

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 1, 1982 to May 13, 1983

HOUSE

Tuesday, February 15, 1983

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

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

Prayer by the Reverend John MacNeill of the Manchester Community Church, Manchester.

The journal of yesterday was read and approved.

Papers from the Senate

Bill "An Act to Allocate Moneys for the Administrative Expenses of the Bureau of Alcoholic Beverages, Department of Finance and Administration, and the State Liquor Commission for the Fiscal Years Ending June 30, 1984, and June 30, 1985" (Emergency) (S. P. 218) (L. D. 655)

Came from the Senate referred to the Committee on Appropriations and Financial Affairs and ordered printed.

In the House, was referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act to Amend the Maine Consumer Credit Code" (S. P. 219) (L. D. 656)

Came from the Senate referred to the Committee on Business Legislation and ordered printed.

In the House, was referred to the Committee on Business Legislation in concurrence.

Bill "An Act to Amend the Statutes Relating to Coordination Services for Preschool Handicapped Children" (S. P. 221) (L. D. 658)

Bill "An Act to Amend the Statute Relative to the Appointment of the Commissioner of Educational and Cultural Services" (S. P. 220) (L. D. 657)

Came from the Senate referred to the Committee on Education and ordered printed.

In the House, were referred to the Committee on Education in concurrence.

Bill "An Act to Provide Confidentiality of Library Records" (S. P. 222) (L. D. 659)

Came from the Senate referred to the Committee on Judiciary and ordered printed.

In the House, was referred to the Committee on Judiciary in concurrence.

Bill "An Act to Permit the Petition of Local Referendum by the State Liquor Commission" (S. P. 224) (L. D. 661)

Bill "An Act to Change Price Posting Requirements for Beer and Table Wine Suppliers" (S. P. 223) (L. D. 660)

Came from the Senate referred to the Committee on Legal Affairs and ordered printed.

In the House, were referred to the Committee on Legal Affairs in concurrence.

Bill "An Act to Expand the Scope of the State Salary Commission to include Members of the Judiciary, Constitutional and Legislative Officers" (S. P. 225) (L. D. 662)

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

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

Bill "An Act Making Allocations Related to the Alcoholism Prevention, Education, Treatment and Research Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1984, and June 30, 1985" (Emergency) (S. P. 216) (L. D. 653)

Came from the Senate referred to the Joint Select Committee on Alcoholism Services and ordered printed.

(The Committee on Reference of Bills had

suggested reference to the Committee on Appropriations and Financial Affairs)

In the House, was referred to the Joint Select Committee on Alcoholism Services in concurrence.

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1984, and June 30, 1985" (Emergency) (S. P. 217) (L. D. 654)

Came from the Senate referred to the Committee on Transportation and ordered printed.

The Committee on Reference of Bills had suggested reference to the Committee on Appropriations and Financial Affairs)

In the House, was referred to the Committee on Transportation in concurrence.

Reports of Committees**Unanimous Leave to Withdraw**

Report of the Committee on State Government reporting "Leave to Withdraw" on Bill "An Act to Defray the Costs of Law Enforcement and Corrections Officer Training" (S. P. 64) (L. D. 170)

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

Non-Concurrent Matter

Bill "An Act Relating to the Identification and the Hazards of Exposure to Toxic and Hazardous Substances" (H. P. 549) which was referred to the Committee on Health and Institutional Services in the House on February 10, 1983.

Came from the Senate referred to the Committee on Energy and Natural Resources in non-concurrence.

In the House: On motion of Mrs. Nelson of Portland, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Change the Definition of Full-time Officers in the Mandatory Officer Training Law" (H. P. 559) which was referred to the Committee on Legal Affairs in the House on February 10, 1983.

Came from the Senate referred to the Committee on State Government in non-concurrence.

In the House: On motion of Mr. Gwadosky of Fairfield, the House voted to recede and concur.

