbins, Huber, Hunter, Jacques, Joyce, Kelleher, Killoyn, Lancaster, Lisnik, Locke, MacBride, MacEachern, Macomber, Mahany, Manning, Martin, A.; Martin, H.C.; Masterman, McCollister, McGowan, McHenry, McSweeney, Mitchell, E.H.; Mitchell, J.; Moholland, Nelson, A. Norton, O'Rourke, Paradis, P.; Pearson, Perry, Peterson, Post, Racine, Reeves, P.; Richard, Roberts, Rolde, Smith, C.W.;

Soule, Stevenson, Strout, Theriault, Treadwell, Tuttle, Vose, The Speaker.

ABSENT—Benoit, Connors, Dudley, LaPlante, McPherson, Pines, Swazey.

Yes, 72; No, 72; Absent, 7.

The SPEAKER: Seventy-two having voted in the affirmative and seventy-two in the negative, with seven being absent, the motion does not prevail.

By unanimous consent, ordered sent forthwith to the Senate.

An Act to Authorize Governmental Entities to Provide Self-insurance (H. P. 1825) (L. D. 1807) (H. "A" H-636)

An Act to Clarify the Statutes Pertaining to Search and Rescue (H. P. 1837) (L. D. 1834) (C. "A" H-632)

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, the foregoing Enactors were ordered sent forthwith to the Senate.

The following papers appearing on Supplement

ment No. 3 were taken up out of order by unanimous consent:

Passed to be Enacted

An Act Concerning Salaries of District Court Judges (H. P. 1869) (L. D. 1863) (C. "A" H-633)

An Act Concerning Look-alike Drugs (H. P. 1882) (L. D. 1875) (C. "A" H-638)

An Act to Provide for a Comprehensive Career and Occupational Information System (H. P. 2015) (L. D. 1985)

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, ordered sent forthwith.

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

Ought Not to Pass

Representative Studley from the Committee on Legal Affairs on Bill "An Act to Equalize the Price of Liquor Throughout the State and to Determine an Appropriate Price Level" (H. P. 1933) (L. D. 1915) reporting "Ought Not to Pass"

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

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

Consent Calendar

First Day

(H. P. 2165) (L. D. 2064) Bill "An Act to Amend the Maine Turnpike Authority Statutes" (Emergency) Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-648)

There being no objections, under suspension of the rules, this item was given Consent Calendar Notification, passed to be engrossed as amended and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following Joint Resolution appearing on Supplement No. 6 was taken up out of order by unanimous consent:

Orders

On motion of Representative Vose of Eastport, the following Joint Resolution: (H. P. 2182) (Cosponsors: Senators Shute of Waldo, Brown of Washington and Representative Connors of Franklin)

JOINT RESOLUTION MEMORIALIZING THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY CONCERNING SARDINE PROCESSING WASTE DISCHARGE LICENSES

WE, your Memorialists, the House of Representatives and Senate of the State of Maine of the One Hundred and Tenth Legislature, now assembled, most respectfully present and petition your Honorable Body, as follows:

WHEREAS, the Maine sardine industry provides vital employment and revenue for the people of the State; and

WHEREAS, current waste discharge licenses for the sardine industry expire this April; and

WHEREAS, failure to renew these licenses with reasonable permit conditions would force some or all of the sardine processing plants to close, causing extreme economic and social hardship; and

WHEREAS, confusion concerning the interpretation of state and federal standards, particularly the categorization of wet or dry processors, may make it difficult to issue revised permits in time for this fishing season; and

WHEREAS, all sardine plants in Maine use water to transport fish within the processing plants; now, therefore, be it

RESOLVED: That We, your Memorialists,

respectfully recommend and urge the United States Environmental Protection Agency to consider all sardine plants in the State of Maine to meet the criteria of the wet processing subcategory under Subpart AB as promulgated in the Federal Register, Volume 70, Number 231, December 1, 1975, for the purposes of renewing waste discharge licenses for this year while the subcategories and effluent limits are reevaluated; and be it further

RESOLVED: That a duly authenticated copy of his Memorial be immediately submitted by the Secretary of State to Mrs. Anne Gorsuch, Administrator of the United States Environmental Protection Agency.

The Joint Resolution was read and adopted and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

Orders

On motion of Representative Vose of Eastport, the following Joint Resolution: (H. P. 2182) (Cosponsors: Senators Shute of Waldo, Brown of Washington and Representative Conners of Franklin)

JOINT RESOLUTION MEMORIALIZING THE MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION AGENCY CONCERNING SARDINE PROCESSING WASTE DISCHARGE LICENSES

WE, your Memorialists, the House of Representatives and Senate of the State of Maine of the One Hundred and Tenth Legislature, now assembled, most respectfully present and petition your Honorable Body, as follows:

WHEREAS, the Maine sardine industry provides vital employment and revenue for the people of the State; and

WHEREAS, current waste discharge licenses for the sardine industry expire this April; and

WHEREAS, failure to renew these licenses with reasonable permit conditions would force some or all of the sardine processing plants to close, causing extreme economic and social hardship; and

WHEREAS, confusion concerning the interpretation of state and federal standards, particularly the categorization of wet or dry processors, may make it difficult to issue revised permits in time for this fishing season; and

WHEREAS, all sardine plants in Maine use water to transport fish within the processing plants; now, therefore, be it

RESOLVED: That We, the Members of the 110th Legislature now assembled, do hereby most strongly recommend the Maine Department of Environmental Protection to renew sardine processors' waste discharge licenses based on the federal standards for wet processors as promulgated in the Federal Register, Volume 70, Number 231, December 1, 1975; and be it further

RESOLVED: That a duly authenticated copy of this resolution be immediately submitted by the Secretary of State to Mr. Henry Warren, Commissioner of the Department of Environmental Protection.

The Joint Resolution was read and adopted and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Mr. Strout of Corinth,
Adjourned until Monday, March 15, at nine o'clock in the morning.