

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Tenth
Legislature

OF THE

STATE OF MAINE

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

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

FIFTH SPECIAL SESSION
May 13, 1982
INDEX

SECOND CONFIRMATION SESSION
July 16, 1982
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HOUSE

Wednesday, March 31, 1982

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

Prayer by the Reverend Edward Glennie of the First Congregational Church of Scarborough.

The journal of yesterday was read and approved.

**Papers from the Senate
Reports of Committees
Ought to Pass as Amended
Later Today Assigned**

Report of the Joint Select Committee on Alcoholism Services reporting "Ought to Pass" as amended by Committee Amendment "A" (S-438) on Bill "An Act Making Allocations Related to the Alcoholism Prevention, Education Treatment, and Research Fund for the Expenditures of State Government for the Fiscal Year ending June 30, 1983" (S. P. 832) (L. D. 1940)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-438) as amended by Senate Amendment "A" (S-441) thereto.

In the House, the Report was read and accepted in concurrence and the Bill read once. Committee Amendment "A" (S-438) was read by the Clerk. Senate Amendment "A" to Committee Amendment "A" (S-441) was read by the Clerk and adopted in concurrence.

On motion of Mrs. Mitchell of Vassalboro, tabled pending adoption of Committee Amendment "A" as amended by Senate Amendment "A" thereto and later today assigned.

Non-Concurrent Matter

Bill "An Act to Adjust Annually Individual Income Tax Laws to Eliminate Inflation-Induced Increases in Individual State Income Taxes" (I. B. 2) (L. D. 1737) on which the Minority "Ought to Pass" Report of the Committee on Taxation was read and accepted and the Bill passed to be engrossed in the House on March 30, 1982.

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

In the House: On motion of Mr. Webster of Farmington, the House voted to adhere.

Messages and Documents

The following Communication:

Committee on Aging, Retirement and Veterans
March 30, 1982

The Honorable John L. Martin
Speaker of the House
State House
Augusta, Maine 04333
Dear Speaker Martin:

The Committee on Aging, Retirement and Veterans is pleased to report that it has completed all business placed before it by the second regular session of the 110th Legislature.

Total number of bills received	14
Unanimous Reports	14
Leave to Withdraw	3
Ought Not to Pass	1
Ought to Pass	5
Ought to Pass as Amended	4
Ought to Pass in New Draft, and New Title	1
Divided Reports	0
Committee Initiated Bills from Joint Orders	0

Respectfully submitted,
Daniel B. Hickey
House Chairman

The Communication was read and ordered placed on file.

**House Reports of Committees
Leave to Withdraw**

Representative Davies from the Committee on Public Utilities on Bill "An Act to Ensure Funding for the Eventual Decommissioning of and Spent Fuel Disposal at Any Nuclear Power Plant" (H. P. 2096) (L. D. 2030) reporting "Leave to Withdraw"

Report was read.

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

Mrs. KANY: Mr. Speaker and Members of the House: I just wanted to point out to members of the legislature that this is an issue we will be dealing with in the future, I hope. The reason for this is that Maine Yankee, for instance, in 1981, collected from its customers \$7.8 million for permanent spent fuel storage and has not segregated the money, it is co-mingled.

The reserves on the books now for Maine Yankee, for that permanent spent fuel reserve, is \$37.8 million. Our Public Utilities Committee of the legislature has dealt with many complicated issues, and I can assure you that some of us will be interested in following through on this one and perhaps calling for segregation and designing a tax-exempt fund to deal with that.

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

Representative Davies from the Committee on Public Utilities on Bill "An Act to Require Electric and Gas Energy Forecasts" (H. P. 1927) (L. D. 1896) reporting "Leave to Withdraw"

Representative Nelson from the Committee on Health and Institutional Services on Bill "An Act to Establish Statutory Guidelines for the Planning and Expenditure of Social Service Funds" (H. P. 1879) (L. D. 1872) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft

Representative Davies from the Committee on Public Utilities on Bill "An Act Requiring Public Utilities Commission Approval for the Purchase of Portions of Electrical Generating Facilities by Electrical Companies or Fuel Conversion in Electrical Generating Facilities" (H. P. 1915) (L. D. 1901) reporting "Ought to Pass" in New Draft (H. P. 2272) (L. D. 2119)

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 in New Draft/New Title

Representative Weymouth from the Committee on Public Utilities on Bill "An Act to Provide for Improved Energy Policy Development Including the Preparation of an Annual Electricity Demand Forecast" (H. P. 1861) (L. D. 1855) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Provide for Improved Energy Policy Development and Electricity Demand Forecasts" (H. P. 2273) (L. D. 2120)

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.

Divided Report**Later Today Assigned**

Majority Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-709) on Bill "An Act to Amend Laws Relating to the Maine Development Foundation and Economic Development" (H. P. 1960) (L. D. 1933)

Report was signed by the following members:

Senators:

EMERSON of Penobscot
TEAGUE of Somerset

—of the Senate.

Representatives:

INGRAHAM of Houlton
BROWN of Bethel
DAY of Westbrook
TWITCHELL of Norway
MASTERMAN of Milo

—of the House.

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Report was signed by the following members:

Senator:

WOOD of York

—of the Senate.

Representatives:

HAYDEN of Durham
KILCOYNE of Gardiner
POST of Owl's Head
HIGGINS of Portland
KANE of South Portland

—of the House.

Reports were read.

On motion of Mr. Kane of South Portland, tabled pending acceptance of either Report and later today assigned.

Divided Report

Majority Report of the Committee on Marine Resources on Bill "An Act to Create a Maine Groundfish Association" (H. P. 1443) (L. D. 1585) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Promote the Maine Groundfish Industry" (H. P. 2270) (L. D. 2117)

Report was signed by the following members:

Senator:

DUTREMBLE of York

—of the Senate.

Representatives:

VOSE of Eastport
CROWLEY of Stockton Springs
HANSON of Kennebunkport
JORDAN of Warren
POST of Owl's Head
CAHILL of Woolwich
FOWLIE of Rockland
CONNERS of Franklin

—of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Promote the Maine Groundfish Industry" (H. P. 2271) (L. D. 2118) on same Bill.

Report was signed by the following members:

Senators:

SHUTE of Waldo
BROWN of Washington

—of the Senate.

Representatives:

SALSBURY of Bar Harbor
NELSON of Portland

—of the House.

Reports were read.

On motion of Mr. Fowlie of Rockland, the Majority "Ought to Pass" Report was 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.

Consent Calendar**First Day**

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

(H. P. 2162) (L. D. 2062) Bill "An Act Relating to the Sale and Purchase of Herring"—Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-714)

(H. P. 1959) (L. D. 1932) Bill "An Act to Establish Standard Procedure Enabling the Formation of Municipal Power Districts"—

Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-715)

(H. P. 1865) (L. D. 1859) Bill "An Act to Restrict Rate Increase Proposals by Public Utilities"—Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-716)

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

Second Reader Tabled and Assigned

Bill "An Act to Amend the Concealed Weapons Law" (H. P. 2262) (L. D. 2110)

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

On motion of Mrs. Nelson of Portland, tabled pending passage to be engrossed and tomorrow assigned.

Passed to be Engrossed

Bill "An Act to Clarify the Criminal Restraint by Parent Law" (H. P. 1969) (L. D. 1944) (H. "A" H-713 to C. "A" H-700)

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

Passed to be Enacted Emergency Measure

An Act to Revise the State Takeover Bid Law (S. P. 957) (L. D. 2103) (S. "A" S-440)

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

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

Mr. GILLIS: Mr. Speaker and Members of the House: Before we vote on this bill, I have a question I would like to have answered and I would like to direct it to any member of the committee. The question I have pertains to the sections on Page 5 of 2103. The sections come pretty close to the contents of a bill that we indefinitely postponed yesterday on interstate banking, L. D. 2100. My question is, is this a part of L. D. 2100, and does it have the same effect as the interstate banking bill?

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

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: This bill is in response to some fears, particularly with the stock market as depressed as it is, where in a number of large Maine companies their stock is down and they are afraid that they may be taken over by either foreign firms or other companies in the United States, and without sufficient protection for the stockholders and the management.

We had a law very similar to this on the books and there have been some problems with it and this revises it. It has nothing to do with the banking bill that we dealt with yesterday. The only reason that there is a provision in the banking bill was our fear that we might run into the same takeover problems with banks, where another bank might come in on a weekend and attempt to take over a bank within that weekend. So we wanted them covered under the same type of provision as a paper company or other companies in the state.

This has nothing to do with the terms of the banking bill or anything like that. It is basically something that was sought by the paper companies of the state and some of the other companies who are particularly afraid of Canadian companies coming in and this type of thing.

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

Mr. GILLIS: Mr. Speaker, one more ques-

tion, if I may. Does this, in essence, give the banks from out of state the opportunity to come in and take over our state banks?

The SPEAKER: The gentleman from Calais, Mr. Gillis, has posed an additional question through the Chair to anyone to may care to answer.

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

Mr. BRANNIGAN: Mr. Speaker, to answer the gentleman, the answer is no. It will have nothing to do with banks as long as the House prevails as it did yesterday. If we were to have interstate banking, then it would protect our banks from any quick takeover, but otherwise than that, it has no connection with our banks at all.

That is as straight as I can make it.

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.

132 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.

Orders of the Day

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

Joint Order—Relative to Amending Joint Rules—Adding new Joint Rule 27-A (H. P. 2269)

—Read in House on March 30.

Tabled—March 30 by Representative Mitchell of Vassalboro.

Pending—Passage.

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

Mrs. MITCHELL: Mr. Speaker, I move this item be tabled unassigned and I request a roll call.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those 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 gentlewoman from Vassalboro, Mrs. Mitchell, that this item be tabled unassigned pending passage. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

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

NAY—Aloupis, Armstrong, Austin, Bell, Bordeaux, Brown, D.; Brown, K.L.; Cahill, Callahan, Conary, Connors, Cunningham, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Gavett, Gillis, Gowen, Hanson, Higgins, L.M.; Holloway, Hunter, Hutchings, Ingraham, Jackson, P.T.; Jackson, P.C.; Jordan, Kiesman, Lancaster, Lewis, Livesay, Lund, MacBride, Masterman, Masterton, Matthews, McPherson, Murphy, Nelson, A.; O'Rourke, Paradis, E.; Perkins, Peterson, Pines, Randall, Reeves, J.;

Salsbury, Sherburne, Small, Smith, C.W.; Soulas, Stevenson, Stover, Strout, Studley, Tarbell, Telow, Treadwell, Walker, Webster, Wentworth, Weymouth, Willey.

ABSENT—Huber, Laverriere, Tuttle.

Yes, 79; No, 69; Absent, 3.

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

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

Bill, "An Act to Adjust the Eating, Lodging and Recreational Place Licensing Fee" (S. P. 811) (L. D. 1907)

Tabled—March 30 by Representative Jalbert of Lewiston.

Pending—Motion of Representative Curtis of Waldoboro to Reconsider Indefinite Postponement.

On motion of Mrs. Nelson of Portland, tabled pending the motion of Mr. Curtis of Waldoboro to reconsider and later today assigned.

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

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

Tabled—March 30 by Representative Davies of Orono.

Pending—Passage to be Enacted.

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

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

Bill "An Act to Provide that Corporate Reorganizations Affecting Public Utilities be Subject to Approval by the Public Utilities Commission" (H. P. 2266) (L. D. 2113)

Tabled—March 30 by Representative Kelleher of Bangor.

Pending—Adoption of House Amendment "A" (H-710)

Thereupon, House Amendment "A" was adopted.

The SPEAKER: The Chair recognizes the gentleman from West Gardiner, Mr. Weymouth.

Mr. WEYMOUTH: Mr. Speaker and Members of the House: I was one of the three members of the PUC Committee who signed this bill out "Ought Not to Pass." As the Majority Report went under the hammer quickly yesterday, I did not get a chance to properly address this bill. I now wish to address my concerns with this bill. I have two major concerns.

Number one, I feel the PUC already has adequate laws to protect the ratepayer. Number two, I fail to see how reorganization adversely affects the taxpayer. I would like to address the first one if I could, please.

Number one, I would like to just read to you some of the provisions that already exist that they could use to regulate this. Under existing federal law, the United States Securities and Exchange Commission is required to approve reorganization of this kind recently proposed by Central Maine Power. The SEC is required to determine whether the proposed reorganization is in the public interest. That is in the process of now being done at the federal level.

Under Maine law, the PUC regulates activities involving utilities and their affiliates. Under this law, the PUC has access to all books and records of any affiliate which relates directly or indirectly to transactions between the utilities and its affiliate. Anybody who is interested in looking at these existing laws, they come under MRSA 35.

I would also like to address the fact that at the present time there are several utilities which already have foreign holding companies. I might mention just a few of them: Camden-Rockland Water Company; Northern Utilities;

New England Telephone Company. I have a list of others which, in the interest of time, I will not read. In each of these cases, the holding companies also own out-of-state utilities and/or other non-utility businesses. In fact, in most cases, the Maine utility listed above are a relatively small portion of the respective holding company. In each case, the fact that these utilities are owned by holding companies has not affected the quality of the service which the utilities provide or the price which they charge. Instead, the fact that the utilities are associated with large holding companies generally benefits these utilities and their customers, because the holding companies offer greater resources in the capital and expertise to these utilities which results in lower rates to their customers.

Let me ask a question and then I will answer it myself. Why are major utilities diversifying? I feel they are diversifying because the PUC has failed to give them the ability to raise capital. By diversifying under present law, the utilities could raise capital without hurting the ratepayer.

Remember, ladies and gentlemen, the bottom line is, I feel, that the PUC has the last say. They can eliminate from the rate structure any portion of a rate case that is going to hurt the taxpayer, you and I.

At this time, I would like to ask that this Bill and all its accompanying papers be indefinitely postponed and I would like to ask for a roll call.

The SPEAKER: The gentleman from West Gardiner, Mr. Weymouth, moves that this Bill and all its accompanying papers be indefinitely postponed.

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

Mr. KELLEHER: Mr. Speaker, I would like to pose a question to the gentleman from West Gardiner, Mr. Weymouth. In his remarks, he stated that the companies themselves were not capable of raising capital. I would like to ask if he can tell this House what amount of money was raised in rates in the past six years by the very companies he is concerned about.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, has posed a question through the Chair to the gentleman from West Gardiner, Mr. Weymouth, who may answer if he so desires.

The Chair would advise the gentleman there is no response.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: In light of the lack of response from the gentleman from West Gardiner, where his principal remarks were in relation to the capabilities of these companies that he was trying to give us an area of interest on, that they have not had the capability of raising monies, I suggest that being a member of that committee, he should be a little more and better informed of the amount of money that has been raised by those companies through the lack of what he alleged to be interest of the PUC in allowing rate increases. They have been phenomenal, to say the least, believe me.

I understand that in the gentleman's remarks, if I understood him correctly, he said that there was legislation before the federal Congress. Well, I would submit that the hold that these utilities have on the national Congress, to a point, some of us should be ashamed of how Congress deals with these utilities as a whole.

Believe me, the utilities in this state wrote all the utility laws that they ever wanted and they wrote them between 1915 and 1930. All the utilities today are doing, its defensive legislation. We have public utilities that in the past 15 years have had a great deal of interest in terms of the consumer and it has made the utilities in this state shutter with fear because they don't have the insulation that they had in

past years. They don't have the influence in this government and this body and the other body or down in the corner office that they had in the past 50 years.

I would oppose the gentleman's motion just to protect the rights of the citizens of this state, not to guarantee or protect the utilities in the form that he is wishing us to do today. I urge you to oppose the motion to indefinitely postpone.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I don't intend to get very heavily involved in this debate today and I personally worked on this bill or the other amendments and other versions of this bill that have been worked on pretty carefully and diligently by the Public Utilities Committee. But I would like to say one thing and that is, there was a very quick gavel yesterday on the gentleman from Orono's motion to adopt the Majority Report. The gentleman from Gardiner wanted to debate and wanted to have an opportunity to get up and discuss it because there was a Minority Report, a more modest, more moderate and more sensible report, in my opinion, than the one that went very quickly under the gavel and this body adopted yesterday.

If we wanted to move to suspend the rules, and try to back it all the way back up to the acceptance of a report and debate those very difference, that would be very nice. I think it would be very appropriate because I think this body would benefit from a discussion and a debate on what the difference between a more extreme version of that bill and a more moderate and sensible version of that bill was, but we are not in that posture. We are saddled with the extreme version and that is the reason that the gentleman from Gardiner has made the motion to indefinitely postpone.

I think we ought to have something on the books. I agree with the good gentleman from Bangor that there ought to be some kind of control about this kind of economic investment activity by utilities who are supposed to be serving the ratepayers and the consumers in this state. I don't think that we necessarily have to go whole hog wild and adopt the extreme version, which is what we are saddled with and that is the box we have been placed in, and that is the reason for the posture and the motion today.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker and Members of the House: The last few days we have had a great deal of debate here on bills that have been referred to by the sponsors or by the Committee Chairman that have brought us the bills before us. They were, in fact, the most important pieces of legislation during this session. I would like to nominate another bill to the consideration for the most important bill of this session, that being this one dealing with corporate reorganization affecting public utilities.

