

# 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**

**INDEX**

## HOUSE

Tuesday, March 23, 1982

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

Prayer by Father Ray Richard of the Oblate Fathers Retreat House, Augusta.

The members stood for the playing of the National Anthem by the Gardiner Area High School Band.

The journal of the previous session was read and approved.

#### Papers from the Senate Leave to Withdraw

Report of the Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act Relating to Review of Blue Cross and Blue Shield Subscriber Plans" (S. P. 841) (L. D. 1964)

Report of the Committee on State Government reporting "Leave to Withdraw" on Bill "An Act to Provide for New Home Construction and Development" (S. P. 862) (L. D. 2003)

Came from the Senate with the Reports read and accepted.

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

#### Messages Documents

The following Communication:

**Thaxter Lipez Stevens Broder & Micoeau  
A Regional Law Firm  
One Canal Plaza Portland, Maine 04112  
March 19, 1982**

The Hon. John L. Martin  
Speaker of the House  
State of Maine  
Speakers' Office  
Augusta, Maine 04333

**Re: Commission on Governmental Ethics  
and Election Practices**

Dear Speaker Martin:

Regrettably, I must offer my resignation from membership on the Commission on Governmental Ethics and Election Practices.

I do hope that I will be able to accept an appointment to serve the public interest in the future.

Sincerely,

S/JOSEPH ALBANESE

The Communication was read and ordered placed on file.

The following Communication:  
State of Maine

**Department of Environmental Protection**

March 17, 1982

THE HONORABLE JOHN MARTIN

Speaker of the House  
House of Representatives  
State House  
Augusta, Maine 04333

Dear Speaker of the House Martin:

I am submitting herewith the annual report of the Commissioner of Environmental Protection to the Legislature in accordance with the action of the Legislature in enacting Public Law 478 requiring that I report yearly regarding the status of "Hazardous Waste Management."

As you are aware, P. L. 478 has been effective only since September 1981. Because of this fact, it was not possible to obtain all information necessary to completely satisfy the requirements of the law. I felt it would be appropriate, however, to offer a report outlining the status of the data collection and monitoring program to January 1, 1982.

Sincerely,

S/HENRY E. WARREN, Commissioner  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION

The Communication was read and with accompanying report ordered placed on file.

The following Communication: (H. P. 2226)  
**Maine State Compensation Commission**

State House Augusta Maine 04333

March 18, 1982

Honorable Joseph Sewall, President of the Senate

Honorable John L. Martin, Speaker of the House of Representatives  
State of Maine 110th Legislature

Dear Mr. President and Mr. Speaker:

We herewith transmit to you the report of the Maine State Compensation Commission. It contains findings and recommendations on legislative, constitutional officer and legislative staff compensation in accordance with the mandate of Public Law 498 of the 110th Legislature and your requests.

The Commission also considered your request to review and make recommendations on compensation for the Governor. We could not address that issue in time for a report to this session of the Legislature and recommend that it be referred to the next Compensation Commission.

We appreciate the privilege you afforded us in undertaking the work of the Commission. We could not have fulfilled our responsibilities without the invaluable assistance of Mr. Kenneth Allen, Executive Assistant to the Speaker, who served as principal staff to the commission, and Mr. William Garside, Administrative Director of the Legislature, who contributed from his wealth of experience and knowledge. As noted in the report, we also gained from the services of the State Planning Office and the State Department of Personnel. We were grateful for the testimony and information provided by legislators, constitutional officers, legislative staff and private citizens.

We are prepared to discuss the report with you and your colleagues.

Sincerely,

S/DONALD E. NICOLL,  
Chairman, Portland

John Grant, Bangor; Wallace Haselton, Augusta

Robert Smith, Bath; Rand Stowell, Dixfield

The Communication was read and with accompanying Report ordered placed on file and sent up for concurrence.

#### Orders

On motion of Representative LaPlante of Sabbatus, the following Joint Order: (H. P. 2180)

ORDERED, the Senate concurring, that the Joint Standing Committee on Local and County Government report out a bill to adjust the salaries for Knox and Hancock Counties for 1981.

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

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Representative Higgins of Scarborough, the following Joint Order: (H. P. 2225)

ORDERED, the Senate concurring, that the Joint Standing Committee on Taxation report out a bill or bills to amend the Maine Income Tax Law to reflect recent changes in the United States Internal Revenue Code.

The Order was read.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: This being a new day of a new week, I would like to present this order. You will recall that this is in fact the same amendment to the order that I presented on the calendar — in front of this body on Friday — it is my intention to submit this order and for us to vote up or down on it and at this time I would like to ask for a roll call, Mr. Speaker. Once this is done and we get through the process, and hopefully it will be adopted, if it is not, however, I will withdraw my amendment to Representative Post's order that is laying on the table pending a ruling of the Chair, only because we have dealt with this order, it cannot be brought up before us again. Once the House

disposes of an issue, it can't be brought up without suspension of the rules and all that sort of thing.

I feel it is important to deal with the issue, and this is why I have brought it on the calendar today as an order in and of itself rather than an amendment to an order that we already have before us.

I think the issue of a tax cut, a cut in taxes for the people of the State of Maine, is important enough that we deal with it without the emotionalism and without the partisan nature of the happenings of last week.

I offer it here today because I know I am going to be disputed on this, but it is my feeling that this order is in fact a compromise, is in fact a broad enough title, it is a broad enough directive to the Taxation Committee that we can all agree with it. I had it drafted in such a way that it is my feeling that the committee can report out — and it says, in fact, can report out a bill or bills, they can have 13 bills if they want, but I think it is important that we deal with the subject now and not wait until later rather than write tax policy here on the floor of the House by trying to devise and play games with how an order is specifically drafted. I think that is the business of the committee and not the business of the floor of this House to try to go around and circumvent what we have committees for.

It says "bill or bills" and it says "amend." It doesn't say "comply." That is broad enough in my opinion so that we aren't in fact writing a bill here that can't be amended on the floor of the House. The latitude is here and it is obvious if you vote against this, you are just simply not interested in talking about, in any way, complying or conforming or amending our tax laws with the federal tax laws. The burden that that is going to place on the people of the state is infinite.

I know a lot of us file our taxes on April 15, but there are many, many people who have fiscal years and they file their taxes on uncommon times of the year. If we don't pass something now that makes them aware of how they are going to deal with their tax law, then I think we are missing the boat and a lot of people are going to suffer.

With that, Mr. Speaker, I would ask for the yeas and nays on this and I would hope that we could pass this order on today and dispose of this issue once and for all.

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

Mrs. MITCHELL: Mr. Speaker and Members of the House: I appreciate the spirit in which the Minority Leader has presented his order, but I think it is wise for the House to stop and think for just a moment about whether or not there is any real latitude for the committee on an issue such as this.

It is not that we are trying to write tax policy on the floor of the House but, indeed, for the past few days we have been acting as a committee of the whole and we have been debating the issue. Unfortunately, this tax policy has been written a few miles away, down south in Washington, and our only options, really, are to pick and choose among the myriad kinds of proposals that they have made.

But the one thing I would like to remind this House of, we came in December and passed these items last year, and at that time both parties agreed that our information was insufficient, that we were not willing to put this on our books permanently, and we all agreed to a sunset clause on it. Unless someone can point out to me otherwise, I don't know of any new information that has come to us since last December and Congress is in the same troubled state that it was in then. We do not know the facts, and though the Minority Leader has suggested that people are going to be in such a hardship if we don't pass this bill, I suggest they will be in a greater hardship if we pass this bill and come back in special session and

renege and take back some of the things that we promised them.

It seems to me that it is more prudent, it is more cautious, it is more in the tradition of the Maine Legislature to proceed in a fair and even-handed manner and to not promise something which we cannot deliver. We should wait until we have the score, we should wait until we can afford this item, we should wait until we know what Congress is really going to let the business community and the other people who might be receiving these tax issues receive.

We can come back; we are talking about tax year 1982. It can be done, people can file amended tax returns, and I am suggesting that it is unwise to rush foolishly in. It is the same debate we have had before, so I hope that you will vote against passage at this time. It is not to kill "tax relief" but rather to behave in a wise and prudent manner and to give tax relief when you can really mean it and when it can be there for the Maine people.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: The gentlelady from Vassalboro very eloquently stated that last December this legislature dealt with the issue, and I believe did so in a responsible fashion, but it reminds me of an old saying that I hear in my district many, many times, and that is — "what the Maine Legislature giveth, the Maine Legislature can turn around and take back." And unless we pass this order today, which I believe has been presented in the finest of fashions, a compromise, if you will, which does give us latitude, unless we pass this today, basically we will have reneged to the Maine people, we will have said to them, "we are going to take from you another \$10 million." Basically, that is what the issue is.

We gave them the break last year, and unless we pass this order, we are taking that break away. So if we don't pass this, the Maine people will be saddled with a \$10 million tax increase.

I urge you to vote for the order.

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

Mrs. MITCHELL: Mr. Speaker and Members of the House: I think it is very important for you to note that if we don't pass this today, we are not taking away \$10 million worth of tax relief. This bill can be passed anytime up until December, as we did last time, so let's not confuse the arguments.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I haven't gotten involved in this until now, but it reminds me of some of the issues we have talked about in past years.

This particular House has, without qualms, passed tax breaks for Pratt-Whitney, Stolls Electric, Central Maine Railroad, Martin Marietta and the Bath Iron Works. Everytime we do this, we say we would like to do something for the small businesses in Maine, and this is a small business state, most of our businesses are. Here is something concrete that has been done for these businesses. If we don't do something now, we are putting ourselves in the position where most of these small corporations are going to have to maintain a double set of books, their tax years end before the legislature is going to get around to having a special session to address this. They are going to have to maintain those until that point. I think it is time we did something for the small business in Maine, and this is something that we can do.

If you will look ahead, Maine is hoping to have some other businesses come in. We talk about Superior Mining in Aroostook County, we talk about a lot of these things. If we do not pass this, these companies are going to have to look at their tax write-offs and they are going to give some real thought to whether they are going to come into this state at all. I think it is

the time to do it now.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I will be brief in my response. First of all, the issue of the reneging on something has popped its head up, and I don't believe we are reneging on anything down the road. I think we are looking at a situation here where if a number of the members of the committee feel that one proposal ought to be brought forth, they can bring out a bill, if somebody else thinks that the bill ought not to pass, they can sign out "ought not to pass." If we want to amend and do what the gentlelady from Owl's Head, Mrs. Post, was talking about doing the other day, then they can bring out a bill to say that down the road.

The latitude here is necessary, and it is obvious, I think, by the intent, but the issue of reneging on anything is just not pertinent in my opinion.

If anything at all happens in Washington, as some of the "doomsdayers" were talking about here on Friday, I think you will see that perhaps the tax cuts that were given may be taken, as the gentleman from Livermore Falls, Mr. Brown, was taking about, may be taken back, and if that happens, then the amount of money that it will cost the state to pass this one will be somewhat less than the \$10 million that we have been given as an estimate right now. I think that anybody who follows the scene in Washington knows that that is a fluid situation down there and that they change daily or weekly, depending on the mood of the Congress, and to say that we are going to have to renege on something, I think is unfortunate. I think that they are going to, if anything, tighten up the laws and therefore benefit us here in the sense that that \$10 million may be cut back to others.

I think the gentleman from Yarmouth, Mr. Jackson, hit on a great point. We have talked so much in this House about doing something for Maine businesses, the communities in this state, that I think it is atrocious not to at least consider this bill now. We have somehow gotten onto the business community, we seem to have centered on corporations here, but there is another \$6 million that is going to go to individual taxpayers that unless we adopt something, some order or some bill, they are not going to be talked about, and that is each and every one of us, because everybody here in the State of Maine is affected by the tax cut in Washington, and if we don't somehow adopt our tax code to theirs, then we are penalizing the people out there in the state to the tune of \$6 million, and the small business community to the tune of \$4 million.

So, it just seems obvious to me today, I will say it again, if you are in favor of even discussing the issue during this season, you will vote for this, and if you are not interested in discussing the issue in this session, and you're willing to go back home to your people and say, well, I think we ought to wait, then you will vote against it, but I think that is a poor maneuver and I think anything else that is brought in before this body that resembles reporting a bill out of committee is just shadowboxing, that is all we are doing, we are playing games.

If you want to get serious about passing the issue, at least addressing the issue, never mind passing it, seriously addressing the issue, then you are going to have to vote for this. I don't see any other way out of it.

In closing, I will just say, by postponing the decision on this until later, down the road, as others have suggested that we do, my question then is, where do we get the dollars? Where does the money come from? If we spend every nickel we have got right now, before we adjourn, where are you going to come up with \$10 million to fund this thing? Then the excuse is going to be, well, we haven't got the \$10 million to take the place of the \$10 million tax cut that

we are going to give the people of this state. We are going to be in one heck of a pickle. One way or the other, you are going to have to deal with this issue at some point in time, and if there isn't any money left, I think you are putting yourself in a bad spot, so I hope you will support the order today.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would urge all of you, Democrats and Republicans alike, to reject this order this morning and just for one basic, simple, honest reason—if this House had any conscience at all, and the other body, we would go into recess for maybe 20 or 25 days to find out where we are financially.

The good floor leader over in the corner, my friend and colleague in this House, knows full well that we haven't got the money right now for this very issue that he is putting before us. He is painting a rosy picture for the small businessmen in this state, but I think he is attempting to pull a hood over the eyes of all the people of this state in terms of trying to urge us to pass this order this morning.

I honestly don't know where we stand financially, and I don't think anybody else does. The monies that we are paying out over in the tax office on the income tax, as I understand it to be, is running above normal. If we had any conscience at all in this body and the other body, we would recess, we would postpone any action in here, including dealing with the budget, to find out where we are and determine our financial situation.

I urge the House to reject this order this morning, not on the arguments that he supposes the Democrats in this House are arguing on, just on good business sense. We are going to come back here again, I believe, later on this year, but even so, in this House no way do we know where we are financially at the moment, right today. We haven't got the money, we are going to be lucky if we can fund the appropriations bill that is downstairs based on the estimates that we have got at the moment. I would urge all my colleagues, Democrats and Republicans alike, to reject the order, and do it in a businesslike fashion, not be brought down on your knees by the political advantages that this may seem to be at the time, attractive to the businesses of this state. We all want to help the businesses of this state, but we want to know in good conscience what business we are doing here, and, believe me, we would be irresponsible if we supported this order, the order that has been tabled and that other item that may be discussed later on this morning.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I think Representative Higgins gave some of the very reasons why we should vote against this order today. He said, and I will not quote him exactly but it seems to be pretty much the same words, that Washington may, in fact, repeal some of the provisions of the new tax law they gave. They may tighten up, so the fiscal note may, in fact, be less.

The way our system works is, we can't say, okay, Washington, we will just automatically go along with whatever you want to do in the next year. Thank God that is the way our system works.

What we do is, we can adopt the changes that are in place at any point in time. If we adopt these provisions now, all these provisions now, including the tax leasing benefits and the ACRS for corporations, in order for us to get rid of that, even after Washington has said it was a mistake, we made a mistake, in order for us to get that off our books, we would have to come back into session and we would have to pass a law to do it.

Now, I see no overwhelming reason to incorporate what almost everyone agrees was a mistake made in Washington into our tax law

and then putting ourselves into the position that it will stay there unless we come back into session and repeal it.

The Representative from Yarmouth mentioned that we are going to have a very terrible situation and that we are going to be noncompetitive with our business industry if we don't pass some of these tax incentives along, these same tax loopholes, I guess, if you will, along as other states do.

First of all, many, many states across the country are not adopting these changes automatically as they have in the past. Secondly, I think anybody who has looked for any period of time at what tax incentives actually mean to businesses agree that they mean very little. They are good publicity and that is about it. When a company decides where to move, the decisions are made on such things as energy costs, transportation, labor costs in some instances, such as Bald Mountain, certainly the resources that are available there, they are not made on the taxes.

Something that came across our desks yesterday, which was from the Council of State Planning Agencies, which recently published another incentives are a public investment, they will influence only a tiny proportion of new investments in any state.

In contrast, if the amount of time state legislatures spend debating tax incentives and the effect of taxes upon investments was redirected toward other areas, substantial progress might then be made.

