

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

Thursday, March 10, 1983

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

Prayer by Reverend Gerard Wilbur of the Augusta Christian School, North Whitefield.

The journal of yesterday was read and approved.

Papers from the Senate

Bill "An Act to Protect the Public from Unsafe Pesticide Use" (S. P. 348) (L. D. 1022)

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

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

Bill "An Act to Provide Equitable Mental Health Insurance" (S. P. 349) (L. D. 1023)

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 Relating to the Board of Trustees of the University of Maine" (S. P. 350) (L. D. 1024)

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

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

Later Today Assigned

Bill "An Act to Allocate Oil Company Overcharge Refunds in the Energy Resources Development Fund" (S. P. 339) (L. D. 1014)

Came from the Senate referred to the Committee on Energy and Natural Resources and ordered printed.

In the House, was referred to the Committee on Energy and Natural Resources in concurrence.

On motion of Mr. Kiesman of Fryeburg, the House reconsidered its action whereby the Bill was referred to the Committee on Energy and Natural Resources in concurrence.

The same gentleman moved that the Bill be referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

On motion of Mrs. Mitchell of Vassalboro, tabled pending the motion of Mr. Kiesman of Fryeburg to refer to the Committee on Appropriations and Financial Affairs and later today assigned.

Bill "An Act to Establish a Program for Therapeutic Use of Marijuana" (S. P. 351) (L. D. 1025)

Came from the Senate referred to the Committee on Health and Institutional Services and ordered printed.

In the House, was referred to the Committee on Health and Institutional Services in concurrence.

Bill "An Act to Amend the Laws Relating to Admissible Evidence" (S. P. 341) (L. D. 1015)

Bill "An Act to Establish New Selection Procedures for the Maine Indian Tribal-State Commission Chairmanship" (S. P. 342) (L. D. 1016)

Bill "An Act Relating to the Investment of Funds in Litigation" (S. P. 343) (L. D. 1017)

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

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

Bill "An Act to Conduct a Maine Labor Training Study" (S. P. 352) (L. D. 1026)

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

In the House, on motion of Mrs. Beaulieu of Portland, tabled pending reference in concurrence and assigned for Monday, March 14.

Bill "An Act to Ensure Just and Reasonable

Rates for Utilities Regulated by the Public Utilities Commission" (S. P. 347) (L. D. 1021)

Bill "An Act to Protect all Customers from Unjust Terminations of Utility Services" (S. P. 346) (L. D. 1020)

Bill "An Act to Permit the Public Utilities Commission to Authorize a Management Audit of a Public Utility" (S. P. 345) (L. D. 1019)

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

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

Bill "An Act to Provide for a Property Tax Exemption for Fraternities" (S. P. 344) (L. D. 1018)

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

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

Non-Concurrent Matter Tabled and Assigned

Bill "An Act to Prohibit Skiing in Out-of-bounds Areas" (H. P. 524) (L. D. 649) which was passed to be engrossed as amended by Committee Amendment "A" (H-45) in the House on March 8, 1983.

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

In the House: On motion of Mr. Cox of Brewer, tabled pending further consideration and assigned for Monday, March 14.

Non-Concurrent Matter

Bill "An Act to Prevent Combining more than one Bond Issue Item in a Single Bond Issue Bill and to Correct Statutory Provisions Relating to Showing Bond Interest on Ballots" (H. P. 278) (L. D. 338) which was passed to be engrossed as amended by Committee Amendment "A" (H-46) in the House on March 9, 1983.

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

In the House: Mr. Jackson of Harrison moved that the House adhere.

Mr. Gwadosky of Fairfield moved that the House recede and concur.

Mr. Jackson of Harrison moved that the matter be tabled for one legislative day.

Whereupon, Mr. Gwadosky of Fairfield requested a division.