Just for a brief history lesson, back in the 1920's and 1930's there were no laws, federal or state, governing the creation of holding companies owning public utilities. As a result of that lack of legislation on the books, there were created several utility holding companies, which owned utilities across the country including having a financial interest in Central Maine Power Company here in the state of Maine. Because of the holding company situation, the holding company was able to siphon money out of some utilities into others and ultimately into the pockets of the owners of the holding company, much to the detriment of the utilities and several of them were on the verge of bankruptcy when finally, in 1935, as a result of Congressional action that was passed the "Public Utility Holding Company Act," which prohibited the existence of holding companies for

public utilities that currently were governed by the SEC, as Representative Weymouth has suggested. However, the five Commissioners of the SEC have recently voted unanimously to recommend to the President that he do away with the Public Utility Holding Company Act, and because they are the regulatory body which handles the responsibilities under this, the fact that all of them, all five of them, have indicated their willingness to do away with this law, it is widely assumed by people in Washington and in the state that they will not carry out the full magnitude of their current legislative mandate and are likely to allow companies to get into holding company situations.

Let me tell you a little bit about the current situation which deals with Central Maine Power Company, although this bill will cover any utility that wants to form a holding company.

Central Maine Power Company wishes to create a holding company called Maine Industries, which would own Central Maine Power Company, and all of you who own shares in Central Maine Power Company will find yourselves in the position of having your stock bought up by Maine Industries and you will be paid for that with stock from the Maine Industries Company, so there will be only one shareholder in Central Maine Power Company and that will be Maine Industries.

What they proposed to do, since this company and all of its subsidiaries that they propose do not exist at this time, is to use money that is paid in by ratepayers to the Central Maine Power Company and which are held as retained profits, and they will take some of this money and they propose \$16 million this year to be taken out of this fund, money that has been paid in by you and your constituents, and they will use that money to invest in businesses that will not be regulated. It could be a bowling alley, could be a pinball company, could be a small hydro-site, could be a co-generation site, there will be no limitations on that at all, and there are no laws on the books to contradict what Mr. Weymouth said that would adequately protect the ratepayers.

The potential of benefit for the ratepayers by setting up a holding company and allowing them to get into unregulated businesses is that if the businesses do well, if they earn a higher rate of return, Maine Industries, the parent company of Central Maine Power Company if this goes through, may be able, there is no certainty, but they may be able to borrow money at a more advantageous rate than CMP currently can borrow at, but there is nothing certain about that.

On the opposite side, there is substantial risk that these investments may prove to be not good. One or more of them may prove to earn a lesser rate of return than is allowed for the utility; in fact, they might possibly go belly up. Since the money that has come to finance that is coming out of ratepayers, the rates of Central Maine Power Company will have to be raised and your constituents will have to pay additional money to the company to cover the cost of this money that has been loaned to the subsidiaries on the unregulated side. What this means is, while there is some small, indirect potential benefit for the ratepayers by allowing CMP to get into the holding company situation with unregulated businesses, there is also very substantial risk that these investments may prove to be unwise and it will be the stockholders who will suffer, it will be the ratepayers who will suffer, your constituents and mine.

Because the committee felt very strongly that there was some potential benefit for the ratepayers by allowing for the formation of holding companies and unregulated subsidiaries, we wanted to allow it, but we also wanted to have very strong protection on the books which currently do not exist to make sure that before CMP or any other utility were to get into a holding company situation and begin invest-

ing ratepayers' money in unregulated businesses, that the Public Utilities Commission, as the agent of the state of Maine, which was created as part of the deal of granting utilities monopoly power in the state, that they would have a prior approval of the company's plan to form a holding company and be able to review what they are doing and to make sure that in those relationships between the unregulated businesses and the regulated utility, that anytime the ratepayers' interest might be jeopardized, the Commission has a check on what is going on.

The Commission has indicated in most instances that there probably will not be a need for the Commission to go through a lengthy proceeding to examine the situation, it would be fairly easy to evaluate, but in certain situations, such as the Central Maine Power Company reorganization proposal which is currently being negotiated between the company and the Commission, they need these powers on the books, even if they don't use all of them, to assure ratepayers that their interests will be protected. That is an extremely important point.

All of our constituents are ratepayers to some utility or other. We want to make sure that when they pay their rates, they are paying only for the services of the utility that they are receiving and not paying for bad debts, bad investments, unwise ideas that are advanced by the holding company of the utility to advance the interest of the unregulated businesses that they have created and financed with money from ratepayers.

So I would urge you to reject the motion of Mr. Weymouth to indefinitely postpone this bill. It is extremely important, we need legislation on the books and I urge you to pass this bill.

The SPEAKER: The Chair recognizes the gentleman from West Gardiner, Mr. Weymouth.

Mr. WEYMOUTH: Mr. Speaker and Members of the House: Thank you, Mr. Davies, for the lesson in history; I have heard it in the committee.

I would like to bring to your attention one other fact. I have here from Title 35 of the Maine Revised Statute about eight pages of regulations that are already on the books. I feel that there is enough regulation there so that they can regulate these. They have been doing it with the companies that have already gone into holding companies. I feel that there are enough regulations there for them to continue.

I would also bring to your attention that this body has given the PUC \$400,000 more in their budget. We gave them another engineering position, we gave them last session a public advocate. I think the PUC now has the adequate money and adequate tools to carry out their job and I would like to see it stay the way it is.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: There is another group of people that would like to see the PUC stay where it is, Mr. Weymouth, and that is Central Maine Power. I will tell you why they would like to see the Public Utilities Commission remain where it is with the laws that it has.

The reason that we have increased over the years the capability of the Maine Public Utilities Commission is that they have been incapable of dealing with the legal experts that are hired by various utilities. Actually, the PUC is kind of like a non-existing operation right at the moment because of the major cases that now are settled in the law court. One of the reasons that we beefed up the Public Utilities Commission's capability in dealing with these various major firms is that they have to hire additional attorneys to argue the case of justification of the PUC when it comes down on a verdict of a rate increase. I am sure the good gentleman

from West Gardiner must know that being a member of that committee. Being a member of that committee, as well as the other members in this House, they have ensured us through their capabilities as committee members, to give us a general understanding of how that Commission works.

We have given the Commission a great deal of money, only because they have not been capable of dealing with the utilities as they have in the past in terms of rate cases, because actually CMP or New England Tel and Tel, they really don't care in the final analysis of what is going to happen to what the PUC rules on a rate case because they are going to the law court because they know there are laws existing on the books today, written a zillion years ago by the utilities in some manner and fashion, that gives them more than equal protection under the law.

I would wholeheartedly oppose the good gentleman's motion because I think it was an error in judgment in this House today in terms of protecting the consumers of this state.

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

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I oppose the motion before us and I urge acceptance of Committee Report A.

As you know, I am the most recent assignment to the Public Utilities Committee. I must admit that coming into that committee at the 11th hour in the session, and with a nine layer bill before us requiring twelve hours of debate, was almost a cultural shock as an introduction to that committee. It is a very complex subject. There is high finances at stake, there may be far-reaching consequences to our people, to our economy and to our state for several years ahead of us before we will recognize the full magnitude of this bill.

My interpretation of what was involved, though, with the three reports that are before us right now comes down to something like this. If we were to accept the desires of the utility involved with this proposition and in this case, as you have heard, is Central Maine Power, we would be back to a laissez-faire business climate and this approach would be reflected by the acceptance of the indefinite postponement motion before us right now.

If we were to follow the ultimate desires of the Public Utilities Commission, we would end up with nationalizing our utilities throughout the state, and I believe that Report B is a step in that direction. I haven't read about laissez-faire economics or experienced the negative results of nationalism. I am not too prepared to accept either one of these actions.

Committee Report A, in my estimation, is the best compromise between these two concepts. It provides the means of oversight to the PUC of the corporate expansion into energy-related adventures without being unduly restrictive of the company's actions in the area of capital investments.

The utility has stated that they could accept the provisions of this revised report. The PUC states that this measure will provide oversight necessary to protect the interests of the public ratepayer.

I urge you to defeat the motion before us for indefinite postponement.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: I agree with the gentleman from Bangor on the quickness of the gavel, but as a freshman I am learning that possibly that is a characteristic in the waning hours of the session.

My concern is that now the only review of diversification would be the SEC and I support this legislation because it protects the investors and it protects the ratepayers. I feel very strongly that they shouldn't be left holding the bag for a bad investment and also that they

shouldn't suffer because of the withdrawal or draining of capital. A utility bill should reflect the cost of providing that service and only that service.

I agree with the gentleman from West Gardiner that diversification is needed, that diversification will be beneficial. I support diversification, but I am for the optional review here on the local level of that diversification. This bill would allow that decision to be made here in Maine by Mainers.

As a cosponsor, I have two constituencies that would be affected by possible unregulated diversification, CMP customers in my district and also a municipal power company, Kennebec Light and Power. I want to ensure today here that we take a positive step, that when that bill comes in, that bill for electric services, that it reflects the cost of providing those services and would urge you to vote against the motion on the floor.

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

Mrs. KANY: Mr. Speaker and Members of the House: I just wanted to speak to two items that Representative Weymouth mentioned. One is, he has spoken about all of the law on the books regarding affiliates and that is true, but it only deals with the regulated affiliates, the utility affiliates. What we are talking about here is looking at a financial reorganization involving non-regulated affiliates, so our law on our books does not cover that situation now.

Secondly, I just wanted to point out that if we had gone farther, we could have said to these companies that you may not diversify to the point of having non-regulated affiliates. We could have done that. Instead, we are taking a more moderate approach, and it is the decision of the companies to really diversify into the non-regulated affiliates which will cause more work for the PUC, not our decision to require that there be an evaluation of that financial reorganization. If we had said no to non-regulated affiliates, that would eliminate that extra work for the PUC and I think that point should be made clear to everyone.

This is a reasonable proposal and I certainly hope you will go along with the bipartisan approach to this moderate legislation.

Mr. Jalbert of Lewiston moved the previous question.

The SPEAKER: For the Chair to entertain a motion for the previous question, it must have the expressed desire of one third of the members present and voting. All those in favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one third of the members present having voted for the motion for the previous question, the previous question was entertained.

The SPEAKER: The question now before the House is, shall the main question be put now? This is debatable with a time limit of five minutes by any one member.

The Chair recognizes the gentleman from New Gloucester, Mr. Cunningham.

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to use five minutes of your time, but I have attempted to be recognized about five times, because as a former member of the Public Utilities Committee, I feel that I would like to speak on this main motion prior to your taking the vote. I would only ask that I be given the opportunity to speak on the motion, because though I am no longer a member of the Public Utilities Committee, I have not gone off that committee for such a long time that I have forgotten everything that came before the committee while I was a member of that committee for nearly six years.

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

Mr. JALBERT: Mr. Speaker, I withdraw my motion.

The SPEAKER: The Chair would advise the gentleman that he may not withdraw his motion. There will have to be a vote.

It is now in the possession of the body. There will be a vote as to whether or not you want the question be put now and all he needs to do now is vote no.

Mr. JALBERT: Mr. Speaker, when I got up and spoke, I saw Mr. Cunningham get up and I don't want to stifle anybody, so I hope you knock me down.

The SPEAKER: The question before the House now is, shall the main question be put now? Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

7 having voted in the affirmative and 97 in the negative, the main question was not ordered.

The SPEAKER: The Chair recognizes the gentleman from New Gloucester, Mr. Cunningham.

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: Thank you, Mr. Speaker, Ladies and Gentlemen of the House: I do appreciate your consideration.

The gentleman from Orono has indicated to you that this is an important bill and that the Public Utilities Committee has been working on many important bills in this session and I concur with that observation. There are many important bills that are coming before us now in the final days, and I hope that you will be able to listen to the debate on these bills attentively because they are important.

I think one of the important things we must remember is that the Public Utilities Commission must regulate public utilities in this state, and there is nothing in the current law that prevents the Public Utilities Commission from regulating the public utilities within this state, and that includes the biggest utilities in this state.

One of the problems that has been alluded to in the debate today is the incapability of the Public Utilities Commission to regulate the public utilities within this state. If this commission is currently incapable of regulating, for example, Central Maine Power Company, how can that commission then be capable of regulating a holding company? They can't even do the job they want to do now.

The gentleman from Bangor has already indicated to you that this Commission has had to be strengthened in the last few years, and I agree that it has had to be, but if they can't do the job now, how can they regulate a larger holding company? It can't be done.

I agree with the motion to indefinitely postpone because I think that the Public Utilities Commission must focus its energy on the utilities within the state and whether or not that utility is owned by several hundred or several thousand shareholders in the state of Maine or in the eastern United States or wherever, or whether that company is owned by a parent company, makes no difference on the regulatory climate and capability of regulating that utility. The utility is still a state utility providing services to the people of the State of Maine under a regulated climate.

As far as financing is concerned, a parent company, which might be a larger corporation, does have access to financing by being larger, by having more shareholders, by having a larger base of financing than a single company. There could be advantages to the company being owned by that larger company, advantages to the ratepayers in the State of Maine which we now cannot get for those ratepayers.

I would concur with the gentleman from Gardiner that we should indefinitely postpone this legislation today, because I don't think we really have settled the issue adequately.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I might make comment concerning Mr. Cunningham's remarks.

It is obvious that his sole opposition to this bill is that he wants to end-run the commission.

I am an officer of a utility. We don't do very much business now, but we used to many years ago, with the PUC. I can tell you this, what I think we ought to do is set up a program, and I might suggest this to the gentleman from Orono, Mr. Davies, that would strike out and knock out the archaic laws that the present PUC must go by that were written many, many, many years ago.

I would further tell you this: that my sojourn about here, I can remember the days when there was an old saying, and I am sure you have all heard it, that bills were presented here but they were passed in the Augusta House and I know that because I was there. There was no Senator Motel, no Holiday Inn, no Twin City Motel, just rooms that Miss Grenier supplied for us in the third reading room and then everybody ate in the Augusta House, or when they got through eating they would mosey into the lobby and you couldn't put a toothpick between the people. All at once, you would see the elevator come up with the lobbyists and two or three legislators or a lobbyist and a legislator, and that is the way the thing went. That, in my opinion, is what the legislation is trying to stop. There is nothing they can do as long as they have to do business with these archaic laws.

It was not us in here, it was not the other unmentionable branch that controlled the legislators, it was the lobby, not here—over there. Somebody said that they still do while I was speaking. Well, I will tell you my version of that. Having been here since 1945 and here for four years before with Governor Brann, I am proud to tell you this. My membership of this body in 1982 I am very proud of. This is without a doubt the hardest working body, the cleanest body that I have served with. I was accused at one time of being a little too solicitous of the lovelies in the House, but I think they have had a little something to do with it, remembering that I was in this body without one woman in the body. They work hard. The behavior of the members of this House is phenomenal and, believe me, at my age, with my tenure in office, if I see anybody out of line, they know they are going to get a rubbing from my ring in the glass and we are going out somewhere and have a little chit-chat to talk things over. I feel that is part of my job as a senior member of this body. That is why, in my opinion, I don't think we should entertain the gentleman's motion that was made.

I think we ought to pass this bill. My feelings have been for a very, very long time that if ever a real study should be made, it is the study of what laws we do have on the books, what power the commission has that they shouldn't have, what power they don't have that they should have. I think then we would be in business.

I hope that the motion to indefinitely postpone does not prevail.

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 Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I will try to be very brief. In the days that Representative Jalbert just referred to about the Augusta House, I was there, and what he said was more or less true, but the lobbyists didn't reach me in those days and I don't believe they reach me today. What they were lobbying about then mostly, as I remember, was more jobs for their constituents in state government, more jobs on the Public Utilities Commission, expanding the Education

Department, expand everybody. The lobbying I heard was mostly in that direction. I was opposed to it then, I was opposed to expanding state government then, I am opposed to it now.

I have been accused of getting a little feeble but it is not my mind, it is only in my legs. I still am as opposed to expanding state government as I was then and chiefly that was what the lobbyists were for as I remember it.

This Public Utilities Commission had a history then and has a history in government here of never doing anything for the public and we would certainly be better off without a Public Utilities Commission at all. We could regulate the thing right from here by telling them what their percentage could be in power, that we should pay them 8 percent or 4 or whatever you people agree on. We shouldn't have to have all this group of people.

In those days, it was a question of delegating our authority, delegate it to the Governor's Council, delegate it to some commission. In other words, I agree that this is a better working legislature than it used to be in the old days because all they were doing in the old days was trying to delegate their authority to a department of some kind, whether it be highways or education or the Public Utilities Commission. This is a continuing thing, and if you couldn't send it anywhere else, send it to the Governor's Council. They were continually delegating their authority, which I was then opposed to and I am still opposed to.

Let me very briefly tell you that if any of you people have traveled in South America, especially Brazil, you will find down there that an awful lot of their automobiles, a good percentage of them are being run on alcohol. Further investigation will show you that they can ferment almost anything down there and make alcohol from it because they have the extreme rays from the sun which we don't have.

But we have tremendous waste in this state from our utility companies dumping their steam and having a hard time to dispose it in Wiscasset. We have the same thing right below us between here and Gardiner and many places where they are wasting steam, literally putting it out for nothing, and that could be used to ferment potatoes and many other things. You have got to have a mind with a little imagination. If we would stop regulating these companies, leave them alone and let them make money for the Maine people in jobs, here is a chance right here, they could take that excess steam, ferment potatoes, ferment almost anything that grows in Maine and make alcohol that could be used to run our automobiles, run our industries and I am sure it would end up a profitable thing for the company and the people of Maine. But if we continue to pass legislation of this nature, these companies or nobody else can do anything for us. We will just be vacationland.

If you are satisfied to have this state just be a vacationland from this day on, keep voting for this kind of legislation and that is just what we will have, vacationland for everybody, but a lot of people can't afford it. I probably can at this time of my life but this is not the right approach.

Some of you young people should have a little bit of imagination, imagination of what can be done in Maine, not stop on dead center, not try to tie people up so they can't move, pass legislation so they can move, so they can use this wasted steam. This is only one little demonstration. If I had the time, I could show you other things. I wish other people had a little bit of imagination here so they could turn out and make some money for these companies but nobody today has got any imagination and can look and see the waste that we have in this country. In the wood industry in this country, they are trying to do something about it, they are burning it and making steam but the waste from these steam plants like Wiscasset is tremendous, dumping it into the sea, trying to dis-

pose of it and now they are afraid they are heating the sea too much and it is going to spoil the sea life or the fish or something. There is no need of that, we should be using that to ferment and make products out of it.