Messages and Documents

The following Communication: (H. P. 618)

State of Maine

Department of State

State House Station 101

Augusta, Maine

Division of Public Administration

February 14, 1983

To the Honorable 111th Legislature of the State of Maine

Attention: House of Representatives, Clerk Pert

Info: Senate, Secretary O'Brien

I have the honor to transmit herewith an initiated bill, "AN ACT to Repeal the Law Providing an Open Season on Moose," and the results of the examination by this office of the initiative petitions relative to it.

The minimum number of valid signatures required to initiate this legislation 37,026. On October 25, October 29 and November 1, 1982, our office received 2,049 petitions said to contain 41,090 signatures. After extensive review we have determined the number of valid signatures to be 39,942.

In view of the foregoing determination, I hereby certify that these petitions have met the constitutional requirements of the minimum of 37,026 valid signatures. Since the petitions have previously satisfied the constitutional re-

quirements in all other respects, under the provisions of Article IV, Part Third, Section 18, of the Constitution of Maine, I do hereby declare this initiative petition to be valid.

In the event the Legislature rejects this initiative proposal, a referendum election will be called for November, 1983.

Respectfully,

JAMES S. HENDERSON

Deputy Secretary of State

Was read and ordered placed on file and sent up for concurrence, and the accompanying Bill (I.B.1) (L. D. 743) Bill "An Act to Repeal the Law Providing for an Open Season on Moose" was referred to the Committee on Fisheries and Wildlife and sent up for concurrence.

Petitions, Bills and Resolves**Requiring Reference**

The following Bills were received and, upon recommendation of the Committee on reference of Bills, were referred to the following Committees:

Agriculture

Bill "An Act Concerning Loose Wood Measurement" (H. P. 600) (Presented by Representative Dexter of Kingfield)

(Ordered Printed)

Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act Making Authorizations and Allocations Relating to Federal Block Grants for the Expenditures of State Government for the Fiscal Years Ending June 30, 1984, and June 30, 1985" (Emergency) (H. P. 601) (Presented by Representative Carter of Winslow) (Cosponsors: Representatives Armstrong of Wilton, Kelleher of Bangor, and Senator Najarian of Cumberland) (Submitted by the Department of Finance and Administration pursuant to Joint Rule 24)

Bill "An Act to Provide Funding for the Police Academy" (H. P. 602) (Presented by Representative Reeves of Pittston) (Cosponsor: Representative Paradis of Augusta)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Exempt Clustered Single Family Subdivisions from the Maine Condominium Act" (H. P. 603) (Presented by Representative Soule of Westport)

(Committee on Business Legislation was suggested)

On motion of Mr. Brannigan of Portland, the Bill was referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

Business Legislation

Bill "An Act to Establish a Competitive State Workers' Compensation Insurance Fund" (H. P. 604) (Presented by Representative Brannigan of Portland) (Cosponsor: Representative Kelleher of Bangor)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act Concerning School Transportation Contracts" (H. P. 605) (Presented by Representative Crouse of Washburn) (Cosponsors: Representatives Randall of East Machias, Brown of Gorham, and Theriault of Fort Kent) (Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24)

Bill "An Act to Govern the Cost of Transportation for Athletes and other Students Participating in School-sponsored Extracurricular Activities" (H. P. 606) (Presented by Representative Tuttle of Sanford) (Cosponsors: Representatives Tammaro of Baileyville, Roderick of Oxford, and Senator Pray of Penobscot) (Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24)

Bill "An Act to Extend the National School Breakfast Program Availability to Maine School Children" (H. P. 607) (Presented by Representative Brodner of Auburn) (Cosponsor: Representative Randall of East Machias)

(Ordered Printed)

Sent up for concurrence.