The SPEAKER: The pending question is on the motion of Mr. Jackson of Harrison that this matter be tabled for one legislative day. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mrs. Mitchell of Vassalboro requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of Mr. Jackson of Harrison that this be tabled for one legislative day pending the motion of Mr. Gwadosky of Fairfield to recede and concur. All those in favor of tabling for one day will vote yes; those opposed will vote no.

ROLL CALL

YEA—Anderson, Andrews, Armstrong, Bell, Bonney, Bott, Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carrier, Conary, Conners, Day, Dexter, Dillenback, Drinkwater, Foster, Greenlaw, Handy, Higgins, L.M.; Holloway, Ingraham, Jackson, Kiesman, Kilcoyne, Lebowitz, Lehoux, Lewis, Livesay, MacBride, Macomber, Martin, A.C.; Masterman, Masterton, Matthews, K.L.; Maybury, McPherson, Melendy, Murphy, Paradis, E.J.; Parent, Perkins, Perry,

Pines, Racine, Randall, Reeves, J.W.; Roderick, Salsbury, Scarpino, Seavey, Smith, C.W.; Sproul, Stevenson, Stover, Strout, Swazey, Telow, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

NAY—Ainsworth, Allen, Baker, Beaulieu, Benoit, Bost, Brannigan, Brodeur, Brown, A.K.; Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cooper, Cote, Cox, Crouse, Crouse, Crowley, Daggett, Dudley, Erwin, Gauvreau, Gwadosky, Hall, Hayden, Hickey, Hobbins, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, LaPlante, Lisnik, Locke, MacEachern, Manning, Martin, H.C.; Matthews, Z.E.; Mayo, McCollister, McGowan, McHenry, McSweeney, Michael, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Norton, Paradis, P.E.; Paul, Pouliot, Reeves, P.; Richard, Ridley, Rolde, Rotondi, Smith, C.B.; Soucy, Soule, Stevens, Tammaro, Theriault, Tuttle, Vose, The Speaker.

ABSENT—Curtis, Davis, Diamond, Higgins, H.C.; Jacques, Jalbert, Mahany, Roberts, Sherburne, Small, Studley, Thompson.

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.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: We debated this issue two days ago. I would just like to remind you that we did have a good vote in favor of this proposal, and I would hope that we would be able to hold those votes.

The issue is an important issue, it is an issue which is familiar with, I am going to say, 99.9 percent of the electors of the State of Maine. I think to indefinitely postpone this bill, or to recede and concur, if the motion stands today, is not responsible. I would hope that we could defeat this motion, accept the motion to adhere and let the bill take its path from there. I don't want to make this a lengthy debate today, but I do think and feel very strongly about this issue, as I know several of you other people in this body do, so when you make that vote this morning, I would hope that your vote is no.

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

Mr. VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I have been quiet on this bill because I didn't realize that it was going to be in the posture that it is now in. However, I must speak.

I think what this bill does is hurt communities such as Eastport, or such as Mexico, or in Aroostook County or Washington County, because the only way I can see that we can get a bond issue for Eastport Port Development is by going along with Portland, Searsport and the other communities in the state. To separate this, I am afraid we would lose the whole thing we have been trying for.

I would hope that you would vote to kill this bill.

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

Mr. JACKSON: Mr. Speaker, I would request a roll call, please.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I understand the gentleman from Eastport, Mr. Vose's, concern but I don't think it is a legitimate concern. We expressed the opinion the other day, and I believe it is still true today, that the people in Maine show extremely good judgment when they go to the polls. I think that if there is a project in Eastport that is deserving of Maine citizens' votes, it is going to get their votes. I think if there is a project in Aroostook County that is deserving of Maine's votes, it is going to get those votes. I think when we try to lump issues

together in one question on a single ballot, the people out there are seeing it just exactly for what it is, a pork-barrel approach to government. This is what we are trying to eliminate, this is what we are trying to address in this bill.