But do as you like, I don't think we are doing the right thing by — when you postpone this bill, that is a minor thing, we should be passing legislation in the opposite direction.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I do not want to delay this. I haven't been on the commission and I haven't been on the committee that studied this, but I have received quite a lot of mail on this particular discussion.

I served nine years on the Portland Water District and when we put a claim into the PUC, it would take us anywhere from six to nine months to hear about it. It cost thousands and thousands of dollars. We would have to go to Boston to get the legal advice to even do it. Here the Consumers Water Company has written me a long letter, they sent me their brochure and 10 percent of their business is done in the state of Maine and the rest of their business is outside of the state, other companies that they own, and you are trying to tell me that the PUC is going to handle all the work that they do. I just don't believe that the PUC can handle what they have now.

I am going to agree with what the other people have said, I think business will rise above if you give it the opportunity and I don't think there is any danger of anybody taking advantage.

We can change a law every year in this state and the Lord knows, we have enough laws, 1700 in the first session, so I think there is no problem with allowing a business, and particularly a utility, to operate. We can take of this if it doesn't do the job.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from West Gardiner, Mr. Weymouth, 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—Aloupis, Armstrong, Austin, Bell, Berube, Bordeaux, Brown, D.; Brown, K.L.; Callahan, Conary, Connors, Cunningham, Damren, Davis, Day, Dillenback, Drinkwater, Dudley, Foster, Gavett, Hanson, Holloway, Hunter, Hutchings, Ingraham, Jackson, P.T.; Jacques, Jordan, Lancaster, Lewis, Livesay, Lund, MacBride, Masterman, Masterton, McPherson, Nelson, A.; Paul, Perkins, Peterson, Pines, Reeves, J.; Salisbury, Sherburne, Smith, C.W.; Stevenson, Studley, Swazey, Tarbell, Telow, Walker, Weymouth, Willey.

NAY—Baker, Beaulieu, Benoit, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Brown, A.; Cahill, Carrier, Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Curtis, Davies, Dexter, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Fowlie, Gillis, Gowen, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Jackson, P.C.; Jalbert, Joyce, Kane, Kany, Kelleher, Ketover, Kiesman, Kilcoyne, LaPlante, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A.; Martin, H.C.; Matthews, McCollister, McGowan, McHenry, McSweeney, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, M.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Pearson, Perry, Post, Pouliot, Racine, Randall, Reeves, P.; Richard, Ridley, Roberts, Rolde, Small, Smith, C.B.; Soule, Stover, Strout, Theriault, Thompson, Treadwell, Twitchell, Vose, Webster, Wentworth, The Speaker.

ABSENT—Huber, Laverriere, Soulas, Tuttle.

Yes, 53; No, 94; Absent 4.

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

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

By unanimous consent, all preceding matters requiring Senate concurrence were ordered sent forthwith.

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

Bill "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Law" (Emergency) (H. P. 2239) (L. D. 2098) (H. "A" H-702 to H. "A" H-695)

Tabled—March 30 by Representative Huber of Falmouth.

Pending—Adoption of House Amendment "A" (H-711) to House Amendment "B" (H-696)

On motion of Mr. Hickey of Augusta, tabled pending adoption of House amendment "A" to House Amendment "B" and later today assigned.

Bills Held

Bill, "An Act to Revise the Procedure for Municipalities Withdrawing from the Maine Forestry District" (H. P. 1911) (L. D. 1883) (C. "A" H-707)

—In House, Passed to be Engrossed on March 30.

Held at the request of Representative Dexter of Kingfield.

On motion of Mr. Dexter of Kingfield, the House reconsidered its action whereby the Bill was passed to be engrossed pursuant to Consent Calendar rules.

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

Committee Amendment "A" (H-707) was read by the Clerk.

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

Mr. DEXTER: Mr. Speaker, I offer House Amendment "A" to Committee Amendment "A" and move its adoption.

House Amendment "A" to Committee Amendment "A" (H-717) was read by the Clerk.

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

Mr. KIESMAN: Mr. Speaker, a parliamentary inquiry. Is the amendment germane to the Bill?

The SPEAKER: This matter will be tabled until later in today's session pending a ruling of the Chair.

Bill, "An Act to Provide Appropriations to the Department of Human Services and the Department of Mental Health and Mental Retardation" (H. P. 2268) (L. D. 2115)

—In House, Receded from Reference to Committee on Appropriations and Financial Affairs and Concurred with Indefinite Postponement on March 30.

Held at the request of Representative Nelson of Portland.

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

Mrs. NELSON: Mr. Speaker, I move that the House reconsider its action whereby the House voted to recede and concur.

The SPEAKER: The gentlewoman from Portland, Mrs. Nelson, moves that we reconsider our action whereby this body voted to recede and concur.

The gentlewoman may proceed.

Mrs. NELSON: Mr. Speaker, Men and Women of the House: This is the matter that I spoke of yesterday regarding the funding for the boarding home study. I was told that it was originally passed, sent off for reference to the Appropriations Committee but the other body

decided that there wasn't time and there wasn't money and they didn't wish to even refer it.

As I understand it, bills that come out of a study do not need, necessarily, to have a hearing. I was told by members of the Appropriations Committee that they didn't want a hearing, it was too late, they don't need a hearing. I was also told that the budget was closed and that was the end, at least as far as the departments were concerned. That may be true, but if we were to amend out most of the bill, simply dealing with congregate housing, let the bill rest on the Appropriations Table with all the other bills, we could then deal with the important problem before us.

Right now if we do not act on one part of L. D. 2115, there will be no federal matching money and there will be no congregate housing for the elderly and the retarded and that really is what this bill is about.

I am asking you, please, to reconsider, to adhere to our previous position so that this bill could be amended, so that we simply deal with that most important concern, alternate living for the elderly in congregate housing.

I will not ask for a roll call at this time but simply a division.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I really don't even know where to begin. Yesterday, when I came into the House, the first item on the calendar was a brand new bill of \$1.2 million and I didn't even realize it at that time because I hadn't seen the bill and I didn't know anything about it. All of a sudden, the Speaker announced that we were considering a new bill to be referred to Appropriations and I stood there with my mouth open, frankly, and it went through and went to the other body and came back.

We have, I don't know, four days left in the session—we had five at that point—we were going to be asked to consider a bill that had been put out to study last summer, had been ready to go in February, and they tell me it had been in Legislative Research for a month and a half and nobody had been bird-dogging it, nobody had been pushing it along, nobody had been concerned about it, apparently, until four days before the end of the session, and yesterday we were told, maybe we could just hold it over. We found out we couldn't hold it over and so we went into plan 2, and that is, strip the bill of everything that they really didn't need and just put in a certain measure. Now I hear the Chairman of the Committee on Health and Institutional Services saying if we don't do this at the very last minute without a hearing, without a real good consideration of it, we will be depriving the elderly and the poor and the sick and all the rest of it. If she was that concerned about it before, why didn't she have it in here before? A month ago—a month ago, it was ready to go a month ago.

I am told by people that work in Legislative Finance, the Department of Human Services called this morning and said they didn't know anything about this bill.

I would hope that this House would understand there are limits to the things that we can address at the last minute, a limit to the things that we can address in the whole session and to ask us to do this now is really not fair.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: To talk about being fair I think is a little inappropriate at this time, but if you wish to talk about fairness, lets.

This committee of which I served on just recently was already in the process of this boarding home study, which they studied all summer long and because there was a limited amount of money, the committee was told that they can't study it now, you have to wait until you are in session because it won't cost as much money.

Yes, it was in Research for one month — how many people here have gone to find out where your bills are, what has happened to your bills or what is in Research, it is here and there — the Cumberland County Budget, which was finalized February 19th, is still somewhere in a machine someplace and you can go and ask where it is — why are you penalizing the intent of this bill because we don't have enough staff to do what we need to do when we need to do it?

I am very sorry that this committee has these bills late — we all have bills late — our very own committee is having a hearing on Thursday. Because it is inconvenient for this particular committee, are you saying that the people of the state of Maine should be denied the right to decide on this issue?

I know what is going to happen to this bill when it sits on the Appropriations Table, you can hear it from the Chair right now, but give it a chance. I am sorry that it was in there for a month. How much more can you do except call up and say, where is it, where is it?

Why the Department of Human Services didn't know about this bill is beyond me since we had three people from that department serving on our boarding home study. Let's be fair.

You are right, Representative Pearson, let's be fair, let us reconsider this and let's deal with it the way it should be done. We have a responsibility here and the responsibility goes beyond what is best or in the best interest of a particular committee.

We are talking about the people and the people that this bill, hopefully, if it is funded, will serve. That is what we are talking about here today and that is what we need to vote on.

I urge you to please allow us to reconsider this.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I served on this boarding home study group and I can appreciate the frustrations and the concerns of the good gentlelady from Portland, Mrs. Nelson, but I wholeheartedly concur, reluctantly this morning, with my House Chairman — I think the thing for us to do at the moment is not reconsider this measure.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: If not now, when?

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the gentlewoman from Portland, Mrs. Nelson, that the House reconsider its action whereby it voted to recede and concur. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mrs. Nelson of Portland requested a roll call.

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

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

The SPEAKER: The pending question before the House is on the motion of the gentlewoman from Portland, Mrs. Nelson, that the House reconsider its action whereby it voted to recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Baker, Beaulieu, Bell, Benoit, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Brown, K.L.; Carroll, Clark, Cox, Davies, Diamond, J.N.; Erwin, Fitzgerald, Fowlie, Gillis, Gowen, Gwadosky, Hall, Higgins, H.C.; Hobbins, Holloway, Ingraham, Jalbert, Joyce, Kane, Kany, Ketover, LaPlante, Livesay, Locke, MacBride, Macomber, Mahany, Man-

ning, Masterton, McColister, McGowan, McSweeney, Michael, Michaud, Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, Paradis, P.; Paul, Perry, Pines, Post, Racine, Reeves, P.; Richard, Roberts, Rolde, Smith, C.B.; Soule, Theriault, Thompson, Walker, Webster.

NAY—Aloupis, Armstrong, Austin, Berube, Bordeaux, Brown, A.; Brown, D.; Cahill, Callahan, Carter, Chonko, Conary, Connors, Connolly, Crowley, Cunningham, Curtis, Damren, Davis, Diamond, G.W.; Dillenback, Drinkwater, Dudley, Foster, Gavett, Hanson, Hayden, Hickey, Higgins, L.M.; Hunter, Hutchings, Jackson, P.T.; Jackson, P.C.; Jacques, Jordan, Kelleher, Kiesman, Kilcoyne, Lancaster, Lewis, Lisnik, Lund, MacEachern, Martin, A.; Martin, H.C.; Masterman, Matthews, McHenry, McPherson, Mitchell, E.H.; Murphy, Nelson, A.; Paradis, E.; Pearson, Perkins, Peterson, Pouliot, Randall, Reeves, J.; Salsbury, Sherburne, Small, Smith, C.W.; Stevenson, Stover, Strout, Studley, Swazey, Telow, Treadwell, Twitchell, Vose, Wentworth, Willey.

ABSENT—Carrier, Day, Dexter, Huber, Laverriere, O'Rourke, Ridley, Soulas, Tarbell, Tuttle, Weymouth, Mr. Speaker.

Yes, 65; No, 74; Absent, 12.

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

Matters Pending Rulings

Bill, "An Act Relating to Harness Racing at Agricultural Fairs, the State Stipend and Pari-mutuel Pools" (Emergency) (S. P. 864) (L. D. 2006)

Tabled—March 29 by Speaker Martin of Eagle Lake.

Pending—Ruling of the Chair on Germaneness of Committee Amendment "A" (S-424)

The SPEAKER: The Chair would now rule on the germaneness of Committee "A" and the Chair would rule that Committee Amendment "A" is germane.

Thereupon, Committee Amendment "A" was adopted.

The bill was assigned for Second Reading later in the days session.

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

Ought Not to Pass

Representative Kilcoyne from the Committee on Taxation on Bill "An Act to Remove Winterville Plantation from the Maine Forestry District" (H. P. 1816) (L. D. 1801) reporting "Ought Not to Pass"

Representative Kilcoyne from the Committee on Taxation on Bill "An Act to Remove West Forks Plantation from the Maine Forestry District" (H. P. 1818) (L. D. 1803) reporting "Ought Not to Pass"

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

Consent Calendar

First Day

(H. P. 1796) (L. D. 1786) Bill "An Act to Remove Wallagrass Plantation from the Maine Forestry District" Committee on Taxation reporting "Ought to Pass"

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

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

Consent Calendar

First Day

(H. P. 1817) (L. D. 1802) Bill "An Act to Remove Allagash Plantation from the Maine Forestry District" — Committee on Taxation

reporting "Ought to Pass" as amended by Committee Amendment "A" (H-718)

(H. P. 795) (L. D. 1785) Bill "An Act Concerning the Rate of Return on Investment Factor Under the Railroad Excise Tax" — Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-720)

(H. P. 1974) (L. D. 1949) Bill "An Act to Eliminate the 2¢ Excise Tax Imposed on Jet Fuel Used by International Flights" — Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-719)

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.

By unanimous consent, all matters requiring Senate concurrence were ordered sent forthwith.

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

Passed to Be Enacted Emergency Measure

An Act to Encourage Fuel Diversity by Increased Use of Natural Gas (H. P. 1956) (L. D. 1929) (C. "A" H-689)

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. 120 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.

An Act to Revise the Definition of Forest Land for Purposes of the Tree Growth Tax Law and to Require Notification of Landowners' Obligation to Reapply (H. P. 2178) (L. D. 2068) (C. "A" H-688)

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

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: There has been so much controversy and concern over the tree growth tax issue, I wish someone from the committee might give us a brief but concise rundown of what we did last year, what we are doing here and what we expect to with the bill that was heard yesterday, I believe. I know that that will take probably close to an hour, but perhaps someone might be able to inform the body clearly and concisely where we stand on this issue.

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

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I am afraid it is impossible to talk about what we did last year, what we are doing this year and what we intend to do in the future in tree growth in a brief manner.

As you know, the Taxation Committee left yesterday's session to deal with another bill that is coming along which deals with penalties on the tree growth issue.

Essentially what we did last year, some of what we did last year, those sections of the law that caused some controversy, we established a fact which many people thought was part of the tree growth law anyway, which was that tree growth, for land to be in tree growth, it should be used for commercial purposes and that it was not appropriate for land to be in tree growth as a tax dodge, if you will, people who simply wanted to pay lower taxes on their land around their summer estates. So the legis-

lature established some criteria that it asked people to meet to stay in the tree growth program.

The intent of the legislature was to particularly not force landowners, or landowners under a hundred acres, to go, for instance, to the great expense of hiring a professional forester, but it was set up in such a manner that people had choices on how they managed their land, or how they met the criteria for managing their land in the future. They could hire a registered forester; they could draw up a management plan themselves using accepted forestry practices; they could indicate that they were in the business of producing wood products and use the timber from that land in that particular business; or if it was under a hundred acres, they could indicate that they were following accepted forestry practices that produced a tree of having commercial value.

Something happened between the time we went out of session and we came back in, and I guess from time to time there has been a lot of finger pointing, and I am not really interested in getting into that at this point. But I think a great deal of misinformation went out, particularly about what it would take to stay in the tree growth program and what kinds of future actions might be expected of people if they wanted to stay in the tree growth program.

There have been some problems in individual communities, I think, in the assessors using the action that the legislature took last year to try to force people out of tree growth. For instance, we have had people tell us that they manage a woodlot, and yet the plan that they have drawn up and taken to their assessor, under a hundred acres has been turned down.

What we are trying to do in this particular bill, in this bill that is before us now, is to make sure that people are not forced out of tree growth and therefore have to pay the penalties involved, which are substantial, because of action beyond their control.

A couple situations came to our attention — one is in communities which have an extremely restrictive shoreland zoning law which may say within 200 feet of the shore you cannot commercially harvest trees. That would seem to indicate that if you were in that community, you could not have that land within the 200 foot zone under the tree growth and would have to pay the penalty when it was taken out.

What this particular bill does is to say that regardless of zoning ordinances by communities which may, in fact, prohibit commercial harvesting in the area, people who have land in tree growth can keep it. And in the future, for instance, communities will not be able to do spot zoning to try to keep people out of tree growth.

It also says that if you have a deed or a restrictive covenant, which is in effect presently or was in effect, that does not allow you to commercially harvest trees, then you will not be forced out of tree growth; you can remain in tree growth. It will not allow you to put a deed restriction on your land in the future to do that and thereby get around the intent of the law. But for those people who are presently in tree growth, who have a deed restriction that says you cannot harvest trees on that land, they will be able to stay in.

The other issue which was really unclear in the law that we passed last year was whether or not trees that we used for personal use could qualify people to stay in the tree growth program. We have clarified that and said if your land is under a hundred acres and you harvest the trees for personal use, then you are able to stay in the tree growth program. You still have to meet the criteria of accepted forestry practices but people who either use the wood for firewood or for lumber to build a home will be able to stay in tree growth.

Another thing that came to our attention was that in some communities assessors were not notifying people ahead of time of the changes in

requirements to stay in tree growth as far as the classifications go and that people might have to make a choice by April 1 whether to apply for tree growth or another program, which is farm and open space.