Energy and Natural Resources

Bill "An Act Concerned with the Thermal Treatment of Hazardous Waste" (H. P. 608) (Presented by Representative Scarpino of St. George) (Cosponsor: Representative Curtis of Waldoboro)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act to Require that the Aid to Families with Dependent Children Program Promote Family Unity" (H. P. 609) (Presented by Representative Brodeur of Auburn) (Cosponsors: Representative Nelson of Portland and Senator Bustin of Kennebec)

Bill "An Act to Provide Improved Dental Care by Amending the Denturist Law" (H. P. 610) (Presented by Representative Brodeur of Auburn)

Bill "An Act to Remove the Sunset Provision for Home Health Care Providers in the Certificate of Need Law" (H. P. 611) (Presented by Representative Brodeur of Auburn)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act to Clarify the Spousal Leaving Provision of the Employment Security Law" (H. P. 612) (Presented by Representative Hobbins of Saco)

Bill "An Act to Include Salaries, Pensions and Insurance for Binding Arbitration under the Municipal Public Employees Labor Relations Law" (H. P. 613) (Presented by Representative Jalbert of Lewiston) (Cosponsor: Representative Beaulieu of Portland)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Provide a Class A Lounge Liquor License" (H. P. 614) (Presented by Representative McSweeney of Old Orchard Beach) (Cosponsors: Representatives Daggett of Manchester, Rotondi of Athens, and Callahan of Mechanic Falls) (Submitted by the Department of Finance and Administration pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Local and County Government

Bill "An Act to Prohibit Regional Planning Commissions from Providing any Contractual Services for Municipalities which can be Provided by the Private Sector" (H. P. 615) (Presented by Representative Cahill of Woolwich) (Cosponsors: Representative Jackson of Harrison and Senator Sewall of Lincoln)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act to Require Prenotification of Agenda for Special Sessions of the Legislature" (H. P. 616) (Presented by Representative Armstrong of Wilton) (Cosponsor: Representative Brown of Livermore Falls)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Establish Municipal Cost Components for Services to be Rendered in Fiscal Year 1983-84" (Emergency) (H. P. 617) (Presented by Representative Higgins of Portland)

(Ordered Printed)

Sent up for concurrence.

House Reports of Committees Referred to Committee on Business Legislation

Representative Carroll from the Committee on Transportation on Bill "An Act to Exempt Carriers of Wood Products from Cargo Insurance Requirements" (H. P. 63) (L. D. 69) reported that it be referred to the Committee on Business Legislation.

Report was read and accepted, the Bill referred to the Committee on Business Legislation and sent up for concurrence.

Ought to Pass in New Draft

Representative Walker from the Committee on Local and County Government on Bill "An Act to Amend the Transit District Enabling Act" (H. P. 106) (L. D. 113) reporting "Ought to Pass" in New Draft (H. P. 619) (L. D. 745)

Report was read and accepted, the New Draft read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" on Bill "An Act to Establish the Uniform Determination of Death Act" (H. P. 38) (L. D. 43)

Report was signed by the following members:
Senators:

TRAFTON of Androscoggin
VIOLETTE of Aroostook
COLLINS of Knox

- of the Senate.

Representatives:

HOBBINS of Saco
JOYCE of Portland
CARRIER of Westbrook
BENOIT of South Portland
SOULE of Westport
HAYDEN of Durham
DRINKWATER of Belfast
LIVESAY of Brunswick
FOSTER of Ellsworth

- of the House.

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

Report was signed by the following member:
Representative:

REEVES of Newport

- of the House.

Reports were read.

On motion of Mr. Hobbins of Saco, the Majority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on State Government reporting "Ought to Pass" on Joint Resolution to Ratify an Amendment to the Federal Constitution to Provide for Representation of the District of Columbia in the Congress (H. P. 257) (L. D. 307)

Report was signed by the following members:
Senators:

VIOLETTE of Aroostook
BALDACCI of Penobscot

- of the Senate.

Representatives:

SPROUL of Augusta
COOPER of Windham
LaPLANTE of Sabattus
GWADOSKY of Fairfield
KETOVER of Portland
PARADIS of Augusta

- of the House.

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

Report was signed by the following members:
Senator:

HICHENS of York

- of the Senate.

Representatives:

HOLLOWAY of Edgecomb
DILLENBACK of Cumberland

SALSURY of Bar Harbor
LEBOWITZ of Bangor

- of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Gwadosky.

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

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

The gentleman may proceed.