The people of the State of Maine, ladies and gentlemen, want this bill to pass. That comes through loud and clear. They don't want to have to vote on half a dozen issues to get at a single issue. The people of the State of Maine want this bill, they deserve this bill, and I encourage you to vote no on the pending question.

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

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

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

ROLL CALL

YEA—Ainsworth, Anderson, Baker, Beaulieu, Benoit, Brannigan, Brodeur, Carroll, G.A.; Carter, Clark, Connors, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Erwin, Gwadosky, Hall, Hickey, Higgins, H.C.; Hobbins, Ingraham, Joseph, Joyce, Kane, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, MacBride, MacEachern, Manning, Martin, H.C.; Matthews, K.L.; McCollister, McGowan, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Moholland, Nadeau, Nelson, Paradis, P.E.; Randall, Richard, Rolde, Rotondi, Smith, C.B.; Smith, C.W.; Stevens, Tammaro, Theriault, Tuttle, Vose, The Speaker.

NAY—Allen, Andrews, Armstrong, Bell, Bonney, Bost, Bott, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carrier, Carroll, D.P.; Cashman, Chonko, Conary, Daggett, Day, Dillenback, Drinkwater, Dudley, Foster, Gauvreau, Greenlaw, Handy, Hayden, Higgins, L.M.; Holloway, Jackson, Kelleher, Kelly, Kiesman, Lebowitz, Lewis, Livesay, Macomber, Martin, A.C.; Masterman, Masterton, Matthews, Z.E.; Maybury, Mayo, McHenry, McPherson, Mitchell, J.; Murphy, Murray, Norton, Paradis, E.J.; Parent, Paul, Perkins, Perry, Pines, Pouliot, Racine, Reeves, J.W.; Reeves, P.; Ridley, Roderick, Salsbury, Scarpino, Seavey, Soucy, Soule, Sproul, Stevenson, Stover, Strout, Swazey, Telow, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Curtis, Davis, Dexter, Diamond, Jacques, Jalbert, Mahany, Roberts, Sherburne, Small, Studley, Thompson.

Yes, 61; No, 78; Absent, 12.

The SPEAKER: Sixty-one having voted in the affirmative and 78 having voted in the negative, with twelve being absent, the motion does not prevail.

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

Mr. MURPHY: Mr. Speaker, I move that the House insist and ask for a Committee of Conference.

The SPEAKER: The gentleman from Kennebunk, Mr. Murphy, moves that the House insist and ask for a Committee of Conference.

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

Mr. GWADOSKY: Mr. Speaker, I would like to pose a question through the Chair. It would seem to me that the House has taken quite a stand on this particular issue and the other body has taken quite a stand in killing it, I really don't know where the area of compromise should be and I guess I would pose a question to the gentleman from Kennebunk, Mr. Murphy, just where he sees the possible areas we have to compromise in this area?

The SPEAKER: The gentleman from Fairfield, Mr. Gwadosky, has posed a question through the Chair to the gentleman from Kennebunk, Mr. Murphy, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. MURPHY: Mr. Speaker, in response to the question, I think for two days now this House has taken a very strong stand in support of this issue, recognition of the strong feelings that our constituents have, and I think that anytime there is an opportunity to compromise or find a middle ground, we should not pass up that opportunity.

Mr. Gwadosky of Fairfield 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 Kennebunk, Mr. Murphy, that the House insist and ask for a Committee of Conference. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Anderson, Andrews, Armstrong, Beaulieu, Bell, Benoit, Bonney, Bost, Bott, Brodeur, Brown, A.K.; Brown, K.L.; Cahill, Callahan, Carrier, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Conary, Connors, Cote, Cox, Crowley, Curtis, Daggett, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Gauvreau, Hayden, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Ingraham, Joseph, Joyce, Kelleher, Kelly, Ketover, Kiesman, Kilcoyne, LaPlante, Lehoux, Lewis, Livesay, Locke, MacBride, Martin, A.C.; Masterton, Matthews, K.L.; Matthews, Z.E.; Mayo, McHenry, McPherson, McSweeney, Mitchell, E.H.; Mitchell, J.; Murphy, Murray, Norton, Paradis, E.J.; Parent, Paul, Perkins, Perry, Pines, Pouliot, Randall, Reeves, J.W.; Reeves, P.; Richard, Ridley, Roderick, Rolde, Rotondi, Scarpino, Seavey, Smith, C.W.; Soucy, Soule, Sproul, Stevens, Stevenson, Stover, Telow, Theriault, Tuttle, Walker, Wentworth, Weymouth, Zirkilton, Mr. Speaker.