What we did, if you will take a look at the back of the pink amendment, is to set up a schedule whereby assessors will have to notify people of the new rule. People have a period of time in which to apply. The assessors will then have to tell them if they are not eligible for tree growth and after that period of time, for those people who are no longer eligible, they can appeal that decision if they want to or they will have 30 days to then transfer into the farm and open space law, if they are eligible for that. We didn't want people to be caught in a time bind of April 30 finding out they weren't eligible for tree growth and then not being able to go back for farm and open space.

These were the issues upon which there was unanimous agreement within the Taxation Committee.

The other issue that came up, and there was not at that point unanimous agreement on the Taxation Committee and that is why it was put in as a separate bill, it is a Governor's bill, dealt with the issue of penalties. That issue will be dealt with in another bill and will provide for a window, if you will, of a one-year time period in which people will no longer want to remain in the tree growth program will be able to get out of paying back taxes and interest with a provision that if they developed the land within five years, that they would have to go back and pay the penalty provision. We don't know whether that is going to be a unanimous report or not, but that is the bill we held the hearing on yesterday.

I can only say, though, even after yesterday's hearing, it reinforced my belief anyway and the belief of many Taxation Committee members that a lot of the calls that you have been getting and a lot of the issues that have been raised have been by misinformation that has been given out and has been reinforced by the press, and in some instances, you can pinpoint it where local assessors are using the new rule to try to force people out of tree growth. If you have particular problems, I would urge you to either talk to individual members of the Taxation Committee or talk to the Bureau of Taxation themselves, because the problems that have been raised, many of them are just not there.

That is about as brief and concise as I can be as far as what we are doing, have done, are doing and will do.

This bill that you have before you now deals with the issue of not forcing people out of tree growth, and it is important that we enact it before April 1 so that people know exactly what the situation is going to be. It also will provide some time for the people to make rational decisions as to whether they want to stay in tree growth or whether they want to go into open space.

The bill on withdrawal is in committee now and will be coming out in a day or so.

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

Mrs. MITCHELL: Mr. Speaker, I would like to pose a question through the Chair to the gentlewoman from Owl's Head, Mrs. Post. Should this legislature decide to pass the bill which the Taxation Committee heard yesterday, which allows a window, I believe, as Representative Post called it, for those people who did wish to withdraw, what about the April 1 deadline for this legislature to deal with that issue?

The SPEAKER: The gentlewoman from Vassalboro, Mrs. Mitchell, has posed a question though the Chair to the gentlewoman from Owl's Head, Mrs. Post, who may answer if she so desires, and the Chair recognizes that gentlewoman.

Mrs. POST: My understanding, in talking with the Bureau of Taxation this morning, if we

pass this one, the penalty provision, or the new withdrawal provisions, apply to anybody being able to withdraw in 1982, so people will have time to make the choice once we pass both bills as to whether or not they want to stay in tree growth, whether they withdraw under the new provisions, or whether they try to move forward into farm and open space.

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.

120 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. 5 were taken up out of order by unanimous consent:

Passed to Be Enacted Emergency Measure

An Act Concerning the Regulation of Atlantic Salmon (H. P. 2256) (L. D. 2104)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 119 voted in favor 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 Tabled Unassigned

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Washington for the Year 1982 (H. P. 2253) (L. D. 2102)

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

On motion of Mrs. Mitchell of Vassalboro, tabled unassigned pending final passage.

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

Special Sentiment Calendar

The following item:

Recognizing:

Frank and Marguerite Haley, of Limerick, on the 50th anniversary of their wedding; (H. P. 2276) by Representative Carroll of Limerick. (Cosponsor: Senator Wood of York)

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

Passed to Be Enacted

An Act Concerning Maine Emergency Medical Services (H. P. 2234) (L. D. 2092) (H. "A" H-690)

An Act to Amend the Charter of the Lucerne-in-Maine Village Corporation (H. P. 2257) (L. D. 2105)

An Act to Remove Restrictions Preventing State Retirees from Receiving Certain Benefits (H. P. 2260) (L. D. 2106)

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:

The following Communication:

Committee on Business Legislation

March 30, 1982

The Honorable John L. Martin
Speaker of the House
State House
Augusta, Maine
Dear Speaker Martin:

The Committee on Business Legislation is pleased to report that it has completed all business placed before it by the Second Regular

Session of the 110th Legislature.

Total Number of bills received		
in Committee	37	
Unanimous Reports	34	
Ought to Pass	6	
Ought Not to Pass	3	
Leave to Withdraw	6	
Ought to Pass as amended	16	
Ought to Pass in New Draft	3	
Divided Reports	3	

Respectfully submitted,
S/JOSEPH BRANNIGAN
House Chairman

The Communication was read and ordered placed on file.

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

The following items:

Recognizing:

Thomas Joseph Curran, a native son of Portland, for his continuing contributions to the Tiger Athletic Association, and to the community spirit which it has so well exemplified over these 5 decades; (H. P. 2277) by Representative Kane of South Portland.

Alice Peabody, of Freeport, who, at 80 years of age, was proclaimed the "Matriarch of the Eastland Shoe Corporation" by her colleagues; (S. P. 964)

The 100th anniversary of the arrival of the Sisters of the Good Shepard of Quebec in the United States; (S. P. 965)

Wesley Farnum, who is retiring after serving 24 years as principal of Central Elementary School in South Berwick; (S. P. 966)

There being no objections, the above items were passed in concurrence.

By unanimous consent, all matters requiring Senate concurrence were ordered sent forthwith.

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

Divided Report

Seven Members of the Committee on Public Utilities on Bill "An Act to Require Certain Public Utilities to Submit a Plan to the Public Utilities Commission to Provide Financing to Customers for Energy Conservation and Renewable Measures" (H. P. 866) (L. D. 1027) report in Report "A" that the same "Ought to Pass" in New Draft under New Title Bill "An Act to Require Public Utilities to Submit a Plan to the Public Utilities Commission to Provide Financing to Customers for Energy Conservation and Renewable Resources" (H. P. 2274) (L. D. 2121)

Report was signed by the following members:

Representatives:

DAVIES of Orono
KANY of Waterville
McGOWAN of Pittsfield
VOSE of Eastport
BENOIT of South Portland
CONNOLLY of Portland
RIDLEY of Shapleigh

— of the House.

Five Members of the same Committee on the same Bill report in Report "B" that the same "Ought to Pass" in New Draft under New Title Bill "An Act to Amend the Electric Rate Reform Act to Require the Public Utilities Commission to Consider Utility Financing of Energy Conservation" (H. P. 2275) (L. D. 2122)

Report was signed by the following members:

Senators:

TROTZKY of Penobscot
TRAFTON of Androscoggin

— of the Senate.

Representatives:

WEYMOUTH of West Gardiner
PARADIS of Old Town

BORDEAUX of Mt. Desert

— of the House.

One Member of the same Committee on same Bill reports in Report "C" that the same "Ought Not to Pass"

Report was signed by the following member:
Senator:

DEVOE of Penobscot

— of the Senate.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker, I move acceptance of the Majority "Ought to Pass" Report and would speak to my motion.

Mr. SPEAKER: The gentleman from Orono, Mr. Davies, moves that the House accept Report A, "Ought to Pass" in New Draft.

The gentleman may proceed.

Mr. DAVIES: Mr. Speaker and Members of the House: You see before you two "ought to pass" reports, signed by 12 of the 13 members of the committee. It is the feeling of these 12 members that we do need some authorization on the books so that the Public Utilities Commission, in cooperation with the utilities of the State of Maine, the electric utilities, can begin a program to finance conservation improvements in the homes of electric ratepayers. The reason is, the cost of saving a kilowatt hour of electricity is about 1/10th the cost of building new generating facilities, and every dollar spent on conservation improvements in individuals' homes benefits not only the individual who receives that loan but also benefits all ratepayers of all electric utilities. The reason is, the longer we can go without having to expand our existing generating facilities by building new and very expensive ones, the price of electricity will stay more stable and lower.

When you have to start including the cost of electricity bought from Seabrook, if and when that ever comes on line, or from Sears Island, if and when it comes on line, the cost of the electricity per kilowatt will be substantially higher than the average cost per kilowatt that we are currently paying. So the longer we can push these plans and those projects into the future without needing them, the lower our electric rates are going to stay in the intervening time and all ratepayers, whether they get these loans or not, will benefit.

One of the things the State of Maine has most to be proud of is the tremendous effort that has been made by our citizens in conserving energy, whether it is gasoline in our automobiles or electricity in our homes. We can be very proud of that. We are far ahead of the rest of the nation. We have reduced our consumption of electricity by 10 percent; whereas, other states have reduced the growth in their use of electricity down to about an increase of 4 percent, so we are way ahead of the rest of the states in the country, but there is still room for us to make further improvements, and the biggest obstacle to saving additional amounts of electricity is the up front cost of making the improvements that everyone knows are necessary but which they simply can't finance out of their pockets.

Either one of these bills would make it possible for the commission to bring about programs, after being reviewed and demonstrated to be cost effective, which will benefit all ratepayers served by that utility.

Now, the difference between these two bills shows up in the majority report, L.D. 2121, the new draft on your desks, on Pages 2 and 3 of the bill dealing with the plans that will be submitted by the utilities and by the report from the Public Utilities Commission, after we have had a couple of years' experience with this program, to the legislature so that the Public Utilities Committee can review what has taken place, to evaluate whether it has been beneficial to the State of Maine and whether we should keep this program going.

We feel it is very important that not only

should we authorize a conservation financing program through the utilities and banks and State of Maine in cooperation, but we should also, as members of this legislature, the policy-making body of this state, have an opportunity to see how these programs are working, to evaluate them, see what the benefits and the detriments to the State of Maine are, and have an opportunity to recommend changes, improvements or deletion of a program, depending on what our evaluation would show.

I urge you to support the Majority Report which provides for these plans and for review by the legislature; I urge you to accept this report.

The SPEAKER: The Chair recognizes the gentleman from New Gloucester, Mr. Cunningham.

Mr. CUNNINGHAM: Mr. Speaker, I would move that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from New Gloucester, Mr. Cunningham, moves that this Bill and all its accompanying papers be indefinitely postponed. The gentleman may proceed.

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: The reason I make that motion is that I feel that we have been debating about what is the proper function of the Public Utilities Commission, and I think the proper function of the Public Utilities Commission is to regulate public utilities within this state. I don't believe that that commission should be in the business of setting up a bank and then going into the banking business, because they are having a hard enough time regulating the public utilities in this state.

I think the gentleman from Orono has indicated that the majority reports, either one of them, would allow the commission to go along with the utilities — I am not quoting exactly what he said — but the idea that came to my mind is that the Public Utilities Commission would be able to go along with the utilities to require the ratepayers to pay into some kind of a fund which would be available to people who want to insulate their houses.

I would like to suggest to you that the ratepayers of the State of Maine are already paying as much as they care to pay for their electricity or their phones or whatever utility, their water, that they have to pay for right now. They are paying a high price for the services that they are getting, and I think the ratepayers want to buy the services that they are getting so when they flick on a switch or when they pick up the phone or turn on the faucet, that they actually get the service that they are paying for. If that ratepayer has any money left over in his weekly or monthly budget, I think he will take that money, if he can, and put it in the bank, he will save a little money and then that money that he has put in the bank will be available to the bankers to give to all these people who want to insulate their homes or want to make a home improvement loan and so forth, the money will be in the bank, where it belongs, where a person would ordinarily go to seek loans to improve their homes.

That is the reason I feel that the proper consideration of this particular legislation is Report C, and the only way I can get to Report C is to make the motion to indefinitely postpone. I feel that the proper place for people to borrow money is at the bank, not at the Public Utilities Commission or at the local utility, whether it is a local water utility or a local electric utility.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker, Members of the House: Representative Cunningham is absolutely right that the cost of electricity is quite high in the state. However, we are very fortunate in that the electric rates we are paying, even though they are relatively high, are lower than the electric rates of any of the other major utilities in New England. Our three utili-

ties are the three lowest of the major utilities in the entire New England area.

However, the price of electricity will be going up in the future. There is very little that we can do to stop that from happening, because as old plants go off line, used up and worn out, financed at very low costs, being replaced by high cost new projects of much greater magnitude, the cost of electricity will continue to go upward. The one area where we have any opportunity to slow down that growth in the price of electricity and possibly stabilize it for any length of time is by getting into a program to finance conservation improvements in homes that are using electricity for heat or for hot water.

As Mr. Cunningham has suggested, that will require loans; however, he is completely wrong in suggesting that the loans will be made by the utility or by the Public Utilities Commission. In fact, they would be made through banks. They would be low-cost loans and the goal that we would be shooting for would be 10 percent loans, substantially below what the current rate is. The difference would be made up by the utilities and the benefit that will accrue accrues not only to the utilities but to all the ratepayers.

If we needed to build Sears Island and it went on line five years from now, the cost of electricity would jump 50 percent by us putting that on line. If we can make it unnecessary to build that plant in five years and maybe push it back to ten years from now, during that five-year intervening period, the price of electricity will stay relatively stable and the advantage will accrue to each and every ratepayer. Whether you've put a conservation improvement into your home or not, the price of electricity will remain stable. This can be done by making the money available through the banks with the assistance of the state and the utilities in a cooperative venture, as has been utilized in a number of other states, and the benefits are tremendous.

We could conceivably reduce that consumption of electricity by an additional five percent below what we have already conserved. The effect of that is that electricity that we are currently using from existing sources will be available to be used by expansion of our businesses, by new businesses coming into the state and by the natural incremental growth in electricity demand by the various sectors that use electricity.

We can help all of our constituents not only to make their own homes tighter, warmer, more habitable, but keep their price of electricity more stable without making the utilities or the Public Utilities Commission serve in the function of a bank. Either of these two reports, the Majority or the Minority "Ought to Pass" Reports, will allow that to be accomplished.

The reason why I am supporting the Majority Report is because we will also get feedback from the Commission, after we have had two years of experience in seeing these programs in operation, report back to the legislature that we also can evaluate them, make those political decisions in addition to regulatory decisions that will be rendered by the Commission that are appropriate in determining whether or not this program has been useful, whether the benefits have been greater than the costs and whether we should continue it for the citizens of the State of Maine.

I would urge you to reject the motion to indefinitely postpone this bill, accept the Majority Report and send it to the other body.

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

A vote of the House was taken.

Mr. Cunningham of New Gloucester request-

ed a roll call.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from New Gloucester, Mr. Cunningham, that this Bill and all its accompanying papers be indefinitely postponed.

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

Mr. BROWN: Mr. Speaker, I would like to pair my vote with the gentleman from Auburn, Mr. Boyce. If he were here, he would be voting no and I would be voting yes.

The SPEAKER: The pending question is on the motion of the gentleman from New Gloucester, Mr. Cunningham, 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—Aloupis, Armstrong, Austin, Bordeaux, Callahan, Carrier, Conary, Connors, Cunningham, Curtis, Damren, Davis, Day, Dillenback, Drinkwater, Foster, Gavett, Holloway, Hunter, Hutchings, Ingraham, Jackson, P.T.; Jordan, Lewis, Lund, MacBride, Masterman, Masterton, Nelson, A.; O'Rourke, Perkins, Peterson, Pines, Reeves, J.; Salsbury, Sherburne, Smith, C.W.; Stevenson, Studley, Treadwell, Walker, Wentworth, Willey.

NAY—Baker, Beaulieu, Bell, Benoit, Berube, Boisvert, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K.L.; Cahill, Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Dexter, Diamond, G.W.; Diamond, J.N.; Dudley, Erwin, Fitzgerald, Fowlie, Gillis, Gowen, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Jacques, Jalbert, Joyce, Kane, Kany, Kelleher, Ketover, Kiesman, Kilcoyne, Lancaster, LaPlante, Lisnik, Livesay, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A.; Martin, H.C.; Matthews, McCollister, McGowan, McHenry, McPherson, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, M.; Paradis, E.; Paradis, P.; Paul, Pearson, Perry, Post, Pouliot, Racine, Randall, Reeves, P.; Richard, Ridley, Roberts, Rolde, Small, Smith, C.B.; Soule, Stover, Strout, Swazey, Tarbell, Telow, Theriault, Thompson, Vose, Webster, The Speaker.

ABSENT—Hanson, Huber, Jackson, P.C.; Laverriere, Soulas, Tuttle, Twitchell, Weymouth.

PAIRED—Boyce-Brown, D.

Yes, 43; No, 98; Absent, 8; Paired, 2.

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

Thereupon, the "Ought to Pass" Report "A" was 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.

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

The Chair laid before the House the following matter:

Bill "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Law" (Emergency) (H. P. 2239) (L. D. 2098) (H. "A" H-702 to H "A" H-695) which was tabled pending adoption of House Amendment "A" (H-711) to House Amendment "B" (H-696) and later today assigned.

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

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: I tabled this this morning because the people who had asked me to sponsor it, the mobile home people, had gone to Mr. Hoxie and acquired figures which I presented yesterday. Representative Berube went to them at a later time and the figures she got were almost doubled from the figures that they had given us, so he asked me to table this until he could meet with Mr. Hoxie. I just checked and he isn't out here now, so could I table it until later in the day?

The SPEAKER: The gentleman cannot make that motion since he has debated the question before us.

The Chair recognizes the gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, I now move indefinite postponement of House Amendment "A" to House Amendment "B".

The SPEAKER: The gentlewoman from Lewiston, Mrs. Berube, moves indefinite postponement of House Amendment "A" to House Amendment "B".

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

Mr. RACINE: Mr. Speaker, I would request a vote.

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: I concur with the motion of the good lady, Representative Berube, in the indefinite postponement of House Amendment "A" to House Amendment "B". Yesterday, Representative Racine presented his amendment and it was so far-reaching that we didn't have the answers for him at the time. With a little research last night and this morning, we have come up with a few answers.