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: This is a Joint Resolution to ratify an amendment to the Federal Constitution to provide for representation for the District of Columbia in the Congress. This is an issue which this Legislature has dealt with before, it is an issue that has been debated widely and realistically. I have to believe that any debate that takes place this morning is not going to be influencing many votes on this matter, so let me simply present the position of the majority of the members of the State Government Committee.

Since 1801, the people of the District of Columbia, which ranks in population ahead of seven states, have been denied voting representation in Congress. Although government derived from the consent of the government is a cherished American tradition, these American citizens do not have a voice in the government that taxes and makes decisions for them.

The District of Columbia is a city of approximately 650,000 people; the people in the District pay taxes. Two hundred and thirty seven residents of the District of Columbia were killed in Viet Nam defending this country. They have all the burdens and responsibilities of full citizenship.

When the Federal Constitution was written, the District of Columbia did not exist. In fact, the site of the United States capital was not even chosen until 1790, two years after the ratification of our Constitution. At the time, there were approximately 14,000 individuals living in the area designated to be the new capital, so it is not surprising that delegates to the Constitutional Convention did not perceive the possibility that the District of Columbia would eventually become the home of 650,000 Americans.

How will the full voting rights amendment change D.C.'s representation in relation to Congress? It would give the District of Columbia two senators and a number of representatives proportional to its population. All elected members of Congress to the District would have full voting rights in the House or Senate. The District of Columbia would have the right to ratify Constitutional Amendments. No change would be made in the home rule act which they presently enjoy. The amendment also gives D.C. representation in the Electoral College, therefore repealing the Twenty-third Amendment, enacted in 1961, which initially gave D.C. residents this right.

There are those who would suggest that the solution to this problem is to simply have the District of Columbia retrocede to Maryland, become part of Maryland, and I think we must consider two things: First of all, the State of Maryland has already approved the D.C. Amendment and is not interested in obtaining the District of Columbia as part of their state. Secondly, the District of Columbia has a unique character. Many of the people who live there now were born there, were raised there and they consider themselves to be residents of the District. And while it may be easy for us up here in Maine to suggest that they should simply become part of one of the adjoining states, I think that it ruins the unique character of that area and it ruins the District as envisioned by the framers of our Constitution.

There has been a trend during the years and there has been some progress to remedy this situation.

tuation. In 1961, by deratification of the Twenty-third Amendment to the Constitution, D.C. citizens were given the right to vote for the President and Vice President. In 1970, they were given the right to elect a non-voting delegate to Congress. In 1974, a limited Home Rule Charter providing for an elected mayor and city council was approved. Finally, in 1978, the United States Congress, two thirds of each House concurring, sent to the state legislatures for ratification an amendment giving D.C. residents full voting representation in Congress, the same amendment we find before us this morning. Yet, despite this progress, it is very easy to feel complacent because we are not D.C. residents and we find ourselves untouched by this issue. However, can we continue to let this type of double standard exist today, can we continue to let 650,000 citizens live in this country, be taxed and not let them have a vote in the collection or spending of that money?

The Constitution is a living document which can and does change. The trend of our nation has been to expand representation to those whom the Constitution originally left out, people who did not own property, women, whole races of people. Granting full voting rights to D.C. residents continues this tradition.

Ladies and gentlemen of the House, no matter how you as individuals choose to analyze this legislation this morning, one glaring fact remains—our failure to adopt this measure is to deny three quarters of a million people a simple justice they deserve.

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

Mr. HIGGINS: Mr. Speaker, I request the yeas and nays.

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

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

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I am a member of the State Government Committee, as you all know, and I am a little disappointed that nobody from the public appeared to oppose this bill. However, many of the questions asked were, why didn't this bill pass last time? We had a black gentleman there, in fact, we had two black gentlemen but the one black gentleman said, the reason this bill didn't pass is because 70 percent of the people in Washington are black and it means three more Democrats are going to Washington. I don't think that is the major reason this bill didn't pass last time.

These people in Washington have an opportunity to elect their own government and they have all the privileges except sending somebody to the Capitol.