NAY—Baker, Brannigan, Brown, D.N.; Connolly, Cooper, Crouse, Erwin, Greenlaw, Gwadosky, Hall, Handy, Hickey, Jackson, Kane, Lebowitz, Lisnik, MacEachern, Macomber, Manning, Martin, H.C.; Masterman, Maybury, McCollister, McGowan, Melendy, Michael, Michaud, Moholland, Nadeau, Nelson, Paradis, P.E.; Racine, Salsbury, Smith, C.B.; Strout, Swazey, Tammaro, Vose, Webster, Willey.

ABSENT—Davis, Diamond, Jacques, Jalbert, Mahany, Roberts, Sherburne, Small, Studley, Thompson.

Yes, 101; No, 40; Absent, 10.

The SPEAKER: One hundred and one having voted in the affirmative and forty in the negative, with ten being absent, the motion does prevail.

By unanimous consent, ordered sent forthwith to the Senate.

Messages and Documents

The following Communication: (S. P. 374)

111th Maine Legislature

March 8, 1983

Honorable Kenneth Hayes

Honorable Stephanie Locke

Chairs

Joint Standing Committee on Education

State House

Augusta, Maine 04333

Dear Chairs Hayes and Locke:

Please be advised that Governor Joseph E. Brennan today nominated Peter W. Johnson of Fort Fairfield for appointment to the Board of Trustees for the University of Maine.

Pursuant to 20 MRSA Section 2251, this nomination will require review by the Joint Standing Committee on Education and confirmation by the Senate.

Sincerely,

S/GERARD P. CONLEY

President of the Senate

S/JOHN L. MARTIN

Speaker of the House

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

In the House, was read and referred to the Committee on Education in 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:

Business Legislation

Bill "An Act to Adjust the Workers' Compensation Insurance Rates Charged Volunteer Ambulance Companies" (H. P. 888) (Presented by Representative Rolde of York) (Cosponsor: Representative Carroll of Gray)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Establish Clearer Guidelines for Guardians Ad Litem Appointed under the Child and Family Services and Child Protection Act" (H. P. 889) (Presented by Representative Thompson of South Portland) (Cosponsors: Representatives Foster of Ellsworth, Hobbins of Saco and Senator Gill of Cumberland)

Bill "An Act Concerning a Judge Hearing a Case where his Town or County is a Party" (H. P. 890) (Presented by Representative Manning of Portland) (Cosponsor: Representative Soule of Westport)

Bill "An Act to Improve the Child and Family Services and Child Protection Act" (H. P. 891) (Presented by Representative Thompson of South Portland) (Cosponsors: Representatives Foster of Ellsworth, Hobbins of Saco and Senator Gill of Cumberland)

Bill "An Act to Promote Early Permanency for Children Subject to a Protection Order" (H. P. 892) (Presented by Representative Thompson of South Portland) (Cosponsors: Representatives Foster of Ellsworth, Hobbins of Saco and Senator Gill of Cumberland)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act to Clarify Independent Contractor Status Under the Workers' Compensation Act" (H. P. 893) (Presented by Representative Hall of Sangerville)

Committee on Labor was suggested.

