

# 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**

Wednesday, March 24, 1982

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

Prayer by the Reverend Gordon W. H. Buzza of the Old United Methodist Church, Old Town.

The journal of yesterday was read and approved.

**Papers from the Senate**

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act Appropriating Funds and Setting Wage Reimbursement Levels for Employees of Intermediate Care Facilities for the Mentally Retarded" (S. P. 800) (L. D. 1880)

Came from the Senate with the Report read and accepted.

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

**Divided Report**

Majority Report of the Committee on Health and Institutional Services reporting "Ought to Pass" on Bill "An Act to Adjust the Eating, Lodging and Recreational Place Licensing Fee" (S. P. 811) (L. D. 1907)

Report was signed by the following members:

Senators:  
BUSTIN of Kennebec  
HICHENS of York — of the Senate.

Representatives:  
MANNING of Portland  
NELSON of Portland  
RICHARD of Madison  
McCOLLISTER of Canton  
KETOVER of Portland  
BRODEUR of Auburn

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-401) on same Bill.

Report was signed by the following members:

Senator:  
GILL of Cumberland — of the Senate.

Representatives:  
HOLLOWAY of Edgecomb  
WEBSTER of Farmington  
MacBRIDE of Presque Isle  
RANDALL of East Machias

— of the House.

Came from the Senate with the Majority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed.

In the House: Reports were read.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I move that we accept the Majority "Ought to Pass" Report.

The SPEAKER: The gentlewoman from Portland, Mrs. Nelson, moves that the Majority "Ought to Pass" Report be accepted in concurrence.

The Chair recognizes the gentlewoman from Presque Isle, Mrs. MacBride.

Mrs. MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I supported the Minority Report on this bill. This report would undedicate the funds for this department and create seven sanitarium positions.

I supported the Minority Report for two reasons. Title 22 of the Fees for Services law states, "The Department of Human Services is authorized to charge reasonable fees for any services provided under the title whether directly or indirectly provided by the Department."

I am very much in favor of reasonable fees, but I am not just sure what that figure should be.

The Majority Report of the committee asks

for a \$20 fee increase for new and renewed licenses, but the Audit and Program Review Committee has just reviewed this, and though I have not seen their bill as yet, I understand they have two reports, one recommending a \$10 fee increase and one a \$5 increase. Which one is needed?

There are about 8,000 eating and lodging, mobile home parks and recreation facilities, so a sizable amount of money is involved here. Should the increases be \$20, should they be \$10, or should they be \$5? I don't know, so I would like to see their report before we decide definitely.

If the account remains dedicated, just what fee is needed to support the adequate number of sanitarians? We had charts to show us just how many sanitarians were needed, but last year we had six sanitarians, with two out ill, which left only four to do the inspecting. At one time, I received a phone call saying we had three out ill, leaving only three working, and that was certainly not enough.

The 108th Legislature passed a law providing for the transferability of funds from one subdivision of the same department to another. With this problem with the sanitarians last year, would it have been helpful if that account had been undedicated? I do wonder about that. I also wonder if it would not be a good idea if this department was put on the appropriations tabled and had to compete and be answerable for their services to the Appropriations Committee. I think it is important that something be done so that this situation would not arise again.

There are a number of questions that I think need to be answered so that the most adequate service possible can be given to the people in Maine. I would like to see this Audit and Program Review report before we decide just which service fee to accept and which way to fund it. I hope someone will table this bill for me.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I think the problem before us is relatively simple. I think we have all heard again and again about the sanitarians and the need for them. We had a very good hearing, there were quite a few people there before our committee and it was decided by those people in the industry, we are talking about the restaurant and the hotel industry, they came before us and it was quite unusual because they begged, pleaded and cajoled us into increasing their fees. This is quite rare. They asked, please increase our fees so that we can serve the second most important industry in our state, tourism, better.

So our committee, who in the past has always dealt with this issue, believed that the fee increase was important and we worked it out and figured that \$20 was very reasonable, considering there are some license fees up to \$200 and \$300 for these people if they wish to have a license for liquor and so forth, and so \$20 was extremely reasonable. The concern was whether to dedicate it or undedicate it. The industry pleaded, begged and cajoled us to keep the fees dedicated. They believe that they would be willing to pay \$20 or more if, indeed, that money would go for what they believed was their greatest need, and that is why our committee, in its wisdom, a committee that has been dealing with this problem continually now for years, believes, the majority of the committee believed that the raise in fees was reasonable and it belonged where it should be, in a dedicated fund, and that is the majority report and that is what I asked to be moved.

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

Mrs. MITCHELL: Mr. Speaker and Members of the House: I would like to pose a question through the Chair to the gentlewoman from Lewiston, Representative Berube, but

before I pose the question, I want to know if indeed there is a second report dealing with the fees, and if there is, perhaps the best thing to do would be to table it until we see that. In addition to that, we probably should get this bill on for second reading so it would be in a position to be amended, but I would like to have that answered by Representative Berube.

The SPEAKER: The gentlewoman from Vassalboro, Mrs. Mitchell, has posed a question through the Chair to the gentlewoman from Lewiston, Mrs. Berube, who may respond if she so desires.

The Chair recognizes that gentlewoman.

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: Our sunset report should be out tomorrow, hopefully. We do address that issue and I think if someone were to table it for two legislative days, that would be the way to go at this point.

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

Mrs. MITCHELL: Mr. Speaker and Members of the House: I thank the gentlewoman for her response and I think that it is right, that we need to look at both reports, but if we let this bill go to second reader, we would have an opportunity to either amend at that time or to table at that time, but in order to expedite the process, I would suggest that we let it go to second reader tomorrow.

Thereupon, the Majority "Ought to Pass" Report was accepted in concurrence, the Bill read once and assigned for second reading tomorrow.

**Non-Concurrent Matter  
Tabled and Assigned**

Bill, "An Act Relating to the Closing of State Liquor Stores in Communities with One Store" (Emergency) (H. P. 1996) (L. D. 1972) on which the Bill was substituted for the reports and passed to be engrossed in the House on March 11, 1982.

Came from the Senate with the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-641) Report of the Committee on Legal Affairs read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-641) in non-concurrence.

In the House:

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

Mr. COX: Mr. Speaker, I move that the House recede and concur.

The SPEAKER: The gentleman from Brewer, Mr. Cox, moves that the House recede and concur.

Whereupon, on motion of Mr. Carter of Winslow, the House voted to recede from its action whereby the Bill was substituted for the Report.

The SPEAKER: The gentleman may proceed.

Mr. CARTER: Mr. Speaker and Members of the House: Several days ago, I expressed my concern to the House on how frustrating an issue this has been for me and for my community and it has not come to an end. However, since this started over a year ago, times do change and it is possible that there may be a vacancy available for additional space if it is suitable, and the Director of Alcoholic Beverages has scheduled an appointment to visit my community this afternoon, and since he is being directed by the legislature to perform his duties, he has asked me to accompany him and I have gladly accepted the task. And until I get back, I would ask that some kind soul table this bill for one day so that I may report to the legislature tomorrow about our visit.

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

**Non-Concurrent Matter**

Bill "An Act Relating to Assigned Risk Plans

in Workers' Compensation Insurance" (H. P. 1995) (L. D. 1971) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-659) Report of the Committee on Business Legislation was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-659) in the House on March 23, 1982.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Business Legislation read and accepted in non-concurrence.

In the House:

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

Mr. BRANNIGAN: Mr. Speaker, I move that the House adhere.

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

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

The SPEAKER: The gentleman from Wilton, Mr. Armstrong, moves that the House recede and concur.

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: The Business Legislation Committee has, on several occasions in this session, in several ways looked into the area of workers' compensation in the area that we have responsibility for, and that is the insurance area. Some of my colleagues will explain this bill more thoroughly as they have worked on it more thoroughly than I.

We have been frustrated in our attempts to find ways of reducing the cost of workers' comp in the areas of insurance. We believe there are ways, we believe that we had a way that was very effective in the last session, the state fund, the competitive state fund. We have been trying to make this a competitive issue. We have not found a way that we have either felt solid with or that the whole legislature, especially the other body, has felt that they could go with. We are working on that. This is one attempt that we have made, and we would like to present it to you, and we would like at least this body to stand behind a cost-saving measure, especially for small business, in the area of workers' comp.

The SPEAKER: The Chair recognizes the gentleman from Brooksville, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: For a long time, we have been aware of high rates in workers' comp and we have had no relief whatsoever for the small employer.

Prior to July 1, 1981, if your premiums exceeded \$1,500, you were eligible for experienced rating. At the present time, your premium must exceed \$3,500 to be eligible for such rating, and after July 1, 1982, your premium must exceed \$5,000.

Even allowing for inflation, it is obvious that less and less small plans will be eligible for experienced ratings.

The 1982 assigned risk pool was about \$24.8 million, representing about 25.7 percent of the total workers' comp premiums in this state. Ninety-one percent of the risks in this pool has premiums less than \$5,000, and 68 percent of the risks had premiums below \$1,000.

In numbers, the pool has increased from \$3,-194 in 1977 to \$8,112 in 1980. It is rather obvious that there has been a general dumping of all risks into this pool.

The dumping has been by size or risk rather than by poor experience. It follows that the smaller employers have been subsidizing the larger employers with poor experience in this group.

From a practical point of view, there is no competition for this business. Unless something is done, the workers' compensation costs to small employers can only increase.

I hope you will vote against the recede and concur motion.

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

A vote of the House was taken.

20 having voted in the affirmative and 96 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Brannigan of Portland, the House voted to adhere.

#### Non-Concurrent Matter

An Act to Amend the Maine Consumer Credit Code Regarding Educational Loans and Cosigner Notices (S. P. 787) (L. D. 1852) (C. "A" S-407) which was Passed to be Enacted in the House on March 19, 1982.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-407) as amended by Senate Amendment "A" (S-425) thereto in non-concurrence.

In the House:

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

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

Whereupon, Mr. Strout of Corinth requested a vote.

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

A vote of the House was taken.

107 having voted in the affirmative and one having voted in the negative, the motion did prevail.

#### Petitions, Bills and Resolves Requiring Reference

The following Bill was received and, upon recommendation of the Committee on Reference of Bills, was referred to the following Committee:

#### Appropriations and Financial Affairs

Bill "An Act to Adjust Levels of Compensation for Constitutional Officers, Members of the Legislature and the Senate Secretary and House Clerk" (H. P. 2233) (Submitted by the State Compensation Commission pursuant to chapter 498, of the Public Laws of 1981)

(Ordered Printed)

Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

#### Orders

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

ORDERED, that Representative John Tuttle of Sanford be excused for the duration of the session for military service.

#### House Reports of Committees Ought to Pass in New Draft

Representative Hobbins from the Committee on Judiciary on Bill, "An Act to Amend the Certification Process for Admission into Public Mental Retardation Institutions and to Clarify the Jurisdiction of the District Court" (H. P. 1968) (L. D. 1943) reporting "Ought to Pass" in New Draft (H. P. 2228) (L. D. 2086)

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 Knox County for the Year 1982 (Emergency) (H. P. 2229) (L. D. 2087) 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 Ridley 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 Hancock County for the Year 1982 (Emergency) (H. P. 2230) (L. D. 2088) 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 Stover from the Committee on Local and County Government pursuant to Joint Order 1846 reporting a RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1982 (Emergency) (H. P. 2231) (L. D. 2090) 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. 2180

Representative LaPlante from the Committee on Local and County Government pursuant to Joint Order 2180 reporting a Bill "An Act to Adjust Salaries of Officers of Knox and Hancock Counties for 1981" (Emergency) (H. P. 2232) (L. D. 2089) 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.