We, the taxpayers, pay a substantial amount of money to support the District of Columbia. I understand that for every dollar they pay in, we pay out about \$7 to them. I do not oppose these people having the vote; the thing that I oppose is, if they are going to have the vote, they should definitely have all the responsibilities that the other states have.

Basically, what you are going to do is send three Democrats to the black caucus who are going to do nothing more than try to get more money for the District of Columbia, which we as taxpayers have to support. I don't think that is necessarily correct. I think they should have the responsibilities that the rest of us have to face as states. Perhaps the other states don't want them. It is understandable why. There is a great problem in Washington, D.C., with the welfare problem. Why don't they have the state responsibilities? We did it to Puerto Rico, we

did it to the other places, so if they want the vote, let's make them a state or see that they join another state.

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

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: If I wasn't such a good friend to the gentleman from Cumberland, I would question his remarks this morning to this body. I think the tone of his remarks and the ambiguity of his questions leave something to be desired. He gives the impression to this membership that the people of the District of Columbia pay less taxes and have less responsibilities as citizens of this country than the other members of the United States; that is not true. They pay the same income tax as any U.S. citizen pays, they have the same responsibility, they are drafted into the armed services, they die in wars, they have died since the Revolutionary War.

We are seeking here this morning to remedy a situation that came about in the late 1700's, at the time this country was founded, and the founders of this country didn't want one particular state to have dominance over any other if that state were chosen to be the capitol.

If the gentleman from Cumberland's logic is to be pursued, I suppose that the people of my city of Augusta ought to be denied representation in this legislature.

I was very happy to see my seatmate from Augusta, Mr. Sproul, support me on this bill and I know that Mr. Hickey would also support me. I think the people of my city deserve representation in this body, the people of the District of Columbia, using the same logic and the same argument, deserve representation in the Congress, voting representation.

I think the remarks of one of the public testers of this bill was very apropos. Most of the residents, not those who work in the District but most of the residents of the District of Columbia, are there and have been there for perhaps 150 years. They were brought there as former slaves, they resided there because of their owners, they have lived there ever since. We have a responsibility to them. We have a responsibility to ourselves to be fair and equal.

One last point is, we say there are approximately 700,000 people who reside in the District; Vermont has fewer people and they have full representation; Wyoming has fewer people; Alaska has fewer people; indeed, I think there are three other states that have fewer people than the District of Columbia and have full representation in the Congress, basically a question of fairness.

The Republican National Platform endorsed this proposal as far back as 1976; the Democratic Platform endorsed this proposal as far back as 1944. This is an issue whose time has come and I would urge all the members of this body to support the motion before us.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Fairfield, Mr. Gwadosky, that the Majority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

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

Mr. DILLENBACK: Mr. Speaker, I would request permission to pair my vote with the gentleman from Portland, Mr. Connolly. If he were here he would be voting yes; I would be voting no.

The SPEAKER: The gentleman from Cumberland, Mr. Dillenback, wishes to pair his vote with the gentleman from Portland, Mr. Connolly. If Mr. Connolly were here, he would be voting yes; Mr. Dillenback would be voting no.

The SPEAKER: The pending question before the House is on acceptance of the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YE—Ainsworth, Allen Andrews, Baker,

Beaulieu, Benoit, Bost, Brannigan, Brodeur, Brown, A.K.; Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Hobbins, Jacques, Jalbert, Joseph, Joyce, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Macomber, Manning, Martin, A.C.; Martin, H.C.; Masterton, Matthews, Z.E.; Maybury, Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Paradis, P.E.; Paul, Perry, Racine, Reeves, P.; Richard, Ridley, Roberts, Rolde, Rotondi, Smith, C.B.; Soucy, Soule, Sproul, Stevens, Stevenson, Swazey, Tammara, Theriault, Tuttle, Vose, The Speaker.