I would ask you to vote against this order which I would ask you to support which adopts or which would direct the Taxation Committee to adopt for this year those changes which benefit individuals, partnerships and Subchapter S corporations that say no to the loophole that Washington passed for accelerated cost recovery system for larger corporations.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Bangor, Mr. Kelleher, mentioned the fiscal situation of this state that we are in right now and suggested that we even recess to see how the revenues are going to be coming in. He did mention that the income tax and sales tax are coming in as pretty much expected, but I would direct your attention to the revenue figures for the month of February, and you will see that one area where the revenues have not come in as expected is in the corporate income tax. That is down, to date, to the sum of \$7,147,678. The only other area where we are way down is also in insurance company taxes, which is down almost a million dollars. That is the first point I would like to make.

The second point I would like to remind you of, that the Constitution of the State of Maine does mandate that we have a balanced budget. Unlike in Washington, we cannot go into deficit spending, and, of course, the present budget that has been put forward by the Administration does call for close to a hundred billion dollars in deficit spending, and people in Washington are very concerned about the effect that it will have on the economy.

I just want to mention a third point. I spoke to one of my bankers yesterday. He said that unless something is done in Washington, the prime rate next year will be 25 percent, so I suspect that something will be done in Washington, and it is much more prudent to defeat this order and wait and see what will happen.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I didn't realize that we had a legislative document in front of us that we were passing this morning; we are debating the issues, we are not debating the fact that maybe this piece of legislation ought to go to a committee for a public hearing and be reported out and have the debate ensue after

completing that process.

There have been three or four points that I have listened to this morning that sort of interested me. I think probably the one most important thing that concerns me and has been brought to light—I am wondering if we should take a look at this joint order and the context of it, if it is important enough to be considered and compete in this legislative session with other documents which carry an appropriation. I submit to you that I believe that it is because it does affect every person in this state, not only businesses, it affects taxpayers.

I haven't heard yet or received any information from Washington yet that they have admitted to a mistake in passing the Tax Recovery Act. When that happens, then we should address that problem.

Another thing that was brought up this morning, many states do not have their tax laws follow up and down with the federal laws. I submit there are several states in this nation that don't have state income taxes, so that could be appropriate.

I think another thing is that has been evidenced, that we should take a good, strong, hard look at what we are doing. It has been indicated that the state might not have the funds to pass \$10 million. I don't think that is what we are asking here this morning. I think all we are asking is that this Joint Order be submitted to the Taxation Committee and have them report out bill or bills bringing our laws into conformity with the federal laws. It doesn't have to mean that they have to follow the ACRS or some of the other things that have been noted this morning.

But it seems to me that we ought to give this piece of legislation the opportunity to have a public hearing and have the public debate right here in this chamber, as well as in the other chamber, and let it compete on the same ground that we are going to let other appropriation measures compete. Regardless of whether we have the funds presently or we are going to have them in the future, that decision will be made when we debate that piece of legislation here on this floor.

I would hope this morning that my colleagues in this body would let the legislative process continue with this Joint Order and have it reported to the Committee on Taxation and have the Committee on Taxation report out their documents in the pleasure that they would like to see this passed or enacted.

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

Mrs. BERUBE: Mr. Speaker and Members of the House: I don't view this as a partisan issue, and I hope no one in this body so views it.

I will be supporting the order simply because I greatly respect the ability of the Taxation Committee to make a good recommendation.

I will also be doing it for two reasons, the first of which is that it is my understanding that Maine is only one of six states in this country that cannot make this decision administratively. It is also my understanding that close to 40 states have already equalized their tax code with the federal.

My second reason is that as you look at the financial sheet for the month ending February 28, you will notice that there is a \$9.8 million unexpected additional revenues which stems from the income tax. As you well know, everytime someone has a salary or wage increase, they fall into a higher bracket, and I think this is not being forthright with the people of this state, and if they are the ones giving us a \$9.8 million additional, unexpected income for the period ending February 28 of this year, I don't think it is so much to ask to give them a chance at getting a little bit of this tax break.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mrs. Erwin.

Mrs. ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: Last week, I intended to get up to speak, but I didn't want to delay the

debate on the floor, but I would like to make some comments today with regard to the income taxes.

I agree with the gentlewoman from Owl's Head, Mrs. Post, and the gentlewoman from Vassalboro, Mrs. Mitchell, that we should wait to see what they are going to do in Washington. They need to clean up their act down there. I think they have made some drastic mistakes with the Economic Recovery Act.

I don't believe there is a state in this whole United States that has conformed totally with the income tax laws of the federal government. The State of Maine certainly hasn't. Contradicting what Mr. Tarbell from Bangor said last week that we totally conformed last December, we did not. We did not accept the \$400 exclusion for interest and dividend income. And the gentleman from Harrison, Mr. Jackson, stated what we totally conformed; there are a couple of incidents where we don't. The State of Maine does not allow averaging income to the citizen; the federal government allows you, if you have a substantial increase in your income, to average over a period of five years. Another credit that is not allowed by the state is the investment credit given to the businesses by the federal government. I think we need to wait and take a long, hard look at this before we decide upon it.

Mr. Higgins of Scarborough was granted permission to speak a third time.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from York, Mr. Rolde, talked about \$7 million, the tax income that the state is receiving from the business community is \$7 million in arrears, so to speak. I guess I would submit to you that perhaps they need a little bit of a tax break to help them on their way. It doesn't appear that they are thriving quite as well as some people would have you believe.

There has been a lot of talk about us not wanting to conform right now with everything that is going on in Washington, and yet daily we are finding a bill coming across our desks to conform ourselves with the welfare laws, we have talked about conforming ourselves on block grants, and despite what the gentlewoman from Owl's Head has said about not wanting to—somehow twisting my words around about a fluid situation in Washington, I still think when we talk about conforming our laws, we talk about conforming them for a time certain and we are able to amend those at any time in the future if we so desire, there is no question about that.

I think the big issue here that somehow we have overlooked is, do we or do we not want to even talk about the issue now? The gentledady from Owl's Head, Mrs. Post, has an amendment which I assume, since she intends and has introduced it, that she is in favor of it. All I am saying is, and I think all this body here should be saying is, if you want to discuss the issue now, whether it be just one portion of the program or all portions of the program, in order to at least discuss it you have got to have the matter in front of us, and the only way you can bring that matter in front of us is to vote for this order.

If the gentledady wants to purport that we can vote for her order, I would submit to you that that doesn't give the House the latitude that it needs to deal with the issue and I am opposed to that. It just seems to me that we ought to have the latitude to deal with either all the issue or none of the issue, one way or the other. It doesn't seem fair for a certain group to say, well, some of us are important but the rest of us aren't quite as important.

One last thing I would say is that if the gentleman from Bangor, Mr. Kelleher, is concerned about us not having the money now, then I know for sure we aren't going to have it later. I think if we want to seriously discuss the issue, it has got to be done in this session before we adjourn, or we are going to be facing a fur-

ther decision down the road on a hope and a prayer, a hope and a prayer that we get extra revenues over and above our estimates, and I don't think that is acting in good conscience, in good faith with the people of the state. We either deal with it or we don't.

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

Mrs. HUBER: Mr. Speaker and Members of the House: I, too, hope you vote for this order. I would just like to lay out the figures one more time so that everybody is perfectly clear. We are talking about a \$10 million lack of a cut, or a tax increase if you will, by not considering the issue. We are talking somewhere around \$2 million in extra administration, paid for by the taxpayers of Maine and, in addition, I don't know how many of you read something called Maine Today, I think it was the January issue, a former colleague of ours, Frank Carter, a respected CPA, put a price tag of \$12.5 million for tax preparation if we do not conform. That will be paid by every taxpayer who files personal or corporate income tax in the state. I hope you consider those figures when you vote.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I will not be supporting the order presented before this House presently. The bulk of our income tax surplus comes from the individual income tax, the people who pay the income tax, the individual, not the corporations. The corporations, as a matter of fact, are down. The proposal before us would give \$4 million to the corporations, and I honestly don't believe that it would be the small business people, I just don't believe it; it would be the big corporations.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: It bothers me to no end to see a bill of this nature considered on a political basis.

First of all, I don't think we should act on tax things until we find out what the federals are going to do—that is my personal belief. But I also believe that all the vehicles should be before the Taxation Committee so they could properly discuss it, and possibly from that the Taxation Committee would learn a little more about economics.

From my talking with them, I assume that there are an awful lot of us in this House that know very little about economics, and I would be the first to admit that I was one of them, but I do know that after these factories in my area or your hometown move out and you stand around and wring your hands, it's too late. It is an economic reason why they went. Everyone that I have known that has moved out of the State of Maine, it was an economic reason why they left.

Some people in the federal government recognize this, they recognize that accelerated depreciation allows them to get new machinery and compete with places that have given us a hard time like Sweden, Japan and some of these countries. Even Canada is doing more than we are in this particular area. If we don't do something about it on the state and federal level, somewhere down the line the individuals aren't going to be paying any taxes either because they get it for working for some corporation. If the corporation moves out, your income from individuals is going to go down too.

If you were to have a little study on economics, what is going on in Sweden is a good example, we just had some new paper machines brought into the State of Maine that came from Sweden, a lot of our new automobiles are coming from Japan and other places, and if we are not willing to let our industry have accelerated depreciation, even our utility companies—we are paying more for electricity than we should be, but we haven't allowed them to accelerate depreciation. The water that we use in my town was put in in 1923 and they are obvi-

ously, in my eye, obsolete. If there are other industries in the same boat in the State of Maine, we soon aren't going to have any. We have got to do something. If there is some other idea that will work better so that they can have new machinery, I will buy that too. But I am aware that if we are going to keep any industry in the State of Maine, they have first got to have modern machinery. Most of the shoe factory equipment is old too. I don't care what line of business you are in, there has been nothing done about it in the last few years, not enough anyway so that these other countries—we used to be the leaders in technology and new machinery and speeding up production, but we are not anymore. We have been lagging, we haven't let them have the proper depreciation or we haven't made the proper amount of money available to them. Canada makes money directly available from the government, so they are giving us a hard time now, but they weren't until recently.

I would hope to see all these bills go to Taxation, be properly discussed and then come before the House. I am not anxious to pass either one because I think it is a little premature. We should wait and see what the federal does. But at least I think they should all go there and something of this nature shouldn't be political and shouldn't be talked about in that light. It bothers me to think that anything this important would be discussed as being political.

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 passage of the Joint Order, House Paper 2225. All those in favor will vote yes; those opposed will vote no. This requires a two-thirds vote of all those present and voting.

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

Mr. SOULAS: Mr. Speaker, I wish to pair my vote with the gentleman from Biddeford, Mr. Racine. If he were here and voting, he would be voting no; if I were voting, I would be voting yes.

#### ROLL CALL

YEA—Aloupis, Armstrong, Austin, Bell, Berube, Bordeaux, Boyce, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Chonko, Conary, Connors, Cunningham, Curtis, Damren, Davis, Day, Dexter, Diamond, G.W.; Dillenback, Drinkwater, Dudley, Foster, Gavett, Gillis, Gowen, Hanson, Higgins, L.M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, P.T.; Jackson, P.C.; Jordan, Kiesman, Lancaster, Lewis, Livesay, Locke, Lund, MacBride, Macomber, Masterman, Masterton, Matthews, McPherson, Murphy, Nelson, A.; Norton, O'Rourke, Paradis, E.; Paul, Pearson, Perkins, Peterson, Pines, Randall, Reeves, J.; Salisbury, Sherburne, Small, Smith, C.W.; Stevenson, Stover, Strout, Studley, Tarbell, Telow, Treadwell, Twitchell, Walker, Webster, Wentworth, Weymouth, Willey.

NAY—Baker, Beaulieu, Benoit, Boisvert, Brannigan, Brennerman, Brodeur, Carrier, Carroll, Carter, Clark, Connolly, Cox, Crowley, Davies, Diamond, J.N.; Erwin, Fitzgerald, Fowlie, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Laverriere, Lisnik, MacEachern, Mahany, Manning, Martin, A.; Martin, H.C.; McColister, McGowan, McHenry, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Paradis, P.; Perry, Post, Pouliot, Reeves, P.; Richard,

Ridley, Roberts, Rolde, Smith, C.B.; Soule, Swazey, Theriault, Thompson, Vose, The Speaker.

ABSENT—Jalbert, Tuttle.

PAIRED—Racine-Soulas.

Yes, 80; No, 67; Absent, 2; Paired, 2.

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

#### Special Sentiment Calendar

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

The Lewiston Blue Devils' Hockey Team for their winning of the State Class A Hockey Championship; (H. P. 2201) by Representative Jalbert of Lewiston. (Cosponsors: Representatives Telow of Lewiston, Boisvert of Lewiston, Nadeau of Lewiston, Berube of Lewiston, Pouliot of Lewiston and Senators Charette of Androscoggin and Minkowsky of Androscoggin)

Dr. Donald S. Skilling, of Old Orchard Beach, selected Citizen of the Year for 1982 by the Old Orchard Beach Historical Society; (H. P. 2205) by Representative McSweeney of Old Orchard Beach.

Bangor High School Girls' Basketball Team for winning the Eastern Maine Class A Championship; (H. P. 2206) by Representative Tarbell of Bangor. (Cosponsors: Senator Trotzky of Penobscot, Representatives Aloupis of Bangor and Diamond of Bangor)

Frank and Ida Bruno, of Hebron, who have been selected as the Oxford County Outstanding Conservation Farmers; (H. P. 2207) by Representative Bell of Paris. (Cosponsor: Senator Trafton of Androscoggin)

The Wells Junior High School Girls' Basketball Team for winning its first invitational tournament; (H. P. 2208) by Representative Wentworth of Wells. (Cosponsor: Senator Hichens of York)

Robert L. Littlefield, who is retiring after 12 1/2 years as Town Manager of Wells; (H. P. 2209) by Representative Wentworth of Wells. (Cosponsor: Senator Hichens of York)

State Deputy Richard D. Blanchard, the officers and members of the Maine State Council of the Knights of Columbus on the 100th anniversary of the founding of that order by Rev. Michael J. McGivney; (H. P. 2210) by Representative McHenry of Madawaska. (Cosponsors: Senator Conley of Cumberland, Representatives Theriault of Fort Kent and Clark of Millinocket.)

The USS Stephen W. Groves, which will be commissioned on April 17, 1982; (H. P. 2211) by Representative Michaud of East Millinocket. (Cosponsors: Senator Pray of Penobscot, Representative MacEachern of Lincoln and Representative Clark of Millinocket)

Paul Savoie, of Boy Scout Troop #190 of Madawaska, for successfully attaining the high rank and distinction of Eagle Scout; (H. P. 2212) by Representative McHenry of Madawaska.

The Cape Elizabeth Boys' Hockey Team for winning the State Class B Ice Hockey Championship; (H. P. 2213) by Representative Masterton of Cape Elizabeth. (Cosponsor: Representative Boyce of Auburn)

Presque Isle High School, which was runner-up in the Aroostook County Telequiz; (H. P. 2214) by Representative Lisnik of Presque Isle. (Cosponsor: Representative MacBride of Presque Isle)

Dewey Wyatt, a member of the Greeley High School Swim Team, who set a new state record in the 200-yard breast stroke; (H. P. 2215) by Representative Dillenback of Cumberland. (Cosponsor: Senator Huber of Cumberland)

The Greeley High School Boys' Swim Team, coached by Bill Pullis, which won the 1982 State Class A Swimming Championship; (H. P. 2216) by Representative Dillenback of Cumberland. (Cosponsor: Senator Huber of Cumberland)



Lee Jay Feldman, of Auburn, who has been named to the National Association of Intercollegiate Athletics Alpine All Star Ski Team for 1982; (H. P. 2217) by Representative Boyce of Auburn.