#### Consent Calendar

##### First Day

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

(H. P. 1970) (L. D. 1945) Bill "An Act to Revise the Greater Portland Public Development Commission"—Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-676)

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

#### Second Reader

##### Later Today Assigned

Bill "An Act to Promote Local Control of Hazardous Waste Facilities" (H. P. 2014) (L. D. 1984)

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

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

#### Second Reader

##### Tabled and Assigned

Bill "An Act to Eliminate the Requirement that Changes in the Public Utility Rates be Prorated" (H. P. 1790) (L. D. 1780)

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

On motion of Mr. Davies of Orono, tabled pending passage to be engrossed and tomorrow assigned.

Mrs. Holloway of Edgecomb was granted unanimous consent to address the House.

Mrs. HOLLOWAY: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to address the House members in a word of explanation as to why my name has been abstaining from the State Government Committee bills. Primarily it is because I have moved from Health and Institutional Services Committee to State Government, was not present at the hearings, not present at most of the work sessions, so therefore, because the bills were coming out unanimous "Ought to Pass", I felt that I should abstain from voting and that is why you see my name so often on these reports.

#### Orders of the Day

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

Bill, "An Act Creating the Housing Opportunities for Maine (HOME) Program and Governing Program Funds Appropriated by this Act to the Maine State Housing Authority" (Emergency) (H. P. 2071) (L. D. 2012) — In House. Read once on March 23, and assigned for Second Reading Later Today.

Pending—Second Reading.

Thereupon, the Bill was read a second time.

Mr. Webster of Farmington offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-672) was read by the Clerk.

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

Mrs. KANY: Mr. Speaker and Members of the House: I ask for a division on the adoption of this amendment and I hope you vote against adoption. The reason is that this amendment would require that under the Maine State Housing Authority program in which lower interest loans would be available to new homeowners and single-family homeowners throughout the state, that you would be denying a benefit to many veterans which they have. They are presently allowed to have as much as a zero down payment if it is a VA insured loan. This amendment would disallow that benefit to many veterans.

Second, under Farmers Home Administration, presently with the lower level mortgage, you could have as low as a 3 percent down payment and this amendment, once again, would disallow that.

I hope you vote against adoption. In fact, I just prefer to indefinitely postpone this. Is that motion in order, Mr. Speaker?

The SPEAKER: The Chair would answer in the affirmative.

Mrs. KANY: I move indefinite postponement of this amendment.

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

Mr. WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I want to briefly explain my amendment and why I would ask you to vote against the indefinite postponement motion.

The Representative from Waterville, Representative Kany, has mentioned that VA and FHA loans, in some areas, do not require down payments. I would not argue that fact, but I would remind you that yesterday we discussed on the House floor a bill dealing with income tax, a bill dealing with piggybacking and a bill which this House defeated on the premise that we are not going to do what the federal government—we are not going to piggyback, we don't know what is going to happen in Washington in the next few months. I would submit to you that we should not pass a law in the State of Maine based on what might or might not happen in Washington. I would also submit to you that six months from now there probably will be no such thing as a loan without some kind of down payment. I would say that probably knowing the administration in Washington, and the direction that they are moving, I believe very

strongly that an individual buying a home should have some investment in that home and I feel that five percent is an adequate figure.

I would like to give you an example of buying a home in my own district. I spoke yesterday with my tax assessor, some insurance people and probably in Portland or Lewiston or some places in the state you can't buy a house for \$30,000 but you can buy a nice home, a beginning home for a young couple starting out, for \$30,000 in my district. If you buy a \$30,000 in Farmington and you need five percent down, that means you need \$1,500. I believe very strongly that if you cannot save \$1,500 to buy that home, that you are not going to be able to pay the taxes and insurance and the upkeep which comes to that much a year.

I feel that you have got to have a commitment in that home, you have got to be able to put something into it—the premise that the government can just create programs for people to come and get money to buy homes, I don't agree with.

I am philosophically opposed to the whole law in itself but I am a realist. I know that this House and this legislature is going to address the housing problem, so I believe if we are going to address this housing problem, we have got to do it in a manner that is palatable to myself and to the majority of the citizens of Maine, and I would ask you to vote against the fine lady from Waterville's motion to indefinitely postpone.

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

Mr. DIAMOND: Mr. Speaker, Members of the House: My good friend from Farmington, Mr. Webster, I think is confusing the issue quite a bit. The matter at hand is not whether or not a person should invest or have an investment in a property in order to participate in this program. What we are discussing is the size of the down payment that should be required in order to participate in this particular program.

The members of the committee expressed concern when we originally heard about the way the program was being designed, that there should be just what Representative Webster pointed out, an investment of some part in this program by the person who would like to take advantage of it. In going into it, we realized that there was absolutely no need to because of certain things that are required in other parts of the bill in order to participate.

Mortgage insurance is required, one to three forms of mortgage insurance, two of which deal with the federal government. One is Veterans Administration Mortgage Insurance and the other one is FHA mortgage insurance. The third form is a private mortgage insurance which meets all the guidelines that Representative Webster is concerned with.

However, in the two federally provided mortgage insurance programs, there are certain provisions that are made to benefit certain individuals and the most important one is the one that is in jeopardy as a result of the possible passage of Representative Webster's amendment, and that is what happens to veterans who would like to participate in this particular program. The veterans need no down payment in order to take advantage of this and by accepting Representative Webster's amendment, we would be requiring them to come up with several thousand dollars that they don't need to have.

I think Representative Webster is concerned about the state's interest here, and my only response to that is that the federal insurance that would be provided through the VA and the FHA totally covers any involvement or interest of the state.

What we are concerned about through this program is making decent, safe, affordable housing available to the people of this state. By accepting Representative Webster's amendment, you would be jeopardizing that for those

people, those veterans and others, who wanted to take advantage of this program, so I would urge you to oppose the amendment, support the motion to indefinitely postpone and, Mr. Speaker, I would ask for 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. Those in favor will vote yes; those opposed will vote no.

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

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I support the amendment reluctantly; five percent is a pretty small amount. I would like to have seen it ten. I think if a person wants to own a piece of property he should have some equity in it; otherwise, they would just as soon knock the windows out and burn the cupboards for kindling wood, etc. I have seen evidence of this.

When people get a rent, they have to pay a month in advance or make a deposit so they will have some equity in it. Without equity—this doesn't go for everybody but there is such a big percentage of people that move into these houses where they have no equity and they don't mind staving them up and moving out after a year or so, as soon as they have a fight with their wife or something, so I believe you need some equity and five percent is the smallest I would go along with. I would much rather see it ten.

I hope you keep the amendment.

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

Mr. HALL: Mr. Speaker, I would like to pose a question through the Chair. Does this include the lot or does the person who has the house built have to own the lot?

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

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

Mr. DIAMOND: Mr. Speaker and Members of the House: In response to Representative Hall's question, this really does not deal with that matter at all. What it deals with and the section of the bill that is being addressed in the amendment is simply the section on down payment for the total mortgage. Again, that includes the property and includes the entire mortgage. The amendment itself deals with a particular aspect of the down payment and deals with—really, as far as I am concerned, it doesn't deal with the matter at hand at all.

Again, I would urge you to support the motion before us.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: At the risk of trying to appear that I am turning this into a partisan issue, I would just preempt my remarks by saying that I am speaking now as an individual legislator from Scarborough.

I would also hope that you would vote against the motion to indefinitely postpone and I say that for a couple of reasons. One, the gentleman from Bangor has talked about benefits. Well, I guess I would submit to you that anybody that qualifies for this program is going to receive one heck of a big benefit if they get up to a five percent reduction on their mortgage rates. I think that is a pretty darn good benefit.

I would also submit to you that if you were an individual who did not qualify for one of these low interest loans, I think you would be somewhat upset with the state legislature, and I know a lot of people have been with the federal government, that just because I earn \$1,000 more than somebody else, I therefore do not

qualify for the program that not only gives me a four or five percent discount on my mortgage rates but also requires no down payment the people of this state and the people of this country don't like that kind of a situation, they just don't like it. I am not too fond of it either, because when you set a maximum amount of money that anybody can earn to qualify for a program, there is a disincentive there for people to work and there is a disincentive for people to go out—you hear of cases where people quit their jobs so they qualify for some of these low interest loans. I think that is unfortunate.

I submit to you that the one thing we can do here is to provide that they have some equity in the property and it seems only fair to me, as one of those persons who is going to be contributing that \$4 million, part of it, through my taxes to subsidize my program. I want to make sure that the people who are receiving the benefit have something at stake, something to lose by not fulfilling their part of the obligation. I think that is only fair, it is only fair for me and I think it is only fair for the rest of the people of the state.

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

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I think this morning I will try to take the gentleman in the left-hand corner and the gentleman in the back row on together.

Of course, I agree that it is most desirable and prudent for some equity to be put into a mortgage loan. We are talking about young couples here, first time buyers, the results of the baby boom after World War II. They walk into a bank, the bank is participating in the State Housing Authority program, it is the bank mortgage loan officer that sits down with the young couple and points out to them the desirability of building up some equity and therefore having some down payment in their mortgage. That is not going to be any different than what has been happening over the past few years in the Maine State Housing program.

What we are allowing is for those rare instances when a veteran wishes to take advantage of a veteran's housing loan, to which he is entitled, which may have a zero percent down payment. I don't think you want to deny your veterans that kind of an opportunity.

I think if we use our common sense, we will realize that a young couple stretching their earnings to pay a mortgage every month are going to do everything they can to pay up front with a down payment. So I do urge you to vote for indefinite postponement of this amendment.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I hear often from our veterans that we in the State of Maine do nothing to help. They tell me that other states have given them bonuses—well, I think this is something that we can do to help them, a little thing we can do to help them by indefinitely postponing this amendment.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentlewoman from Waterville, Mrs. Kany, that House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Baker, Beaulieu, Bell, Benoit, Berube, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Brown, A.; Carroll, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Foster, Gillis, Gowen, Gwadosky, Hall, Hanson, Hayden, Higgins, H.C.; Hobbins, Holloway, Huber, Jackson, P.T.; Jalbert, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Laverriere, Lisnik, Macomber,

Mahany, Manning, Martin, A.; Masterton, McCollister, McGowan, McHenry, McSweeney, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, M.; Norton, O'Rourke, Paradis, P.; Paul, Pearson, Perry, Post, Pouliot, Racine, Reeves, P.; Richard, Roberts, Rolde, Smith, C.B.; Smith, C.W.; Soule, Strout, Swazey, Theriault, Thompson, Treadwell, Twitchell, Vose, Walker, Webster, The Speaker.

NAY—Aloupis, Armstrong, Austin, Bordeaux, Brown, D.; Brown, K.L.; Cahill, Callahan, Conary, Conners, Cunningham, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Gavett, Higgins, L.M.; Hunter, Hutchings, Ingraham, Jackson, P.C.; Jacques, Jordan, Kiesman, Lancaster, Lewis, Livesay, Locke, Lund, MacBride, Martin, H.C.; Masterman, Matthews, McPherson, Nelson, A.; Paradis, E.; Perkins, Peterson, Pines, Randall, Reeves, J.; Ridley, Salsbury, Sherburne, Small, Stevenson, Stover, Studley, Tarbell, Telow, Wentworth, Weymouth, Willey.

ABSENT—Carrier, Carter, Fowle, MacEachern, Michael, Soulas, Tuttle.

Yes, 87; No, 57; Absent, 7.