NAY—Anderson, Armstrong, Bell, Bonney, Bott, Brown, D.N.; Cahill, Callahan, Canary, Conners, Davis, Day, Dexter, Drinkwater, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Kiesman, Lebowitz, Lewis, Livesay, MacBride, Masterman, Matthews, K.L.; McCollister, McPherson, Murphy, Norton, Paradis, E.J.; Parent, Perkins, Pines, Randall, Reeves, J.W.; Roderick, Salsbury, Scarpino, Seavey, Sherburne, Smith, C.W.; Stover, Strout, Studley, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Brown, K.L.; Carrier, Curtis, Dudley, Higgins, H.C.; Jackson, Kane, Mahany, Michael, Pouliot, Small, Telow, Thompson.

PAIRED—Connolly-Dillenback.

Yes, 85; No, 51; Absent 13; Paired, 2.

The SPEAKER: Eighty-five having voted in the affirmative and fifty-one in the negative, with thirteen being absent and two paired, the motion does prevail. Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Consent Calendar

First Day

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

(S. P. 95) (L. D. 226) Bill "An Act to Clarify the Authority of Municipal Officers to Charge Interest on Delinquent Sewer Accounts"—Committee on Local and County Government reporting "Ought to Pass"

(S. P. 57) (L. D. 164) Bill "An Act Relating to a Fund for Ferry Replacement at Frye Island"—Committee on Local and County Government reporting "Ought to Pass"

(H. P. 294) (L. D. 353) Bill "An Act to Amend the Banking Code Regarding Demand Deposit Powers of Thrift Institutions"—Committee on Business Legislation reporting "Ought to Pass"

(H. P. 300) (L. D. 359) Bill "An Act Relating to the Limitations on Amounts for School Construction Projects or Minor Capital Outlay Projects"—Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-11)

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 16, under the listing of Second Day.

Consent Calendar

Second Day

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

(H. P. 156) (L. D. 181) Bill "An Act Concerning the Marking of Wild Birds"

(H. P. 172) (L. D. 202) Bill "An Act to Transfer Fayette from the Northern Kennebec to the Southern Kennebec Judicial Division of the District Court"

(H. P. 212) (L. D. 256) Bill "An Act to Repeal the Requirement for an Audible Warning when Passing in a Motor Vehicle"

No objections having been noted at the end of the Second Legislative Day, the House Papers were passed to be engrossed and sent up

for concurrence.

Passed to Be Engrossed

Bill "An Act Regarding Passengers on Motorcycles" (H. P. 587) (L. D. 668)

Bill "An Act Relating to the Purchasing and Printing of Forms for State Government" (H. P. 584) (L. D. 665)

Bill "An Act to Establish Directional Signs on the Maine Turnpike, one at Exit 7 for the Southern Maine Vocational-Technical Institute, and another at Exit 4 for the University of New England" (Emergency) (H. P. 585) (L. D. 666)

Bill "An Act Pertaining to Inspection of Fire Trucks" (H. P. 586) (L. D. 667)

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

Passed to Be Enacted Emergency Measure

An Act to Authorize a New Federally-funded Telephone System at Camp Keyes (H. P. 369) (L. D. 344)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 127 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Relating to the Annual Observance of Saint Jean-Baptiste (S. P. 21) (L. D. 22) (H. "A" H-7)

An Act to Create a Revolving Fund for Publications of the Department of Agriculture, Food and Rural Resources (S. P. 26) (L. D. 27)

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.

An Act Relating to the Regulation of Septage Disposal (S. P. 50) (L. D. 143)

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

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: You may recall last week when this bill first surfaced in this body, it surfaced as a divided report, not awfully divided, it was 12 to 1, I was the one person signing the "ought not to pass" report. At the time, I didn't really debate the issue, I had my concerns about it and I will elaborate some of those concerns to you this morning.