On motion of Mrs. Beaulieu of Portland, the Bill was referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

Public Utilities

Bill "An Act to Improve the Price and Availability of Radio Paging Services" (Emergency) (H. P. 894) (Presented by Representative McGowan of Pittsfield) (Cosponsor: Representative Vose of Eastport) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act to Amend Certain Motor Vehicle Title Laws of the State" (H. P. 895) (Presented by Representative Carroll of Limerick)

(Ordered Printed)

Sent up for concurrence.

House Reports of Committees

Unanimous Leave to Withdraw

Representative Hickey from the Committee on Aging, Retirement and Veterans on Bill "An Act to Remove the 4% Ceiling on the Cost-of-Living Allowances for State Pensioners" (H. P. 249) (L. D. 299) reporting "Leave to Withdraw"

Representative Higgins from the Committee on Taxation on Bill "An Act to Provide Income Tax Relief for Retired and Disabled Veterans" (H. P. 357) (L. D. 415) reporting "Leave to Withdraw"

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

Ought to Pass in New Draft

Representative Weymouth from the Committee on Public Utilities on Bill "An Act to Clarify Filing Fee Requirements for Public Utilities Commission Approval of Electric Utilities' Purchase of Electric Power and Conversions" (H. P. 187) (L. D. 229) reporting "Ought to Pass" in New Draft (Emergency) (H. P. 887) (L. D. 1122)

Representative Swazey from the Committee on Labor on Bill "An Act Relating to General Health Insurance Benefits for Injured Maine Workers and Their Families" (H. P. 327) (L. D. 386) reporting "Ought to Pass" in New Draft (H. P. 896) (L. D. 1148)

Representative Jacques from the Committee on Fisheries and Wildlife on Bill "An Act Pertaining to the Licensing of Guides" (H. P. 40) (L. D. 45) reporting "Ought to Pass" in New Draft (H. P. 897) (L. D. 1149)

Reports were read and accepted, the New Drafts read once and assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act Regarding Franchise Practices in the Business of Beverage Distributors" (H. P. 579) (L. D. 727)

Report was signed by the following members:
Senators:

CHARETTE of Androscoggin
SHUTE of Waldo

— of the Senate.

Representatives:

STOVER of West Bath
PERRY of Mexico
DILLENBACK of Cumberland
COX of Brewer
SWAZEY of Bucksport
STUDLEY of Berwick
McSWEENEY of Old Orchard Beach
COTE of Auburn
DUDLEY of Enfield

— of the House.

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

Report was signed by the following member:
Representative:

HANDY of Lewiston

— of the House.

Senator:

DANTON of York

— of the Senate - abstaining.

Reports were read.

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

Mr. COX: Mr. Speaker, I move that the House accept the Majority "Ought Not to Pass" Report.

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

Mr. HANDY: Mr. Speaker, I move that this be tabled for one legislative day.

Whereupon, Mr. Cox of Brewer requested a division.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Handy, that this matter be tabled for one legislative day pending the motion of Mr. Cox of Brewer to accept the Majority "Ought Not to Pass" Report. All those in favor will vote yes;

those opposed will vote no.

A vote of the House was taken.

65 having voted in the affirmative and 65 having voted in the negative, the motion did not prevail.

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

Mr. MITCHELL: Mr. Speaker and Members of the House: This bill seeks to repeal a provision of the law that was enacted in 1979 that sets up exclusive franchises for beer and wine distributors with geographical boundaries. The effect of the law is to prohibit a retailer from doing business with a distributor of his choice.

Last fall, a constituent came to me, the man was the owner of the North Freeport Country Store, and he brought this issue to my attention. The owner of the North Freeport Country Store was dissatisfied with the Portland area distributor of Budweiser Beer, so he went and started buying beer from the Lewiston distributor. That went on for about six months and he got a letter from the Attorney General telling him that he was in violation of the law and that he had to buy his beer from the Portland distributor whether he wanted to or not.

I don't argue with the basic concept of a franchising arrangement between the manufacturer and the distributor, but I think that when we tell the owner of a Mom and Pop store that he has to go out and buy his beer from one specific distributor, then we have gone too far. Geographical boundaries on franchising can run counter to the free enterprise tradition and is economically unsound.