State Senator Nancy Randall Clark, who was named the 1982 Woman of the Year by the Brunswick Business and Professional Womens Club; (H. P. 2220) by Representative Martin of Brunswick. (Cosponsors: Representatives Mitchell of Freeport and Livesay of Brunswick)

Dr. Myrna Bouche, a well-known educator and Maine poet, for a decade of service to higher education in Down East Maine as an Associate Professor of English at the University of Maine at Machias; (H. P. 2221) by Representative Randall of East Machias. (Cosponsor: Senator Brown of Washington)

Fred Ricker, of Turner, who attended his 75th consecutive meeting of the town, March 13, 1982; (H. P. 2222) by Representative Callahan of Mechanic Falls. (Cosponsors: Senator Ault of Kennebec and Representative Lewis of Auburn)

Ralph and Irene Griffin, of South Windham, on their 50th wedding anniversary; (H. P. 2224) by Representative Diamond of Windham)

Dale Andrews, State Commander of the Maine AMVETS, and his wife, Myra Andrews, State President of the AMVETS Auxiliary; (S. P. 940)

Edward and Virginia Brown, of Greenville, on the occasion of their 50th wedding anniversary, April 2, 1982; (S. P. 939)

James and Edith McGrath, of Brownville Junction, who will celebrate their 40th wedding anniversary on June 5, 1982; (S. P. 938)

Gladys Newman, of Lakeview Plantation, who has been elected to a 42nd term of office as town clerk, for her outstanding record and distinguished service to that community; (S. P. 937)

Delia Rodrigue, of Sanford, recipient of the Jefferson Award for her work on behalf of Camp Waban; (S. P. 936)

Joe Graziano, of Lisbon, who has earned a statewide reputations of serving the finest Italian cuisine and has been selected as Business Man of the Year by the Lisbon Chamber of Commerce; (S. P. 933)

The Stags of Cheverus High School, winners of the State Class A Boys' Basketball Championship for the academic year 1981-82; (S. P. 935)

The Stags of Cheverus High School, winners of the Western Maine Class A Boys' Basketball Championship for the academic year 1981-82; (S. P. 934)

The Bangor High School Lady Rams, winners of the State Class A Girls' Basketball Championship for the 1981-82 academic year; (S. P. 941)

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

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

Representative Mahany from the Committee on Agriculture on Bill "An Act to Repeal the Control of Milk Prices at the Wholesale and Retail Levels" (I. B. 3) (L. D. 1935) reporting "Ought Not to Pass"

Representative Paradis from the Committee on Public Utilities on Bill "An Act to End the Use of Nuclear Power for Producing Electricity in Five Years" (I. B. 4) (L. D. 1989) reporting "Ought Not to Pass"

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

#### Leave to Withdraw

Representative Davies from the Committee on Public Utilities on Bill "An Act to Amend the Charter of the Strong Water District" (H. P. 1971) (L. D. 1946) reporting "Leave to With-

draw"

Representative Weymouth from the Committee on Public Utilities on Bill "An Act to Prevent Utilities from Excessive Recovery of Costs of Electric Plants in which they have Cancelled or Abandoned Participation" (H. P. 2052) (L. D. 1998) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

#### Ought to Pass in New Draft

Representative Pouliot from the Committee on Business Legislation on Bill "An Act to Amend the Law Establishing the Maine Self-insurance Guarantee Association" (H. P. 1810) (L. D. 1795) reporting "Ought to Pass" in New Draft (H. P. 2223) (L. D. 2082)

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

#### Ought to Pass

##### Pursuant to Joint Order H. P. 1846

Representative Curtis from the Committee on Local and County Government pursuant to Joint Order H. P. 1846 reporting a RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1982 (Emergency) (H. P. 2218) (L. D. 2080) asking leave to report that the same "Ought to Pass"

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

#### Ought to Pass

##### Pursuant to Joint Order H. P. 1846

Representative Curtis from the Committee on Local and County Government pursuant to Joint Order H. P. 1846 reporting a RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Franklin County for the Year 1982 (Emergency) (H. P. 2219) (L. D. 2081) asking leave to report that the same "Ought to Pass"

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

#### Divided Report

Majority Report of the Committee on Energy and Natural Resources reporting "Ought to Pass" on Bill "An Act Concerning the On-Site Storage of Spent Nuclear Fuel" (H. P. 1928) (L. D. 1911)

Report was signed by the following members:

Sensors:

McBREAIRTY of Aroostook  
REDMOND of Somerset

—of the Senate.

Representatives:

DAVIES of Orono  
MICHAEL of Auburn  
JACQUES of Waterville  
HALL of Sangerville  
HUBER of Falmouth  
MITCHELL of Freeport

—of the House.

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

Report was signed by the following members:

Senator:

O'LEARY of Oxford

—of the Senate.

Representatives:

DEXTER of Kingfield  
KIESMAN of Fryeburg  
AUSTIN of Bingham  
MICHAUD of East Millinocket

—of the House.

Reports were read.

On motion of Mr. Hall of Sangerville, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed and 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:

(S. P. 850) (L. D. 1983) Bill "An Act to Equalize Health Insurance Benefits for Retired State Employees" — Committee on Aging, Retirement and Veterans reporting "Ought to Pass"

(S. P. 738) (L. D. 1723) Bill "An Act to Address the Potential Conflict of Interest of the Board of Pesticides Control" (Emergency)—Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (S-409)

(H. P. 2159) (L. D. 2059) RESOLVE, Authorizing the Commissioner of Marine Resources to Convey an Easement over Certain State Land—Committee on Marine Resources reporting "Ought to Pass"

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

(H. P. 2071) (L. D. 2012) Bill "An Act Creating the Housing Opportunities for Maine (HOME) Program Funds Appropriated by this Act to the Maine State Housing Authority"—Committee on State Government reporting "Ought to Pass" (Representative Holloway of Edgecomb - Abstained)

On the objection of Mr. Webster of Farmington, was removed from the Consent Calendar.

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

(H. P. 2086) (L. D. 2028) Bill "An Act Enabling the Department of Educational and Cultural Services to Administer the Education Block Grant Program"—Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-668)

(H. P. 1908) (L. D. 1897) Bill "An Act to Make Additional Allocations from the Regulatory Fund, Public Utilities Commission for the Fiscal Year Ending June 30, 1983" (Emergency)—Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-669)

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

#### Passed to Be Engrossed

Bill "An Act to Create a State Set-aside System for Petroleum Products." (H. P. 2088) (L. D. 2022)

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

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I wish that some member of the committee that dealt with this bill might be able to inform the House what the bill does. I had intended to read it over the weekend and have not had a chance, so I wish someone might explain to the House the purpose of this bill.

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

The Chair recognizes the gentleman from

Fryeburg, Mr. Kiesman.

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: Back after the 1973 fuel shortage, we had a set-aside program in the state that allowed the Governor to declare a shortage that would implement a set-aside program which would allow for the mandatory allocation of fuel supplies throughout the state, would require the distributors, where they have a large supply, to reallocate some of those supplies to other parts of the state. This had a sunset and it did expire.

What this does is put that mechanism back on the books. It would only take effect when the Governor declared an emergency of sorts and then it would allow the Governor to require the distributors to make available up to 5 percent of their stocks for reallocation throughout the state so those areas where maybe they had absolutely no heating oil at all could have some of the excesses that might be down on the coast close where it was unloaded into the bulk storage tanks.

I think it is safe to assume that the distributors are not going to truck it if they can get the same price close to the tanks that they would if they had to move it several hundred miles.

This does have a sunset requirement in the law. I believe that it is 180 days, after which it would take an act of the legislature to continue it. It merely puts some emergency powers on the books to take care of reallocation of fuel if it should be required and it does have some sunsets and controls on it so that it can't be mis-handled.

Thereupon, the Bill was passed to be engrossed and sent up for concurrence. (Later Reconsidered)

#### Tabled and Assigned

Bill "An Act to Amend the Child Support Laws" (H. P. 2184) (L. D. 2070)

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

On motion of Mr. Hobbins of Saco, tabled pending passage to be engrossed and tomorrow assigned.

#### Passed to Be Engrossed

Bill "An Act to Clarify and Make Corrections in the Inland and Fisheries and Wildlife Laws" (H. P. 2200) (L. D. 2079)

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

Mr. MacEachern of Lincoln offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-670) was read by the Clerk and adopted.

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

#### Amended Bills

Bill "An Act Excluding Wages of Certain Temporary Alien Workers from Unemployment Compensation Tax" (H. P. 1972) (L. D. 1947) (C. "A" H-664)

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

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: While we debated this bill somewhat last week, I feel that we are making a mistake if we are to pass the bill in the current condition it is in.

Those of you who are familiar with the issue and for those of you who are not, I will recap just briefly—this bill would exempt employers in the apple industry that employ Jamaican labor from having to pay the unemployment tax. The rationale for this was the fact that we do not have a reciprocal agreement with the government of Jamaica that would allow the Jamaican laborers to collect unemployment once there is not more work for them here.

Just to digress for one moment, it is my feeling that the state department should negotiate

a reciprocal agreement with the Island of Jamaica. Far too long our relationship with the Island of Jamaica has been strained beyond belief. This step in that direction would certainly go a long way in smoothing relations but that particular thing is beyond this body.

What I happen to feel, however, is that we are dealing with an issue that is within our reach and that is the issue of the concept of the Unemployment Compensation Fund. Many of you know that the fund is in trouble.

Now, while the amount that we are talking about is not a great deal, I should point out that the concept of the Unemployment Fund is a shared pooled concept. That is, all the employers of the state pay into the fund so that there would be some insurance and some wages for those employees when they are laid off and it is the responsibility of all the employers. By making a new exemption in this area, we get away from that concept and I feel that is wrong.

The bill simply exempts, as it is amended right now, employers who hire Jamaican labor for apply picking and only apple picking. If an employer wanted to hire a Jamaican laborer and use him in another area, even without the current reciprocal agreement they still have to pay the unemployment tax. We should not be making such a narrow exemption.

Reference was made to another exemption that we brought up here and passed earlier this session—I refer to Shared Fishermen's Bill. I would like to point out that that dealt with people that were getting paid part of the catch or being paid fish in lieu of a salary or wage and it seemed ludicrous to put a tax on the fish that was being paid out to these people. That particular exemption would not apply if any of these people were getting income in the form of a salary, wages or money, so let's make that very clear.

I feel that we should not make this narrow exemption at this time. I feel that by not making this exemption, I do not feel that the industry would be hurt, it is not that much money, I think it is the principle of keeping the shared pooled fund and I would like to move now for indefinite postponement of the bill and I would ask for a division.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I will ask you to stick by the decision you made last Friday, which was not to indefinitely postpone this bill. I think it is very important to remember that the apple industry has never paid into the unemployment program for the Jamaican workers. This state set a precedent several years ago; they have been exempted right along so that there is no loss to the fund and what we are looking at right now is to maintain that exemption and to make it come into compliance when the federal government acts on the bill they have before them. I guess I am asking you to keep the positions we had last week.

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

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: I find it rather odd to hear the argument that we have an unemployment insurance fund, a pool if you will, and therefore the apple growers should pay into it whether they can receive any benefit or not. I think that would be the same as saying that everybody in the State of Maine should buy auto insurance whether they own an automobile or not because the auto insurance industry also works on a pool concept. Maybe those who don't own a house should buy house insurance, fire insurance, because the fire insurance company policies work on a pooled concept. So the mere fact that here is a way of pumping some more money into the insurance pool doesn't stand up if there can't be a recipient to receive from it that which is being paid into it.

The SPEAKER: The Chair recognizes the

gentleman from Madawaska, Mr. McHenry.

Mr. McHENRY: Mr. Speaker, I would like to pose a question through the Chair. Could anyone answer why, if these people were exempt in the past, why do we need a bill today?

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

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: Because the federal exemption, I believe, ended January 1, 1978. It is now still before the Congress, it is bogged down in an omnibus bill and some portions of that omnibus bill are not in a committee of conference. The concern is that the Washington action may not be timely for the apple industry to begin asking for the agreement to bring in the Jamaican workers in a timely manner, which would distress the apple picking season which is a very tight kind of thing that they have to do. The Bureau of Labor has to give permission. They have to begin their action in filing for it. They challenged the UC tax assessment, had a hearing before the Maine Employment Security Commission to get permission to go ahead and do the necessary paper work they needed to do and we felt that maybe it was timely, upon their request, to make our statutes to reflect this exemption in our statutes, so they could meet their deadline.

The SPEAKER: The Chair will order a vote. The pending question is the motion of the gentleman from Portland, Mr. Baker, that this Bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

10 having voted in the affirmative and 77 in the negative, the motion did not prevail.

Thereupon, the Bill was passed to be engrossed as amended and sent up for concurrence.

Bill "An Act Relating to Assignment Risk Plans in Workers' Compensation Insurance" (H. P. 1995) (L. D. 1971) (C. "A" H-659)

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

#### Passed to Be Engrossed Emergency Measure

An Act to Revise the Education Laws (S. P. 897) (L. D. 2042)

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

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

Mr. CONNOLLY: Mr. Speaker, Members of the House: Since the time that the new draft of this recodification of Title 20 had come out of committee, several individuals and representatives of educational organizations around the state have contacted legislators and members of the Education Committee pointing out what seemed to them to be apparent errors or omissions in the recodification work of the Education Committee. We have reviewed all those criticisms that have been pointed out to us up to this point in time. Several of those criticisms were not valid at all and it merely required the committee pointing out to those individuals where the new section of the law applied and that satisfied those criticisms.

There were, however, several instances where some mistakes were made, where cross-references were made between the old law and this bill, where words may have been left out or were left out. In every instance where the committee has been able to identify an error or an omission, we have prepared the appropriate language to include in the Education Errors Bill which is still before the Education Com-



mittee.

The Education Committee will hold its final work session on the errors legislation this Tuesday. All the people who have spoken to us so far and have a problem with the bill have been invited or are in the process of being invited to come to that work session. One of the major criticisms, the one that seems to have aroused the most passion in people, was the section of the old law that dealt with respect to the flag and remembrance of veterans or people who have served in the Armed Services. In the recodification, we did not change the intent of that section at all; however, we did condense the language. But because of the criticism or the objections that were pointed out by several people, including representatives of veterans organizations, we will take the language as it appears in the current Title 20 and not change that at all and put that into the Errors Bill, so that the language as it appears in the law now will say in the new Title 20, or 20A as it will be called, once it goes into effect.

It is my understanding that once the bill leaves this body today and goes to the other body, it will be tabled pending final enactment there until the time the Education Committee is able to meet on Thursday and review any other errors or omissions that have not yet been pointed out to us.

It has not been the intention of the Education Committee to make any substantive changes at all in this recodification. In a bill of this size however, it is inevitable that there will be some small mistakes that will be made, and up to now every one that has been pointed out to us has been dealt with and the people who pointed out those criticisms have said that they have been satisfied with the way that we intend to handle it.

So I would hope at this point that this body would enact the legislation and then, as I said, I understand it will be tabled in the other body pending final enactment until the final errors workshop is held by the Education Committee.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: The Education Committee Chairman is very correct. Our committee broke into subcommittees, we worked all throughout the summer and fall. At every one of our public, open meetings, representatives of the Teachers Association, the Superintendents Association and the department were present. At any time that any one of those three organizations felt that there was a possible change in the meaning of that law, that was left alone, left in its original language.

What you have before you, almost a 400-page document, is a product from 1954 when it was last recodified through today. It has been a very active 30-year period. And if you are awed by the size, I think those of you who have been here the last two or three decades have contributed to the size of that statute.

There was an open invitation to all parties to participate, to observe and comment, and many have done so. There is an investment of a full year and \$53,000 in this study, and our only route that we can go in terms of some of these errors and omissions is through that errors and omissions bill. To reprint this document, putting in those few insertions, would be approximately \$10,000, so we would urge you to pass this as an enactor today and we will pick up any items that you point out through the errors and inconsistencies bill.

The SPEAKER: The Chair recognizes the gentlewoman from Rumford, Mrs. Erwin.

Mrs. ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to go on record as being one of those persons that would object as a veteran with regard to the law relating to respect of the flag, and the remembrance of veterans who have served their country in the armed forces being left out of the recodification of the Education Laws.

As I have been assured by the chairman, I would hope that it is tabled in the other body, so I will go along with it as long as I am assured of that.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I do have some concerns with this L.D. Some things have been brought to me as late as yesterday that there are substantial changes in the L.D. from the former legislation.

I do agree that there has to be something completed with getting everything into line so everybody knows where to look and find what they desire to find, but I also have a question about passing this today and then moving it down to the other body where they are supposedly going to table it. I feel very much safer when I have got a bird in the hand than two in the bush.

I would hope that somebody would get up and table this today pending the outcome of the hearings or further deliberations of the Education Committee so we will have an opportunity to take a look at those amendments that they are going to submit on an errors bill from the Committee on Education.

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

Mr. ARMSTRONG: Mr. Speaker, I would like to pose a question through the Chair to the Chairman of the Education Committee, Representative Connolly.