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

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

Mr. JALBERT: Mr. Speaker, I move that we reconsider whereby we indefinitely postponed House Amendment "A".

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that the House reconsider its action whereby House Amendment "A" was indefinitely postponed.

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

Mr. WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I don't intend to debate this issue further. There seems to be some major concern about veterans in this House, which I am also equally concerned about, so I would like to bring another amendment before this body and exempt veterans.

I feel that this is still a good amendment and I still feel there is no problem with veterans but evidently that was the issue that turned the tide, so I would like to offer an amendment at a further date, perhaps later this afternoon if I could have it tabled, so I could exempt veterans.

The SPEAKER: The Chair will advise the gentleman that the pending motion is to reconsider where House Amendment "A" was indefinitely postponed. The bill is not before us at this point.

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

Mr. DUDLEY: Mr. Speaker, I would like to have this tabled until later in today's session. Subsequently, Mr. Dudley of Enfield withdrew his motion to table.

The SPEAKER: The Chair will order a vote on the motion to reconsider. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

57 having voted in the affirmative and 81 in the negative, the motion did not prevail.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Ms. Small.

Ms. SMALL: Mr. Speaker, I have another amendment prepared for this bill. One did come across your desks this morning but it was in error so there is one being drawn up right now and I would ask that this bill be tabled until later in today's session.

On motion of Mrs. Kany of Waterville, tabled pending passage to be engrossed and later today assigned.

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

Bill, "An Act to Amend the Child Support

Laws" (H. P. 2184) (L. D. 2070)

Tabled—March 23, by Representative Hobbins of Saco.

Pending—Passage to be Engrossed.

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

Mr. HOBBS: Representative Carrier, I understand, is not here today and out of deference to him, because he was supposed to offer an amendment, I would ask someone to table this matter for one legislative day.

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

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

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

Tabled—March 23 by Representative Connolly of Portland.

Pending—Motion of the same gentleman to Reconsider Failing of Passage to be Enacted.

On motion of Mr. Connolly of Portland, tabled pending his motion to reconsider whereby the Bill failed of passage to be enacted and specially assigned for Friday, March 26.

The Chair laid before the House the third 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 23 by Representative Diamond of Windham.

PENDING—Motion of Representative Brannigan of Portland to Recede and Concur.

On motion of Mr. Kelleher of Bangor, tabled pending the motion of Mr. Brannigan of Portland to recede and concur and later today assigned.

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

#### Passed to Be Enacted Emergency Measure

An Act to Address the Potential Conflict of Interest of the Board of Pesticides Control (S. P. 738) (L. D. 1723) (C. "A" S-409)

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.

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

#### Emergency Measure

An Act to Facilitate Acquisition, Improvement and Construction of Housing Financed through the Maine State Housing Authority (S. P. 867) (L. D. 2015) (S. "A" S-421 to C. "A" S-413)

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

The SPEAKER: The Chair recognizes the gentlewoman from Auburn, Miss Lewis.

Miss LEWIS: Mr. Speaker, could I pose a question through the Chair? Could someone please explain to me what exactly this bill, L.D. 2015, does and how it differs from L.D. 2012, the one that we were discussing just moments earlier in the House?

The SPEAKER: The gentlewoman from Auburn, Miss Lewis, has posed a question through the Chair to anyone who may care to answer.

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

Mrs. KANY: Mr. Speaker and Members of the House: The bill, 2012, basically dealt with an appropriation so that revenue bonds of a

much larger extent could be issued through the Maine State Housing Authority attracting capital to the State of Maine. Those tax exempt revenue bonds would be sold in the National market and that money would be made available for several programs, including single-family housing. That, basically, is what that bill did, and that was one of your questions.

This bill basically, 2015, which is now up for emergency enactment, deals with some of the technical aspects of the Maine State Housing Authority law. A couple of changes were made by our committee. I would like to point out that both bills were unanimously bipartisanly supported and basically that would be it. We would still allow certain home improvement loans for people with incomes of 150 percent of the median family income in the State of Maine, and there are several other changes just in definitions and mortgage bonds. We have a requirement that there be an assurance, that there be some backup provision, whether reserve fund or mortgage insurance, in the Maine State Housing Authority bonds, and so on.

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

110 voted in favor of same and 26 against, and accordingly the Bill was passed to be enacted. Signed by the Speaker and sent to the Senate.

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

#### **Passed to Be Enacted Emergency Measure**

An Act to Provide for the Storage and Disposal of Illegal and Obsolete Pesticides and Handling Empty Pesticide Containers (S. P. 905) (L. D. 2047) (C. "A" S-417)

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. 126 voted in favor of same and 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### **Emergency Measure**

An Act to Establish the Cost of the 1982 Spruce Budworm Spray Project and Amend the Spruce Budworm Suppression Act (H. P. 2049) (L. D. 1997) (C. "A" H-660)

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

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

#### **Passed to Be Enacted Emergency Measure**

An Act to Provide Staggered Expiration Dates for Terms of Inland Fisheries and Wildlife Advisory Council Members (H. P. 2055) (L. D. 2002) (C. "A" H-649)

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

#### **Emergency Measure**

An Act Converting Grand Lake Stream Plantation into the Town of Grand Lake Stream (H. P. 2068) (L. D. 2009)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

#### **Passed to Be Enacted**

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) (C. "A" S-419)

An Act to Amend the Maine Medical Compact (S. P. 766) (L. D. 1824) (C. "A" S-416)

An Act to Equalize Health Insurance Benefits for Retired State Employees (S. P. 850) (L. D. 1983)

An Act to Ensure Continuance of the Residential Conservation Service (H. P. 1936) (L. D. 1916) (C. "A" H-651)

An Act Concerning Revisions in the Maine Juvenile Code (H. P. 2007) (L. D. 1978) (C. "A" H-652)

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

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

#### **Passed to Be Enacted**

An Act to Regulate the Materials, Construction and Installation of Chimneys, Fireplaces, Vents and Solid Fuels Burning Appliances (H. P. 1733) (L. D. 1718) (C. "A" H-658)

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

The SPEAKER: The Chair recognizes the gentlewoman from Bethel, Miss Brown.

Miss BROWN: Mr. Speaker, could I have an explanation, please, from someone on the committee what the amendment does?

The SPEAKER: The gentlewoman from Bethel, Miss Brown, has posed a question through the Chair to anyone on the committee who may care to respond.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill that was originally assigned to Legal Affairs and then was turned over to Business Legislation; that is why you find the original bill is for one committee and the amended version here is from another.

The concern was the tremendous problem we have throughout the state with self-installed wood stoves and the number of fires and number of lives that have been lost because of the improper installation of them.

The committee looked at the bill, and we had some problems with the way it was set up, and we came out with an amendment, and if you will look at the amendment, basically it eliminates the part requiring that a manual be in each stove. We felt this posed a problem, particularly when the stove was sold second hand, or there was a very high penalty if the manual happened to be misplaced and I guess we felt that people should want a manual anyway and they would normally get one.

It grandfathered existing stoves. We had a problem with going out and seeking all these that have already been put in and making the bill so it went back in time. There was a problem with the testing laboratory in Portland because they are backed up as far as their ability to test woodburning furnaces and stoves, and they are also running about three to four thousand dollars for every time they tested one.

There is a slight fiscal note on the bill. It does put on notice that people should install their

stoves properly. It does give the fire marshal a chance to check these and apply existing fire codes and things to them.

I think it is something that everybody should be aware of because there are a lot of lives lost and there are a lot of really strange hookups of stoves throughout the state, and particularly the wood stoves where they burn at such a high temperature, and if you get a chimney fire and the creosote going, the temperature gets so high there has been a lot of problems with this.

The amended version, I feel, is a very good one, and I hope you will enact it.

The SPEAKER: The Chair recognizes the gentlewoman from Bethel, Miss Brown.

Miss BROWN: Mr. Speaker, one of my concerns was that there are people in the business of constructing wood stoves who make custom wood stoves. I know when I went to discuss this with a gentleman who lives near me who is going to build one for me, he said if this bill passed, he would have to have that stove tested in order for me to buy the original stove but just with the custom built part to fit my chimney. I just want to clarify whether this is still in the bill.

The SPEAKER: The gentlewoman from Bethel, Miss Brown, has posed an additional question through the Chair to any member who may care to answer.

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: To answer the gentlelady's question from Bethel, and we were appreciative of her constituent's testimony and that section of the bill was eliminated and testing is not required.

The SPEAKER: The Chair recognizes the gentleman from Benton, Mr. Hunter.

Mr. HUNTER: Mr. Speaker, I have a couple of questions I would like to have cleared up, too. Would this mean that they have got to have two inspections, they have got to inspect the chimney, someone come and inspect the chimney and someone come and inspect the stove? Who is going to set the fees? It says there will be fees attached to it here somewhere.

The SPEAKER: The gentleman from Benton, Mr. Hunter, has posed a series of questions to any member who may care to respond.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: There will be no fees associated with it. Local fire departments will assume that responsibility, and if they are coming in to inspect the stoves, they certainly will inspect the chimney to make sure it is in order too.

The SPEAKER: The Chair recognizes the gentleman from Benton, Mr. Hunter.

Mr. HUNTER: Mr. Speaker, does it say that in the bill? Can they come back later, these fire chiefs or whoever does the inspections, I just can't see them doing it for free. The town would have to pay their wages somehow or other there.

The SPEAKER: The gentleman from Benton, Mr. Hunter, has posed another question through the Chair to anyone who may care to answer.

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

Mr. RACINE: Mr. Speaker, to answer the gentleman's question, the fire departments are now providing the service without charging any fees. They are the ones that supported this bill and they felt that by putting out a bill of this nature that it would give them a little bit more authority to be able to perform these inspections, number one, and, number two, it would bring out and publicize the fact that the installation of an improper chimney and/or a woodstove is a serious hazard, so there is no problem in that particular area. They are more than willing to do so. If at a later date a community decides to adopt a local ordinance,

there is nothing that can be done about that. It would be strictly left up to the local community.

The SPEAKER: The Chair recognizes the gentleman from Benton, Mr. Hunter.

Mr. HUNTER: Mr. Speaker, Ladies and Gentlemen of the House: I think these funds are going to be town funds that will be paying whatever, and I think your town officials will be deciding this. They could charge anything that they so please under this bill.

I would ask for a roll call, Mr. Speaker.

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

Mr. DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: As a representative from a rural town, I guess I heard the gentleman from Biddeford, Mr. Racine, speak about the fire department is going to be doing this. The question that comes to my mind is, what about the rural areas and the volunteer fire departments? Are we talking about another whole mandate there where they are going to have to institute a new branch of their volunteers? How are they going to handle that? This is not clear and I am glad that Mr. Hunter raised that question.

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

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

Mr. RACINE: Mr. Speaker and Members of the House: The rural areas have volunteer fire departments, and those individuals, based on the testimony are as interested in protecting and saving lives as anybody else is. They are the ones that would perform this type of service. If there is no one in local areas that will volunteer, you have code enforcement officers and you also have someone in the local municipal government that wears three or four different hats.

The purpose of this bill, it looks like we are getting away from the purpose of the bill. The purpose of the bill is to protect and save lives. I can't see why anyone would object to such a bill. That is the only reason why this bill was presented, because there is a heck of a problem out in the field due to improper installation of woodstoves as well as chimneys. The only thing we are trying to do is protect and save lives and property; that is all this bill is calling for, and I don't know why there is so much objection to something when we are trying to help people out.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I represent people that are inventive, and is there anything in this bill that would prevent my people from continuing to invent new ways of setting up home heating? I, for one, am not against protecting the lives of people, but I am against forcing people to buy equipment that is produced by manufacturers and these people would be unable to produce their own. I know my people can produce a heck of a good home heating system; as a matter of fact, I did myself. I am just wondering, is there anything in this bill that would prohibit in the future my people from doing it?