I was always taught that a healthy business would seek to grow and expand and increase its profits or minimize its losses. When the market is limited, there is no way that a business can grow or expand or increase its profits or minimize its losses without increasing the prices.

In the greater Portland area there are two Chevrolet dealers and they compete with each other. Can you imagine what it would be like if there was one Chevrolet dealer in Portland and everyone who lived in Portland had to buy their Chevrolet from that dealer? The price of Chevrolets would rise. Competition is tough but it is an efficient way to run a business.

Exclusive franchising, it seems to me, to give the beer and wine distributors the same privileges and rights that are normally extended to a public utility but it doesn't give the consumer the same protection that the Public Utilities Commission would normally extend to the customer of a monopoly.

Now, the opponents of the bill argue that, without exclusive franchising with geographical boundaries, they are going to be put into a difficult position dealing with the returnable bottle law and I think that that is a rather hollow argument since the dealers of soft drinks don't have exclusive geographical franchises.

Mr. Speaker, I would request the yeas and nays.

Men and Women of the House, rarely do we have an opportunity to cast a vote for free enterprise, but this is an opportunity to really put yourself on record as supporting free enterprise in small business.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I hope you note that there is only one person that supported this bill out of the whole committee. This is a complicated business, this business of franchises.

It is true that in the beer distributing business there is a problem of returning bottles, it would really mess this up, because the person who delivers the beer is responsible for taking the empties back. You can imagine, if somebody is buying beer from somebody in Bangor and the person who had the deposit money, they in turn are going to have to take the money themselves when they take the bottles

back because it is within their franchise. That is one big problem.

The other problem is that different people post different prices, so perhaps you can save 50 cents a case by going to Bangor and buying it and hauling it back, or Lewiston, whereas, the Portland distributor is posted for 30 days, his price is higher. Consequently, it is a little deal working back and forth trying to pick up a bargain somewhere. But the person who has the franchise probably paid several hundred thousand dollars for that franchise and he is limited to where he can deliver the product.

There is a matter of freshness, rotation of the product, also. Beer has to be maintained at a quality standard and when it gets to a certain standard, somebody is responsible. If it passes the date, it has to go back and be destroyed. When a person is hauling their own product around, there is a problem involved there.

I just can't go through the whole process, but I can tell you that there is more to this than just free enterprise and you would be well advised to vote against this bill.

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

Mr. HANDY: Mr. Speaker, Men and Women of the House: I am the lone signer of the "Ought to Pass" Report on this bill for a couple of reasons. One, when this law was put into effect, it went through both branches of the legislature with no debate and, as the good gentleman from Cumberland said, this is a complex issue. I have studied this issue in committee, as he has, but the point, number one, is that it did go by both bodies with no debate and it being a complex issue I don't think some of the follies of this legislation was brought out fully.

My primary reason for signing this out in the Minority Report and being the only member under that report, I would submit that it takes a lot of courage to do that, and that higher principle that I see is one of the freedom of choice. I don't think any member in this body or any one of our constituents would care to be mandated by state law that says, you have to buy such and such a product at such and such a store, and that is essentially what the current legislation does. The bill would repeal that part of the law so that a Mom and Pop store or any store, if it sells beer or wine, would be able to find the best possible deal, the lowest possible price, and I think that is the crux of free enterprise and that is one place where the state has no business coming in with regulations that say you must buy in a certain area, you must buy that certain product at that certain distributor.

I would urge you to defeat the motion presently before you so we can accept the "Ought to Pass" Report.

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

Mr. COX: Mr. Speaker, Members of the House: I would just address several of the remarks that have been made. One is, I would point out that really free enterprise does not exist in the sale of beer and wine. Prices are regulated and the dealers look at it, the retailers, are licensed, so it is not a free enterprise system.