I have in my town a christian school and I got besieged with calls this weekend and I really haven't had a chance to read the bill, but these people that called me are very concerned with the change of a few words in the new recodification. They tell me that in the old laws where the word "private school" appeared, under the new recodification it has been changed to "state approved private schools." Apparently, they felt this jeopardizes their existence somewhat. Is this something the committee has considered or is it something that is going to be considered by the committee this coming Thursday?

The SPEAKER: The gentleman from Wilton, Mr. Armstrong, has posed a question through the Chair to the gentleman from Portland, Mr. Connolly, who may respond if he so desires, and the Chair recognizes that gentleman.

Mr. CONNOLLY: Mr. Speaker and Members of the House: In response to the question, it was something that the committee did consider, or the subcommittee that was working on this particular section did consider. The criticism or objection that seems to be raised is whether or not state approval for private schools or christian schools in particular is being required now as part of this recodification and it wasn't something that was required previously. We have not made any changes in that at all. The same type of approval that was required under the existing Title 20 Education Laws are the same type of approval that is required under this legislation. However, if some of those people are not completely satisfied with the precise language that appears in the revision, in the recodification, then we obviously would take that up at the work session on Thursday.

The SPEAKER: The Chair recognizes the gentleman from Veazie, Mr. Treadwell.

Mr. TREADWELL: Mr. Speaker, I request a roll call.

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 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 passage to be enacted. This being an emergen-

cy measure, it requires a two-thirds vote of all the members elected to the House. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Aloupis, Armstrong, Baker, Beaulieu, Benoit, Berube, Boisvert, Boyce, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, D.; Cahill, Carroll, Chonko, Cox, Crowley, Davies, Day, Diamond, G.W.; Diamond, J.N.; Dillenback, Erwin, Fitzgerald, Foster, Gowen, Gwadosky, Hall, Hanson, Hayden, Hickey, Higgins, H.C.; Hobbins, Huber, Jackson, P.T.; Joyce, Kane, Kany, Kelleher, Ketover, Kiesman, Killoyne, LaPlante, Laverriere, Lisnik, Locke, MacBride, MacEachern, Macomber, Mahany, Manning, Martin, A.; Martin, H.C.; Masterton, Matthews, McCollister, McGowan, McHenry, McSweeney, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, A.; Nelson, M.; Norton, Paradis, P.; Pearson, Perkins, Perry, Peterson, Pines, Pouliot, Richard, Ridley, Rolde, Small, Smith, C.B.; Soulas, Soule, Swazey, Telow, Theriault, Thompson, Vose, Walker, Wentworth, Weymouth, Willey, The Speaker.

NAY—Austin, Bell, Bordeaux, Brown, K.L.; Callahan, Carrier, Carter, Clark, Conary, Connors, Connolly, Cunningham, Curtis, Damren, Davis, Dexter, Drinkwater, Fowlie, Gavett, Gillis, Higgins, L.M.; Holloway, Hunter, Hutchings, Ingraham, Jackson, P.C.; Jacques, Jordan, Lancaster, Lewis, Livesay, Masterman, McPherson, Michaud, O'Rourke, Paradis, E.; Paul, Post, Randall, Reeves, J.; Reeves, P.; Roberts, Salsbury, Sherburne, Smith, C.W.; Stevenson, Stover, Strout, Studley, Tarbell, Treadwell, Twitchell, Webster.

ABSENT—Dudley, Jalbert, Lund, Racine, Tuttle.

Yes, 93; No, 53; Absent, 5.

The SPEAKER: Ninety-three having voted in the affirmative and fifty-three in the negative, with five being absent, the motion does not prevail.

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

Mr. CONNOLLY: Mr. Speaker, having voted on the prevailing side, I move that we reconsider our action whereby this bill failed of enactment, and I further move that this be tabled one legislative day.

Thereupon, on motion of Mr. Connolly of Portland, tabled pending the motion of the same gentleman to reconsider and tomorrow assigned.

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

#### Finally Passed Emergency Measure

RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands Being Classified under the Maine Tree Growth Tax Law (H. P. 2194) (L. D. 2074)

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

#### Tabled Unassigned

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1982 (H. P. 2196) (L. D. 2075)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. On motion of Mrs. Mitchell of Vassalboro, tabled unassigned pending final passage.

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

#### Passed to Be Enacted

An Act to Ensure Consistency in State and Federal Laws Concerning Job Opportunities for Welfare Recipients (H. P. 1811) (L. D. 1796) (C. "A" H-646)

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.

An Act Relating to Informed Consent and Determination of Best Interest for those Unable to Give Informed Consent for Sterilization (H. P. 2179) (L. D. 2065) (H. "A" H-650)

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

Miss Carrier of Westbrook 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 passage to be enacted. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Aloupis, Armstrong, Baker, Beaulieu, Bell, Benoit, Boisvert, Bordeaux, Boyce, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Chonko, Clark, Conners, Connolly, Cox, Crowley, Cunningham, Curtis, Damren, Davies, Davis, Day, Diamond, G.W.; Diamond, J.N.; Dillenback, Drinkwater, Erwin, Fitzgerald, Foster, Fowlie, Gavett, Gowen, Gwadosky, Hall, Hanson, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Huber, Hutchings, Ingraham, Jackson, P.T.; Jacques, Joyce, Kane, Kany, Kelleher, Ketover, Kiesman, Lancaster, LaPlante, Laverriere, Lewis, Lisnik, Livesay, Locke, MacBride, Macomber, Manning, Martin, A.; Martin, H.C.; Masterton, Matthews, McCallister, McGowan, McHenry, McPherson, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, A.; Nelson, M.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Paul, Pearson, Perkins, Perry, Pines, Post, Randall, Reeves, J.; Reeves, P.; Richard, Ridley, Roberts, Rolde, Salisbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soulas, Soule, Stevenson, Stover, Studley, Swazey, Tarbell, Telow, Thompson, Treadwell, Vose, Walker, Webster, Wentworth, Weymouth, Willey.

NAY—Austin, Berube, Carrier, Carroll, Carter, Conary, Dexter, Dudley, Gillis, Hunter, Jackson, P.C.; Jordan, Kilcoyne, MacEachern, Mahany, McSweeney, Peterson, Pouliot, Strout, Twitchell.

ABSENT—Hayden, Jalbert, Lund, Masterman, Racine, Theriault, Tuttle, The Speaker.

Yes, 123; No, 20; Absent, 8.

The SPEAKER: One hundred twenty-three having voted in the affirmative and twenty in the negative, with eight being absent, the bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

An Act to Amend the Charter of St. Mark's Home in Augusta (H. P. 2192) (L. D. 2072)

An Act to Amend the Charter of Coburn Classical Institute (H. P. 2193) (L. D. 2073)

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.

#### Orders of the Day

The Chair laid before the House the following matter:

Bill, "An Act to Regulate the Harvest of Antlerless Deer Within the Western Deer Zone" (H. P. 1754) (L. D. 1744)

Tabled—March 19 by Speaker Martin of

Eagle Lake.

Pending—Ruling of the Chair on Germaneness of Committee Amendment "A" (H-653)

Mr. Brodeur of Auburn requested permission to withdraw his request for a ruling from the Chair, which was granted.

The SPEAKER: The Chair recognizes the gentleman from Island Falls, Mr. Smith.

Mr. SMITH: Mr. Speaker, I would request a ruling of the Chair on the germaneness of Committee Amendment "A".

The SPEAKER: In answer to the gentleman from Island Falls, Mr. Smith, in the request for a ruling on the germaneness, the Chair would rule in this fashion — the thrust of the bill deals with antlerless deer. The amendment proposes to do the same thing; therefore, the Chair will rule that the amendment is germane.

The Chair recognizes the gentleman from Island Falls, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I signed against this bill because I believe it is a bad bill. The fish and game club from my area opposes this bill. You have heard of stories about farmers losing cows that were shot for deer, horses and sheep, ponies, yes, even dogs shot for deer. Now they want you to be sure the deer has horns or you don't shoot it. This would be impossible. Field hunting, this is possible, but in woods hunting it would be impossible to detect if a deer had horns or not.

If this passes and a deer is shot, what do you think will happen? Will they tell the warden that they made a mistake and pay the fine? What would you do? The shorter season is the best approach, which I support and clubs of my area support.

I would move the indefinite postponement of Committee Amendment "A" and would ask for a roll call.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman who just addressed the issue in the House kind of defeated his own purpose. He said something about killing cows, pigs, dogs, and cats and everything else and if you are required to see if there are horns on them, there are very few cats and dogs that have antlers. If we pass this bill, it certainly would make it much less apt to happen that cows and pigs and things would be getting shot.

Secondly, I have a lot of clubs in my area that opposed this bill when we first put it out in its original form and they opposed it very strongly. I spent a lot of time convincing them that the new draft of the bill is something else that can be lived with.

As I said on the floor the other day, this is a very restrictive piece of legislation at this time. It is permissive, it gives the commissioner the authority, after a hearing, to take certain sections of the state and impose an antlerless rule in those areas, the areas that need it, the areas where the herd is down. It is restricted to three years, it sunsets itself after three years. He must hold hearings within the precincts that he is going to use the law before it can be implemented and the public must have some input into it. He must consult with the Advisory Council before he institutes this. He does it on the advice of the biologists who work in the area.

I don't think anybody has any question but what there are some areas in the state of Maine where we have a problem with the deer herd. Nobody wants to make a statewide bucks only law, that would be ridiculous in the state of Maine. In my area, we don't need it but someday we might, and with legislation like this, it is possible that some sort of biological control could be had. The only control that the commissioner at the present time has is to shorten or close the season and that hasn't worked. He has tried that in the past and the other commissioner has tried it in the past. It

just doesn't work because it crowds everybody up into the adjacent areas and puts an extra pressure on those as far as hunting goes.

I hope you don't kill this amendment, I think it is a very good amendment. The committee spent a lot of time on this bill and we had lots of compromises among the committee members. The bill is 100 percent supported by Sportsmen Alliance of Maine. It is 100 percent supported by the Fisheries and Wildlife Department, and it is unusual that all of these groups can get together and agree on something but this time we have, and I think we ought to give this a try.

The SPEAKER: The Chair recognizes the gentleman from Island Falls, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I don't believe I said cats and dogs have horns. What I am saying is that if you cannot tell a cow from a deer, it is pretty hard for those hunters to determine whether a deer has horns or not, that is what I am saying. I think it is quite clear that many people who shoot deer in the woods cannot identify a deer, saying it does have horns.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I just want to tell you what my people would tell me when I get back home. They will say, you people keep jacking up the price of our license, up and up and up, and you keep putting powers into the commissioners hands that you should be holding. He restricts us as to how many deer we are going to shoot, when and how and what time of day is the next move. My people just don't like this. It is too much restriction and gives too much power to the commissioner.

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

Mr. DAY: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Smith from Island Falls, I have been deer hunting for over 40 years. I have hunted in Pennsylvania and New Jersey and since 1958 here in the state of Maine and I have not shot a doe. 850,000 licensed hunters go into the woods in Pennsylvania and they take either one or the other and I certainly think that Maine people are capable of that kind of woodsmanship and sportsmanship.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mrs. Erwin.

Mrs. ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: Just a very brief statement. I was one of the members of the committee who voted "Ought Not to Pass" on this bill and I would like to have on record that a number of my constituents' concern was that there would be many does left in the woods because people would not want to go to the warden and tell him that they had shot a doe and pay the fine. And also, they had mentioned that if it was "bucks only," that they would prefer a longer season because it would take them longer to get their kill.

The SPEAKER: The Chair recognizes the gentleman from Millinocket, Mr. Clark.

Mr. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: I also signed the bill out "Ought Not to Pass". I have a large group in Millinocket, "The Fin and Feather Club," the Department went to Millinocket, tried to convince my "Fin and Feather Club" to support the bill and they could not.

I would be in favor of a shorter season or eliminate the season altogether. I would not be in favor of a buck season for the state of Maine. I feel, as some of the people do in the House, that it would be a waste of some of the deer herd that we have. A lot of people would shoot the deer, if there is a law, they would be wasted into the woods. In the area that I come from and the large terrain that I have, it would be almost impossible to determine if the deer does have horns. You will know it is a deer when you do shoot the animal but by vision of horns, I think this would be a wasted bill, so I would like to go on record on this bill, on the amendment

"ought not to pass" and hope we kill it.

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

Mr. DEXTER: Mr. Speaker, Ladies and Gentlemen of the House: This is the first time that I have risen this year and I am not going to say that I am sorry to oppose my good friend from Rumford, Mrs. Erwin, I am glad to be here. I am a cosponsor of this bill. As I said to the committee when I testified, this bill in its present form is not a good bill, but after due consideration, I must admit the committee came out with an excellent idea.

I am reminded of the time when I was a young fellow and working for an older farmer — this is before child labor laws — there were several of us kids and we had one boy that wouldn't work and finally the old fellow said to him, "Do something, if it ain't right" and that is what we have got to do today with our deer herd.

I have watched it go down and down, I have heard all kinds of blame put on the woodsmen everywhere. Finally, we have a vehicle here that maybe will address the problem; it also has a sunset.

Whatever happened to the idea of sport? You tell about leaving the dead does in the woods. Frankly, I don't buy that argument, because there was a time during the depression when I shot a deer and that was the only meat that we had but we don't have those days now. If you are going out for sport and sport only, which is what people are talking about, why can't you take a minute to make sure if that is a buck or not. I shot my first deer when I was 12 years old. It was a buck, I knew it was a buck when I shot it. That is all I have got to say and I hope you do pass this.

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: I signed our "Ought Not to Pass" on this report because I am afraid of the contents of the proposed amendment here. This amendment gives the Commissioner of Fisheries and Wildlife carte blanche authority to cut off any section of the state of Maine or the entire state of Maine. I just can't see it, I am a little afraid of that. I believe an individual should have the tools to accomplish his job but I think here we are giving him platinum tools and I just can't buy it.

I go along with the authority for him to go into specific areas such as the original bill called for but I can't buy this carte blanche.

Some of the comments made here today is that hunters would not leave dead deer in the woods if they found out it was a doe, in case this amendment passes. You know and I know that that is a lot of hokey. If you are out hunting and from a distance you spy a small deer, you don't know whether that deer is a doe or a small spike horn or what and there are a good many hunters who will take a chance and shoot it and go and find out that it is a doe and that is where the doe stays. They do not bring it out and they will not bring it out and report it to the warden. The argument was given in committee that any warden worth his salt would be very compassionate. You know and I know that there are a lot of wardens out there who are not compassionate. I just can't buy that argument.

The remarks were made here that the Sportsmen's Association of Maine support this bill 100 percent — all well and good, but the Sportsmen's Association of Maine does not represent the entire area of sportsmen in the state of Maine, they represent a mere fraction of it. The information I am getting from back home is that if we give the Commissioner carte blanche authority, we will live to be sorry about it and I just can't buy it.

I hope you will vote to kill this amendment.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I was hoping that I

could avoid speaking on this but I don't have any choice because it looks like it is in trouble. The gentleman from Calais has referred to a little bit of hokey, I think he used the word; well, there has been a lot of hokey flying around here this morning. I will tell you that.

If you will take time to look at the amendment, this particular amendment is sunsetted in three years. That was put there for a specific reason and it will be sunsetted March 31, 1986. That is to make sure that the state of Maine does not get into the same problem that they have in other states where they have passed a controlled harvest of does. The only problem that has ever come of controlled harvest of does has been too many deer. That has been because they have put it in statute and they have not repealed it and they have continued to prohibit the harvest of does and they have a lot of deer. They kill more deer on the highways in the state of Pennsylvania than we do in the state of Maine during our whole season.

I signed this bill "Ought to Pass" and I will tell you why. Since I came down here in 1979, we have had this issue three times, this will make the fourth time. I have heard crying, moaning and groaning about the dogs, the coyotes, the hunters, the poachers and everything else and it seems like in four years we are still crying and moaning and groaning and the deer herd is still decreasing and decreasing.

The big problem here is, nobody trusts the Commissioner, and I can't blame them, nobody trusts the Fisheries and Wildlife Advisory Council, and I can't blame them, and nobody trusts the legislature, and I can't blame them there either.

But I will guarantee you one thing, if this does not go by today, this will be the last time you will see me making an attempt to try to solve the problem.