If you would take the amendment, it is to L.D. 2098 under filing number H-711, on lines 12 and 13, it recommends the deletion of Sections 12 and 20. Sections 12 and 20 is the undedication of the state's share of the licensing for revenues from the hospital and nursing homes and other health care institutions. The reason for the committee's recommendation was that because there is a General Fund appropriation which pays the cost of the licensing, the dedicated funds were not being used for the reasons they were dedicated to the fund.

Section 20 of committee's bill undedicates the eating and lodging fees bill, which as I explained to you the other day, this will give them excess funds on the dedicated account which they could spend in any way they saw fit and probably would do so. In addition, it would also increase some of the personnel.

Lines 14 through 17 of the amendment, he asked that the program in the bill in Part A by striking out all of Section 53 through 80, by striking out 53 through 80 of the committee's bill, which would have met all the committee's recommendations relating to the Board of Hearing Aid Dealers and Fitters. Sections 53 through 80 of the committee's bill recommends the transfer of the hearing aid dealers from the Department of Human Services to the Department of Business Regulation and it changes the wording to enable the board to charge an annual license fee of up to \$100. The previous fee was \$50 for every two years.

Penalty fees were increased, that is if they failed to renew their licenses on time, the penalty fee was increased in the committee's bill to keep them higher than the licensing fee. The reason for the committee's recommendation, we recommended that the board be transferred because it found that the Department of Business Regulation was a more appropriate umbrella for the board. The Department of Business Regulation is charged with making sure that the board, under its umbrella, operates efficiently.

Also, the Board of Hearing Aid Dealers does

not generate enough revenue now to cover the cost of their operation. They had been receiving clerical assistance paid for by the Board of Funeral Services.

The "up to \$100" language gives the board flexibility to set the fee that it needs to cover the cost of operation. It doesn't necessarily mean that the fee is going to go to \$100 immediately; I believe it is set to go to about \$60.

The Department of Business Regulation estimated that the board needs to charge about \$60 a year in order to operate without a deficit. By having the language read "up to \$100," the board can increase its own fees without coming back to the legislature, increasing as they deem necessary or as the operation demands.

I cannot bypass this indefinite postponement, and I hope you will support it and vote for it.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentlewoman from Lewiston, Mrs. Berube, that House Amendment "A" to House Amendment "B" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Racine of Biddeford requested a roll call.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. 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 Canton, Mr. McCollister.

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: I think it is time we faced the true facts of what is going on with this bill.

The previous speaker mentioned the need for increasing fees. I apologize for not having distributed the paper that is in front of me. It is a worksheet from the Audit and Review that was given to our committee. This worksheet shows where they are taking \$365,000 from various areas of Human Services. They are increasing the lodging fees by \$48,000, the hearing aid fees by \$350 and the nursing fees by \$13,000 giving us a total of approximately \$43,000.

What do you suppose they plan on using this money for? They plan on using this money for the food stamp program. Licensing fees in this department have normally been dedicated and when the fees exceeded the expenses in a given year, they were held until such time as the cost-of-living ate away those funds and then those previously collected funds were used to operate the licensing procedure. Now we are going to collect those fees from those various people and use it to fund the food stamp program. If we need a food stamp appropriation of \$475,000, let's be fair and put the bill before the Appropriations Committee.

This is the reason that I am speaking for the amendment that was just defeated. This amendment would keep these fees that are collected for use in the licensing program, not for funding food stamps.

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: I object to the comments made by the good gentleman, Representative McCollister, because they are entirely wrong. I think that everybody else in this House knows that the Audit and Program Review Committee has no control over the \$475,000 that he claims we are going to use to fund food stamps with. I think the gentleman down in Seat 3 is going to have a great deal to say about it, among other members of the Appropriations Committee.

We have a charge to perform and we are performing it. If we save money for the state, it doesn't come to us for a beer bust or anything,

it goes into the General Fund. The good gentleman down here in the corner, Representative Pearson, and his committee members, they disburse the money as they see fit.

The funding for the Bureau is not any gain to us as individuals. We are talking about a separate operation that is showing a deficit every year. We have raised fees continuously during the past two years to insure that these various boards and so forth operate with a surplus, or at least break even, so for anybody to stand up and say that we are going to use this money and that money to fund the food stamp program, as far as I am concerned, it is just not so. You know it is not so. The money goes into the General Fund. The good gentleman sitting over here from Lewiston, Representative Jalbert, has a great deal to say about it, as other members of the Appropriations Committee do.

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

Mr. BRODEUR: Mr. Speaker, Members of the House: I hope that the members of the House would take their Legislative Document No. 2098, which is the bill that we are referring to right now, and go to Page 31, lines 35 through 45, and in the bill there is an appropriation from the General Fund for food stamp program positions 32 Personal Services, \$211,270, all other \$205,960, for a total of \$317,230. This is for the fiscal year 1982 - 1983 starting January 1, 1983, so that is only for half the year. I believe the law is being changed in order to accommodate that, so this will mean that this half-year program will cost at least double that for the full year. It seems to me that right in the bill we have an appropriation for the food stamp program. I don't know why somebody is saying that that isn't so.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I think the argument over food stamps is getting a little bit away from the subject at hand.

To refresh your memories, the other day we had two reports on this bill. One was the Majority Report, which included an appropriation for half a year funding not for food stamps but for having the state assume the cost of administering food stamps that the counties now are forced to bear, and the Minority Report would not have included that. This House accepted the Majority Report. I didn't happen to agree with that, but I do want to say that this bill will go on the Appropriations Table, the cost that is on there is only for half a year, so there are future costs of over \$400,000.

I don't think you have to worry that this money is being used specifically at this point to balance a program for food stamps. That was one of the things that concerned me. It was one thing that the chairman of our committee in the other body tried to do; members of the committee resisted that. I don't think there is any fear, because this bill will go on the Appropriations Table and the Appropriations Committee will deal with that particular issue.

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

Mr. JALBERT: Mr. Speaker, I would like to pose a question through the Chair to Mr. Rolde. I think I will pick him out, I like him so much I might as well kick him around.

Is there any idea in your mind that the Appropriations Committee is going to go along with \$245,000 on the food stamp plan?

I, for one, as chairman of the delegation three times, refused to pay the state and finally, about two years ago I think it was, we had to pay the whole bill for the last few times that I have gone around. I know a little something about the food stamp bill because I put the bill in originally in 1965 but why should we be harpooned with this thing here? We are not in a laundry, we are an Appropriations Committee.

The SPEAKER: The gentleman from Lewis-

ton, Mr. Jalbert, has posed a question through the Chair to Mr. Rolde of York, who may respond if he so desires.

The Chair recognizes the gentleman.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I couldn't agree with the gentleman from Lewiston more. My position was that there should be two separate bills, that one bill should deal with the food stamp issue; the other bill should deal with the recommendations that we made in terms of the Department of Human Services.

Unfortunately, because of technicalities, it meant we had to introduce a bill through the Legislative Council in order to do this. That was blocked. Frankly, it was blocked on a partisan basis, by members not of my party, and so the only one we have before us is the majority report and the minority report on this bill.

Now that this House has accepted the majority report, so be it, but my position was that those two bills should go out separately and the Appropriations Committee should consider them separately. I suspect I know where the Appropriations Committee will be on that.

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

Mr. JALBERT: Mr. Speaker, I would ask another question. Suppose some of the recommendations, one way or another, are in our Appropriations Act, which takes precedence? The actions of the Performance Audit Committee or the Appropriations Committee?

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

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I believe that question was posed to the Speaker the other day, and I am sure he can answer that.

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

Mr. LAPLANTE: Mr. Speaker, I would like to pose a question to Mrs. Berube.

In Section 19, these fees in L.D. 2098, are they being used specifically to inspect these facilities?

The SPEAKER: The gentleman from Sabattus, Mr. LaPlante, has posed a question through the Chair to the gentlewoman from Lewiston, Mrs. Berube, who may answer if she so desires.

The Chair recognizes that gentlewoman.

Mrs. BERUBE: Mr. Speaker and Members of the House: This amendment, over and above addressing the increase, also deletes the undedicating language. The committee has seen fit to undedicate those fees and turn it to the General Fund. We have done so in the past in reviewing other departments, such as the Department of Agriculture. We undedicated, for instance, the grocery stores, food manufacturers. With your permission, it was passed two years ago and last year we also dedicated the plumbing fee for the boards, and this has been the intent of our committee.

By undedicating it, we find that the departments will have to be a little bit more accurate with their expenditures, and if they need more money, if they have a shortfall, as has happened many times, they will then have to turn around and go to the Appropriations Committee for additional funds.

Mr. Speaker, if I may continue, we seem to be going on to something other than what is presently before you. This amendment is simply to reinstate, as I said, the language which would, once again, keep the dedicated revenues applicable to this department. The bill calls for undedicating and I don't think it is something to be scared of.

I think manytimes we have found in our committee that dedicated funds are often used not for the purposes for which they were intended, and that is where they get into trouble financially.

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

Mr. BRODEUR: Mr. Speaker, I would like to pose a question through the Chair. I would like to ask Mrs. Berube if she has found any misuse of funds in this present department.

The SPEAKER: The gentleman from Auburn, Mr. Brodeur, has posed a question through the Chair to the gentlewoman from Lewiston, Mrs. Berube, who may answer if she so desires, and the Chair recognizes that gentlewoman.

Mrs. BERUBE: If you want me to say that there is fraudulent use of funds, no, we have not encountered that. We have simply encountered areas where there are shortfalls from dedicated revenues, and we have found it through the inspection program of the potato licensing department, for one thing, which was dedicated. We find that with undedicated revenues, they are a little more responsive.

We haven't had any problems in the past with our recommendations, and I really am very surprised at what is happening today and what has happened in the last few days, deliberate attempts to confuse the issue on a bill. I knew that some people wanted the last drop of blood from taxpayers, but at this point, I am wondering why — I thought they had all come out of the walls last week, but I see that there are some more hanging up there.

I would ask, Mr. Speaker, that we get on with this Bill, that we vote on the motion that is before us to indefinitely postpone this amendment.

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

Mr. LAPLANTE: Mr. Speaker, this little trouble that the gentlelady seems to suggest, that some of the speakers today are coming out of the woodwork, I asked a simple question because I had a problem understanding parts of it, and all I needed was a simple explanation and I don't think I really got that.

My problem with undedicating the funds to inspect eating and lodging places and recreational and camping facilities and everything in Section 19 is that we are dedicated, the State of Maine is dedicated, to tourism. That is one of our largest industries in the State of Maine. So why would we be opposed to having dedicated funds that protect that particular industry which brings money from out of state into our state? That is my only concern, and my only concern was in Section 19 of this bill.

I really believe that since we are — and I will state it again — we are a dedicated state, vacationland, dedicated to tourism, one of our largest industries in the State of Maine, if you have travelled the state lately and you have gone into restroom facilities, camping facilities, filling stations, many of them also sell food now, and if you have been in there, it will turn your stomach. How will the people who come into our state to visit this beautiful vast land that we have, what are they going to have to do, bring in a chemical potty, because there is no way they are going to go into our facilities? Our tourism may go down and Maine will be known as — ah, if you go up there, make sure you are in a camper and have all the facilities with you because things are not going to be so good up there when you go up there.

If we start losing that industry, ladies and gentlemen, we are in trouble, whether it is the hunting camps, the summer camps, all up and down the coast, all our restaurants, all the inns, all the things we have in the state. We are dedicated to tourism and we should dedicate the proper inspection of these facilities and our money should be there to do the job better than any other state.

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I think I would like to try to explain a little bit about the philosophical decision of undedicating some of these fees.

First I have to respond to the gentleman from Sabattus, Mr. LaPlante. Mr. LaPlante, I do not believe this section of the bill will be harmful to the tourist industry at all. There is no way this is going to be harmful to the tourist industry; it is just not going to happen.

We made a decision that certain fees that were dedicated are used for purposes that protect the public good. That is, while they help specific industries on the one hand, they also serve as a general public protection of their health and welfare.

The tourist industry serves the public good, it serves the general public, more than just the specific industry that those fees are collected from. Because we felt that these areas protected the general public, we made a philosophical decision to undedicate them.

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

Mr. MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I am sure you are all sick and tired of hearing about eating and lodging, but one of the things that I have got to emphasize, and I think I did last week, this department also is the department that inspects the cafeterias of the schools through the whole state. I don't want to start telling you about some horror stories, but you know there are some horror stories out there.

Last year when we were debating this bill and I contacted the department, they had to send somebody up that day to a town just outside of Bangor because they had an outbreak in one of the small elementary schools.

We fought this bill hard and long last year for a \$5 fee. The \$5 fee won here and lost in the other body.

Our committee has reviewed this time and time again, I am talking about the Health and Institutions Committee. The Health and Institutions Committee has recommended six positions, not five.

We heard statements from people who came in front of our committee that said, look, if we are going to have to pay this fee, and we want to pay this fee because we want our places inspected, then we should have it dedicated.

Now dedication, certainly the first two or three years you are going to have more money into the budget. Everybody knows that is the way dedication has always been.

You are going to need an additional amount of money because down the road you are going to have increases both in wages and you are also going to have other expenses.

Walking in today, one of the gentlemen, Mr. Austin from Bingham, indicated that he heard on the radio that the cost of a car today is 25 cents a mile. Now, these inspectors are travelling throughout the whole State of Maine, they need new cars eventually. Are we going to take this and put it in an undedicated account, have them go down and fight for new cars, which they really need? Down the road they are going to need additional monies. Right now the Governor and the Maine State Employees Association are bargaining and they are most likely going to get a good increase; they deserve it. All state employees deserve an increase, we all get an increase at work other than the legislature.

Our committee feels, and the people who are paying this fee feel they want it dedicated. If we don't dedicate this and we keep it at \$10, the money is going into the fund, the General Fund, that money is going to overpay and above the cost of the program, therefore, the money is going to be used to fund other programs. Do you want to go back and tell the people back in your home town that they paid a fee not only to fund the people in the restaurants but also to fund maybe the roads, because that is what is going to happen if this fee isn't dedicated. It is going in and it is going to fund roads, it is going to fund education and it is going to fund other things.

Our committee wants it dedicated, the

people in the industry want it dedicated, and I would hope that you would go along with the gentleman from Biddeford, Mr. Racine, to dedicate this fee and hopefully eating and lodging won't be back until the year 1986.

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

Mrs. MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I do think there is a little confusion about the Health and Institutional Services Committee's position on this. We are divided. Part of the committee wanted to dedicate the fund for the eating and lodging fees, and part of us wanted to undedicate the fund.

I know we have had a lot of debate on this, but I do hope you will vote to undedicate the fund, to vote for the indefinite postponement of this amendment.

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I have been trying to follow this debate and it has been a little difficult. Although I do agree with the premise that fees ought to be dedicated, particularly in the instance of the restaurants and lodging places, etc., because of the fact that this money comes from private businesses. I think it is unfortunate that there are other parts to this amendment. I think that makes it hard to follow and hard to deal with. I guess for that reason, I would also urge the indefinite postponement of this amendment and hope that we could deal with other parts of the amendment if we agree with them and if they are appropriate. It is difficult to deal with an amendment that has several different issues in it.

We are going to be dealing with the fee issue again, as you all know, but it is tabled and we will be dealing with that separately.

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

Mr. GILLIS: Mr. Speaker, in response to some of the comments made in just the last few minutes, Representative LaPlante made the statement that it will have an effect upon the inspection procedures. It will not have any effect upon inspection procedures at all. This is strictly undedicating the funds. If they need funds, all they have to do is justify it.

The conditions he cited that he found in the gas stations and the quick lunch areas and so forth, these conditions have been there for years, you know it and I know it. Everytime you go to a gas station and use the restroom, you see it, so this will have no effect on that.

Representative Manning stated that this would affect the inspection of the school cafeterias. It will not. It is strictly undedicating the funds. If they need funds for additional personnel, they justify it.

He also made the comment that some of the inspectors will need new cars. Well, this undedicating the funds will make sure that they get the new car when they need it, not when they want it.

He also made the comment that putting this money into an undedicated account, the money will go for other expenses. In other words, leave it dedicated and if it's there, let's spend it. This is one of the reasons why we should undedicate it, because if it is there in a dedicated account, it will be spent.

I urge you to support the indefinite postponement.

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

ROLL CALL

YEA—Aloupis, Armstrong, Austin, Baker, Bell, Benoit, Berube, Boisvert, Bordeaux, Brown, D.; Brown, K.L.; Cahill, Callahan,

Carter, Chonko, Conary, Connors, Cox, Crowley, Cunningham, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Erwin, Fitzgerald, Foster, Fowlie, Gavett, Gillis, Hall, Hanson, Hayden, Hickey, Higgins, L.M.; Holloway, Hunter, Hutchings, Ingraham, Jackson, P.C.; Jackson, P.T.; Jacques, Jalbert, Jordan, Joyce, Kelleher, Kiesman, Lancaster, Lewis, Locke, Lund, MacBride, MacEachern, Macomber, Mahany, Martin, A.; Masterman, Masterton, Matthews, McGowan, McHenry, McPherson, McSweeney, Michael, Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, A.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Paul, Pearson, Perkins, Perry, Peterson, Pines, Randall, Reeves, J.; Roberts, Rolde, Salisbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soule, Stover, Studley, Swazey, Tarbell, Telow, Treadwell, Twitchell, Vose, Walker, Webster, Weymouth.

NAY—Beaulieu, Brannigan, Brennerman, Brodeur, Carrier, Carroll, Clark, Connolly, Davies, Diamond, G.W.; Diamond, J.N.; Gowen, Gwadosky, Higgins, H.C.; Hobbins, Kane, Kany, Ketover, Kilcoyne, Lisnik, Manning, Martin, H.C.; McCollister, Mitchell, E.H.; Nelson, M.; Post, Pouliot, Racine, Reeves, P.; Richard, Ridley, Strout, Theriault, Thompson, Wentworth, Willey.