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

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I feel comfortable in answering these questions because I have been working on this bill for two years. The answer to Representative McHenry's question is no, there is no prohibition.

On Mr. Diamond's question, this bill does not mandate inspections. However, if you do in-

stall, as you would putting in your plumbing and putting in your own wiring, it would be wise to ask someone to come in and inspect.

The body of the bill is to address those you would hire to install your woodstove for you or do the work on your chimneys or build your fireplaces. For the people that I would hire to do that kind of work for me, they will have to subscribe to a statewide code, which is number 211. That will be adopted as a uniform code throughout the state. The adoption of this particular code in the rules and regulations will be formulated by the State Fire Marshall's Office through a public hearing through the APA procedure that we have in this state.

I think we need not get away — I want you not to get away from the fact that the reason the bill is here is to address those instances where you would hire someone to come in and do the work for you. We feel they should be responsible and that these installations done by people for hire shall subscribe to a uniform state code.

The code is the minimum code that can be adopted that we are recommending, minimum national code.

As for the firefighters' capabilities of doing the inspections and what not, I feel that they certainly are competent already in the field. And for those volunteer fire departments that wish to have assistance to train their volunteers into being more adept and more knowledgeable about the code and what to look for when inspecting, when requested to inspect, that can be handled by having the inspectors of the State Fire Marshall's Office coming into your community and putting on a training program for them at no cost.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: It seems to me that there is a disagreement between the people who would be more rural, as represented by Representative Huber, and the people who are more urban, as represented by people like Representative Beaulieu, and I think I have a good compromise and I think that that compromise should be this — you let the cities who have city governments enact an ordinance that requires it and let the towns deal with it the way they want to and keep the state out of it.

The SPEAKER: The Chair recognizes the gentleman from Shapleigh, Mr. Ridley.

Mr. RIDLEY: Mr. Speaker, I would like to pose a question through the Chair. I understand what Representative Beaulieu was talking about as far as anybody for hire, but what if you have an existing chimney and you have to have it pointed out, do they have to comply with the new rules and regulations for the new part they have built? What about the part from the ridge pole down?

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

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

Mrs. BEAULIEU: Mr. Speaker, if you hired someone to do that work for you, yes, they would have to comply with the code, and, believe me, it is extremely necessary.

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

Mrs. HUBER: Mr. Speaker and Members of the House: Some years ago, you may remember, I sponsored enabling legislation to encourage communities to adopt ordinances dealing with the installation of solid fuel stoves and the like. I don't have the information, perhaps the good gentlelady does, as to how many of these communities have in fact adopted codes to deal with the situation in their own towns. My impression is that we haven't seen a lot of activity in this area.

The bill, as I read it, and again this would be a question to the good gentlelady, does not mandate inspection and I guess from that point

of view it would not be a burden either on the state level or the local level, although certainly I think that is a weakness, perhaps, to some degree, in that the communities do have the right and I think the obligation to be dealing with this serious problem at the local level.

I would like the gentlelady from Portland to respond to those two points if she would. I feel that there is a weakness here because basically what we are saying is that a lot of installations will probably never be inspected and for that reason I wonder if the bill, aside from setting up a very recognizable and good standard for installation, I wonder if the bill really does achieve the objective that she has worked so hard for.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I concur, this is a very weak bill but it is a hundred percent better than what we have now.

There have been less than 10 communities in this state who have tried to formulate rules and regulations governing the installation of wood stoves; not all of them have been successful. Most of the communities who have tried to pass local ordinances to control these issues find themselves in difficulty because no two communities are trying to adopt the same thing. This is why we worked so hard to try to come up with at least a uniform state code. Unfortunately, the committee, and we felt that the sense of this body would never be willing to adopt legislation that would make that kind of a code applicable to all individuals doing their own installations as well as those for hire.

As a matter of fact, when the bill was originally drafted, it included everybody — individuals doing installations as well as those that you would hire to do the work for you. I pleaded with the state fire marshal's office, asked them to redraft the bill and to address strictly those for hire because I have been burned too many times by this body over the issue of public safety issues and that it should not be made applicable to everybody.

You are absolutely right, this bill is weak, but I contend it is a hundred percent better than what we have now, which is virtually nothing.

As for the rural issue versus the urban issue, I can't buy that theory. I think that if you are going to hire anybody to do this kind of work that could potentially wind up putting your property and your family at risk, that they ought to be responsible and do it through some kind of guidelines. I don't care if you live in Eagle Lake or in Portland, the man who is installing or hiring someone to put in a wood stove on the third floor in an apartment building in the city of Portland is not only putting his own family and property at risk but the lives of the other tenants in that building and that landlord's property. As for those in the rural areas, believe me, the statistic will show you that the majority of fatalities that can be directly pinpointed to inadequate woodstove installations or bad chimney situations is far greater than you will find in an urban area. The majority of the deaths in this state are in the rural areas.

I think there is another perspective you have to think about too, and that is those who come to your home and offer to sell to you a service to do what is right for you are not necessarily honest. There are statistics on file with the fire marshal's office of providers of this service who are retrofitting, building and equipping your home with seconds. They are not using number one cement blocks, they are using materials that are not appropriate, because if you buy the seconds it is cheaper. There are also fly-by-night outfits in the state operating and there are other legislators who helped cosponsor this bill which I hope will stand and give you some examples of some of the atrocities that are happening in your constituents' homes.

The SPEAKER: The Chair recognizes the

gentleman from Shapleigh, Mr. Ridley.

Mr. RIDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to comment on it a little bit. I sympathize with Representative Beaulieu but I think the problems in the cities and the problems in the rural areas are somewhat different. We don't have the apartment houses, the houses are far and few between and a lot more of them rely strictly on wood without any backup. I think this could be handled very nicely at the local level and not get the state involved in it and leave it up to them.

I would move indefinite postponement of this Bill and all its accompanying papers and ask for a roll call.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: This bill, as far as the effect on the rural or the city, you have volunteer fire departments in the rural, you have paid fire departments in the city, the chiefs are just as interested in either one.

As far as the right of your constituents to incinerate themselves, they still have that right. They can burn their trailers down, they can burn their apartments down by running their stoves through a two by four or setting it up wrong. They still have that right, we are not interfering with that, they can do it just as badly as they want to.

Basically, the bill just points out that it is a darn good idea to bring someone in to check the chimney and check the stove and it is a good idea to set the stove up 18 inches away from the wall and a few basic safety things because we have a real problem here. The bill really doesn't require much of anything. Maybe it shouldn't be in, maybe it is only here to point out this problem. As I say, if your constituents want to incinerate themselves, they still have that right.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I was concerned about this bill so I did make an attempt to go down to the hearing and listen to it.

There is no question that the people in the rural area are the people that are going to be burning wood more than the people from the cities.

Apparently, as I understand it, somebody can correct me if I am wrong, any existing chimney that is there, nobody is going to bother you with it. If you buy a stove, you can set it up, but if you put a new stove in, they want you to check that stove and see that it is set up right.

Now, being an old hod carrier, I have built many chimneys, and I want you to know that it doesn't make any difference if you use chipped brick or if you use something else. But when I go around the country and look at some of the homemade chimneys that are put up with cement blocks, you still have a right to do it. That was the thing that concerned me — if a man wanted to build his own chimney, I think he should be able to do it, but if you go out and hire a mason or a man who professes to be a mason and not just a hod carrier who knows how to lay brick, I think you have to have it done correctly. You need the power, you need the mortar and you need to build that chimney in a good manner and even if the tile is cracked, with a mortar layer between that and the brick it won't make too much difference but let's have the chimneys inspected.

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: This bill, as it has come out of the committee, does not, of course, contain the requirements that went into the committee. However, it is a bill that will make everybody cognizant of the fact that fire will kill. I think we all here are aware of that fact and I want to cite you a few figures.

When we came up here in January, since January through the last weekend, I have had six homes in and around the city of Calais destroyed by fire that was attributed directly to the wrong method of installation of stoves and/or the utilization of defective chimneys — six homes. In one of those fires we lost the lives of a mother and a baby. Anybody that stands up here and tells me that they are not interested in inspecting a stove when they install it, or inspecting a chimney, as far as I am concerned they can go pound sand. The most precious thing we have in this world today is life, and to me the life of that little child is very precious. I can go back a few more years down in the Calais area where we lost five children due to fire by the inadequate installation of stoves.

The question came up on the urban and the rural inspection of these stoves. Regardless of where you go, it is still the responsibility of the individual town and city fathers to come up with a system to ensure inspections, you can't get away from it because it goes right down through all forms of government right down to the individual.

The move to indefinitely postpone this bill, I totally disagree with. This is a good bill in that it will bring the facts out to the people that there is a very definite problem, a very definite danger that exists throughout the state not only in the rural areas but in the cities as well. You pick up the papers, you listen to your TV and you find out that your fires constantly come from the cities, from the country, from the towns and each and every time you just sit there and you shiver because there are lives lost, there are children burned.

I don't see how you could actually vote for indefinite postponement of a bill of this nature. This is a people's bill and I ask you not to support the indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Brooksville, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I have heard a lot from the urban people, now you ought to hear from the rural because there is no one that comes from a more rural area than I do. I was on the committee and I am wholeheartedly in support of this bill. I see nothing in it which my town cannot do. Remember that the problem will be with the person installing it for money, that is the mason, and I can't think of any mason down my way who is going to take a chance of not doing it correctly, because under Section 8, if he doesn't, he will be out of business.

I hope that you will go against the present motion.

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

Mr. DRINKWATER: Mr. Speaker, Ladies and Gentlemen of the House: I am a cosponsor of this bill. When I was first approached to cosponsor the bill, there were a couple of things that I was concerned about and one of them was that the homeowner would be unable to do his own work without first being licensed, etc. That was changed so that he does come under the standards but he can still do his own work. He has to go by the standards but he can still do his own work. He has to go by the standards that are set up and while I was waiting to get this information, I had an opportunity not only to talk to my fire chief but to people in the volunteer departments throughout the near area in the county. Undoubtedly, there are some who perhaps don't go with it but I didn't find one. They felt it was a good bill, they felt that it should be passed, they felt that we had far too many people dying in fires and they were strongly in favor of it, but they felt as I did, that the homeowner should be able to install his own stove if he wanted to as long as he complied with the safety standards.

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

Mr. BRANNIGAN: Mr. Speaker, Men and

Women of the House: I think Representative Beaulieu misunderstood Representative Ridley's question. Mr. Ridley has made a motion to indefinitely postpone and the answer he got I don't think was understood. I heard him say that if somebody came to your house to repoint your chimney or some minor repairs like that, would they have to, I guess the question was, rebuild the chimney to conform to this code. I would say that that would not be true. In Section 2 it says that no person may, for compensation, construct or install any chimney. So I would think, Representative Ridley, that that man who comes to point up would not have to redo your whole chimney according to the code.

I hope you will vote against the indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Shapleigh, Mr. Ridley.

Mr. RIDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I don't quarrel a minute with the dangers of fire and loss of life and there should be something done about it. My main concern with this is to put it back to the local level.

In the city areas, I am sure that you have problems in there where you have multi-story buildings and the installation of wood stoves on the third or fourth floor, I shutter at the thought of even putting a wood stove on the fourth floor, but that is a problem that I think the city of Portland or Bangor or wherever it might be could address and handle it at the local level.