Unfortunately, it seems to me, everybody is for the bill as long as it pertains to somebody else and not to them or their area. We have plenty of deer in my area and what I would like to do next year if this bill is defeated is require that residents of Kennebec County would hunt in Kennebec County and that would make me feel a lot better, because when all the deer are gone everywhere else, they are going to come to the only place left and that is going to be Kennebec County and I don't want them there.

So do what you want, I just thought you should know what the whole story was and not what the partial story was. No matter what, if we pass this or not, it is sunsetted in 1986, it is going to go back to the regular thing, but I really can't say that I blame everybody for not trusting the Commissioner's authority or the Advisory Council's authority or our own authority.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I never thought I would stand up here and help Mr. MacEachern pass a bill.

I agree with Mr. MacEachern's amendment. I think there are too darn many killings going on and if a person is in the woods and he is a hunter and doesn't know the difference between a stag and a doe, he doesn't belong there.

Mr. Smith of Island Falls was granted permission to speak a third time.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: This bill, when it came in, it did address one area and that was the western zone and that is another reason that I am opposed to it. Had it come in addressing the whole state, I think people in my area might have come down to the hearing and addressed the issue and they didn't get the opportunity. I am speaking for them now and I hope you will kill this amendment.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the

gentleman from Lincoln, Mr. MacEachern, and I would like to speak a little bit about this. I am familiar with what is happening, what is happening in my section of the state, and as Representative Gillis said, it is all right to play in my yard but don't go over and play in his yard.

I submit that I sat in the Fisheries and Wildlife Committee on several occasions, several hours, and listened to some of the debate and some of the testimony that was provided through the department and through various individuals that were concerned with An Act to Regulate the Harvest of Antlerless Deer, and it was indicated through one member of the Fisheries and Wildlife Department that west of the Kennebec River there were nine deer to the square mile; east of the Kennebec River there were approximately 28 deer to the square mile.

There is a problem out there, ladies and gentlemen, there is a problem in the southwestern part of the state, not only the western part of the state. I understand there is a problem in parts of Washington County in regards to the number of deer that are available for harvest.

We have a natural resource which is an economic advantage to this state, and that economic resource is our fisheries and wildlife, and part of that is the deer.

The department recognizes a substantial amount of money for the operating cost of that department through the sale of licenses for hunting and fishing, and we will just keep our remarks to the hunting part of it.

It seems to me that the Fisheries and Wildlife Committee has come up with a tremendous amendment, an amendment which I certainly can support. I certainly couldn't support the first one that just regulated the western zone, which is a very small section of the state of Maine, and if you are familiar with the western zone, it comes up the New Hampshire line for about 30 or 35 miles and it is no deeper than 20 miles into the state of Maine and it expands over into the Bethel-Rumford area and up into Representative Dexter's territory.

I am not concerned and I am not scared of what the department is going to do or what the commissioner is going to do because we have the ultimate authority here, ladies and gentlemen, we can change that anytime we would like to.

We do have a sunset provision in here where the effective repeal date will be in March of 1986. It shall not take effect until January 1, 1983. It is quite clear what will occur and what will not occur. I am sure that under the guidance of the Advisory Council, the commissioner will hold his hearings, will take the comments, work on the comments and provide the sportsmen of this state with an adequate season for the harvest of antlerless deer or antler deer in the state.

I am really not concerned because I think that he will do this to the best of his ability, and I just think that overall the amendment is a tremendous amendment, a move in the right direction. It will continue to provide this state and provide that department with the funds that it needs, and it also will give us management of a natural resource that we have.

I would like to just like to reiterate something that was said a little earlier by the gentleman from Kingfield, Representative Dexter. A lot of things have changed in this state in the last several years, a lot of things have changed in the southern part of the state and the central part of the state. We have seen the construction of several homes that have utilized an area which deer have had for a natural habitat, we have seen the invent of harvesting techniques which are not conducive to the management of deer as far as feeding goes during the winter, there are a lot of things, so there are a lot of things that have happened in the decrease of the population of deer in this state.

I think this is one area, it is a three-year trial

period, I think it is something that can work, something that will work and something that we can live with, so I would hope that everybody would vote to oppose the motion of the gentleman from Island Falls, Mr. Smith.

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

A vote of the House was taken.

Whereupon, Mr. McHenry of Madawaska 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 Island Falls, Mr. Smith, that Committee Amendment "A" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Baker, Beaulieu, Bordeaux, Brown, A.; Brown, D.; Cahill, Callahan, Carrier, Carter, Clark, Connors, Diamond, J.N.; Drinkwater, Erwin, Foster, Gillis, Hanson, Higgins, L.M.; Hunter, Jordan, Joyce, Lewis, Lisnik, Locke, Macomber, Mahany, Masterman, McCollister, McHenry, Michaud, Nadeau, Nelson, A.; Perkins, Perry, Salisbury, Smith, C.B.; Stevenson, Strout, Studley, Swazey, The Speaker.

NAY—Aloupis, Armstrong, Austin, Bell, Benoit, Berube, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Brown, K.L.; Carroll, Chonko, Conary, Connolly, Cox, Crowley, Cunningham, Curtis, Damren, Davies, Davis, Day, Dexter, Diamond, G.W.; Dillenback, Dudley, Fitzgerald, Fowlie, Gavett, Gowen, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Holloway, Huber, Hutchings, Ingraham, Jackson, P.T.; Jackson, P.C.; Jacques, Kane, Kany, Kelleher, Ketover, Kiesman, Kilcoyne, Lancaster, LaPlante, Laverriere, Livesay, Lund, MacBride, MacEachern, Manning, Martin, A.; Martin, H.C.; Masterton, Matthews, McGowan, McPherson, McSweeney, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nelson, M.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Paul, Pearson, Peterson, Pines, Post, Pouliot, Randall, Reeves, J.; Reeves, P.; Richard, Ridley, Roberts, Sherburne, Small, Smith, C.W.; Soulas, Soule, Stover, Telow, Thompson, Treadwell, Twitchell, Vose, Walker, Webster, Wentworth, Weymouth, Willey.

ABSENT—Jalbert, Racine, Rolde, Tarbell, Theriault, Tuttle.

Yes, 41; No, 104; Absent, 6.

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

Thereupon, Committee Amendment "A" (H-653) was adopted.

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

The Chair laid before the House the following matter:

JOINT ORDER—Relative to Joint Standing Committee on Taxation reporting out a bill conforming Maine Tax Law to changes in the United States Internal Revenue Code (H. P. 2197) Read in House on March 19.

Tabled—March 19 by Speaker Martin of Eagle Lake.

Pending—Ruling of the Chair on Germaneness of House Amendment "A" (H-667)

Mr. Higgins of Scarborough requested permission to withdraw House Amendment "A", which was granted.

The SPEAKER: A roll call had been requested on passage of the Joint Order. 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 Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: We have debated the issue quite substantially this morning. I just want to go on record as saying that I intend to vote against this Joint Order today and my reason is very simple—I feel that we should discuss the issue openly, honestly and that we should discuss the entire issue and not any one or two or three specific points of it. I think in the fairness of this House and in other issues that this House has been involved with and the Taxation Committee has been involved with, I think to restrict that sort of an opinion from the committee is one of dubious distinction. For that reason, I intend to vote against this order today and I would ask those of you who feel so inclined to do likewise.

Although it has not been a party position of my party, at least as far as I recall, I do feel very strongly that it is only fair to discuss the entire issue and not just a portion of it.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I would ask you to vote in favor of this order that is here today. If in fact you want to discuss the issues and take a stand on the tax changes that affect the majority of the people in this state, then you vote in favor of this order. If you don't want to discuss those, you vote against it.

If you want to say to the issue for accelerated cost recover system for corporations that we want to wait on that issue until Washington gets its act in order, then you vote in favor of it. That is what the issue is. If you in fact want to extend some of the benefits to individual taxpayers that all the papers have been editorializing about, you vote in favor of it. If you want to block all of that now just because you insist on supporting a big tax loophole that Washington has passed, then yes, you can vote against it.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: My position in this order is no different than the one that my colleague over in the corner offered a few hours ago.

I think Mrs. Post is offering a half-hearted attempt in the lateness of the session to try to make it look appealing to all members of this House and my party. I just think the Taxation Committee, as I said before, has got a lot of work down there with a very few days left to get it out, and I think the House would be in error to support this order after rejecting the other one. I certainly would be in error supporting it based on the fact that I think if this House, and as I said before, the other body has any sense at all, we would recess for a couple of weeks to find out where we are financially.

This order isn't any better than the others, just different people speaking, that is all, but the bottom line is the same. It is not the time, it is not the place, and I would honestly hope that none of us would support the good gentelady today. I know she mesmerizes most of us most of the time, but on this issue I hope she doesn't.

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

Mr. JACKSON: Mr. Speaker, I would like to ask the lady from Owl's Head, if we pass this order that we are doing all kinds of wonderful things except for small corporations of the

state, and I would like her to explain how we are going to help these corporations, they would like the write-offs too. And I keep thinking about one particular corporation that I happen to be associated with and they employ eight employees, that is a big, nasty corporation—eight employees and they have a lot of equipment and while we are thinking about it and if we pass this we send this down to Taxation and they think about it, they can't consider this particular problem, and if they do send anything back, they are going to have to send something back that doesn't address this problem and this little corporation with eight employees and their equipment are going to be keeping double books while we wait and we think about it and try and decide how we are going to handle this.

I can't vote for this order and I am not voting against it because it is going to help the big, nasty corporations, I am thinking of the little corporations in the state and the ones that we keep forgetting about when we talk about Martin Marietta and we talk about all the other ones.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I didn't vote for the other one and I am not voting for this one for the simple reason that until they get their act together in Washington, I'm not having anything to do with any of it, whether it is a Republican or a Democrat.

The SPEAKER: A roll call has been ordered. The pending question is on passage of the Joint Order, House Paper 2197. This requires a two-thirds vote of all those present and voting. All those in favor will vote yes; those opposed will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Benoit, Brannigan, Chonko, Diamond, G.W.; Foster, Higgins, H.C.; Hobbins, Huber, Jackson, P.C.; McCollister, McHenry, Mitchell, J.; Murphy, Norton, Pearson, Peterson, Post.

NAY—Aloupis, Armstrong, Austin, Baker, Beaulieu, Bell, Berube, Boisvert, Bordeaux, Boyce, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Carrier, Carroll, Carter, Clark, Conary, Connors, Connolly, Cox, Crowley, Cunningham, Curtis, Damren, Davies, Davis, Day, Dexter, Diamond, J.N.; Dillenback, Drinkwater, Dudley, Erwin, Fitzgerald, Fowlie, Gavett, Gillis, Gowen, Gwadosky, Hall, Hanson, Hayden, Hickey, Higgins, L.M.; Holloway, Hunter, Hutchings, Ingraham, Jackson, P.T.; Jacques, Jordan, Joyce, Kane, Kany, Kelleher, Ketover, Kiesman, Kilcoyne, Lancaster, LaPlante, Laverriere, Lewis, Lisnik, Livesay, Locke, Lund, MacBride, MacEachern, Macomber, Mahany, Manning, Martin, A.; Martin, H.C.; Masterman, Masterton, Matthews, McGowan, Pines, McPherson, McSweeney, Michael, Michaud, Mitchell, E.H.; Moholland, Nadeau, Nelson, A.; Nelson, M.; O'Rourke, Paradis, E.; Paradis, P.; Paul, Perkins, Perry, Pouliot, Randall, Reeves, J.; Reeves, P.; Richard, Ridley, Roberts, Rolde, Salisbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soulas, Soule, Stevenson, Stover, Strout, Studley, Swazey, Tarbell, Telow, Thompson, Treadwell, Twitchell, Vose, Walker, Webster, Wentworth, Weymouth, Willey.

ABSENT—Jalbert, Racine, Theriault, Tuttle, The Speaker.

Yes, 17; No, 129; Absent, 5.

The SPEAKER: Seventeen having voted in the affirmative and one hundred twenty nine in the negative, with five being absent, the order fails of passage.

#### (Off Record Remarks)

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, and also thirty minutes after the House adjourned for the day, all matters that required Senate concurrence.

On motion of Mr. Dillenback of Cumberland, Recessed until three o'clock in the afternoon.

#### After Recess 3:00 p.m.

The House was called to order by the Speaker.

#### Orders of the Day

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

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

—In House, Failed of Passage to be Enacted on March 9.

—In Senate, Passed to be Enacted in non-concurrence.

Tabled—March 18 by Representative Brannigan of Portland.

Pending—Motion of the same gentleman to Recede.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask for the yeas and nays.

This is a bill that no doubt will take further debate this afternoon in this House. This is the bill we have talked already about several times. This has been labeled all kinds of different titles. Now it is being referred to as the "untouchables bill." Are we dealing with the untouchables?

The history of this bill perhaps goes back to 1971 when this commission operated the real estate law for \$71,756. We have gone up and beyond the \$200,000 figure, they have overspent. This is the bill that we were given the half truths on. This is the bill where all we have heard is half truths and innuendos. Perhaps it would be more accurate to say that we heard everything but the truth.

It began a few weeks ago to take on a familiar tone, this bill, and I couldn't think back and relate this—where did we go through this before? You know, my good friends, after a lot of looking back through my memory to find out where did they get the act for this play, I looked at how it was being lobbied. It appeared to be a gentleman, I think his name was Mr. Greenjeans, and he brought along with him three beautiful women to lobby the legislators. They had lobbied, and at times it appeared they had lobbied in vain.

Somehow it was getting familiar with me and I could read some of the lines that they were giving us, and all of a sudden I said, this is a script they are following and it appeared to be the script from *McBeth* where those three beautiful sisters tried to use their influence and failed and later Shakespeare referred to them as the three wicked witches of the west. Perhaps that is what we are following today—nice young ladies but they lobbied hard.

I have talked to many of my real estate people. I have gotten more calls on this particular bill than on any bill since I have been here.

We tried to put this bill to rest about a week ago, and I hope today that we not listen to the evil that lurks in the hearts of men when they tell us untruths about this bill, and I hope we can take care of this bill today and defeat the motion before us.

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

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: As has been stated by my friend, Representative Joyce, the information which came along last week was something that one might question, so I decided that

rather than listen to what is going on up here on the third floor, that I would spend a little time down in the Business Regulation Department.

Last Friday afternoon, I went down for two hours, went over this situation, then Monday, a week ago yesterday, I went and spent another two hours down in this bureau, down in the Real Estate Commission, and after doing some thinking, I really came to the conclusion that this little bureau is a victim of the bureaucracy rather than being a part of it. They don't have the political clout, they don't have the means to put themselves forward in the position where they should be.

Let me just point out, and I am sure that some of you have seen this paper, the so-called stay cap charge that they have; I call it room and board. Because they are a dedicated revenue bureau, another agency up here charges them so much for their room and board down there, almost \$11,000. Because they have another level of administration above them, they are charged \$8,000 for that. Because rather than issuing their own licenses, they have to pay \$9,800 for the Central Licensing Bureau to send out 3,500 notices and issue 3,500 licenses. It costs them \$9,800 to do this.

I feel that we should fund this thing, we should pass this bill and have the study made and maybe as a pilot program, let's pull this little bureau out, let it exist on itself and see what it can do. This is only a suggestion. I feel, as I said to begin with, that this little bureau is a victim of the bureaucracy rather than part of it. They are small in number and I, for one, have changed and I think we all should give this a chance to survive.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I wish we would not recede today. We are not getting anywhere receding, we are not receding from anything as far as that goes.

The main thing is, as the last speaker said, all of us have been a little involved in checking into different figures. It appears to me, and it is very clear to me, that the figures given to me are quite different from some of those that are on the opposite side and making it much worse than it is, and this is why I just want to mention a few things that I have found out.

In the first place, as the Representative from Portland said, it is truths and untruths, and I have claimed that from the start. It was said on the floor at one time that the commission last year handled 139 complaints, which in the newspaper recently in another angle said that the commission themselves admitted they had only handled 88 complaints. This is the kind of reports that we get from these people.

I won't go into the reports that I got, but I will go into the reports that the other people have. If we leave the thing as it is, with the dues and money from the renewals coming June 30, my understanding is that that particular amount of money that we are going to take in next year, the anticipated revenue, will pay the \$70,000 that they have borrowed somewhere along the line, and if the balance is put into an escrow account will leave enough money in there to pay for the expenses for the coming year. The argument that we have, apparently the people don't understand escrow accounts or else they have never been in it before or they just don't want to go into it or they just don't want to agree with it, that is all.