ABSENT—Boyce, Brown, A.; Dudley, Huber, LaPlante, Laverriere, Livesay, Michaud, Soulas, Stevenson, Tuttle, Mr. Speaker.

Yes, 103; No, 36; Absent, 12.

The SPEAKER: One hundred three having voted in the affirmative and thirty-six in the negative, with twelve being absent, the motion does prevail.

Thereupon, House Amendment "B" (H-696) was adopted.

Mr. Hickey of Augusta offered House Amendment "C" and moved its adoption.

On motion of the same gentleman, tabled pending adoption of House Amendment "C" and later today assigned.

The Chair laid before the House the following matter:

Bill "An Act making Allocations Related to the Alcoholism Prevention, Education Treatment, and Research Fund for the Expenditures of State Government for the Fiscal Year ending June 30, 1983" (S. P. 832) (L. D. 1940) which was tabled and later today assigned pending adoption of Committee Amendment "A" as amended by Senate Amendment "A" thereto.

Mr. Rolde of York offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-722) was read by the Clerk.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would just very briefly explain that the size of this amendment is because it had to include the Senate Amendment that was already on the bill. It added some technical language under each of the departments, and that is basically the reason for the amendment.

Thereupon, House Amendment "A" to Committee Amendment "A" was adopted.

The House reconsidered its action whereby Senate Amendment "A" to Committee Amendment "A" was adopted and the amendment was indefinitely postponed in non-concurrence.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Revise the Procedure for Municipalities Withdrawing from the Maine Forestry District" (H. P. 1911) (L. D. 1883) which was tabled and later today assigned pending a ruling of the Chair.

The SPEAKER: The Chair would rule that House Amendment "A" to Committee Amendment "A" is not germane.

Thereupon, Committee Amendment "A" (H-707) was adopted.

Under suspension of the rules, the bill was read the second time, passed to be engrossed as amended by Committee Amendment "A" and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

The Following Communication:

Committee on Energy and Natural Resources
March 31, 1982

The Honorable John L. Martin

Speaker of the House

State House

Augusta, Maine

Dear Mr. Martin:

The Committee on Energy and Natural Resources is pleased to report that it has completed all business placed before it by the second regular session of the 110th Legislature.

Total number of bills received: 18

Unanimous reports: 14

Leave to Withdraw 2

Ought Not to Pass 1

Ought to Pass 5

Ought to Pass as Amended 4

Ought to Pass New Draft 2

Divided Reports: 4

Respectfully submitted,

S/DONALD M. HALL

House Chairman

The Communication was read and ordered placed on file.

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

Later Today Assigned

Representative Twitchell from the Committee on Taxation on Bill "An Act to Amend the Exemption from Sales and Use Tax for the Sale of Certain Instrumentalities of Interstate or Foreign Commerce" (H. P. 1905) (L. D. 1890) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-723)

Report was read and accepted and the Bill read once. Committee Amendment "A" were read by the Clerk.

On motion of Mrs. Post of Owl's Head, tabled pending adoption of Committee Amendment "A" and later today assigned.

(Off Record Remarks)

On motion of Mr. Carrier of Westbrook,
Recess until three o'clock in the afternoon.

After Recess

3:00 p.m.

The House was called to order by the Speaker.

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

Ought to Pass

Pursuant to Joint Order H. P. 1846

Representative LaPlante from the Committee on Local and County Government on Bill "An Act to Revise the Salaries of certain County Officers" (Emergency) (H. P. 2280) (L. D. 2126) reporting "Ought to Pass" Pursuant to Joint Order (H. P. 1846)

Report was read and accepted and the Bill read once. Under suspension of the rule, the Bill was read the second time, passed to be en-

grossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following papers appearing on Supplement No. 15 were taken up out of order by unanimous consent.

Consent Calendar

First Day

(H. P. 2053) (L. D. 1999) Bill "An Act to Allow for Industrial Development Improvements Utilizing Tax Increment Financing"—Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-727)

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

(H. P. 2087) (L. D. 2024) Bill "An Act Authorizing the County of Cumberland to Raise Funds for the Construction of a Court House, Capital Improvements and Related Facilities"—Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-728)

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

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

Committee Amendment "A" (H-728) was read by the Clerk and adopted and the Bill assigned for second reading later in the day.

The following papers appearing on Supplement No. 16 were taken up out of order by unanimous consent:

Leave to Withdraw

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act Permitting Deaf Persons to Serve on Juries" (S. P. 742) (L. D. 1738)

Report of the Committee on Public Utilities reporting "Leave to Withdraw" on Bill "An Act to Create a Commission to Prepare a Revision of the Public Utilities Law" (S. P. 745) (L. D. 1748)

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 H. P. 1846

Representative McHenry from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Cumberland County for the Year 1982 (Emergency) (H. P. 2295) (L. D. 2127) reporting "Ought to Pass" pursuant to Joint Order (H. P. 1846)

In the House, the 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.

By unanimous consent, ordered sent forthwith to the Senate.

The following papers appearing on Supplement No. 17 was taken up out of order by unanimous consent:

Study Report

Committee on Health and Institutional Services

Report of the Committee on Health and Institutional Services to which was referred by the Legislative Council the Study Authorizing the Department of Human Services to Direct the Development of an Assessment Tool and Referral System to Assist Persons Considering Boarding Home Care, have had the same under consideration, and ask leave to submit its findings and to report pursuant to Joint Rule 17 that

the accompanying RESOLVE, Authorizing the Department of Human Services to Direct the Development of An Assessment Tool and Referral System to Assist Persons Considering Boarding Home Care" (S. P. 963) (L. D. 2116) "Ought to Pass"

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

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

The following paper appearing on Supplement No. 18 was taken up out of order by unanimous consent:

The following Communication:

Committee on Public Utilities

The Honorable John Martin
Speaker of the House
State House
Augusta, Maine

Dear Speaker Martin:

The Joint Standing Committee on Public Utilities is pleased to report that it has completed all business placed before it by the first regular session of the 110th Maine State Legislature.

Total Number of Bills Received	36
Unanimous Reports	
Leave to Withdraw	9
Ought Not to Pass:	1
Ought to Pass:	7
Ought to Pass as Amended:	11
Ought to Pass in New Draft:	5
Divided Reports:	2
Committee Initiated Bills From Joint Orders:	
One bill was referred to Judiciary	

Respectfully submitted,
S/REP. RICHARD DAVIES

The Communication was read and ordered placed on file.

The following paper appearing on Supplement No. 19 was taken up out of order by unanimous consent:

The following Communication:

Committee on Education

The Honorable John Martin
Speaker of the House
State House
Augusta, Maine 04333
Dear Speaker Martin:

The Committee on Education is pleased to report that it has completed all business placed before it by the Second Regular Session of the 110th Legislature.

Total number of bills received	17
Unanimous Reports:	12
Ought to Pass	1
Ought Not to Pass	1
Leave to Withdraw	1
Referred to Another Committee	1
Ought to Pass as Amended	5
Ought to Pass in New Draft	3
Divided Reports	4
Carry-over Bill-Ought to Pass in New Draft	1
Above Bill recommitment - Divided	

Respectfully submitted,
S/LAURENCE E. CONNOLLY, JR.
House Chairman

The Communication was read and ordered placed on file.

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

Divided Report

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Remove the Sales Tax Exemption on Motor Fuels" (H. P. 2153) (L. D. 2055)

Report was signed by the following members:

Senators:

WOOD of York
EMERSON of Penobscot

Representatives:

HIGGINS of Portland
POST of Owl's Head
MASTERMAN of Milo
TWITCHELL of Norway
KILCOYNE of Gardiner
HAYDEN of Durham
INGRAHAM of Houlton
KANE of South Portland
BROWN of Bethel

—of the Senate.

—of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-726) on same Bill.

Report was signed by the following members:

Senator:

TEAGUE of Somerset

—of the Senate.

Representative:

DAY of Westbrook

—of the House.

Reports were read.

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

Mrs. POST: Mr. Speaker, I move acceptance of the Majority "Ought Not to Pass" Report.

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 pending question is on the motion of the gentlewoman from Owl's Head, Mrs. Post, that the Majority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Armstrong, Baker, Beaulieu, Bell, Benoit, Berube, Boisvert, Bordeaux, Boyce, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, D.; Cahill, Callahan, Carrier, Carroll, Carter, Chonko, Clark, Conary, Connors, Cox, Crowley, Curtis, Davies, Davis, Dexter, Daimond, G.W.; Diamond, J.N.; Drinkwater, Erwin, Fitzgerald, Foster, Gavett, Gillis, Gowen, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Huber, Ingraham, Jacques, Jordan, Joyce, Kane, Kany, Kelleher, Ketover, Kiesman, Kilcoyne, Lancaster, LaPlante, Lewis, Lisnik, Livesay, MacBride, MacEachern, Macomber, Mahany, Manning, Martin, H.C.; Masterman, Masterton, Matthews, McCollier, McGowan, McHenry, McSweeney, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, A.; Nelson, M.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Paul, Pearson, Perkins, Perry, Peterson, Pines, Post, Pouliot, Racine, Randall, Reeves, J.; Reeves, P.; Richard, Ridley, Roberts, Rolde, Sherburne, Small, Smith, C.B.; Soulas, Soule, Stevenson, Stover, Strout, Studley, Swazey, Tarbell, Telow, Theriault, Treadwell, Twitchell, Vose, Webster, Wentworth, Weymouth, Willey, The Speaker.

NAY—Austin, Damren, Day, Dillenback, Hanson, Hutchings, Jackson, P.T.; Jackson, P.C.; Lund, Murphy, Salisbury, Smith, C.W.; Walker.

ABSENT—Brown, K.L.; Connolly, Cunningham, Dudley, Fowle, Hunter, Jalbert, Laverriere, Locke, Martin, A.; McPherson, Michael, Thompson, Tuttle.

Yes, 124; No, 13; Absent, 14.

The SPEAKER: One hundred twenty-four having voted in the affirmative and thirteen in the negative with fourteen being absent, the motion does prevail.

Sent up for concurrence.

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

Consent Calendar

First Day

(H. P. 2066) (L. D. 2007) Bill "An Act to Clarify Solar Energy Tax Exemptions"—Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-725)

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

By unanimous consent, ordered sent forthwith to the Senate.

Passed to be Engrossed

Amended Bill

Bill "An Act Relating to Harness Racing at Agricultural Fairs, the State Stipend and Pari-mutuel Pools" (Emergency) (S. P. 864) (L. D. 2006) (C. "A" S-424)

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

By unanimous consent, all matter acted upon were ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

HOUSE DIVIDED REPORT—Majority (7) "Ought to Pass" as amended by Committee Amendment "A" (H-709)—Minority (6) "Ought to Pass" Committee on Taxation on Bill "An Act to Amend Laws Relating to the Maine Development Foundation and Economic Development" (H. P. 1960) (L. D. 1933) which was tabled and later today assigned pending acceptance of either Report.

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

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

The SPEAKER: The gentlewoman from Owl's Head, Mrs. Post, moves that the Minority "Ought to Pass" Report be accepted.

The Chair recognizes the gentlewoman from Houlton, Mrs. Ingraham.

Mrs. INGRAHAM: Mr. Speaker, Ladies and Gentlemen of the House: I wish to speak on behalf of the minority portion of this bill. I would call this, based on earlier days, the Archie Bunker bill, because what the minority report does is stifle—stifle.

The only difference between the two is the liberal construction clause. The Maine Development Foundation has been established to encourage the development of different businesses in the State of Maine. We had worked carefully on the wording so there would be some restrictions.

What seemed to be unanimous agreement at one point in time is line 28 on the first part of the page, provided that the promotion does not require the Foundation to register as a lobbyist employer pursuant to Title 3, Chapter 15, and further provided that the Foundation does not advocate to the general public a position on a question as defined in Title 21, Section 1, Subsection 30.

The amendment that I proposed says that this Amendment removes the section which would repeal liberal construction provision of the Maine Development Foundation law. It is the belief that the removal of this provision would unnecessarily restrict the activities of the foundation.

That is my opinion. I think it is an unnecessary restriction and therefore I urge that you vote against this.

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

Mr. KANE: Mr. Speaker and Members of the

House: I don't think this issue is really deserving of a lot of time and debate on the part of this busy House, but this liberal construction clause is something that was put into the law when the Maine Development Foundation was invented, when the Maine Capital Corporation was created, and it served no purpose. There is no comparable clause in any agency in State government that I know of, and I just can't see any reason why this blank check ought to be allowed to be the Maine Development Foundation.

During the hearings and the work sessions on the bill, we had the opportunity to ask both the Executive Director of the Maine Development Foundation and members of the board of directors the same, whether or not there was anything that they could possibly imagine that the Maine Development Foundation would want to do and that it should do and that it could not do if this liberal clause were revoked. In every instance, the answer to the question was that they could not dream up anything at all.

It seems to me this is just extra verbiage; potentially, it may be verbiage that we regret. There is no reason for it to be there. It does not hamstring them, it doesn't stifle them, it doesn't do anything but make for sloppy legislation and we ought to remove it.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentlewoman from Owl's Head, Mrs. Post that the Minority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mrs. Post of Owl's Head 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 Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, could someone give us a brief description of what the Maine Development Foundation is and where their funding came from?

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

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

Mrs. POST: Mr. Speaker, Men and Women of the House: The Maine Development Foundation is a creature of the State Legislature. We passed a bill, I believe either two or four years ago. The intent at that time was to provide a mechanism for private and public interests to work together to both bring new industry into the state and to help existing industry. It was particularly felt that a foundation such as this would be helpful in giving technical assistance to businesses for putting together funding packages and to help the economic climate in the state through helping new and existing businesses.

There was a review process that was built into that legislation at the time, and this bill, the two reports on this bill, are the result of the review process that was undertaken by the Taxation Committee last year.

The funding comes from two sources. It comes from public money, which is through our regular appropriations process, and it also comes through incorporator fees from private and public bodies which choose to join the foundation.

It has a board of directors which undertakes most of its business.

I think in certain areas, certainly, the Maine Development Foundation has expertise that is used very well on some projects. Some of those

projects were paid for with general state money that was available from either the state or the federal level.

During the time that we were undertaking our review, the Maine Foundation was taking another look at what it wanted to do, and while it was not always made clear in talking with them, the new directions, as they called it, were apparent. The kind of thing that they were talking about undertaking, rather than emphasizing the assistance to specific businesses, which I think they do well, they talked about something which was at one point something like the Minnesota partnership with businesses, some kind of a vague situation where the Maine Foundation and government might try to work together to solve their problems. An example that was given to us at that time was that perhaps the Maine Foundation members, most of whom are business people, obviously, might work together to solve the problems of workers' compensation. Obviously, that is a political issue.

The other kind of thing that was brought to our attention that they might be interested in doing and, in fact, have done, is to take stands on referendum issues and they, in fact, did take a stand on the nuclear power issue. My feeling is that that if fine for a group like the Chamber of Commerce, Associated Industries of Maine, or the AFL-CIO, but it is not the appropriate kind of thing to do for a foundation which is set up legislatively and is paid for, to some extent, with taxpayers' money.

We tried to take care of some of those issues by saying that the foundation could not undertake any activities which would require them to register as a lobbyist. However, everyone knows that you can do quite a bit of lobbying around here without being required to register as a lobbyist. In fact, since then, we have had the Maine Development Foundation employees spending whole afternoons at some of our Taxation meetings on other issues that have nothing to do with Maine Development Foundation, because they say they have an interest in the legislative hearings that may, in fact, affect some of their incorporators, those incorporators of private businesses.

What the debate focused down on, and I think there were a lot of things even with the present statute that some of us on the Taxation Committee are not particularly happy about, but what the debate focused on eventually was the liberal construction clause, which is extremely unusual for specific agencies of state government, or quasi-agencies of state government. We chose to ignore the forty-odd-thousand dollar salaries of the employees and some of the activities that might be questionable, and we ended up focusing on this issue, and all the minority members of this committee are saying is that we think that the legislation that gives the powers to the Maine Development Foundation are extremely broad and that there is no need to say, in addition to this you can do just about whatever you want to.

The purposes are presently to give management and technical assistance to help a debt and equity capital, to provide new product development and marketing, for the development of industrial land and buildings, to help economic opportunities, the coordination of development efforts. We kept asking people that appeared before us time and time again—what is it when we take this out that you want to do, that you think is appropriate, that you can't do under the present legislation? And no one ever gave us an answer.

All we are trying to do, we set up the Maine Development Foundation, we give you the money but we want you to limit your activities to those things which are specified in the legislation, and that is why I ask you to accept the minority report.

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

Mr. DAY: Mr. Speaker, in answer to your

question, Mr. Jackson, in addition to what Mrs. Post said, they really are like a consulting firm. They have the ability to take on private contracts as if they were a consulting firm. They work with public money, with private money, and their total money spent, counting money they take in from private outfits, is more than the state puts in. They worked on the groundfish project, they worked on a deal trying to get the chicken business back into Maine and are still working on that plus a few others.

When we had the final hearing on the bill which dealt with the amendment that Mrs. Ingraham talked about, there were no proponents for the bill without the amendment, and all the proponents said they must have this amendment, including a representative from the Governor's office.

I got the impression from what my chairman said that everybody said it was fine, that we can do without it; that was not the case in the final hearing.

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

Mr. KANE: Mr. Speaker and Members of the House: First, I am kind of stunned that there is anything to say in addition to what Mrs. Post said, I think only Mr. Day could have found it.