Out in the rural areas, you speak about living out in the woods, I dare say probably 90 percent of the people in this chamber don't even know where Shapleigh is. We live so far back in the woods they have to pipe sunshine in to us.

We have different problems back there than what you have. You have some of these big old cape houses and they have a chimney in the middle of it, and I am not exaggerating, I have seen many of them that are 12 to 14 feet square going right up through the middle of the house. If you are going to start to get into these, you have to tear those things down and put other ones in, I think it is prohibitive, but still let the people out in the rural towns decide the same way the people in Portland, Biddeford, Saco or wherever you might be.

I think it is very important that they address the issue of houses burning down by faulty installation of stoves and what not but let's leave it at the local level. Why does the state have to get in there and mandate it?

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

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

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

Mr. MCHENRY: Mr. Speaker, I would like to pose a question through the Chair.

I am a little bit confused. The good gentleman, Representative Jackson, says that the homeowner can install it anyway he pleases and the good gentleman, the cosponsor of the bill, Representative Drinkwater, says that it is all right just as long as you follow specifications. Who is right?

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 Falmouth, Mrs. Huber.

Mrs. HUBER: Mr. Speaker, Members of the House: In answer to Mr. Ridley's remarks, I think it is important that you look at Section 2 again because the word "may" not "shall" is dealt with and all levels of officials are men-

tioned, both state and local, so it seems to me that this is a weakness in this bill in terms of enforcement, but also speaks directly to the problem that Mr. Ridley has with having the state involved. The state does not have to be involved and I would hope that municipalities would take this section as an incentive to do some passing of local ordinances and stop the problem before they have to go and stop the fires.

In addition, I would just quickly mention that my understanding of the bill does totally exempt the individual who installs a stove in his or her own home. They don't have to meet any kind of a code as far as I can see, although it would make sense for them to do so.

It is strictly the person who does it for hire who would be covered under this legislation.

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

#### ROLL CALL

YEA—Austin, Bell, Bordeaux, Brown, D.; Brown, K.L.; Carroll, Chonko, Conary, Conners, Cunningham, Damren, Davis, Dexter, Dudley, Hayden, Holloway, Hunter, Hutchings, Jacques, Jordan, Lancaster, Lewis, Mahany, McColister, McGowan, Michael, Michaud, Nelson, A.; O'Rourke, Paul, Pearson, Peterson, Post, Randall, Reeves, J.; Ridley, Salisbury, Smith, C.B.; Smith, C.W.; Studley, Webster, Weymouth.

NAY—Aloupis, Armstrong, Beaulieu, Benoit, Berube, Boisvert, Boyce, Brannigan, Brenerman, Brodeur, Brown, A.; Cahill, Callahan, Clark, Connolly, Cox, Crowley, Curtis, Davies, Day, Diamond, G.W.; Diamond, J.N.; Dillenback, Drinkwater, Erwin, Fitzgerald, Foster, Fowlie, Gavett, Gillis, Gowen, Gwadosky, Hall, Hanson, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Huber, Ingraham, Jackson, P.T.; Jackson, P.C.; Jalbert, Joyce, Kane, Kany, Kelleher, Ketover, Kiesman, Killoynne, LaPlante, Lisnik, Livesay, Locke, Lund, MacBride, MacEachern, Macomber, Manning, Martin, A.; Martin, H.C.; Masterman, Master-ton, Matthews, McHenry, McPherson, McSweeney, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, M.; Norton, Paradis, E.; Paradis, P.; Perkins, Perry, Pines, Pouliot, Racine, Richard, Roberts, Rolde, Sherburne, Small, Soule, Stevenson, Stover, Strout, Swazey, Telow, Theriault, Thompson, Treadwell, Twitchell, Vose, Walker, Wentworth, The Speaker.

ABSENT—Baker, Carrier, Carter, Laverriere, Reeves, P.; Soulas, Tarbell, Tuttle. Yes, 42; No, 101; Absent, 8.

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

Mr. Hunter of Benton withdrew his previous motion for a roll call on passage to be enacted.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Clarify the Regulation of Sewer Districts (H. P. 1791) (L. D. 1781) (H. "A" H-661)

An Act to Provide that Procedures Covered by the Maine Medical Assistance Program (Catastrophic Illness) Shall be Reimbursable Whether Performed by a Physician or Dentist (H. P. 1838) (L. D. 1835) (C. "A" H-654)

An Act to Clarify the Requirement that an Estimate of Debt Service Accompany Bond Issues Presented to the Voters (H. P. 1973) (L. D. 1948) (C. "A" H-656)

An Act to Authorize the Treasurer of State to Issue Tax Exempt Commercial Papers (H. P. 2021) (L. D. 1986)

An Act to Authorize the Repair, Maintenance and Improvement of the Building and Grounds

of the Statehouse (H. P. 2144) (L. D. 2050) (C. "A" H-655)

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

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

#### Ought Not to Pass

Representative Hickey from the Committee on Aging, Retirement and Veterans on Bill "An Act to Provide that Administrative Employees of School Superintendents' Offices be Recognized as Members of the Maine State Retirement System" (H. P. 1769) (L. D. 1759) reporting "Ought Not to Pass"

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

By unanimous consent, unless previous notice was given to the Clerk of the House by some 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 passed to be engrossed in concurrence and all matters that required Senate concurrence; and that after such matters had been so sent to the Senate by the Clerk, no motion to reconsider would be allowed.

#### (Off Record Remarks)

On motion of Mr. Michaud of East Millinocket,

Recessed until three o'clock in the afternoon.

#### After Recess

3:00 P.M.

The House was called to order by the Speaker.

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

#### Consent Calendar

##### First Day

(H. P. 1891) (L. D. 1877) Bill "An Act to Provide Retired Teachers, State Employees and Beneficiaries with a Cost-of-living Increase" — Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (H-679)

(H. P. 1734) (L. D. 1719) Bill "An Act Relating to Emergency Closure of Contaminated Shellfish Areas" — Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-680)

(H. P. 2072) (L. D. 2020) Bill "An Act to Revise the Military Laws of the State" — Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (H-678)

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

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

The following Communication: (S. P. 947)

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

March 23, 1982

Honorable David R. Ault  
Honorable Judy C. Kany  
Chairmen  
Committee on State Government  
State House  
Augusta, Maine 04333

Dear Committee Chairmen:

Please be advised that Governor Joseph E. Brennan is nominating Robert P. Bahre of South Paris for reappointment to the Maine Guarantee Authority.

Pursuant to Title 10 MRSA Section 751, this nomination will require review by the Joint Standing Committee on State Government and confirmation by the Senate.

Sincerely,

S/JOSEPH SEWALL  
President of the Senate  
S/JOHN L. MARTIN  
Speaker of the House

Came from the Senate read and referred to the Committee on State Government.

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

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

#### Leave to Withdraw

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Clarify the Tax Status of Time-sharing Condominiums" (S. P. 758) (L. D. 1816)

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Allow Municipalities to Withdraw from the Maine Forestry District" (S. P. 808) (L. D. 1906)

Came from the Senate with the Reports read and accepted.

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

#### Ought to Pass Pursuant to Joint Order S.P.798

Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" pursuant to Joint Order S.P.798 on Bill "An Act Appropriating Funds for the Agent Orange Information Committee" (S. P. 945) (L. D. 2084)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed.

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

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

#### Non-Concurrent Matter

Bill "An Act Relating to the Board of Harbor Commissioners and its Powers for the Harbor of Portland" (H. P. 2198) (L. D. 2077) which was passed to be engrossed in the House on March 19, 1982.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-430) in non-concurrence.

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

#### Consent Calendar

##### First Day

(S. P. 823) (L. D. 1923) Bill "An Act to Revise the Allocation of Funds to Provide Photographic Nonalterable Driver's Licenses and Identification Cards" (Emergency)—Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-423) (Representative Hunter of Benton—Abstained)

(S. P. 920) (L. D. 2061) RESOLUTION, Proposing an Amendment to the Constitution of Maine to Authorize the Credit of the State to be Loaned to Secure Funds for Loans to Parents of Maine Students Attending Institutions of Higher Education—Committee on Education reporting "Ought to Pass" (Senator Pierce of Kennebec—Abstained)

There being no objections, under suspension

of the rules, the above items were passed to be engrossed in concurrence.

The following papers appearing on Supplement No. 12 were taken up out of order by unanimous consent:

#### Special Sentiment Calendar

The following item:

In Memory of:

Captain Elmer Hadlock, of Islesford, a beloved public servant in that community; (S. P. 948)

There being no objections, the above item was adopted in concurrence.

#### Leave to Withdraw

Representative Nelson from the Committee on Health and Institutional Services on Bill "An Act to Require Installation of Electrical Generators in Nursing Homes for Emergency Use" (H. P. 2112) (L. D. 2037) reporting "Leave to Withdraw"

Report was read.

The SPEAKER: The Chair recognizes the gentlewoman from Ellsworth, Mrs. Foster.

Mrs. FOSTER: Mr. Speaker, Ladies and Gentlemen of the House: When I asked permission from the Legislative Council to introduce that bill that you just heard given "leave to withdraw," I felt it was truly an emergency piece of legislation because I found after the severe storm we had in our area in January that nursing homes do not have to have any generators for auxiliary power and in case of an electrical power outage, people in nursing homes also do not have to be removed to another facility that has power. This bill addressed those two things.

The Committee then spoke to members of the Human Services Department and the Human Services said that they could promulgate in their rules something that would address these two problems and they agreed to do so.

While it sometimes is hard to have your bill given "leave to withdraw," it's somewhat gratifying that even though this bill will not become law, the problems that were addressed in this bill will be put into the rules and regulations of Human Services and will be promulgated by the department.

Thereupon, the Report was accepted and sent up for concurrence.

#### Passed to Be Enacted

An Act to Provide Financial Assistance to Students of Osteopathic Medicine (S. P. 831) (L. D. 1939) (S. "A" S-422)

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

The Chair laid before the House the following matter:

Bill "An Act to Promote Local Control of Hazardous Waste Facilities" (H. P. 2014) (L. D. 1984) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Mr. Jackson of Yarmouth offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-677) was read by the Clerk and adopted.

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

The Chair laid before the House the following 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) which was tabled and later today assigned pending the motion of Mr. Brannigan of Portland to recede and concur.

The SPEAKER: The Chair will order a vote.

The pending question is on the motion of the gentleman from Portland, Mr. Brannigan, that the House recede and concur.

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

Mr. JOYCE: Mr. Speaker, after reading my book here on Rule 19, I would like to have a ruling from the Chair. I realize that I hold an inactive broker's license and I would like some direction from the Chair. It appears from reading Rule 19 that I have a conflict and I would rather not cast a vote if that exists.

The SPEAKER: The Chair would advise the gentleman from Portland, Mr. Joyce, and also the other members of the House that since the Maine Legislature, a few years ago, in 1975, chose to change the law dealing with the power of the Chair with ruling on conflicts, the Chair can only bring to your attention the fact that if a potential conflict exists, or if any member should think it does exist, the Commission on Governmental Ethics is empowered to handle those requests. The Chair is not in a position to rule on those requests and the Chair would simply point out what the law says: "When a legislator or a member of his immediate family has or acquires a direct substantial personal financial interest distinct from that of the general public in an enterprise which would be financially beneficial by proposed legislation or to derive a substantial personal financial benefit from close economic association, or the person known by the legislator to have a direct financial interest in an enterprise affected by the proposed legislation cannot vote."