Another remark that was made was that soft drink bottlers do not have exclusive territories. I don't want to question, from my own point of view, this remark, but a note has been handed to me, for what it is worth, that says that soft drink bottlers have had exclusive territories for years.

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 in favor of a roll call will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question before the House is on the motion of the gentleman from Brewer, Mr. Cox, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Anderson, Armstrong, Beaulieu, Bell, Benoit, Bonney, Bost, Brannigan, Brodeur, Brown, D.N.; Callahan, Carrier, Carroll, G.A.; Carter, Cashman, Clark, Conary, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Day, Dillenback, Drinkwater, Dudley, Erwin, Foster, Gauvreau, Gwadosky, Hickey, Ingraham, Jackson, Joseph, Joyce, Kane, Kelleher, Kelly, Kiesman, Kilcoyne, LaPlante, Lebowitz, Lehoux, Lisnik, Livesay, MacBride, MacEachern, Macomber, Manning, Martin, H.C.; Masterman, Masterton, Matthews, K.L.; Maybury, Mayo, McHenry, McPherson, McSweeney, Melendy, Moholland, Murray, Nadeau, Norton, Paradis, E.J.; Perkins, Perry, Pines, Pouliot, Reeves, J.W.; Richard, Ridley, Roderick, Salsbury, Scarpino, Seavey, Small, Smith, C.B.; Smith, C.W.; Soule, Stevens, Stover, Strout, Swazey, Tammaro, Telow, Theriault, Tuttle, Vose, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

NAY—Allen, Andrews, Baker, Bott, Brown, A.K.; Brown, K.L.; Cahill, Carroll, D.P.; Chonko, Connors, Connolly, Curtis, Dexter, Greenlaw, Hall, Handy, Hayden, Hobbins, Holloway, Ketover, Lewis, Locke, Martin, A.C.; Matthews, Z.E.; McCollister, McGowan, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Murphy, Nelson, Paradis, P.E.; Parent, Paul, Racine, Randall, Reeves, P.; Rolde, Rotondi, Soucy, Sproul, Stevenson.

ABSENT—Davis, Diamond, Higgins, H.C.; Higgins, L.M.; Jacques, Jalbert, Mahany, Roberts, Sherburne, Studley, Thompson, The Speaker. Yes, 96; No, 43; Absent, 12.

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

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. 256) (L. D. 306) Bill "An Act to Amend the Charter of the Augusta Sanitary District" — Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-56)

(H. P. 430) (L. D. 512) RESOLVE, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory — Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-55)

(S. P. 117) (L. D. 295) Bill "An Act Concerning Fees Charged by Sheriffs and Deputies for Service of Certain Documents" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-16)

(S. P. 105) (L. D. 237) Bill "An Act to Amend the Banking Code Regarding the Trust Powers of Thrift Institutions" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "B" (S-17)

(H. P. 347) (L. D. 406) Bill "An Act Relating to the Industrial Waste Pretreatment Program of the Kennebec Sanitary Treatment District" — Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-57)

No objections being noted, the above items were ordered to appear on the Consent Calendar of March 14, 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:

(S. P. 223) (L. D. 660) Bill "An Act to Change Price Posting Requirements for Beer and Table Wine Suppliers" (C. "A" S-15)

(H. P. 541) (L. D. 734) Bill "An Act Relating to Powers of the Board of Trustees of the Maine Maritime Academy and to Authorize Conferral of the Master of Science Degree in Maritime Management"

(H. P. 243) (L. D. 290) Bill "An Act Regarding Courses and their Equivalency Offered at Various Units of the University of Maine" (C. "A" H-51)

(H. P. 572) (L. D. 720) Bill "An Act to Permit Real Estate Agents to be Considered Independent Contractors for Purposes of Workers' Compensation Insurance" (C. "A" H-52)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was passed to be engrossed as amended in concurrence and the House Papers were passed to be engrossed or passed to be engrossed as amended and sent up for concurrence.