The other thing is, I think the question of the gentleman from Yarmouth, Mr. Jackson, shows the kind of situation we are in on this. Probably 7 out of 10 people here don't know the difference between the Maine Development Foundation and the Maine Capital Corporation because they are just kind of amorphous, semi-governmental bodies, and we are not talking today about continuation of the existence of these bodies, that is a fait accompli. What we are talking about is whether or not they need a really nebulous liberal construction clause in order to continue to do their job. I think it is obvious that they don't.

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

Ms. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: What we are trying to accomplish is not to tie their hands. If you go along with the Committee chairman, what you are doing is, you are saying that if an out-of-state firm comes in and says to this organization, how about workers' compensation costs, they cannot honestly come out and say yes, we have the second highest workers' comp costs in the states.

You are tying their hands with the way they can sell a package, the way they can promote the state, and some other things that they can do. It is ridiculous.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Hayden.

Mr. HAYDEN: Mr. Speaker and Members of the House: I don't think anybody is being ridiculous here. There are people on one side of the issue and people on the other.

What we are talking about with this liberal construction language in the Maine Development Foundation, enacting legislation, is not whether or not we want to tie anybody's hands. Most of the rest of state government gets by pretty well without having language in it that is open-ended, that essentially allows them, under the name and banner of liberal construction, to do whatever they want to do. There is nothing that these people cannot do, that this foundation cannot do, that they are doing today. What we are saying is, because some serious questions were raised whether it is appropriate having the Maine Development Foundation, a body that in part depends on state money, taking a stand on public issues such as the nuclear referendum, such as bills before the legislature, because of that we want to send a message out not to tie your hands but this concept of liberal construction is going to be withdrawn. I think it should have been withdrawn whether we had any bone to pick with the Maine Development Foundation or not.

They are going to be able to continue to do their job in the future. Their job is, in many cases, a very good one, but they can do it without having this open-ended clause so that they can justify actions that may be beyond their real authority. That is all this bill is doing, no more and no less.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentlewoman from Owl's Head, Mrs. Post, that the House accept the Minority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

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

NAY—Aloupis, Armstrong, Austin, Bell, Bordeaux, Brown, K.L.; Cahill, Callahan, Conary, Connors, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Gavett, Gillis, Hanson, Higgins, L.M.; Holloway, Hutchings, Ingraham, Jackson, P.T.; Jackson, P.C.; Jordan, Kiesman, Lancaster, Lewis, Livesay, Lund, MacBride, Martin, H.C.; Masterman, Masterton, McPherson, Murphy, Nelson, A.; O'Rourke, Perkins, Peterson, Pines, Randall, Reeves, J.; Salsbury, Sherburne, Small, Smith, C.W.; Stevenson, Stover, Strout, Studley, Tarbell, Telow, Treadwell, Twitchell, Walker, Webster, Weymouth, Willey.

ABSENT—Boyce, Brown, D.; Cunningham, Dudley, Fowlie, Gowen, Hunter, Ketover, Laverriere, Martin, A.; Matthews, Michael, Paradis, E.; Thompson, Tuttle, Wentworth.

Yes, 73; No, 62; Absent, 16.

The SPEAKER: Seventy-three having voted in the affirmative and sixty-two in the negative, with sixteen being absent, the Minority "Ought to Pass" Report is accepted.

The Bill read once.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Adjust the Eating, Lodging and Recreational Place Licensing Fee" (S. P. 811) (L. D. 1907) which was tabled earlier in the day pending the motion of Representative Curtis of Waldoboro to reconsider Indefinite postponement and later today assigned.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I believe that the motion before you is to reconsider indefinite postponement. I hope that you will vote to reconsider and I will be very brief. I am sure you are all very tired of hearing this for two years in a row.

Basically, the issue before you is to raise the fees up to a maximum of \$20 or to \$50 and to keep it in the dedicated fund where it has traditionally always been and where traditionally industry has always had it.

I have a list of some industries that pay fees, licensing fees, all of which, except for two, are indeed dedicated. We are now talking about keeping this money dedicated.

I should tell you a few other facts, that the

fees to date collected, \$73,000 the first six months of the fiscal year but that made them \$50,000 below the budget for the year, and in the opinion of the State Budget Office, Mr. John Foster, a new increase of \$5 or \$10, as previously proposed, is not enough to bring them out of the red, so that \$20 maximum fee may do it but certainly no less. Next week they go down to four sanitarians. When the fees have exceeded need, the funds have been used for other things. This has not and will not be the case here. Sanitarians, and we are talking about public safety and health, need every bit of this money, as you know, and this issue is not before us.

We must remember that this program to dedicate the funds for these licenses became a model program to 41 other states.

The SPEAKER: The Chair recognizes the gentleman from Waldoboro, Mr. Curtis.

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to vote against reconsideration on this bill. It should be clear that accounts in departments with funds which are dedicated continue to have fiscal problems year after year. The Highway Fund and the Real Estate Commission are a couple of issues that we are dealing with now that are dedicated and are examples of this.

Some of the members of this committee would have you believe that the entire industry was behind this bill, and it is my understanding that only two persons appeared from that industry at the hearing to speak in favor of this legislation.

There is another bill which is before this body which deals with it, from the Audit and Program Review Committee. It includes fee increases to cover the needs until 1988, I believe, which is one year's difference from this bill. The major difference is that it does not give a carte blanche to the department to decide how it proposes its increase as they would deem.

I urge you to vote against reconsideration and I would request a division.

The SPEAKER: The Chair recognizes the gentleman from Canton, Mr. McCollister.

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: I was absent that afternoon when you defeated this bill the first time and I want to thank you all for having supported the position I took two years ago or last year.

The position we took last year took this particular department and we broke its back. It laid off people, it reduced its inspections of restaurants from 100 percent twice a year down to where they are now inspecting once every two years. It is time to put this department back together and this \$20 fee increase will do it. It is up to \$20; it leaves some discretion for the department to increase the fees as they feel necessary, but I don't feel the way some of the members of the committee feel, that this bill takes care of the department through 1988. I believe just the opposite.

It is going to take one, two, three years for the President's Program to reduce inflation. Once this has been accomplished, this fee should carry the inspection department for many years, until Washington makes more mistakes and starts the inflation rate up. I think this is the biggest argument that we can make today for this bill.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Waldoboro, Mr. Curtis, that the House reconsider its action whereby this Bill was indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mrs. Nelson of Portland requested a roll call.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. 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 South Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I really think that I must be missing something here. I have listened to this debate for so long about these inspection fees and whether they should be dedicated or undedicated, whether we want them or don't want them—if we are arguing about dedicated versus undedicated, it appears to me that is what the argument is right now, then maybe I have missed the point. But if that is the argument, if that is the reason why a lot of people are voting against reconsideration, I guess I just want to say that it is my opinion that it is inappropriate for us to either mandate or to accept voluntarily fees or some sort of a tax from the private sector and then expect to throw that into the General Fund and to have these people come and stand in line with everybody else, that just doesn't make sense.

I certainly wouldn't want to voluntarily have a fee mandated to me and then come and stand in line. It is for a purpose, it is for a specific purpose, for inspections. We do this with many other industries, such as sardine inspection and there are others that I just can't think of right off the top of my head, I just don't understand the thinking and I really wish that somebody could clearly tell me why they don't think these fees should be dedicated.

I would urge you to reconsider this and perhaps we could discuss it further.

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I am not about to answer the gentlewoman from South Portland's question, I simply want to make this one point. I feel it is important that I get it on the record so you understand where I am coming from right now because this is very confusing.

I am going to vote to reconsider. The reason I am going to vote to reconsider is I simply want this bill kept alive right now, until we see what happens with the other bill, the Audit and Program Review Report. I personally would feel much more comfortable not killing it off at the moment, so I am going to vote to reconsider and I am not sure what I am going to do after that but I think we should reconsider and not kill it off this quickly.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: In response to the statement made by the gentleman from Portland, I would say that this issue has been kept alive for so long it almost qualifies for Medicaid.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Waldoboro, Mr. Curtis, that the House reconsider its action where it voted to indefinitely postpone this Bill and all accompanying papers in non-concurrence. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Baker, Beaulieu, Benoit, Boisvert, Brannigan, Brennerman, Brodeur, Carroll, Carter, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Jalbert, Kane, Kany, Kelleher, Kilcoyne, LaPlante, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, H.C.; McCollister, McGowan, McHenry, McSweeney, Michaud, Mitchell, E.H.; Moholland, Nadeau, Nelson, M.; Paradis, P.; Pearson, Perry, Post, Racine, Reeves, P.; Richard, Roberts, Rolde, Smith, C.B.; Soulas, Soule, Swazey, Theriault, Twitchell, Willey.

NAY—Aloupis, Armstrong, Austin, Bell, Berube, Bordeaux, Brown, D.; Brown, K.L.;

Cahill, Callahan, Chonko, Conary, Conners, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Gavett, Gillis, Hanson, Higgins, L.M.; Holloway, Huber, Hutchings, Ingraham, Jackson, P.T.; Jackson, P.C.; Jordan, Joyce, Kiesman, Lancaster, Lewis, Livesay, Lund, MacBride Masterman, Masterton, Matthews, McPherson, Mitchell, J.; Murphy, Nelson, A.; Norton, O'Rourke, Paradis, E.; Paul, Perkins, Peterson, Pines, Randall, Reeves, J.; Ridley, Salsbury, Sherburne, Small, Smith, C.W.; Stevenson, Stover, Strout, Studley, Tarbell, Telow, Treadwell, Vose, Walker, Webster, Wentworth, Weymouth.

ABSENT—Boyce, Brown, A.; Carrier, Cunningham, Dudley, Fowlie, Gowen, Hunter, Ketter, Laverriere, Martin, A.; Michael, Pouliot, Thompson, Tuttle, Mr. Speaker.

Yes, 63; No, 72; Absent, 16.

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

Sent up for concurrence.

The Chair laid before the House the following matter:

An Act to Eliminate the Requirement that Changes in the Public Utility Rates be Prorated (H. P. 1790) (L. D. 1980) which was tabled and later today assigned pending passage to be enacted.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: I don't want to take much time, but I would like to make a couple of statements to draw your attention to this particular piece of legislation and primarily to make some remarks for the record.

This legislation, which has not gotten very much attention either in the full legislation or in the press but has been discussed quite a bit within the Public Utilities Commission, would allow the Public Utilities Commission to waive proration. Right now, when a utility has been granted a rate increase by the Public Utilities Commission, there is a date which that increase goes into effect. The utility to whom that rate increase applies must then go out and read the meter, whether that is electricity or water or what have you, and then they bill the customer prorating the charge, so they are not charged for that entire billing period at the new increased rate but that part of that charge is the old rate and part of the charge is the new increased rate based on the date when the increase went into effect.

The potential danger with this legislation is that some utility customers, whether they be water or electrical customers, could find themselves paying the increased fee for an entire billing period, which in some instances might be three months, when really they should only be charged for a small portion of that billing period.

However, we were told in that committee hearing and in the committee work session, and the reason why I agreed to go along with the legislation, was that the Public Utilities Commission would not make this bill apply to the large utilities in the state, so the customers of Central Maine Power and the customers of Bangor Hydro would not have to worry, so my constituents are taken care of based on that promise, and that is the reason I wanted to make these remarks for the record. I just wanted to call this issue to your attention.

Thereupon, the Bill was 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 Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Law"

(Emergency) (H. P. 2239) (L. D. 2098) (H. "A" H-702 to H. "A" H-695) (H. "B" H-696) which was tabled and later today assigned pending adoption of House Amendment "C".

Thereupon, Mr. Hickey of Augusta withdrew House Amendment "C".

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

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

Bill "An Act to Amend the Exemption from Sales and Use Tax for the Sale of Certain Instrumentalities of Interstate or Foreign Commerce" (H. P. 1905) (L. D. 1890) which was tabled and later today assigned pending adoption of Committee Amendment "A" (H-723).

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

Mrs. POST: Mr. Speaker, Men and Women of the House: As I understand this, the fiscal note on this bill as it is amended—the fiscal impact of this bill as it is amended by our Committee Amendment is reflected in the Statement of Fact, but there is not a fiscal note separately on the bill itself. Do we have to place a fiscal note on the bill or is the Statement of Fact sufficient?

The SPEAKER: The Chair would advise the gentlewoman from Owl's Head, Mrs. Post, that a fiscal note is in fact required different than the Statement of Fact. The fiscal note must be prepared entirely by the Legislative Finance Office and submitted with the Committee Amendment or with the bill when it leaves this body on its passage to be engrossed. If no fiscal note is found at this time, a fiscal note would need to be added on Second Reading, on its passage to be engrossed. So we could proceed with adoption of Committee Amendment "A" and then the Chair will assign it for second reading later today and the fiscal note could be prepared.

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

Mr. HIGGINS: Mr. Speaker, it is my understanding from looking at this is my bill and that is why I am involved. It appears to me that the bill itself has a fiscal note on it and the committee amendment doesn't affect that. I think the problem is that the committee amendment affects, obviously, the bill but it doesn't delete some of the cost of the fiscal impact. I didn't want to get it too far down the road, but I.....

The SPEAKER: The proper impact should be that an amendment should be prepared by Legislative Finance, directed to Legislative Research, amending the original fiscal note in the bill and that would be the way to handle it, so we will simply assign it for second reading later today and the note could be added at that time.

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

Mr. MacEACHERN: Mr. Speaker, this bill has been floating along here and sailing along with no problems, and I would like to have the sponsor of the bill explain the bill to me in detail.

The SPEAKER: The gentleman from Lincoln, Mr. MacEachern, has posed a question through the Chair to the gentleman from Scarborough, Mr. Higgins, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. HIGGINS: Mr. Speaker and Members of the Senate: I would be delighted to. I am not sure that it has been floating along. It just appeared on our desks this morning, so I don't think it has been sailing through the body one way or the other. Nevertheless, I would be pleased to respond to the gentleman's question.

Under present law, a vehicle that is purchased for interstate commerce by a company or an individual has 10 days to put that vehicle

in operation in interstate commerce or pay a sales tax on the cost of the vehicle.

A particular company in my town called Snow's Canning Company, which is a division of Bordens, bought several vehicles and because of some manufacturer's problems with them, was not able to get them on the road in interstate commerce within the 10-day period. Therefore, they were assessed a sales tax of some \$6,000. As it turns out, there are other companies, obviously, in the State of Maine that have faced a similar problem.

Several years ago, this legislature, I think maybe two years ago now or almost two years ago now, changed the law relative to how interstate commerce and whether or not sales tax exemptions were granted and for one reason or another chose 10 days as what I would say an arbitrary number of days. The problem is that many many companies now, when they buy vehicles, are not able to get them on the road in that 10-day period because they do their own lettering, perhaps, on the side of the vehicles, perhaps they put their own fifth wheel on the back of the tractor-trailer, or for whatever reason, in this particular case there were manufacturer's problems and they had to return the vehicle to the company that they bought it from and were not able to get it on the road in 10 days. What happens is, they are being what I call unduly punished by the sales tax division. They have to either pay the 5 percent sales tax or they have to come up with a way of circumventing the law by getting a, shall I say, falsified document as to when they actually purchased the vehicle, on what particular date.

What is going to happen if we do not change the law, and this bill changes the 10 days to 30 days and it does grant them additional 30 days for good cause if they can prove it to the Bureau of Taxation, that for some reason beyond their control they can't get it in service within that 30-day period, there is a provision to go another 30 days, but what is going to happen is, if we do not allow them the opportunity, they are going to register those vehicles in some other state. Certainly that is not going to happen to an individual, but the people who buy a number of vehicles, as Snow's Company, which is a division of the Borden Company, a national outfit, what they are going to do, they are going to buy their vehicles in Alabama and the people in the industry in Maine that produces those vehicles or sells them are going to suffer.

That is the intent of the law. I think it is a good idea simply because we don't want to lose their business, and I think it is only fair. The intent of the law, in my opinion, is not to unduly penalize people, it is to make sure that they are putting their vehicles into interstate commerce, which this isn't changing, it is just giving them the additional 20 days.

Thereupon, Committee Amendment "A" was adopted.

The Bill was assigned for second reading later in the day.

The following paper appearing on Supplement No. 21 was taken up out of order by unanimous consent:

Divided Report

Majority Report of the Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-729) on Bill "An Act to Clarify the Discharge Requirements for the Processing of Certain Marine Resources" (H. P. 1787) (L. D. 1777)

Report was signed by the following members:

Senators:

SHUTE of Waldo

DUTREMBLE of York

—of the Senate.

Representatives:

VOSE of Eastport

JORDAN of Warren

CROWLEY of Stockton Springs

SALSBURY of Bar Harbor
HANSON of Kennebunkport
CONNERS of Franklin
FOWLIE of Rockland
NELSON of Portland
CAHILL of Woolwich

—of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-730) on same Bill.

Report was signed by the following members:

Senator:

BROWN of Washington

—of the Senate.

Representative:

POST of Owl's Head

—of the House.

Reports were read.

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

Committee Amendment "A" (H-729) was read by the Clerk and adopted.

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

The following papers appearing on Supplement No. 22 were taken up out of order by unanimous consent:

Consent Calendar First Day

(H. P. 2241) (L. D. 2101) Bill "An Act to Provide an Alternative Withdrawal Procedure from the Tree Growth Tax Law for the 1982 Tax Year" (Emergency)—Committee on Taxation reporting "Ought to Pass"

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

By unanimous consent, ordered sent forthwith to the Senate.

Second Reader Tabled and Assigned

Bill "An Act Authorizing the County of Cumberland to Raise Funds for the Construction of a Court House, Capital Improvements and Related Facilities" (H. P. 2087) (L. D. 2024) (C. "A" H-728)

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

On motion of Mrs. Nelson of Portland, tabled pending passage to be engrossed as amended and tomorrow assigned.