Since last week when the bill surfaced, I did hear some comments from septic tank pumpers in my area who had some concerns, and that is why I objected to the bill in the enactment stage. My concern really is this septage, as I am sure most of you know, is that stuff that is pumped out of septic tanks, not hazardous waste, not hazardous material, but rather the material that sits in most of our back yards and has to be pumped out once every three or four years. The real problem lies in the fact that even though there is a law on the books that requires towns to have areas set aside for pumpers to spread their septage, many towns have not complied with this particular law. Consequently, a lot of these pumpers are faced with having to develop their own sites. The thing that they are concerned about is that they feel, and I think justifiably so, that there are some communities out there that want to keep septage sites out of their towns. We as Americans have a great tradition for creating waste but we also have abhorrence to getting rid of it within the bounds of our communities.

I think some of the concerns of these

pumpers are justified. The sponsor of the bill, when he made his presentation to the Committee, indicated that the DEP, which currently reviews all applications for septage disposal sites, is not adequately equipped and adequately staffed to supervise and control the locations of these septage sites within communities. I don't believe that is correct; in fact, I know that is not correct. Any application for a septage site has to go to the DEP and is reviewed by at least eleven different agencies. It is a very thorough review and is one that takes into account all environmental factors.

My big concern, again, is that I believe that there will be some communities that may try to pass ordinances that will attempt to keep these sites outside the boundaries of their communities and by so doing put the pumpers and also the people who rely upon the pumpers in a very bad situation.

Mr. Speaker, I would request the yeas and nays on this bill at the enactment stage.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: First of all, in our committee, no wonder when we go home nights the first thing I want to do is wash my hands. We certainly are recognized for having all the sludge and sewerage bills around in the nation. What we are trying to do here is just give the municipalities the same rights in that area of septage as we are in all the other disposal areas. I hope you will go along with the "ought to pass" report.

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

Mr. BRODEUR: Mr. Speaker, I would like to pose a question through the Chair to anyone who may care to answer.

The gentleman from Livermore Falls, Mr. Brown, has said that he was concerned that the municipalities would set regulations that would prohibit the putting of septage in their towns, is that possible under this act?

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

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

Mr. BROWN: Mr. Speaker, Members of the House: Anything is possible. I think that it is quite likely that ordinances could be passed which would make it so difficult for a private pumper to establish his own site that it would be totally economically prohibitive for him to do so. I believe that is possible, yes.

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

ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Bell, Benoit, Bost, Brannigan, Brodeur, Brown, A.K.; Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Dillenback, Erwin, Gauvreau, Greenlaw, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, L.M.; Hobbins, Jacques, Jalbert, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Killoyne, LaPlante, Lehoux, Lewis, Lisnik, Livesay, Locke, MacEachern, Macomber, Manning, Martin, A.C.; Martin, H.C.; Masterton, Matthews K.L.; Matthews, Z.E.; Mayo, McCollister, McGowan, McHenry, McPherson, McSweeney, Melendy, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Murray, Nadeau, Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Paul, Perkins, Perry, Racine, Reeves, P.; Richard, Ridley,

Roberts, Rolde, Rotondi, Scarpino, Seavey, Smith, C.B.; Soucy, Soule, Stevens, Strout, Swazey, Tammaro, Theriault, Tuttle, Vose, Webster, Wentworth, Zirkilton, The Speaker.

NAY—Anderson, Armstrong, Bonney, Bott, Brown, D.N.; Cahill, Callahan, Conary, Conners, Davis, Day, Dexter, Drinkwater, Foster, Holloway, Ingraham, Lebowitz, Lewis, MacBride, Masterman, Maybury, Parent, Pines, Randall, Reeves, J.W.; Roderick, Salsbury, Sherburne, Smith, C.W.; Sproul, Stevenson, Stover, Studley, Walker, Weymouth, Willey.

ABSENT—Brown, K.L.; Carrier, Curtis, Dudley, Higgins, H.C.; Jackson, Mahany, Michael, Pouliot, Small, Telow, Thompson.

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

The SPEAKER: One hundred and three having voted in the affirmative and thirty-six in the negative, with twelve being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

An Act Concerning Confidentiality of Fisheries Statistics (H. P. 32) (L. D. 37)

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

(Off Record Remarks)

On motion of Mr. Matthews of Waterville, Adjourned until nine o'clock tomorrow morning.