The figures that these people have on the sheets show that they have enough money to pay the \$70,000 that is owed. They might have to cut down on expenses, but probably they should never have been there in the first place. The thing is that at the end of the year they would end up with \$2,000 in the red. This \$2,000 is nothing, they can cut that somewhere else if they want to.

The main thing is, ladies and gentlemen, it is inefficiency in there. We are more interested in

seeing the procedure changed and the makeup of things.

I haven't had any material from the proponents to show me how they plan to cut down this year, no plan whatsoever for cutting down expenses in order to meet the income.

I do believe that we don't need this bill and I said so in the past. I also want to say to you now, being aboveboard, that I am having this study order that we have been talking about, that everybody seems somewhat in favor of, to look into this commission and see what we can do with it. I don't want to see the commission abolished, I see no reason why it would be abolished. They might say there are no funds, but that is not true whatsoever under the present conditions today. Therefore, I hope you do vote against the recede motion.

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

Mr. BRANNIGAN: Mr. Speaker, I withdraw my motion to recede.

The SPEAKER: The gentleman from Portland, Mr. Brannigan, withdraws his motion to recede.

The Chair recognizes the same gentleman.

Mr. BRANNIGAN: Mr. Speaker, I now move that we recede and concur.

I am disappointed that some people felt that they have been totally misled. We have tried to spell this out as we have gone along as best we could. I am delighted that someone of the caliber of the gentleman from Monmouth has been down and looked at the figures that we have looked at and is in agreement with us that the bureau would be without staff in the beginning of the next fiscal year unless something is done.

The members of my committee still feel that we have made the decision that we had to make responsibly to carry out the mandates of regulating the real estate industry with the commission and with some staff, probably only three. Until we as members of this Business Legislation Committee can do a thorough study of the entire regulatory activities of the real estate commission, we intend to do that, we intend to find out why they got into a deficit position and what can be done about it. We intend to look at all of their regulatory powers.

I hope you will go along with the unanimous recommendations of our committee this afternoon, and continue at this much lower function, the real estate commission, until such time as we can make the appropriate changes.

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

Mr. KELLEHER: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Portland, Mr. Brannigan. Why are you asking the House to recede and concur and not recede?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, has posed a question through the Chair to the gentleman from Portland, Mr. Brannigan, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. BRANNIGAN: The Speaker told me to. In all seriousness, Mr. Kelleher, when I made my motion, the original motion, it had been my intention to recede and concur and I had been misunderstood by the Chair. I didn't have any intention of making any amendments, which I understand would have been the proper thing to do had I continued with the idea of receding, and you know why I want to recede and concur, Mr. Kelleher. We want to get together with the other body in this matter.

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

Mr. KELLEHER: Mr. Speaker, I guess I would like to pose a question to the Chair. If we recede and concur, what posture does that put the bill in.

The SPEAKER: The Chair would advise the gentleman that if the motion to recede and concur prevails in this body, the bill would have



been passed to be enacted by both bodies and would be sent to the Governor.

Mr. KELLEHER: Will that take two-thirds vote?

The SPEAKER: The Chair would answer in the affirmative.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I thought perhaps I neglected and sat down too quick earlier, but I just wanted to remind you that Macbeth was one of Shakespeare's tragedies. This bill is a real tragedy too.

We have heard some of the truths on this bill. I think I should tell you some of the truths that you haven't heard on the bill. I think that will kind of put the scale in balance. I like to deal the cards above the table up here and I will give you these for starters as figures. In 1971, this Commission had an expenditure of \$68,541; in 1982, they are projecting \$222,900. Where are some of the faults? They debated this bill for such a long time and they tell us, well, you will seem to be saying now to the old soliloquy — gee, maybe we did lie a little, we told the half truths, but I would like to get around this. The Real Estate Commission is like many agencies we have up here, and in politics it reminded us that they are what is called "lean and mean agencies". They are agencies that you get to watch how they are funded and you get to watch how they operate.

Now they say there is any where from seven, eight, six or so people running it. On their papers, and I don't know how accurate they are, but let me give you an idea of the people that are running it. We have a supervisor for license exams, he only gets \$22,300. We have a real estate examiner, the post is vacant right now, \$23,500. We have got some other examiners here, \$22,700; another \$22,700; the Clerk Typist, \$15,200. It almost reminds me of a poverty office we have in Portland that is run on a scale that high. I never hear any comments on that. I am praying that you are going to defeat this bill.

Mr. Speaker, I would request a roll call.

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 before the House is on the motion of the gentleman from Portland, Mr. Brannigan, that the House recede and concur. This being an emergency measure, it requires a two-thirds vote of the House. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Aloupis, Baker, Bell, Benoit, Berube, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Cahill, Callahan, Chonko, Clark, Connors, Connolly, Cox, Curtis, Damren, Davies, Davis, Day, Dexter, Diamond, J.N.; Drinkwater, Erwin, Fitzgerald, Gavett, Gillis, Gowen, Gwadosky, Hall, Hanson, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Huber, Ingraham, Jackson, P.T.; Jacques, Jordan, Kany, Kiesman, Kilcoyne, LaPlante, Lewis, Lisnik, Livesay, Lund, MacBride, Mahany, Manning, Martin, H.C.; Masterman, Masterton, Matthews, McCollister, McGowan, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, M.; Paradis, E.; Paradis, P.; Pearson, Perkins, Perry, Pines, Post, Pouliot, Randall, Richard, Roberts, Rolde, Small, Soulas, Soule, Stover, Tarbell, Telow, Theriault, Thompson, Vose, Webster, Wentworth, Weymouth, Willey, The Speaker.

NAY—Armstrong, Austin, Beaulieu, Bordeaux, Brown, A.; Brown, D.; Brown, K.L.;

Carrier, Carroll, Carter, Conary, Crowley, Diamond, G.W.; Dillenback, Dudley, Foster, Hunter, Hutchings, Jackson, P.C.; Joyce, Kane, Kelleher, Ketover, Lancaster, Locke, Macomber, Martin, A.; McHenry, McPherson, McSweeney, Michaud, Nelson, A.; Norton, O'Rourke, Paul, Peterson, Reeves, J.; Ridley, Salsbury, Sherburne, Smith, C.B.; Smith, C.W.; Stevenson, Strout, Studley, Swazey, Treadwell, Twitchell, Walker.

ABSENT—Cunningham, Fowlie, Jalbert, Laverriere, MacEachern, Racine, Reeves, P.; Tuttle.

Yes, 94; No, 49; Absent, 8.

The SPEAKER: Ninety-four having voted in the affirmative and forty-nine in the negative with eight being absent, the motion does not prevail.

The Chair recognizes the gentleman from Windham, Mr. Diamond.

Mr. DIAMOND: Mr. Speaker, having voted on the prevailing side, I now move that the House reconsider its action whereby we failed to recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, I would request a roll call on the motion to reconsider.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Windham, Mr. Diamond, that the House reconsider its action whereby the motion to recede and concur failed. Those in favor of reconsideration will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Aloupis, Baker, Beaulieu, Bell, Benoit, Berube, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Cahill, Callahan, Chonko, Clark, Conary, Connolly, Cox, Damren, Davies, Davis, Day, Dexter, Diamond, G.W.; Diamond, J.N.; Drinkwater, Erwin, Fitzgerald, Gavett, Gillis, Gowen, Gwadosky, Hall, Hanson, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Huber, Ingraham, Jackson, P.T.; Jordan, Kany, Kiesman, Kilcoyne, Lisnik, Livesay, Lund, MacBride, MacEachern, Mahany, Manning, Martin, H.C.; Masterman, Masterton, Matthews, McCollister, McGowan, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, M.; Norton, Paradis, P.; Pearson, Perkins, Perry, Pines, Post, Pouliot, Randall, Richard, Roberts, Rolde, Small, Soulas, Soule, Stover, Strout, Tarbell, Telow, Theriault, Thompson, Vose, Webster, Wentworth, Weymouth, Willey, The Speaker.

NAY—Armstrong, Austin, Bordeaux, Brown, A.; Brown, D.; Brown, K.L.; Carrier, Carroll, Carter, Connors, Crowley, Curtis, Dillenback, Dudley, Foster, Hunter, Hutchings, Jackson, P.C.; Jacques, Joyce, Kane, Kelleher, Ketover, Lancaster, LaPlante, Lewis, Locke, Macomber, Martin, A.; McHenry, McPherson, McSweeney, Michaud, Nelson, A.; O'Rourke, Paradis, E.; Paul, Peterson, Reeves, J.; Ridley, Salsbury, Sherburne, Smith, C.B.; Smith, C.W.; Stevenson, Studley, Swazey, Treadwell, Twitchell, Walker.

ABSENT—Cunningham, Fowlie, Jalbert, Laverriere, Racine, Reeves, P.; Tuttle.

Yes, 94; No, 50; Absent, 7.

The SPEAKER: Ninety-four having voted in the affirmative and fifty in the negative with seven being absent, the motion to reconsider does prevail.

Thereupon, on motion of Mr. Diamond of Windham, tabled pending the motion of Mr. Brannigan of Portland to recede and concur and tomorrow assigned.

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

HOUSE DIVIDED REPORT—Majority (8) "Ought Not to Pass" — Minority (5) "Ought to Pass" — Committee on Energy and Natural Resources on Bill, "An Act to Promote Local Control of Hazardous Waste Facilities" (H. P. 2014) (L. D. 1984)

Tabled—March 19 by Representative Hall of Sangerville.

Pending—Acceptance of either Report.

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

Mr. HALL: Mr. Speaker, I move that the House accept the Minority "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: There are two good reasons why this bill should not pass and it is essentially a two-part bill. I guess I could start at either end and work toward the middle, but I will start from the beginning, which is a good place to start.

In the first session of the 110th, we had a bill before us, L.D. 1568, An Act to Facilitate the Development of Hazardous Waste Management Facilities. Somebody had looked forward down the road here and saw the way the country, the world and the State of Maine was going and saw the necessity to start planning ahead what we are going to do about the hazardous waste situation in the State of Maine. The federal government is working towards regional concepts. They are allowing activities that are presently taking hazardous waste to control the importation of waste to their facilities, and it was obvious that somewhere down the road the State of Maine was going to have to deal with the problem of what they do with hazardous waste.

We passed a bill into law in Title 38, 1305-A, and it was very heavily worked in the Energy and Natural Resources Committee, and we were very concerned that municipalities in which a hazardous waste facility might be proposed would have very good input into the process. We did some rather unique things that have never been done before. We required in this statute that a written notice be given to the municipal officers of a municipality in which a proposed facility would be located. The municipality, through its municipal officers, should be granted intervenor status—that is a pretty strong status in a hearing—in any proceeding for site review for a commercial hazardous waste facility.

In addition, we proposed and we put into law that DEP would provide reimbursement of the municipality's direct cost, not to exceed \$5,000, for participation in that hearing, so there would be no possibility that the municipality could not afford to participate.

In addition, we required that the Governor appoint a person to facilitate communications between the applicant and the municipality and the department and the municipality, which was another safeguard.

The third thing we did, we said that during any proceeding for site review of a commercial hazardous waste facility, the municipal legislative body in which the facility is to be located may appoint four non-voting representatives to the board. This was another effort to assure that there was good municipal input so all of the facts would be presented before the board. These non-voting members shall participate on the board only for that site review until final disposition of the application, including any administrative or judicial appeal. The municipal members shall receive the same pay for each day and expenses as regular board members during the period of their service to be paid by the Department of Environmental Protection.

So, as you can see, we went a long way to assure that with a municipality had good rep-



resentation and had good input into any action. We still left it that the Department and Board of Environmental Protection a normal state process would be followed.

There has not been a review up to this time, but we have a bill in this time to say that those four members that we are funding to participate in the review process to assure that the municipal input is provided would be voting members on that Board of Environmental Protection. That is a pretty far step when we say that something that the State of Maine is doing with a state board, that we are going to put four voting members on that board to have a yes or no vote in the action. I think we should consider that very carefully.

I would remind you that this morning you heard the Chaplain say that we are here to promote the common good.

By coincidence, we have got on our desks today a hazardous waste management activities report from the department, and I would bring that to your attention. It says that last year we generated 1,477,344 gallons of hazardous waste in the State of Maine, so this is something of serious consequence that we continue to think about, and I think you should consider very carefully before you provide an automatic veto of any siting of a hazardous waste site in the State of Maine.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I have a very specific problem with this bill, if you will turn to the last page of the bill. In Yarmouth, we have a power generating plant and the scrubbers in the plant bring down a certain amount of dust and everything out of them and this has to be disposed of, and in an attempt to do this, we had a group that met about a year ago and we looked around for locations to get rid of this. Yarmouth also happens to have a zoning code, and many of the towns in Maine do have a zoning code. If you read this bill, you will notice that we can only get rid of hazardous waste in industrial or commercial zones.

In our particular town, the industrial and commercial zones happen to be in the center of the town. The areas where we have clay, marine clay soils, where these can be disposed of, tend to be in the areas away from homes and away from people. If we pass this bill, there would be no way that we could dispose of these wastes within the town. In fact, I don't know what we would do with them.

The committee within the town met, we looked at a number of locations, we found something that was away from homes, that was away from buildings, that was away from people, that the soil was right, where soil tests were down, it was marine clay, it could be properly protected, but it happened to be in a farming area. If we pass the bill, any town with zoning that wanted to use any area other than commercial or industrial just couldn't do it, and this would certainly cause a great deal of problems for us and I think it would cause a great deal of problems in other areas of the state.

I hope you will accept the "ought not to pass" report on this bill, because as I see it, it is going to give us a great deal of trouble and I think a lot of other towns will have trouble too.

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

Mr. MITCHELL: Mr. Speaker, Men and Women of the House: L. D. 1984 is an effort to open up the process of siting hazardous waste dumps to greater public participation by granting local governments more input into the decision-making process.

The siting of a hazardous waste facility is likely to be a highly controversial, emotionally charged, local issue. State law currently gives complete authority in this decision to the Board of Environmental Protection. Since these issues are so controversial, I feel that it is in

the public interest to encourage participation by those people who are most likely to be affected by these dumps. The final siting decision, whatever it will be, will be more acceptable if the citizens who have to live with the dumps have some input into making that decision.

The bill has two provisions. Current law recognizes geology as the only criteria on which to judge the suitability of a proposed site for hazardous waste dumps. A hazardous waste dump can be located on any site which meets the geographical criteria. A dump can be located next to a school, next to an orphanage, in an area that a town has zoned as a historical district or in a residential area. The towns have absolutely no say at all if the soils are suitable.

Finally, the bill addresses the voting issue. In an effort to pacify local interests, the current law allows municipal officers of a town or city where a hazardous waste dump is proposed to appoint four citizens to sit with the Board of Environmental Protection while they discuss the proposal. These citizens are not, however, allowed to vote with the board, and I think that this provision of the law is an affront to the good judgment of the citizens of our state. To sit with a board without the right to vote is really a worthless gesture and it's frankly a paltry right.

L. D. 1984 extends the right to vote to these four citizens. To summarize, the bill grants more power to local government in making decisions which affect their lives. The bill rejects the notion that local citizens are unable to make fair and sound judgments about these facilities.

And to answer specifically the comments of the gentleman from Yarmouth, Mr. Jackson, these conditions are very strict, but the problem is also very serious. We are discussing land filling of highly toxic substances. This bill does not provide for municipal veto, but what it does do is, it encourages careful local examination of all these proposals.

It is my understanding of the recent rules that have been proposed that the fly ash is no longer considered hazardous substance by the Board of Environmental Protection.

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

Mr. JACKSON: Mr. Speaker, at the time that the citizens of the town made the effort to find a solution to this problem, and it was made within the town by the citizens, fly ash was considered a hazardous substance. It has since been declassified, but we had to make these recommendations, we had to find the place when it was still considered hazardous and had heavy metals in it and various other problems with it, and we did it on that basis.

I would submit that a bill such as this would tie the citizens' hands in being able to handle their own problem in hazardous waste.