The Chair is not in a position to make that determination. The Chair would simply state that if one is a member of a class, he or she is not precluded from voting and that is the extent of my ruling.

The SPEAKER: All those in favor of the motion to recede and concur will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Kelleher of Bangor requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Brannigan, that the House recede and concur. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Baker, Bell, Benoit, Bordeaux, Boyce, Brannigan, Brennerman, Brodeur, Cahill, Callahan, Chonko, Clark, Connors, Connolly, Cox, Curtis, Damren, Davies, Davis, Day, Diamond, G.W.; Diamond, J.N.; Drinkwater, Fitzgerald, Gavett, Gillis, Gowen, Gwadodsky, Hall, Hanson, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Holloway, Huber, Ingraham, Jackson, P.T.; Jordan, Kany, Kiesman, Kilcoyne, Lewis, Lisnik, Livesay, Locke, Lund, MacBride, MacEachern, Mahany, Manning, Martin, H.C.; Masterman, Masterton, Matthews, McGowan, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, M.; Norton, Paradis, E.; Paradis, P.; Pearson, Perkins, Perry, Pines, Post, Pouliot, Racine, Randall, Reeves, P.; Richard, Roberts, Rolde, Salsbury, Sherburne, Small, Soulas, Soule, Stover, Tarbell, Telow, Theriault, Thompson, Treadwell, Vose, Walker, Webster, Wentworth, Weymouth, The Speaker.

NAY—Aloupis, Armstrong, Austin, Beaulieu, Berube, Boisvert, Brown, A.; Brown, D.; Brown, K.L.; Carrier, Conary, Crowley, Dexter, Dillenback, Foster, Hunter, Hutch-

ings, Jackson, P.C.; Jacques, Jalbert, Joyce, Kane, Kelleher, Ketover, Lancaster, Macomber, Martin, A.; McHenry, McPherson, McSweeney, Michaud, Nelson, A.; O'Rourke, Paul, Peterson, Reeves, J.; Ridley, Smith, C.B.; Smith, C.W.; Stevenson, Strout, Studley, Swazey, Twitchell.

ABSENT—Carroll, Carter, Cunningham, Dudley, Erwin, Fowlie, Hobbins, LaPlante, Laverriere, McCollister, Michael, Tuttle.

Yes, 94; No, 45; Absent, 12.

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

Thereupon, on motion of Mrs. Kany of Waterville, the House voted to Insist and ask for a Committee of Conference.

The SPEAKER: In reference to the question that was posed by the gentleman from Portland, Mr. Joyce, I quoted part of the law and I would just like to quote one other section so that I do not confuse or mislead anyone. I quote again from Section 1014, this one being Section E, where a legislator or a member of his immediate family accepts or is engaged in employment which could impair the legislator's judgment, or where the legislator knows that there is a substantial possibility that an opportunity for employment is being afforded him or a member of his immediate family would tend to influence his conduct in the performance of his official duties, or where the legislator or his immediate family stands to derive a personal private gain or loss from employment because of that legislator's action, distinct from the gain or losses of other employees or from the general community.

The Chair laid before the House the following matter:

Bill "An Act Concerning the Housing Opportunities for Maine (HOME) Program and Governing Program Funds Appropriated by this Act to the Maine State Housing Authority" (Emergency) (H. P. 2071) (L. D. 2012) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Mr. Webster of Farmington offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-683) was read by the Clerk.

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

Mrs. KANY: Mr. Speaker and Members of the House: In explanation of the amendment before you, I urge its adoption, as do the other members of the State Government Committee. We are very interested in accommodating the members of the legislature and feel that this is a very important program. I will say that this amendment before you actually would adopt existing policy, and existing policy, once again, is that under the Veterans Administration mortgage insurance, zero down payment is possible. In the Federal Housing Administration mortgage insurance coverage programs, as low as a three percent down payment is possible. Third types of mortgages include private mortgage insurances such as MGIC, the colloquial abbreviation, and that is the existing policy regarding mortgage insurance coverage under the single-family program of the Maine State Housing Authority for the tax exempt revenue bonds.

This particular amendment would implant, actually, within our statutes that policy so that if other programs, for instance the private insurance programs, were changed, they would have to comply then with a down payment of five percent, but it would allow the lower down payment under federal law. I hope you go along with this.

I would like to once again reiterate that we on the State Government Committee are not totally uncompromising. We are interested in working together with you all, and I think this

is something that we all can live with.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I have looked this amendment over carefully, and with due deference to the fine young man from Farmington, Mr. Webster, at least I am out of Kindergarten and never mind the lollipop business. This amendment doesn't mean anything. It may give a three percent mortgage—it doesn't say so in the law—it may do this, it doesn't say so in this thing here.

I think the bill itself is good and sound. I think the State Government Committee has done its work. You can't call this a compromise.

Mr. Speaker, I move that this amendment be indefinitely postponed and I ask for the yeas and nays.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that House Amendment "D" be indefinitely postponed.

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

Mrs. KANY: Mr. Speaker and Members of the House: This is complicated. The housing laws are very complicated in that we are always impacted by federal law, and this particular amendment just spells out that a five percent down payment would be required except in certain instances under federal law, if the federal law allows a lesser down payment. That is the case with both federal Veterans Administration loans which now can allow as little as zero down payment and the Federal Housing Administration loans, which are FHA loans, which are as low as three percent down payment. This amendment really speaks to the present policy in that that is how the Maine State Housing Authority now operates basically, because the MGIC, the private insurance mortgage loans now require a five percent minimum down payment.

Consequently, we would be implanting in the Maine statutes as policy for the Maine State Housing Authority to follow, regardless of changes in private insurance mortgage companies' policies regarding minimum down payments, that a five percent minimum down payment would be required except in the instances under federal law in which a lesser down payment would be required. I urge you to adopt this.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Speaking to the amendment itself, I might make just this one comment on the back page of the amendment. "The authority may not limit the maximum down payment that may be required."

When we got together this afternoon, Representative Hall and I both asked the question, would the land be taken into consideration as far as down payment is concerned. The answer was a timid "yes" but it is not spelled out that way in the law.

I can appreciate the fact, and I think the members of this body should know the facts of matters on bills of this magnitude and this importance. This is a very sound piece of legislation, and to clutter it up with this is not the thing we ought to do.

If the gentleman from Farmington, Mr. Webster, is appeased by this, by not putting in the other two amendments that he wants to put in, that doesn't do anything for me, just putting something on the amendment to the bill that I don't think is necessary at all, and certainly I am not talking in any way, shape of manner on a partisan level.

I do know the situation. I certainly have great respect for the gentlewoman from Waterville, Mrs. Kany. I have showed it all through this session on more than one occasion, and I am serious about this. This is the kind of amendment that if you put this on you might see more and this might mean the death of a

very fine piece of legislation.

With due respect to Mrs. Kany and to other people who have agreed to possibly push a couple of other amendments aside with this thing here, which is meaningless, and could really, in my opinion, hurt the bill, I urge you not to go along with this piece of legislation. It is not a good amendment at all.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: This amendment is no great thing to this bill. The bill already has written into it that you can have a down payment from zero to 10 percent. This is going to be handled through the banks and if they require a down payment, it is going to be there.

This is a compromise, and we need every vote to pass the original bill. I don't see any problem with the down payment. I see no problem because the banks will probably require it.

Five percent on \$50,000 is \$2,500, and there is a portion in the bill itself which says they can even reduce the principal if they so desire, so really it is not a big problem.

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

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask the sponsor of this amendment one simple question. If I understand the gentlewoman from Waterville, Mrs. Kany, correctly, and the gentleman from Cumberland, Mr. Dillenback, if this amendment is not necessary, since present federal statutes and lending policies of state chartered and federally chartered banks require down payments of five percent, unless guaranteed and insured by the Veterans Home Loan Authority or the Federal Housing Administration and other federal agencies that subsidize certain categories of our people who need monies and want to live in their own homes, why is this House considering this amendment? I would like to ask the gentleman why he would submit an amendment after this morning's debate to this House for consideration that isn't necessary?

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

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

Mr. WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: What may be necessary to some members of this House may not necessarily be necessary to others.

I would have to say that I don't agree that we don't need some type of writing in this law to address a concern that many of us have. This compromise amendment was drafted because some people on the State Government Committee wanted to compromise. I would have been just as willing to come back with an amendment which dealt solely with the veterans part of this legislation.

When I came to this body this morning and addressed this concern that I had, I was not against the veteran receiving what he deserves. I was concerned, as I said before, that an individual should have some investment in that home, and I felt, as I still do, that a five percent portion of this bill is necessary, it is necessary to show the people of the State of Maine that we believe you have to have an investment in your property if you are going to buy a house through this program.

I would ask you to endorse this amendment.

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

Miss BELL: Mr. Speaker, Ladies and Gentlemen of the House: There has been some confusion here today about the necessity of language requiring a down payment as part of this housing bill.

When the committee went through its process of taking a look at the issue of a down payment, it is the intent of our committee, as well as of the Maine State Housing Authority, to

have a down payment. Because of the very complex nature of the various mortgage loan guarantees that exist, the Veterans Administration, the Federal Housing Administration, MGIC loans, etc., there were various rates necessary in those three different guarantee programs.

There was a decision by the committee and the Housing Authority to promulgate rules to deal with these specific situations. If you read the housing program description, you will see in there the intent of a zero to 10 percent down payment. As has been indicated within the testimony, already in private banking institutions a down payment is required.

The reason that we pursued an amendment was the willingness to accommodate by entering language into the statutes that would more clearly detail the down payment issue.

I would urge you to go along with this amendment in the spirit of trying to accommodate various members of this body.

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

Mr. KELLEHER: Mr. Speaker, I would like to pose a question to the Chair. What was the committee report on this bill?

Thereupon, the Report was read by the Clerk.

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

Mrs. KANY: Mr. Speaker and Members of the House: It certainly was a unanimous "ought to pass" report on this legislation. It is extremely important legislation in the minds of our committee in that we have a terribly difficult, serious problem in the housing construction industry and housing industry period, and a serious, serious problem for home buyers.

By going along with this amendment, which I don't feel is that devastating to the important legislation before us, we are merely trying to accommodate people to make certain as many people as possible in this legislature are satisfied that we are going forward in a positive manner. It is up to you how you vote, but that was our thinking, and I thought I would candidly share it with you.

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

Mr. KELLEHER: Mr. Speaker, if I may pose a further question through the Chair to the Committee—was this very amendment suggested at any time during the hearing, and if it was and it is as important as you believe it to be today, then why didn't the committee unanimously submit it to the House in its original report?

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

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

Mrs. KANY: Mr. Speaker, I would like to say it was the legislation itself, the proposed legislation which I said was serious and important, not necessarily the amendment, that we are merely trying to accommodate people.

We did address the topic of minimum down payment and it was something that the committee originally was a little divided on. It was only learning about federal programs and the benefits that would be available to some people that we decided against originally going with offering such an amendment to the House.

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 Lewiston,

Mr. Jalbert that House Amendment "D" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Baker, Beaulieu, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Brown, A.; Chonko, Connolly, Erwin, Hall, Hayden, Higgins, H.C.; Jacques, Jalbert, Kane, Kelleher, Kilcoyne, MacEachern, Mahany, McGowan, Mitchell, J.; Nadeau, O'Rourke, Paradis, P.; Pearson, Reeves, P.; Roberts, Rolde, Smith, C.B.; Soule, Strout, Swazey, The Speaker.