Passed to be Engrossed

Bill "An Act to Increase the Sardine Inspection Tax" (Emergency) (H. P. 869) (L. D. 1117)

Bill "An Act Relating to the Use of Assumed Names by Corporations" (H. P. 870) (L. D. 1118)

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

Amended Bill

Bill "An Act to Establish a Sign on the Maine Turnpike for Bates College" (S. P. 108) (L. D. 261) (S. "A" S-18 to C. "A" S-14)

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

Passed to be Enacted Emergency Measure

An Act to Correct Certain Errors in the Maine Condominium Act (H. P. 251) (L. D. 301) (C. "A" H-31)

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. 132 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.

Passed to be Enacted

An Act Concerning Part-time Licenses under the Liquor Statutes (H. P. 100) (L. D. 107) (C. "A" H-39)

An Act to Amend the Maine Consumer Credit Code Regarding Refinancing Demand Loans Secured by Securities (H. P. 166) (L. D. 197)

An Act to Require any State Mandated School Program to Include the Necessary Funds for Implementation (H. P. 383) (L. D. 466) (C. "A" H-37)

An Act to Provide a Statewide Office of School Volunteer Programs (H. P. 386) (L. D. 469) (C. "A" H-33)

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

Orders of the Day

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

Bill, "An Act to Clarify Citizen Standing in Environmental Litigation" (H. P. 733) (L. D. 942)

—In House, Referred to the Committee on Energy and Natural Resources on March 2,

1983.

—In State, Referred to the Committee on Judiciary in non-concurrence.

Tabled—March 9, 1983 by Representative Hall of Sangerville.

Pending—Further Consideration.

On motion of Mr. Hall of Sangerville, the House voted to recede and concur.

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

Senate Report—"Refer to the Committee on Business Legislation" Committee on Legal Affairs on Bill "An Act to Provide for the Use of Major Credit Cards at Selected State Liquor Stores" (S. P. 160) (L. D. 448)

Tabled—March 9, 1983 by Representative Mitchell of Vassalboro.

Pending—Acceptance of Committee Report.

On motion of Mrs. Mitchell of Vassalboro, retabled pending acceptance of Committee Report and assigned for Monday, March 14.

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

Bill "An Act Relating to the State Harness Racing Commission" (H. P. 439) (L. D. 532)

Tabled—March 9, 1983 by Representative Michael of Auburn.

Pending—Passage to be Engrossed.

Mr. Kelleher of Bangor offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-58) was read by the Clerk.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: This amendment simply removes the language in the bill that says it would take effect in 1987; it puts an emergency on the bill also so it would take effect immediately if and when this House and the other House finally adopt it.

Thereupon, House Amendment "B" was adopted.

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

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

Bill "An Act to Authorize the Maine Criminal Justice Academy to Revoke Officer Certification" (H. P. 865)

Tabled—March 9, 1983 by Representative Hobbins of Saco.

Pending—Motion of Representative Paradis of Augusta to Refer to the Committee on State Government.

Thereupon, the Bill was referred to the Committee on State Government, ordered printed and sent up for concurrence.

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

The following Joint Order: (S. P. 375)

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Monday, March 14, 1983 at 9:30 in the morning.

Came from the Senate read and passed.

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

The Chair laid before the House the following matter:

Bill "An Act to Allocate Oil Company Overcharge Refunds in the Energy Resources Development Fund" (S. P. 339) (L. D. 1014) which was tabled and later today assigned pending the motion of Mr. Kiesman of Fryeburg to refer to the Committee on Appropriations and Financial Affairs. (In Senate, referred to the Committee on Energy and Natural Resources)

Thereupon, on motion of Mr. Kiesman of Fryeburg, the Bill was referred to the Commit-

tee on Appropriations and Financial Affairs in non-concurrence and sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Joyce of Portland,
Adjourned until Monday, March 14, at nine-thirty in the morning.