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

Mrs. HUBER: Mr. Speaker and Members of the House: I would just like to clarify a couple things here, because basically I think the gentleman from Yarmouth raises a very good point. Mr. Kiesman also made a very good point, I think, in pointing out that there has been no activity under the existing law. I guess the majority of the Committee on Energy and Natural Resources felt that we should really give this new law an opportunity to be used before we rushed out to make improvements in it.

I would suggest to you, for instance, that having votes of municipal officers in this process in reality does require them to vote against such a proposal. A number of you are active in your local governments, how many municipal officials would have the nerve to vote in favor of a hazardous waste facility in their community? That is a pretty far-reaching proposal and one that I think almost guarantees four negative votes. I don't think we have

gained anything by giving them a vote when, in fact, under current law they have every opportunity to participate and to discuss the issues that are involved.

I think it is important to remember that we haven't yet tested this law and once we have an experience with it, I am sure there will be some improvements that can be suggested at that time.

Just to clarify, if I may, I would urge that you vote against the pending motion, which is the minority "ought to pass" report.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Michaud.

Mr. MICHAUD: Mr. Speaker and Members of the House: I will not belabor this point this afternoon, but I would urge you to vote for the minority "ought to pass" report.

At the public hearing, there were quite a few groups that voted for the bill. We had the Natural Resources Council, the Nurses Association, Portland Council of Governments, the Maine Municipal Association, the Augusta Conservation Commission, and in opposition to the bill there is only one person that spoke against it; that was Ray Esposito of the Union Chemical Company. The Associated Industries of Maine came to speak on the bill, but spoke neither for nor against.

I would urge you to support the minority "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 also like to tell you that last year when the original statute was put on the books, the same groups of people that were enumerated for you that came this year and spoke in favor of putting these voting members on the board were there and supported the law that was put on the books last year as a reasonable compromise to the needs of the state and the needs of the municipalities.

I would tell you that when four people are being paid the same rate that the members of the Board of Environmental Protection are paid and the same expenses as the Board of Environmental Protection, and are accorded all the privileges of participation as intervenors, they are doing a lot more than just sitting. I don't think that is much of an insult, to be invited in to participate and be paid for the privilege.

In addition, I heard the word "dump" used several times by the gentleman from Freeport with a very nasty connotation. I would bring to your attention that we are talking about facilities and not dumps, and the facilities include more than just a place where you bury it in the ground. It includes incinerators, it includes treatment sites, it includes storage sites and it includes disposal sites, so it is not just a nasty dump that we are going to dump somewhere.

I would also bring to your attention that the review and work of the DEP bill which is in process, part of the Traflet Commission, even in that there is a quorum requirement of only six members of the Board when making these decisions, so you see, if you have four members of a municipality spring loaded in the no position, then you are in pretty tough shape if you want to site a hazardous waste facility, even if it is only a temporary storage facility.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: It didn't take me too long after I got looking into the bill to see why we should allow the people in our own hometowns to at least have a chance to vote on the subject. Can you imagine anyone going into Mr. Kiesman's area or Mrs. Huber's area or Representative Peterson's area, or yours, Mr. Speaker, with everything in place and ready to have this done and you have four people from that community allowed to sit there and talk about it,

but when it came down to the last vote they would not have a thing to say about it? Does that really and truly make sense?

True, we have to have two or three places in the state to have hazardous waste, but don't shut out the people back home. I couldn't go back to Sangerville and do that—good Lord, I'd never be down here again. Maybe some of you think it would be a good idea.

Let me leave this with you—at least let the people back home have conversation but yet have the right to vote, because on a 10-member board, there is only going to be four of them that are going to have a chance. I believe it is 10 plus 4 from the locality. I don't think that is asking too much.

When the vote is taken, I would like to have the yeas and nays.

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 Sangerville, Mr. Hall, that the Minority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Baker, Beaulieu, Benoit, Berube, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Brown, A.; Carroll, Carter, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Dudley, Erwin, Fitzgerald, Gowen, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Jordan, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A.; Marting, H.C.; McCollister, McGowan, McHenry, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, M.; Norton, O'Rourke, Paradis, P.; Pearson, Perry, Post, Pouliot, Richard, Ridley, Roberts, Rolde, Smith, C.B.; Soulas, Soule, Stevenson, Stover, Strout, Theriault, Thompson, Vose, The Speaker.

NAY—Aloupis, Armstrong, Austin, Bell, Bordeaux, Brown, D.; Brown, K.L.; Cahill, Callahan, Carrier, Conary, Connors, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Gavett, Gillis, Hanson, Higgins, L.M.; Holloway, Huber, Hunter, Ingraham, Jackson, P.T.; Jackson, P.C.; Kiesman, Lancaster, Lewis, Livesay, Lund, MacBride, Masterman, Masterton, Matthews, McPherson, Nelson, A.; Paradis, E.; Paul, Perkins, Peterson, Pines, Randall, Reeves, J.; Salisbury, Sherburne, Small, Smith, C.W.; Studley, Swazey, Tarbell, Telow, Treadwell, Twitcheil, Walker, Webster, Wentworth, Weymouth, Willey.

ABSENT—Chonko, Cunningham, Fowlie, Hutchings, Jalbert, Laverriere, Racine, Reeves, P.; Tuttle.

Yes, 79; No, 63; Absent, 9.

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

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

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

#### Ought to Pass in New Draft

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Making Authorizations and Allocations Related to Federal Block Grants for the Expenditures of State Government for the Fiscal Years Ending June 30, 1983 (Emergency) (S. P. 833) (L. D. 1941) reporting "Ought to Pass" in New Draft under

New Title Bill "An Act Making Appropriations, Authorizations and Allocations Related to Federal Block Grants for the Expenditures of State Government for the Fiscal Years Ending June 30, 1982, June 30, 1983 and June 30, 1984" (Emergency) (S. P. 946) (L. D. 2085)

Came from the Senate with the Report read and accepted and the New Draft Passed to be engrossed.

In the House, the Report was read and accepted in concurrence and the New Draft read once. Under suspension of the rules, the New Draft was read the second time and passed to be engrossed in concurrence.

By unanimous consent, ordered sent forthwith to Engrossing.

The following paper appearing on Supplement No. 13 was taken up out of order by unanimous consent:

The following item:

Recognizing:

the Edward Little High School Girls' Gymnastics Team for winning the Maine State Girls' Gymnastics Championship; (H. P. 2227) by Representative Boyce of Auburn. (Cosponsors: Representatives Brodeur of Auburn, Lewis of Auburn and Michael of Auburn)

There being no objections, the above item was considered passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

#### Leave to Withdraw

Report of the Committee on Energy and Natural Resources reporting "Leave to Withdraw" on Bill "An Act Concerning Solid Waste Disposal Sites" (S. P. 887) (L. D. 2033)

Came from the Senate with the Report read and accepted.

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

#### Ought to Pass as Amended

Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-412) on Bill "An Act to Provide Financial Assistance to Students of Osteopathic Medicine" (S. P. 831) (L. D. 1939)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-422)

In the House, the Report was read and accepted in concurrence and the Bill read once. Committee Amendment "A" (S-412) was read by the Clerk.

On motion of Mr. Pearson of Old Town, Committee Amendment "A" was indefinitely postponed in concurrence.

Senate Amendment "A" (S-422) was read by the Clerk and adopted in concurrence.

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

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

#### Ought to Pass as Amended

Report of the Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-413) on Bill "An Act to Facilitate Acquisition, Improvement and Construction of Housing Financed through the Maine State Housing Authority" (S. P. 867) (L. D. 2015)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-413) as amended by Senate Amendment "A" (S-421) thereto.

In the House, the Report was read and ac-

cepted in concurrence and the Bill read once. Committee Amendment "A" (S-413) was read by the Clerk. Senate Amendment "A" to Committee Amendment "A" (S-421) was read by the Clerk and adopted. Committee Amendment "A" as amended by Senate Amendment "A" thereto was adopted.

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

#### Consent Calendar

##### Second Day

(S. P. 766) (L. D. 1824) Bill "An Act to Amend the Maine Medical Compact" — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-416)

There being no objections, under suspension of the rules the above item was given Consent Calendar Second Day notification and passed to be engrossed as amended in concurrence.

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

#### Divided Report

Majority Report of the Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (S-417) on Bill "An Act to Provide for the Storage and Disposal of Illegal and Obsolete Pesticides and Handling Empty Pesticides Containers" (Emergency) (S. P. 905) (L. D. 2047)

Report was signed by the following members:

Senators:

WOOD of York  
HICHENS of York  
SHUTE of Waldo

—of the Senate.

Representatives:

CALLAHAN of Mechanic Falls  
CONARY of Oakland  
SHERBURNE of Dexter  
SMITH of Island Falls  
MAHANY of Easton  
LISNIK of Presque Isle  
MICHAEL of Auburn  
LOCKE of Sebec

—of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (S-418) on same Bill.

Report was signed by the following members:

Representatives:

NELSON of New Sweden  
MCCOLLISTER of Canton

—of the House.

Came from the Senate with the Majority "Ought to Pass as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-417)

In the House, the Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Easton, Mr. Mahany.

Mr. MAHANY: Mr. Speaker, I move we accept the Majority "Ought to Pass" Report with Committee Amendment "A".

The SPEAKER: The gentleman from Easton, Mr. Mahany, moves that the Majority "Ought to Pass" Report be accepted in concurrence.

The Chair recognizes the gentleman from New Sweden, Mr. Nelson.

Mr. NELSON: Mr. Speaker and Members of the House: This bill has a fiscal note for \$30,000. Five thousand dollars is to study what they are going to do about the outlawed pesticides. They are trying to clean them up and keep them out of here. The \$25,000 would be used after they have made the study to get rid of the outlawed pesticides, such as DDT, sodium arsenate and different outlawed pesticides. There's quite a few of these laying around in the barns and there are many pesticides that are just a poison and toxic as DDT

and sodium arsenate that wouldn't have to be moved.

I would like to see them go on with the \$5,000 to make a study, and if they find a place to put all the stuff that they pick up then in about a year or so they could come around with the \$25,000 to take care of moving it.

At this time, I don't believe that we would be doing the right thing to raise \$25,000 because the Pesticide Control Board hasn't figured out a good way to get rid of it.

For instance, they are supposed to clean out different containers that held the pesticides. They are supposed to rinse them three times and dump the contents into a 30 gallon or 50 gallon drum. So after the drum got full, I don't know what they would do with it, they would have to put it somewhere.

Now, they did haul some DDT to Georgia, that is one place where they could get rid of some. I believe it was put through an incinerator with high heat density.

I have been using pesticides all my life, at least 43 years while I was farming, and I don't think it would do any good to try to pick up part of it because we would still have a lot left. For instance, parathion is one pesticide that is very toxic. You use half a pint to an acre, and we still use it. If you get it on your hands—you are supposed to use rubber gloves and a respirator when you use it, but we are still using it and that is worse than DDT or sodium arsenate or anything else, and premerge is one that we use for killing potato tops and weeds, and if you get one whiff of it, your lungs are burned, and we still use that.

All I am trying to say is, we should go along with the \$5,000. I think we should vote against the majority report, and I would like a roll call.

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

Mr. LISNIK: Mr. Speaker, Ladies and Gentlemen of the House: This bill comes in two parts. The first part relates to the actual storage and disposal of illegal and obsolete pesticides in the State of Maine. This is the part that has the \$25,000 price tag for a facility to replace the one that we have presently at the Augusta Airport. This facility at the Augusta Airport has been deemed to be totally unsafe.

We have just removed approximately 6 tons of pesticides from this area at a rather substantial cost, and knowledgeable people estimate that there is an additional 10 to 20 tons of these obsolete pesticides, illegal pesticides, remaining in this state, so I think this facility for storage is really needed.

The second part of the bill that Representative Nelson speaks of would authorize a study on the disposal of legal pesticides. We were shown slides in the Agriculture Committee room of container dumps and temporary storage areas or dumps throughout the state, especially in Aroostook County. I am sure that some of you saw this on television a couple months back, the aerial photos, and this is just totally unacceptable and this is why this study is needed.

The study has a \$5,000 price tag on it. I really feel that the two go hand in hand and I hope that will go with the majority committee 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 pending question is on the motion of the gentleman from Easton, Mr. Mahany, that the Majority "Ought to Pass" Report be accepted in concurrence. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL

YEA—Aloupis, Baker, Beaulieu, Benoit, Berube, Boisvert, Boyce, Brannigan, Brenerman, Brodeur, Callahan, Carroll, Carter, Chonko, Clark, Conary, Connolly, Cox, Crowley, Damren, Davies, Day, Diamond, G.W.; Diamond, J.N.; Dillenback, Drinkwater, Dudley, Erwin, Fitzgerald, Gavett, Gowen, Gwadosky, Hall, Hanson, Hayden, Hickey, Higgins, H.C.; Hobbins, Huber, Jackson, P.T.; Jacques, Jordan, Joyce, Kane, Kany, Kelleher, Ketover, Kiesman, LaPlante, Lewis, Lisnik, Livesay, Locke, Lund, MacEachern, Macomber, Mahany, Manning, Martin, A.; Martin, H.C.; Masterman, Masterton, McGowan, McHenry, McPherson, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, M.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Paul, Pearson, Perry, Pines, Post, Pouliot, Randall, Reeves, J.; Richard, Ridley, Roberts, Rolde, Salsbury, Sherburne, Small, Smith, C.B.; Soulas, Soule, Stover, Strout, Swazey, Telow, Theriault, Thompson, Treadwell, Webster, Wentworth, Willey, The Speaker.

NAY—Armstrong, Austin, Bell, Bordeaux, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Connors, Curtis, Davis, Dexter, Foster, Gillis, Higgins, L.M.; Holloway, Hunter, Hutchings, Ingraham, Jackson, P.C.; Kilcoyne, Lancaster, MacBride, Matthews, McCollister, Nelson, A.; Perkins, Peterson, Smith, C.W.; Stevenson, Studley, Tarbell, Twitchell, Walker, Weymouth.

ABSENT—Carrier, Cunningham, Fowlie, Jalbert, Laverriere, Racine, Reeves, P.; Tuttle, Vose.

Yes, 107; No, 35; Absent, 9.

The SPEAKER: One hundred seven having voted in the affirmative and thirty-five in the negative, with nine being absent, the motion does prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (S-417) was read by the Clerk and adopted in concurrence.

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

The following paper appearing on Supplement No. 8 was taken up out of order by unanimous consent:

#### Divided Report

Nine Members of the Committee on Energy and Natural Resources on Bill "An Act to Require Municipal Approval Prior to Issuing Permits to Discharge Petroleum Products into the Tidal Waters of the State" (S. P. 762) (L. D. 1820) report in Report "A" that the same "Ought to Pass" as amended by Committee Amendment "A" (S-419)

Report was signed by the following members:

Sensors:

McBREAIRTY of Aroostook

REDMOND of Somerset

—of the Senate.

Representatives:

DEXTER of Kingfield

HUBER of Falmouth

AUSTIN of Bingham

MITCHELL of Freeport

MICHAUD of East Millinocket

MICHAEL of Auburn

JACQUES of Waterville

—of the House.

Three members of the same Committee on the same Bill report in Report "B" that the same "Ought to Pass" as amended by Committee Amendment "B" (S-420)

Report was signed by the following members:

Representatives:

KIESMAN of Fryeburg

HALL of Sangerville

DAVIES of Orono

—of the House.

One Member of the same Committee on same Bill reports in Report "C" that the same

"Ought Not to Pass"

Report was signed by the following member:

Senator:

O'LEARY of Oxford

—of the Senate.

Came from the Senate with Report "A" read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-419)

In the House: Reports were read.

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

Mr. HALL: Mr. Speaker, I move that we accept Report B, "Ought to Pass" as amended by Committee Amendment "B".

The SPEAKER: The gentleman from Sangerville, Mr. Hall, moves that the House accept Report B in non-concurrence.

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

Mrs. HUBER: Mr. Speaker and Members of the House: You will see that there are three reports—Report C is "ought not to pass;" Report B, which our good chairman has moved, is "ought to pass;" and I am on Report A and I would like to explain why because basically we are not looking at a policy change here, in my opinion, so much as an activity that was carried out, much to the amazement of many of us, which was approved by the Department of Environmental Protection, by the Board of Environmental Protection, without the ability of local officials to do other than speak to the issue in public hearing. While this may appear to have similarities with the bill that we previously debated from our committee, I would submit to you that it doesn't on the grounds that I have yet to meet anybody, except for a couple scientists, who have any belief that it makes sense to go out and deliberately pollute our marine waters, and it is on those grounds that I feel that in this type of situation, this specific situation, that of carrying out an experiment which involves deliberately spilling petroleum products into coastal waters in the State of Maine, I feel that municipal officials have the right and indeed the duty to have a say in whether that happens.