The following paper appearing on Supplement No. 23 was taken up out of order by unanimous consent:

The following Communication:

Committee on Legal Affairs

March 31, 1982

The Honorable John L. Martin
Speaker of the House
State House

Augusta, Maine 04333

Dear Speaker Martin:

The Committee on Legal Affairs is pleased to report that it has completed all business placed before it by the second regular session of the 110th Legislature.

Total number of bills received	18
Unanimous reports	9
Ought to Pass	5
Ought Not to Pass	3
Ought to Pass as Amended	1
Divided Reports	9

Respectfully submitted,
S/MELVIN A. SHUTE

Senate Chairman
S/HAROLD R. COX
House Chairman

The Communication was read and ordered placed on file.

The following papers appearing on Supple-

ment No. 25 were taken up out of order by unanimous consent:

Passed to Be Enacted Emergency Measures

An Act to Remove Wallagrass Plantation from the Maine Forestry District (H. P. 1796) (L. D. 1786)

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.

An Act to Remove Allagash Plantation from the Maine Forestry District (H. P. 1817) (L. D. 1802) (C. "A" H-718)

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. 121 voted in favor of same and 4 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

The following Communication:

The Senate of Maine Augusta

March 31, 1982

The Honorable Edwin H. Pert

Clerk of the House

110th Maine Legislature

Augusta, Maine 04333

Dear Clerk Pert:

The Senate today voted to Adhere to its former action where it accepted the Majority Ought Not to Pass Report on Bill, "An Act to Adjust Annually Individual Income Tax Laws to Eliminate Inflation-induced Increases in Individual State Income Taxes", (I. B. 2) (L. D. 1737).

Respectfully,

S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

The following paper appearing on Supplement No. 26 was taken up out of order by unanimous consent:

Non-Concurrent Matter Later Today Assigned

Bill "An Act to Provide that Corporate Reorganization by Public Utilities be Subject to Approval by the Public Utilities Commission" (H. P. 1842) (L. D. 1837) on which Report "A" "Ought to Pass" in New Draft under New Title Bill "An Act to Provide that Corporate Reorganizations Affecting Public Utilities be Subject to Approval by the Public Utilities Commission" (H. P. 2266) (L. D. 2113) Report of the Committee on Public Utilities was read and accepted and the New Draft passed to be engrossed as amended by House Amendment "A" (H-710) in the House on March 31, 1982.

Came from the Senate with Report "B" "Ought to Pass" in New Draft under New Title Bill "An Act to Provide that Corporate Reorganizations Affecting Public Utilities be Subject to Approval by the Public Utilities Commission" (H. P. 2267) (L. D. 2114) Report of the Committee on Public Utilities read and accepted and the New Draft passed to be engrossed as amended by Senate Amendment "A" (S-446) in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker, I move the House recede and concur and would speak to my motion.

The SPEAKER: The gentleman from Orono, Mr. Davies, moves that the House recede and

concur.

The gentleman may proceed.

Mr. DAVIES: Mr. Speaker and Members of the House: To refresh your memories, this bill is one that we debated this morning concerning corporate reorganization by public utilities. The bill that we supported very strongly here, by more than a two to one margin, was one to provide for a safety net to make sure that we have an opportunity to review every proposed construction of a holding company to make sure that the interest of the ratepayers of our utilities are not adversely affected by allowing companies to get into unregulated businesses.

The Minority "Ought to Pass" Report was virtually identical to the Majority one which we accepted in this body, except for one minor amendment which I understand from conversations with the Public Utilities Commission members today, based on their opinion that they would allow no sites to be moved from a regulated side, hydro-sites for development, onto the unregulated side, that both the majority and minority "ought to pass" reports are identical.

Therefore, to avoid the problem of being in a non-concurrent situation, I move that the House recede and concur with the Senate.

The SPEAKER: The Chair recognizes the gentleman from West Gardiner, Mr. Weymouth.

Mr. WEYMOUTH: Mr. Speaker, Ladies and Gentlemen of the House: I move that we recede so that I can put an amendment on later.

The SPEAKER: The gentleman from West Gardiner, Mr. Weymouth, moves that the House recede.

The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker and Members of the House: I have seen the amendment that Mr. Weymouth would like to offer. I can tell you that what it does is, it drives a hole through this bill so large that you could drive a four-lane highway through it.

Right now, the utility service that the ratepayer receives is 100 percent of the utility service that they could get, whether it is a small water company, a telephone company or a power company. The amendment that Mr. Weymouth would like to offer drives just such a hole through there by exempting water companies.

Currently, the commission has language in the bill that would allow them to waive the requirements of this law, in their opinion. The reorganization that would take place as proposed by one of these small companies would, in fact, create no reasonable risk of problems for the ratepayers. The commission has that language in both the version that we accepted this morning and the version that was accepted in the other body. The commission has indicated to me that they will utilize that to exempt water districts from these proceeds unless there is a very serious problem that they identify, and only in those cases will they implement the terms of this law to review the proposed reorganization. Ninety-nine percent of the time, they are going to authorize the exemption for the small water company.

I would urge you not to go with the recede motion and in fact go for the recede and concur.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I am pleased that the gentleman from Orono, Mr. Davies, has shared with us what we don't have in front of us yet. I guess I have a strong feeling that when any member of this body wants to try to at least convince the body that we ought to consider an amendment, we ought to afford that opportunity to him.

The gentleman from West Gardiner, Mr. Weymouth, has indicated that he has an

amendment that has not been prepared yet, that he would like to be able to present it to this body for its discussion, and I think it is only fair that we afford him that opportunity. If it is as bad as the gentleman from Orono would have us believe, I am sure that the body will dispense with it in the form that is due it. By the same token, I would remind this body that on many, many occasions we do see fit to hold a bill up in order to give another member, as a courtesy, strictly as a courtesy, the opportunity to amend a bill.

That being the case, I would hope that we might have the opportunity to set this bill aside for some time so that the gentleman might be able to present his amendment.

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

Mr. TARBELL: Mr. Speaker, I move that this matter be tabled until later in today's session.

Whereupon, Mr. Davies of Orono 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 Bangor, Mr. Tarbell, that this be tabled until later in today's session pending the motion of Mr. Weymouth of West Gardiner to recede. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

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

NAY—Baker, Beaulieu, Benoit, Berube, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Jalbert, Joyce, Kane, Kany, Ketover, Kilcoyne, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, H.C.; McCollister, McGowan, McHenry, McSweeney, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, Paradis, P.; Pearson, Perry, Post, Reeves, P.; Richard, Ridley, Roberts, Rolde, Smith, C.B.; Soule, Theriault, Thompson, Twitchell, Vose, The Speaker.

ABSENT—Carrier, Cunningham, Dudley, Fowlie, Hunter, LaPlante, Laverriere, Martin, A.; Michael, Pouliot, Tuttle.

Yes, 72; No, 68; Absent, 11.

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

The following papers appearing on Supplement No. 24 were taken up out of order by unanimous consent:

Consent Calendar

First Day

(H. P. 2069) (L. D. 2010) Bill "An Act to Clarify the Effect of an Attorney's Opinion on the

Procedures for Initiating Amendments to Municipal Charters"—Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-731).

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

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

Committee Amendment "A" (H-731) was read by the Clerk and adopted.

On motion of Mr. Tarbell of Bangor, the House reconsidered its action whereby Committee Amendment "A" was adopted.

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

Mr. TARBELL: Mr. Speaker, I understand there is an amendment to be offered to the Committee Amendment and I haven't seen it yet.

Thereupon, Committee Amendment "A" was adopted.

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

Second Reader

Later Today Assigned

Bill, "An Act to Amend the Exemption from Sales and Use Tax for the Sale of Certain Instrumentalities of Interstate or Foreign Commerce" (Emergency) (H. P. 1905) (L. D. 1890) (C. "A" H-723)

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

On motion of Mr. Higgins of Scarborough, tabled pending passage to be engrossed as amended and later today assigned.

The following papers appearing on Supplement No. 28 were taken up out of order by unanimous consent:

Ought to Pass in New Draft

Report of the Committee on Health and Institutional Services on Bill "An Act to Amend the Maine Certificate of Need Law" (S. P. 900) (L. D. 2038) reporting "Ought to Pass" in New Draft (S. P. 967) (L. D. 2123)

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

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

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

Consent Calendar

First Day

(S. P. 855) (L. D. 1992) Bill "An Act to Accept Relinquishment of Exclusive Federal Jurisdiction Over Marshall Point Light Station in the Town of St. George"—Committee on State Government reporting "Ought to Pass" (Representative Holloway of Edgecomb Abstained)

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

The following paper appearing on Supplement No. 29 was taken up out of order by unanimous consent:

The following Joint Order: (S. P. 971)

Ordered, the House concurring, that Bill, "AN ACT to Protect the Atlantic Salmon Fishery in the Lower Penobscot River from Veazie to the Southernmost Point of Verona Island," Senate Paper 906, Legislative Document 2048, be recalled from the Governor's desk to the Senate.

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

The following papers appearing on Supple-

ment No. 30 were taken up out of order by unanimous consent:

Ought to Pass as Amended

Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-444) on Bill "An Act Relating to the Selection and Services of Traverse and Grand Jurors" (S. P. 793) (L. D. 1869)

Came from the Senate with the Report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-444) as amended by Senate Amendment "A" (S-448) thereto.

In the House, the Report was read and accepted in concurrence and the Bill read once. Committee Amendment "A" (S-444) was read by the Clerk. Senate Amendment "A" to Committee Amendment "A" (S-448) was read by the Clerk and adopted in concurrence. Committee Amendment "A" as amended by Senate Amendment "A" thereto was adopted in concurrence.

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

Consent Calendar

First Day

(S. P. 854) (L. D. 1991) Bill "An Act to Facilitate the Removal of Clouds on Title to Proposed Unaccepted Streets in Subdivisions"—Committee on Judiciary reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-443)

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

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (S-443) was read by the Clerk.

On motion of Mr. Higgins of Scarborough, tabled pending adoption of Committee Amendment "A" in concurrence and tomorrow assigned.

The following paper appearing on Supplement No. 31 was taken up out of order by unanimous consent:

Divided Report

Majority Report of the Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-442) on Bill "An Act Deleting the Requirement of a Federal Matching Share for the Expenditure of Funds for Expansion and Improvement of the Biddeford Municipal Airport" (S. P. 951) (L. D. 2097)

Report was signed by the following members:

Senators:

USHER of Cumberland
EMERSON of Penobscot
O'LEARY of Oxford

—of the Senate.

Representatives:

REEVES of Pittston
FOWLIE of Rockland
LISNIK of Presque Isle
MOHOLLAND of Princeton
STROUT of Corinth
MACOMBER of South Portland
HUTCHINGS of Lincolnville
CARROLL of Limerick

—of the House.

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

Report was signed by the following members:

Representatives:

HUNTER of Benton
McPHERSON of Eliot

—of the House.

Came from the Senate with the Majority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-442).

In the House: Reports were read.

The Majority "Ought to Pass" Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-442) was read by the Clerk and adopted in concurrence.

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

By unanimous consent, all matters acted upon were ordered sent forthwith to the Senate.

The following paper appearing on Supplement No. 32 was taken up out of order by unanimous consent:

**Passed to Be Enacted
Emergency Measure**

An Act to Revise the Salaries of Certain County Officers (H. P. 2280) (L. D. 2126)

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. 108 voted in favor of same and 5 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.

The following paper appearing on Supplement No. 26 was taken up out of order by unanimous consent:

Bill "An Act to Provide that Corporate Reorganization by Public Utilities be Subject to Approval by the Public Utilities Commission" (H. P. 1842) (L. D. 1837) which was tabled and later today assigned pending the motion of Mr. Weymouth of West Gardiner that the House recede.

In House—Report "A" accepted and the New Draft (L. D. 2113) passed to be engrossed as amended by House Amendment "A" (H-710) on March 31.

In Senate—Report "B" accepted and the New Draft (L. D. 2114) passed to be engrossed as amended by Senate Amendment "A" (S-446) in non-concurrence.

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

A vote of the House was taken.

Whereupon, Mr. Weymouth of West Gardiner 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 West Gardiner, Mr. Weymouth.

Mr. WEYMOUTH: Mr. Speaker and Members of the House: I know it is getting late but I have just a few comments I would like to make on this.

What I would like to do here is to have L.D. 2113 indefinitely postponed so I could put an amendment to 2114. The reason I would like to do it this way is that there are approximately 40 small investor-owned water companies serving Maine communities such as Damariscotta, Skowhegan and Caribou. If we go along with the bill we passed this morning, this bill would require the owners of stock in these utilities to hire a lawyer and present evidence to the PUC to persuade them that the proposed transfer is not only in the ratepayer's best interest but also in the investor's best interest. This, in my mind, is simply over-regulation for these small investor-owned water companies.

Reference has also been made to the PUC adopting rules which exempt more than 99 percent of the stock transfers of water utilities. We have no way of knowing this. In fact, the PUC has indicated that it will look at these

transfers on an individual basis before approving them.

This bill is amended so the large utilities like Central Maine Power and other large companies won't come under my amendment, they still will be part of the bill.

I urge you to support the exemption of small water districts which I will present.

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

Mr. JALBERT: Mr. Speaker, as far as I am concerned, I am going to vote to give the gentleman from West Gardiner, Mr. Weymouth, the courtesy of presenting his amendment. I shall vote against his amendment, but I want to him to have the courtesy to present his amendment and I hope you will follow my light.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker, I agree with the gentleman from Lewiston, Mr. Jalbert, that in fact this is a bad amendment, but I do think we ought to extend the courtesy to Mr. Weymouth to offer that amendment so we can debate it. I would like to apologize to him for being somewhat over zealous earlier in trying to stop his opportunity to offer that. I do think that the legislative process works best when we have a full discussion of the issue. This is an important issue, and I do think we ought to have the opportunity to discuss it, but I do think it is a bad amendment.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from West Gardiner, Mr. Weymouth, that the House recede. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Armstrong, Austin, Beaulieu, Bell, Benoit, Berube, Boisvert, Bordeaux, Boyce, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Callahan, Carroll, Carter, Chonko, Clark, Conary, Connors, Cox, Crowley, Curtis, Damren, Davies, Davis, Day, Dexter, Diamond, G.W.; Dillenback, Drinkwater, Erwin, Foster, Gavett, Gillis, Gowen, Gwadnosky, Hall, Hanson, Hayden, Hickey, Higgins, L.M.; Hobbins, Holway, Huber, Hutchings, Ingraham, Jackson, P.T.; Jackson, P.C.; Jacques, Jalbert, Jordan, Joyce, Kany, Kelleher, Ketover, Kiesman, Kilcayne, Lancaster, Lewis, Lisnik, Livesay, Locke, Lund, MacBride, MacEachern, Macomber, Mahany, Manning, Martin, H.C.; Masterman, Masterton, Matthews, McCollister, McGowan, McPherson, McSweeney, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, A.; Nelson, M.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Paul, Pearson, Perry, Peterson, Pines, Post, Racine, Randall, Reeves, J.; Richard, Ridley, Roberts, Rolde, Salsbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soulas, Soule, Stevenson, Stover, Strout, Studley, Tarbell, Telow, Theriault, Thompson, Treadwell, Twitcheil, Vose, Walker, Webster, Wentworth, Weymouth, Willey.

NAY—Baker, Connolly, Diamond, J.N.; Fitzgerald, Higgins, H.C.; Kane, McHenry, Reeves, P.

ABSENT—Cahill, Carrier, Cunningham, Dudley, Fowlie, Hunter, LaPlante, Laverriere, Martin, A.; Michael, Perkins, Pouliot, Swazey, Tuttle, The Speaker.

Yes, 128; No, 8; Absent, 15.

The SPEAKER: One hundred twenty-eight having voted in the affirmative and eight in the negative, with fifteen being absent, the motion does prevail.

Mr. Weymouth of West Gardiner offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-735) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker and Members of the House: This amendment, which seems like

a fairly minor amendment, in fact is extremely important and its passage would, in fact, gut the bill.

This exemption that Mr. Weymouth is offering for water districts would create an inconsistency in the law which would produce a likely challenge by the electric utilities in this state on the grounds that an exemption of this type, without any substantive finding of fact as to why water districts should be seen as distinct and separate from other utilities, would create such a condition that if we were to pass it, the electric utilities would be able to go into court, challenge the law on the ground that it created an illegal imbalance in the law, illegal discrimination against the electric utilities as opposed to water utilities, and in the opinion of several attorneys that I have had a chance to speak to since the break began, they were all in agreement that this would certainly be a lengthy litigation and the likely result would be that the electric companies would win, they would be exempt from any kind of prior approval by the commission before they got into unregulated businesses and the result would be to drive a hole through this bill large enough to put a four-lane highway through.

I would urge you to reject the motion to amend the bill with House Amendment "B" (H-735), reject this motion and we will recede and concur with the action of the other body.

The SPEAKER: The Chair will order a vote. The pending question is on the adoption of House Amendment "B". All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

39 having voted in the affirmative and 91 having voted in the negative, House Amendment "B" was not adopted.

Thereupon, the House voted to concur.

By unanimous consent, ordered sent forthwith to Engrossing.

The Chair laid before the House the following matter:

Bill "An Act to Amend the Sales and Use Tax for the Sale of Certain Instrumentalities of Interstate or Foreign Commerce" (Emergency) (H. P. 1905) (L. D. 1890) (C. "A" H-723) which was tabled and later today assigned pending passage to be engrossed as amended.

Mrs. Post of Owl's Head offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-734) was read by the Clerk and adopted.

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

(Off Record Remarks)

On motion of Mrs. Pines of Limestone,
Adjourned until nine o'clock tomorrow morning.