NAY—Aloupis, Armstrong, Austin, Bell, Benoit, Berube, Bordeaux, Brown, D.; Cahill, Callahan, Carrier, Carroll, Clark, Conary, Connors, Cox, Crowley, Curtis, Damren, Davies, Davis, Day, Dexter, Diamond, J.N.; Dillenback, Drinkwater, Dudley, Fitzgerald, Foster, Gavett, Gillis, Gowen, Gwadosky, Hanson, Hickey, Higgins, L.M.; Holloway, Huber, Hutchings, Ingraham, Jackson, P.T.; Jackson, P.C.; Jordan, Joyce, Kany, Ketover, Kiesman, Lancaster, Lewis, Lisnik, Livesay, Locke, Lund, MacBride, Macomber, Manning, Martin, A.; Martin, H.C.; Masterman, Masterton, Matthews, McHenry, McPherson, McSweeney, Michaud, Mitchell, E.H.; Moholland, Murphy, Nelson, A.; Nelson, M.; Norton, Paradis, E.; Paul, Perkins, Perry, Peterson, Pines, Post, Pouliot, Racine, Randall, Reeves, J.; Richard, Ridley, Salsbury, Sherburne, Small, Smith, C.W.; Soulas, Stevenson, Stover, Studley, Tarbell, Telow, Theriault, Thompson, Treadwell, Twitchell, Vose, Walker, Webster, Wentworth, Weymouth, Willey.

ABSENT—Brown, K.L.; Carter, Cunningham, Diamond, G.W.; Fowlie, Hobbins, Hunter, LaPlante, Laverriere, McCollister, Michael, Tuttle.

Yes, 35; No, 104; Absent, 12.

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

Thereupon, House Amendment "D" was adopted.

Ms. Small of Bath offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-682) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Bath, Ms. Small.

Ms. SMALL: Mr. Speaker, Ladies and Gentlemen of the House: The amendment restricts first-time home buyers from using the state subsidized low-interest rates in buying apartment buildings with program monies. If you will look at your HOME booklet, which clarifies the Maine State Housing Authority's proposed guidelines for the program, on Page 9, Section 6, the Authority would allow a qualified first-time buyer to purchase up to a four-unit apartment building, providing the buyer will reside in that building. The other three units could be rented to any income bracket tenants at any price.

By allowing this provision, we are not only providing the buyer with a home at a reduced interest rate, which is the legislation's intention, we also are setting them up in a profit making business, which is not the legislation's intention.

Apartment buildings are selling even now, in a depressed market, because the additional revenues can always be raised to meet the mortgage payments even at the current 17 percent. In some areas, the apartment rents are not as high as urban areas and this would not be as lucrative a venture as I have described, but I believe it is the high rental areas like Bath and the larger cities where this provision would be used and not in the low rental areas.

As an example, say I am a qualified first-time buyer and I meet the income guidelines for a family of four, and that is we earn less than \$27,000 a year. I have just bought a \$50,000 four-unit apartment building at 12 percent interest for 20 years and my monthly payments

are \$514 a month. At an average rent of \$350, I could rent the other three units, not pay any rent myself, and still realize a profit of \$536 a month. That same apartment building, at the going interest rate of 17 percent, would cost \$713 a month and still provides the buyer-owner with a profit of \$237 in addition to not paying rent or mortgage payments.

I do not think there is anything illegal or immoral in making a profit on an apartment house but I do not think that the limited monies to aid struggling young home buyers should be used in an area where they are not needed.

I urge you to adopt House Amendment "C" and I would request a roll call.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would never want to be accused of not being fair, particularly to the lovelies in this House. I think what is sauce for the goose is sauce for the gander. If we accommodate Mr. Webster, we certainly should accommodate Ms. Small, and I would certainly urge you to go along with that accommodating amendment.

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

Mr. DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: Unfortunately, I am not in as accommodating a mood as some of the other members of this House today. I would urge the indefinite postponement of this amendment and so move.

The federal law right now defines a single family structure as being made up of one to four units. It also requires that this single family structure, in the context in which we are dealing with, that it be an existing housing, home or unit and not necessarily or not at all something you might have in mind such as the development of a mill or something that is being converted into residential housing.

This is an important part of this bill because it deals with the supply of housing. Some of the other aspects of the home program that have been presented by the Governor deal with the availability or cost of decent, safe and affordable housing. This particular section deals with the supply. It recognizes that Maine's population has grown about 13 percent in the last 10 years, recognizes the fact that family housing is in a crisis situation. It recognizes the fact that people in the age category from 20 to 35 are unable to find adequate housing for their families and as a result are being forced to live in rental units at this time.

This recognizes the fact that there has to be a change made and we have to start somewhere. If we are going into a program that is encouraging people to buy their own homes, we have to accommodate those people who are in a transition stage, trying to move into their home but at this particular time are unable to buy a home that they can call totally their own.

This particular section that the amendment deals with would negate the possibility of a family with a marginal income being able to purchase a home and then rent out part of it to a single individual or couple by striking the availability of creating that building in such a manner that it would be available for two, three or four units.

Again, we are tied in with the federal guidelines here. It makes a lot of sense because it is addressing the supply problem that we now face. There aren't enough units available, rental units available, at a reasonable cost and by encouraging people to invest in property that would allow them to stabilize their own personal income as well as provide for those people who are looking for rental units, then it is a wise thing to leave in the bill and that is why I think the amendment is so bad.

I think one point that the Representative from Bath touched upon, the fact that people will get into this and make a killing in the housing market, this is really unfounded. The

people who will be taking advantage of this program have to meet certain income guidelines, and as a result they are not in any way in a position to speculate on the housing market to get in and make a lot of money and get out. They are tied into this program, they can only get into it once, once they have bought into it, they can't sell that property and get back into it. In other words, this is very narrowly defined in such a way that it only will apply to the people who really have a sincere commitment to get into a home, possibly rent out part of it or make some units within it for a period of time so that they can get back to the housing market and finally reach that American dream.

I hope you support the motion to indefinitely postpone.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: This was a confusing bill, the whole bit of it, and it took a long time for it to sink in as far as anybody was concerned.

You can borrow money—out of \$10 million, you can borrow money to upgrade apartments. There are many apartments available today that need upgrading, people that own apartments. If you are talking about dividing housing for people, you can do it and you have to put in for those people 20 percent for those who are the medium income; in other words, one person who is in that lower level.

I don't think the intent of the original bill was to have people buy their first home to start in on an apartment house. They not only could buy the apartment house, if they earned \$27,000 or less for a family of four, they could get the \$50,000 to buy that building and they then can borrow up to \$80,000 on top of that to upgrade that building to put more apartments in.

I think you could do a better job if you just allow people to buy their first home. I think it would help the business people better, it would help the mechanics better, it would help the first home buyer better. I don't think we are here to develop apartment complexes. Therefore, I think this amendment is a good one.

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

Mr. BRODEUR: Mr. Speaker and Members of the House: About one third to one fourth of the people in the State of Maine are renters.

In my particular district, about 85 to 95 percent of the people do rent. Many of the people that I represent are very young families. I also represent a lot of elderly. These are young families that want to eventually own their own home, they start off, they get married, they get an apartment, have a child or two, need a bigger place to go and would like to purchase a home. The only kind of homes they can afford are those where they have to have some help in paying for them. I think one of the ways that many of the people do that is buy a home with one rent or two rents in order to be able to afford to pay for their own home.

Another point that I would like to bring out, and I don't think this has been brought out in the debate before, is that when you have such a large community where people rent, there is a very great danger in deterioration of that community by having rental units that are owned outside the neighborhood.

I think it is very, very important that people have a chance to buy two-family or three-family homes in order that they can become responsible for the people who do rent. I think if an amendment such as this were passed, that community spirit that does exist will continue to deteriorate because the homes that people want to buy but can't afford will not become available.

I would also like to put it from the other point of view. As I said, I represent a lot of elderly people also. A lot of elderly people in my district, ten years ago the census had about six people in each household unit, five or six. I

think the new census will show two or three, where a lot of their children have moved out. They want to be able to sell their two-family or three-family apartment units, I think if there aren't any people to buy it, they won't be able to sell it. From both points of view, that person trying to buy and that person trying to sell it, I think this is a very bad amendment, it is a very bad amendment for my neighborhood, it is a very bad amendment, I think, for the people of Maine.

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

Mr. MANNING: Mr. Speaker, Ladies and Gentlemen of the House: As a landlord and as one who has just renovated a house in the last two years, I know what it costs, and I want to run a few figures by this body today.

On a house of \$50,000 and a rate in Portland that we are looking at of \$44 a thousand for property tax, I can see where the profit that we are worrying about is going to be eaten up pretty quickly.

I also want to point out that my community, like my communities throughout this state, has gone through what they call a wastewater treatment plant. They have plants that have to be kept up and we right now in Portland are looking at a figure from \$1.12 per whatever unit it is to \$1.60 just for sewerage. I know that is worrying many tenants and it is worrying many landlords. They have good tenants, they don't want to lose their tenants, but yet they don't know if they can absorb all that money that it is going to take to keep that wastewater treatment plant up.

I think what we are looking at down the road is, that profit is going to be going right back into keeping the city services going, keeping wastewater treatment plants going and many other things, and I know from my own two-family dwelling, I am not making too much money because I have got two mortgages and I have got probably one of the highest, if not the highest, rate of taxes to pay in the State of Maine, and I am also looking at an increase in my wastewater treatment plant.

The SPEAKER: The Chair recognizes the gentleman from Bath, Ms. Small.

Ms. SMALL: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to address a couple of points by Mr. Diamond from Bangor. This bill does not create new apartments. It has no provision for building new apartments. It also does not create new apartments out of single-family homes.

If you will look at the provisions, as I said, on Page 9, Section 6, "structures with one to four units are eligible as long as the owner resides in one unit. However, in one to four unit financing, each unit must have been used as residential housing for at least five years prior to making the loan. Newly constructed one to four unit owner-occupied housing is prohibited." So all this bill is doing is replacing the landlord with someone who is subsidized by the state. It does not create new apartments.

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

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I am afraid we have gotten off on a wild goose chase this afternoon. We are not talking about rehabilitating or renovating apartment houses, we are talking about couples purchasing a one to four unit apartment house and occupying one of the apartments. This is considered as a single-family unit.

I want to emphasize that considering that the one to four unit owner-occupied apartment is already in the statutes and is already falling under the single-family housing programs. Considering that, I think it is a very dangerous move in an amendment that has come up in the last minute. We never considered this type of an idea in the committee. I think it is a dangerous thing to tack this onto this well-considered

bill at the last minute.

I urge you to vote against this amendment and to vote for indefinite postponement.

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

A vote of the House was taken.

Whereupon, Mrs. Mitchell of Vassalboro 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 Chair recognizes the gentleman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: I hope that you do go along with indefinite postponement of this amendment. Actually, under most laws regarding housing, one to four family owner-occupied housing is considered as a single family unit. You may remember the federal civil rights laws, the federal anti-discriminatory laws, and they all deal with that four unit owner-occupied dwelling as a single unit, probably because perhaps that may be the only way many people could own their own home. It is for this reason that I hope you will go along with the indefinite postponement of this amendment.

I would like to remind you that we aren't talking about great big investments. We aren't talking about major speculation at all. We are talking about a one-time, first-time purchase of that home only, and it is limited currently to that.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Earlier this afternoon, the good gentleman from Waterville, Mrs. Kany, told us how important this document is, and it certainly must be because it came out of the Committee on State Government unanimous.

Now, the lady from Bath in good faith has offered an amendment which I believe has serious support in this House. She is concerned about compromising with this particular document and accommodating as many members as possible. In support of this legislation, I would ask the good lady to join our position this afternoon and support this amendment that was offered in good faith.