L. D. 1820 would, in fact, require prior to such an experiment being carried out that the municipal officials would have approve that experiment. It seems to me that the whole subject of deliberate pollution is one that should be addressed in a forthright manner and that the people of a community have a right to have a voice in deciding.

It is my understanding that this particular experiment required two public hearings, and after these two public hearings, the Board went ahead and approved the experiment anyway, in spite of what I believe to be extensive testimony objecting to this experiment of polluting the coastal waters of the State of Maine. Therefore, in this very limited area of dispersing petroleum products into the coastal waters of Maine, I think it is reasonable to say that the public officials, the elected officials of those towns affected, should have a veto, if you will.

I urge you to vote against the pending motion and then I hope we can accept Report A, which will allow those officials that voice.

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

Mr. CROWLEY: Mr. Speaker, I would like to pose a question to the Chair. Is Committee Amendment "B" germane?

The SPEAKER: The Chair would advise the gentleman from Stockton Springs, Mr. Crowley, regarding the request made on the germaneness—the Chair would rule that Committee Amendment "B" as presented is not germane.

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

Mr. CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make the motion that we accept Committee Amend-

ment "A", 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: This is a punitive bill and really doesn't accomplish a great deal except to try to tell somebody that we don't like the fact that the department gave a permit and we weren't in favor of it. I think it is proper that you know what this experiment is all about that has stirred this tempest up.

This permit is one of three that has been issued since the Department of Environmental Protection has been in being. There have been three experimental permits issued since the DEP has been in being, so that tells you how important this is, but the particular experiment was very important. One of the major problems of a heavy petroleum spill is that the petroleum oil comes in on the beaches and onto the clam flats and sets on the clam flats, goes down into the silt and sand and kills the clams, not only kills them at that point in time but it stays there for years and years and years and continues. There is a material called a dispersant - it is like a detergent that can be placed on heavy oil and break it up into very, very fine particles, keeps it in suspension in the water column, exposes it to the air and the sun and it breaks the petroleum product down quite rapidly. The dispersants that have been used offshore are toxic. They would kill clams pretty quickly. However, there was a new dispersant developed in Europe and there was reason to believe that it would not kill the marine animals if it came in on shore with the oil.

There was a grant given to Bowdoin College to run such an experiment and find out. They did all of the work in the lab they could, all of the experiment that they could, until they got to doing a real live situation. Then they started looking for a place to do this in a real live situation. They selected Long Cove in Searport for many reasons, one reason being that Long Cove is already so polluted that you can't dig clams there now, and according to the Department of Marine Resources, I got an answer that was quite contrary to what was testified to at the hearing.

At the hearing, we heard that we had hoped to be able to dig clams there maybe this winter. The Department of Marine Resources biologist told me that we have no expectations that there will be digging clams in Long Cove in the foreseeable future, as far forward as we can visualize, because Long Cove is terribly polluted with municipal pollution, with sewage.

Secondly, Long Cove is polluted with petroleum. There was an oil spill from the Air Force tanks there about 8 or 10 years ago and that is still there in the sands and silt of Long Cove and the clams will only live on the top five or six inch surface in that cove. As soon as they get any size and go down, they die.

Third, Long Cove does not have any cabins, cottages and private boats moored there and if the experiment went awry, there wouldn't be any pollution of boats because it is a privately owned cove and the railroad is in the cove.

Fourth, with the proposed development of the port at Searport, there is going to be millions of gallons of heavy oil unloaded there. That will be where it will be unloaded to go on up the paper mills and the probability of an oil spill of heavy oil there is very great somewhere in the future. So that was a very logical place to do this experiment.

There were complaints about why isn't it done on an island offshore? That is pretty obvious. Water currents by an island are greatly different than they are on the mainland, so this was a logical place to do this experiment. The department was very concerned that the experiment be done because they have never dared to use this dispersant for fear that it wouldn't work in a real life situation and somebody would have their head cut off and delivered to

the Governor on a platter, so they would take the chance of letting the oils come in. When a ship hit the ledge, I believe it was off Rockland, they didn't dare to use it because it had never been proven.

The permit was issued. I will admit that the Department did a lousy job of public relations but it was very important to the whole coast of Maine, not just Searport, but for the whole coast of Maine that we find out, can this dispersant be used in the tidal waters and be able to save the clams? This is to everyone's best interest in the whole state. They went down there and did a perfect experiment.

We hear about them dumping this oil, there was 500 gallons of oil put into the waters. They double boomed two 60 meter areas along the beach, they put the heavy oil, 250 gallons, into one boomed area, they put 250 gallons into another boomed area, they put the dispersant on one and not the other. It worked just like the lab experiment said it would. It kept the oil in suspension and that that had the dispersant, it came in with the tide, it went out with the tide, came in with the tide and went out with the tide and it got less and less and less every time. None settled on the beach and none polluted the clams and none killed the clams.

The oil that they had in the other section to prove how normal process of cleanup, which is by the use of absorbents, they let it come in on the beach and then they cleaned it up with absorbents in the normal manner—that is less than satisfactory and there was some effect on the clams in that 60 meter area in that cove. It didn't kill them because they were right there and cleaned it up before it was that toxic.

But the fact of the matter is that the experiment did work, the Department has gained a lot of information. They will be able to use this material in the future. There is no telling how many millions of dollars worth of clams will be saved in the future if there are any heavy oil spills because they know now that they can use this dispersant. So the point is that the experiment that has caused all this tempest in the teapot worked just like it was supposed to. There hasn't been any damage there. As matter of fact, it couldn't have caused any damage there because the municipal sewage there has already damaged it as much as it could possibly be damaged.

I submit to you that this bill is not needed. It is an improper thing to come before us. It deals with only one experiment of three that have been issued since the department ever has been in being and there probably will never be another one, or if there is and if it is this far apart, it is not a problem and I would move the indefinite postponement of this bill and all its accompanying papers.

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

Mr. CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: After hearing Representative Kiesman's story on this play by play experience he had with this oil spill, it is too bad that he wasn't there to see it. This experiment, to my way of thinking and to those of us in the area of Stockton Springs and Searport, would liken it more to a scientific sham. The oil that was put in the water was so well contained within the booms, some of it went immediately underneath the booms and out as the part that was dispersed with Exxon's Corrects-it Oil that they were doing the experiment for.

The other area was just plain crude oil and I don't know whether you have ever been within 1,000 feet of a crude oil spill or not, but this oil would make water come to your eyes immediately as soon as it hits the area. This spilling of oil is no joke and to say that the Searport Long Cove is some kind of a dump I think is unfair.

Last summer before this oil spill, I actually went down there, took my lunch and sat on the beach and watched ducks swimming in the water and so forth at high tide there and I

didn't see any foul effects, in fact, I am sure I could swim in that water any day in the summer.

I agree a thousand percent with what Representative Huber said. I think it is imperative that we give the communities some rights to make the decisions on experimental oil spills.

I have one letter here from the Natural Resource Council of Maine, Robert H. Gardiner, Jr., and the paragraph I would read to you is: "The Natural Resources Council of Maine supports L.D. 1820. While we recognize the value of scientific research, we do not believe that such research should be conducted without the approval of the shellfish industry and the local officials that might be affected if the experiment is unsuccessful. We believe this proposed legislation would be a reasonable restraint."

Now, to get to the most serious point — I believe that the Director of Marine Resources should have some idea of what is going on in Long Cove, because in 1971 there was an oil spill in Long Cove and these people studied this from 1971 to 1977 and came up with an answer and it is right in a DEP report, that the only way you can clean up any oil spill now is to do it mechanically. All of a sudden, the same people who were doing all these studies came up with a wild number of 9,000 and they went in there to do a \$300,000 experiment that I believe was totally unnecessary.

To read to you — and this is from Spencer Apollonio and Commissioner Warren, "The proposed release of 20 barrels," they reduced this from 20 to 500 barrels, "the proposed release of 20 barrels of oil in Long Cove, even with the dispersant, poses a serious threat to significant sand worm and blood worm resources as well as to a large population of soft clams now in Long Cove. The set of a year class of clams is apparently 1978 and it is the first significant recruitment in the area since the major oil spill release in the cove several years ago. The present population may reach a density in excess of 200 bushels per acre in one or two years and it presents a rate of growth. At this time, the resource should be made available to commercial fisheries. It is of great interest to this department and should be of interest to the DEP and the EPA and the Petroleum Institute to whether this clam population represents a stage of significant recovery from the devastation previously noted."

So, to summarize all that I have to say, we went through heck last summer while they pulled this oil spill off on us and we thought that the oil spill, if it had been done in a laboratory, might have been acceptable. This same experiment has been done in Canada and in France. I think we should go along with this and give the municipalities, give the citizens back home, just a little bit of say about what happens to our beaches, whether it be Kennebunk, Old Orchard, York Beach, Falmouth or Long Cove in Searport.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: If I may, I think my good House Chairman from Sangerville, Mr. Hall, who tickles me to death, gave the perfect reason why we should go along with Committee Amendment "A". He gave you the reasons on the hazardous waste. I think it is not a punitive thing, I think it is not a small, insignificant thing, I think a situation like this bears the same protection that Mr. Hall talked about in Mr. Peterson's town or his town or the gentleman from Eagle Lake's town. Mr. Hall did such a good job on the last one that he got me to change my vote from the way I signed the bill, so he got 79 votes and I would like to see 79 votes, at least, against the motion to indefinitely postpone and let's adopt Committee Amendment "A" and do something worthwhile, not punitive.

The SPEAKER: The Chair recognizes the gentlewoman from Woolwich, Mrs. Cahill.

Mrs. CAHILL: Mr. Speaker, I would like to pose a question to the gentleman from Fryeburg. Mr. Kiesman. I would like to know, we have heard a lot about clams, if there has been any study done or if the gentleman has checked into what has happened to the marine worm population in the Long Cove area since this experiment was done?

The SPEAKER: The gentlewoman from Woolwich, Mrs. Cahill, has posed a question through the Chair to the gentleman from Fryeburg, Mr. Kiesman, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: I am told by the professor that ran the experiment, they have been doing testing every two weeks up until the cove froze over this winter from the time that the experiment was carried out. They will pick it back up this spring. They said there was damage in the area where the untreated petroleum came onto the beach where they cleaned it up by the use of absorbants, which has been the normal practice for cleaning up a heavy oil spill. In the area where they put the dispersant, they did not have any appreciable damage. It did slow down the marine animals, the amount of water intake, the amount of food intake and the rate of growth for about a three to four week period and then they recovered.

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

Mr. DRINKWATER: Mr. Speaker and Members of the House: I rise briefly to lend support to Representative Crowley from Stockton Springs. I, too, was at the scene the day of this so-called test, and I could only liken it, and the information I was getting from the residents and the non-residents that came in there that day, it was a little like possibly going up into your potato patch and you have some potatoes that don't look too great and therefore the state could come in there, or some other agency, and decide they are going to run a test and dump stuff in your potato field.

We are talking about people in our area that are making a living out of the tidewaters. They either dig worms, clams or they try to clean up their act so they can, and I would just like to be on record as supporting Representative Crowley in his bid to have Report A accepted.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Fryeburg, Mr. Kiesman, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

4 having voted in the affirmative and 91 having voted in the negative, the motion did not prevail.

Thereupon, the Majority "Ought to Pass" Report A was accepted in concurrence and the bill read once, Committee Amendment "A" (S-419) was read by the Clerk and adopted in concurrence.

Under suspension of the rules, the Bill was passed to be engrossed as amended read the second time in concurrence.

The following paper appearing on Supplement No. 9 was taken up out of order by unanimous consent:

The following Communication:  
The Senate of Maine  
Augusta

March 23, 1982

The Honorable Edwin H. Pert  
Clerk of the House  
110th Maine Legislature  
State House  
Augusta, Maine 04333  
Dear Clerk Pert:

The Senate today voted to Adhere to its former action whereby it Indefinitely Postponed Bill, "An Act to Prohibit Drinking on School Premises Without Requiring Prior

Warning by a Law Enforcement Officer", (H. P. 1929) (L. D. 1912).

Respectfully,  
MAY M. ROSS  
Secretary of the Senate

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:

#### Emergency Measure

An Act Making Appropriations, Authorizations and Allocations Relating to Federal Block Grants for the Expenditures of State Government for the Fiscal Years Ending June 30, 1982, June 30, 1983 and June 30, 1984 (S. P. 946) (L. D. 2085)

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 none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

The following paper appearing on Supplement No. 10 was taken up out of order by unanimous consent:

The following Communication: (S. P. 943)

State of Maine  
Senate Chamber  
President's Office  
Augusta, Maine 04333

March 19, 1982

Honorable Charlotte Sewall  
Honorable Edith Beaulieu  
Chairmen

Joint Standing Committee on Labor  
State House  
Augusta, Maine 04333

Dear Committee Chairmen:

Please be advised that Governor Joseph E. Brennan is nominating Harold S. Noddin of Augusta and Russell A. Webb of Clinton for reappointment to the Maine Labor Relations Board. Mr. Noddin is being nominated to the position of Primary Employee Member and Mr. Webb is being nominated to the position of First Alternate Employee Member and Mr. Webb is being nominated to the position of First Alternate Employee Member.

Pursuant to Title 26 MRSA Section 968, this nomination will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

Sincerely,  
JOSEPH SEWALL  
President of the Senate  
JOHN L. MARTIN  
Speaker of the House

Came from the Senate read and referred to the Committee on Labor.

In the House, the Communication was read and referred to the Committee on Labor in concurrence.

The following paper appearing on Supplement No. 11 was taken up out of order by unanimous consent:

The following Communication: (S. P. 944)  
State of Maine  
Senate Chamber  
President's Office  
Augusta Maine 04330

March 19, 1982

Honorable Thomas M. Teague  
Honorable Daniel B. Hickey  
Chairmen  
Joint Standing Committee on  
Aging, Retirement and Veterans  
State House  
Augusta, Maine 04333

Dear Committee Chairmen:

Please be advised that Governor Joseph E. Brennan is nominating Patricia M. McDonough

of South Portland for reappointment to the Maine State Retirement System Board of Trustees.

Pursuant to Title 5 MRSA Section 1031, this nomination will require review by the Joint Standing Committee on Aging, Retirement and Veterans and confirmation by the Senate.

Sincerely,  
JOSEPH SEWALL  
President of the Senate  
JOHN L. MARTIN  
Speaker of the House

Came from the Senate read and referred to the Committee on Aging, Retirement and Veterans.

In the House, the Communication was read and referred to the Committee on Aging, Retirement and Veterans in concurrence.

The following papers appearing on Supplement No. 14 were taken up out of order by unanimous consent:

#### Leave to Withdraw

Representative KANY from the Committee on State Government on Bill "An Act to Increase the Salary of the Governor" (H. P. 1951) (L. D. 1975) reporting "Leave to Withdraw" (Representative Holloway of Edgecomb - Abstained)

Report was read and accepted and sent up for concurrence.

#### Consent Calendar First Day

(H. P. 1790) (L. D. 1780) Bill "An Act to Eliminate the Requirement that Changes in the Public Utility Rates be Prorated" — Committee on Public Utilities reporting "Ought to Pass"

(H. P. 1755) (L. D. 1745) Bill "An Act to Allow the Chairman to Appoint Members of the Public Utilities Commission to Serve as Hearing Examiners" — Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-673)

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

On motion of Mr. Connolly of Portland, the House reconsidered its action whereby Bill "An Act to Eliminate the Requirement that Changes in the Public Utility Rates be Prorated," House Paper 1790, L. D. 1780, was passed to be engrossed pursuant to Consent Calendar Rules.

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

On motion of Mr. Hall of Sangerville, the House reconsidered its action of earlier in the day whereby Bill "An Act to Create a State Set-aside System for Petroleum Products" House Paper 2088, L. D. 2022, was passed to be engrossed.

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

House Amendment "A" (H-670) was read by the Clerk and adopted.

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

(Off Record Remarks)

On motion of Ms. Small of Bath, Adjourned until nine o'clock tomorrow morning.