There was an amendment offered a few moments ago and some of us, through the errors of our way, had to be encouraged to look at the idea of what compromise is all about. And if there is one thing that the fellow from Bangor, Mr. Kelleher, is noted for, it is trying to accommodate his brothers and sisters in this House, and I am certainly going to join the gentleman from Bath this afternoon in doing so, and I would urge my fellow members of this body to do likewise.

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

Mrs. MITCHELL: Mr. Speaker and Members of the House: I am so glad that the gentleman from Bangor, Mr. Kelleher, is in an accommodating mood, and I hope you will be open-minded enough to hear me out.

I think there is one thing that has not been stressed in this debate, though I am sure it is very obvious—the population of this state is continuing to grow, the elderly population in this state is continuing to grow. In addition to providing first-time home ownership, a duplex or an apartment for three or four and owner-occupied, we are also trying to provide living space in the older units that we can save and preserve and rehabilitate. We need housing for

the people in the State of Maine and everybody can't afford to buy it, even with the State Housing Authority in place, and I think this simply cuts out from the market the elderly and a lot of people who do need rental units.

We are not talking about massive complexes, we are talking about additional housing in a market that is absolutely at a standstill. How many new houses do you know being built in Maine today?

I urge you to vote against this amendment.

The SPEAKER: The Chair recognizes the gentleman from Bath, Ms. Small.

Ms. SMALL: Mr. Speaker and Members of the House: Again, I want to state this does not create new housing. All it is is existing apartment buildings that are already available.

Also, in serving the elderly, yes, if it were going to be low income people that would go into these but you can raise the rents to whatever you like. If I buy an apartment building, I could charge \$400, I could charge \$500 a month per unit, if I can get that, in order to pay my mortgage payment, so this really does not address that problem.

I am all for the parts in the bill that do address the elderly and the low income, but this bill is merely subsidizing people to buy apartments, which I feel in some areas are already lucrative.

There are many people who aren't going to come under this program either because they don't qualify because of the yearly salary ranges or because there just aren't enough units to go around. I think this program is only going to serve about 1,100 families in the state.

If I find out that I do not qualify because there are not enough monies to get a house, I would meet all the standards but I do not qualify because there is not enough monies, and I find out that my neighbor is not only qualified but has a four-unit apartment and is making money on the deal, I am going to be very angry at the legislation that was passed up here.

I hope you will reject the motion for indefinite postponement and I request a roll call.

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

Mrs. MITCHELL: Mr. Speaker, I would like to pose a question through the chair to the gentleman from Bath, Ms. Small.

Is it your understanding that there are adequate rental units in the state? Do you project that? Do you believe that there will be adequate rental units without this kind of stimulation to keep in place existing units that can be rehabilitated?

The SPEAKER: The gentleman from Vassalboro, Mrs. Mitchell, has posed a question through the Chair to the gentleman from Bath, Ms. Small, who may respond if she so desires, and the Chair recognizes the gentleman.

Ms. SMALL: Mr. Speaker and Members of the House: The rental units vary from town to town. In Bath, I would say there is adequate rental units and in other areas there is not. But this part of the bill does not create new rental units. All it does is change the landlord; it does not create new units, it does not create new apartment buildings. It is simply putting someone else in that apartment than was there before.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair to the gentleman from Bangor, Mr. Kelleher. Mr. Kelleher has urged us just a few minutes ago to support this amendment in the spirit of accommodation and compromise. However, he has not told me why I should support this amendment. I would appreciate it if he would.

The SPEAKER: The gentleman from South Portland, Ms. Benoit, has posed a question through the Chair to the gentleman from Bangor, Mr. Kelleher, who may answer if he so

desires, and the Chair recognizes that gentleman.

Mr. KELLEHER: The gentleman from Bangor is delighted to respond, but rather than take the total patience of the House wasting this afternoon, I would suggest that the gentleman listen to the good lady from Sagadahoc and she would know the answer to the question without asking it.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: There are two things that bother me about this whole discussion. Number one, you are talking about creating apartments. There isn't going to be any apartments created because you are buying existing buildings. There is nothing in the rules to say they can't go borrow money, up to \$80,000, to improve those apartments.

The second thing that bothers me is that they say, well, a poor person can't afford to get it. The first-time homeowner is going to buy this and it is going to help them pay their rent. What happens to that first-time homeowner when two of those apartments become vacant? That is where the problem is going to arise. I think a first-time homeowner ought to buy a single-family house.

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

Mr. DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: We have really strayed from the issue here and I think we have to remember what we are dealing with. The gentleman from Bath is correct when she says that we are not talking about new construction of units. I agree and I am sorry if she believes that I implied otherwise, but that is just the point. What we are trying to do is protect the existing housing stock in this state because nobody is. Right now we are suffering from absentee landlords who don't really care about the upkeep of their apartment and people don't have the resources to buy apartment buildings to move into them and to take care of them.

Studies have shown that in units or apartment buildings where the landlord resides, the quality of the care that goes into that building is substantially greater than those instances where the landlord lives outside or out of state even.

We are trying to encourage people to purchase some property, to get into a situation where they can have a home of their own. We are dealing with this particular section, a very narrow section of the bill, with an idea that would allow them, the people who are in a marginal situation where they really don't have a stable enough income to meet a home and run it on their own, to do what Representative Manning is doing, have a building, subsidize his own income through rents, to provide good, clean, decent, safe, affordable housing to people who are looking for rents and to do so with the existing housing stock in order to protect it.

Other people, the people with money, the speculators can go out and create their own new housing. That has nothing to do with this section. What we are talking about is protecting the existing housing stock. We have to protect it if we are going to meet the housing needs of the people of Maine.

I hope you will support the motion to indefinitely postpone.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Bangor, Mr. Diamond, that House Amendment "C" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Aloupis, Baker, Beaulieu, Bell, Benoit, Boisvert, Boyce, Brannigan, Brennerman, Carroll, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, J.N.; Erwin,

Fitzgerald, Gillis, Gowen, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Huber, Jacques, Kane, Kany, Ketover, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, H.C.; Masterman, Masterton, Matthews, McHenry, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, M.; Norton, Paradis, P.; Perry, Pouliot, Racine, Reeves, P.; Richard, Ridley, Rolde, Smith, C.B.; Soulas, Soule, Swazey, Theriault, Thompson, The Speaker.

NAY—Armstrong, Austin, Berube, Bordeaux, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Carrier, Conary, Connors, Curtis, Damren, Davies, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Gavett, Hanson, Higgins, L.M.; Holloway, Hutchings, Ingraham, Jackson, P.T.; Jackson, P.C.; Jalbert, Jordan, Joyce, Kelleher, Kiesman, Kilcoyne, Lancaster, Lewis, Livesay, Lund, MacBride, McGowan, McPherson, McSweeney, Nelson, A.; O'Rourke, Paradis, E.; Paul, Pearson, Perkins, Peterson, Pines, Randall, Reeves, J.; Roberts, Salsbury, Sherburne, Small, Smith, C.W.; Stevenson, Stover, Strout, Studley, Tarbell, Telow, Treadwell, Twitchell, Vose, Walker, Webster, Wentworth, Weymouth, Willey.

ABSENT—Brown, K.L.; Carter, Cunningham, Diamond, G.W.; Fowlie, Hobbins, Hunter, LaPlante, Laverriere, Martin, A.; McCollister, Michael, Tuttle.

Yes, 65; No, 73; Absent, 13.

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

The Chair recognizes the gentleman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker, I request a roll call on the adoption of House Amendment "C" and further move that this item be tabled for one legislative day.

Whereupon, Ms. Small of Bath requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Vassalboro, Mrs. Mitchell, that this be tabled for one legislative day pending the adoption of House Amendment "C". All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Higgins of Scarborough 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 Vassalboro, Mrs. Mitchell, that this matter be tabled for one legislative day pending the adoption of House Amendment "C". All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Baker, Beaulieu, Bell, Benoit, Berube, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Brown, A.; Carrier, Carroll, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, J.N.; Erwin, Fitzgerald, Gillis, Gowen, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Huber, Jacques, Jalbert, Kane, Kany, Kelleher, Ketover, Kilcoyne, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, H.C.; Masterton, McGowan, McHenry, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, M.; Norton, Paradis, P.; Pearson, Perry, Post, Pouliot, Racine, Reeves, P.; Richard, Ridley, Roberts, Rolde, Smith, C.B.; Soulas, Soule, Swazey, Theriault, Thompson, Twitchell, Vose, The Speaker.

NAY—Aloupis, Armstrong, Austin, Bordeaux, Brown, D.; Callahan, Conary, Connors, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Gavett, Hanson, Higgins, L.M.; Holloway, Hutchings, Ingraham, Jackson, P.T.; Jackson, P.C.; Jordan, Joyce, Kiesman, Lancaster, Lewis, Livesay, Lund, MacBride, Masterman, Matthews, McPherson, McSweeney, Nelson, A.; O'Rourke, Paradis, E.; Paul, Perkins, Peterson, Randall, Reeves, J.; Salsbury, Sherburne, Small, Smith, C.W.; Stevenson, Stover, Strout, Studley, Tarbell, Telow, Treadwell, Walker, Webster, Wentworth, Weymouth, Willey.

ABSENT—Brown, K.L.; Cahill, Carter, Cunningham, Diamond, G.W.; Fowlie, Hobbins, Hunter, LaPlante, Laverriere, Martin, A.; McCollister, Michael, Tuttle.

Yes, 75; No, 62; Absent, 14.

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

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

#### Passed to Be Enacted Emergency Measure

An Act to Adjust Salaries of Officers of Knox and Hancock Counties for 1981 (H. P. 2232) (L. D. 2089)

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. 109 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 papers appearing on Supplement No. 13 were taken up out of order by unanimous consent:

#### Consent Calendar First Day

(H. P. 1984) (L. D. 1956) Bill "An Act Relating to State Entitlement of Certain School Administrative Districts" — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-685)

(H. P. 1730) (L. D. 1715) Bill "An Act to Clarify the Procedure for Budget Meetings" (Emergency) — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-686)

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

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

The following Communication: (S. P. 949)

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

March 24, 1982

Honorable Thomas Teague  
Honorable Daniel Hickey  
Chairmen  
Committee on Aging, Retirement & Veterans State House  
Augusta, Maine 04333  
Dear Committee Chairmen:

Please be advised that Governor Joseph E. Brennan is withdrawing his nomination of Patricia M. McDonough of South Portland for reappointment as a member of the Maine State Retirement System Board of Trustees.

The Secretary of State's Office has made a correction on the expiration date of Ms. McDo-

nough's term in order to be consistent with the staggering of terms mandated under Chapter 696 of the Public Laws of 1977.

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

Came from the Senate read and ordered placed on file.

In the House, the Communication was read and ordered placed on file in concurrence.

The following paper appearing on Supplement No. 15 was taken up out of order by unanimous consent:

**Petitions, Bills and Resolves  
Requiring Reference**

Bill "An Act to Extend the Health Facilities Information Disclosure Act and to Authorize the Charging of Fees for the Dissemination of Information" (Emergency) (H. P. 2238) (Presented by Representative Nelson of Portland) (Cosponsors: Senator Najarian of Cumberland, Gill of Cumberland and Representative MacBride of Presque Isle) (Governor's Bill)

Was referred to the Committee on Health and Institutional Services, ordered printed and sent up for concurrence.

**(Off Record Remarks)**

On motion of Mr. Jalbert of Lewiston,  
Adjourned until none o'clock tomorrow morning.