

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, April 19, 1983

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

Prayer by the Reverend Ronald Klose of the Grace Lutheran Church, Auburn.

The members stood for the Pledge of Allegiance.

The journal of the previous session was read and approved.

Papers from the Senate

Bill "An Act to Revise Laws Concerning Commercial Whitewater Rafting" (S. P. 478) (L. D. 1453)

Bill "An Act to Regulate Commercial Whitewater Rafting" (Emergency) (S. P. 479) (L. D. 1454)

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

(Committee on Reference of Bills had suggested reference to the Committee on Fisheries and Wildlife)

In the House, on motion of Mr. MacEachern of Lincoln, the Bills were referred to the Committee on Fisheries and Wildlife in non-concurrence and sent up for concurrence.

Bill "An Act to Provide a Warden's Association Handbook" (S. P. 488) (L. D. 1481)

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

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

Reports of Committees**Unanimous Leave to Withdraw**

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Amend the Laws Relating to Admissible Evidence" (S. P. 341) (L. D. 1015)

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Allocate Oil Company Overcharge Refunds in the Energy Resources Development Fund" (S. P. 339) (L. D. 1014)

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Allow the Department of Environmental Protection to Recover Indirect Costs from all Dedicated Funds in the Same Manner as Indirect Costs are Recovered from the Department of Environmental Protection Federal Funds" (S. P. 243) (L. D. 732)

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

Messages and Documents

The following Communication:
State of Maine

Administrative Office of the Courts
P.O. Box 4820 Downtown Station
Portland, Maine 04112
207-775-1500

April 18, 1983

Dear Speaker Martin:

It is my honor and personal pleasure to transmit to you and each of the other Representatives of the 111th Legislature a copy of the Seventh Annual Report of the Administrative Office of the Courts, pursuant to the provisions of 4 MRSA § 17.10.

Sincerely,
s/ DANA R. BAGGETT

Was read and with accompanying report ordered placed on file.

The following Communication: (S. P. 491)

111th Maine Legislature

April 14, 1983

Honorable Paul Violette
Honorable Dan Gwadosky

Chairs

Joint Standing Committee on
State Government

State House

Augusta, Maine 04333

Dear Chairs Violette and Gwadosky:

Please be advised that Governor Joseph E. Brennan is withdrawing the nomination of Joseph D. Mokarzel of Old Orchard Beach for appointment as a member of the Maine Guarantee Authority due to technical reasons.

Pursuant to Title 10 MRSA Section 751, this nomination is currently pending before the Joint Standing Committee on State Government.

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 State Government.

In the House, was read and referred to the Committee on State Government 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:

Aging, Retirement and Veterans

Bill "An Act to Remove Spruce Budworm Spray Project Personnel from the Maine State Retirement System" (H. P. 1131) (Presented by Representative Clark of Millinocket) (Cosponsors: Senator Pray of Penobscot, Representatives Dexter of Kingfield, and Rotondi of Athens) (Submitted by the Department of Conservation pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Agriculture

Bill "An Act Relating to the Labeling of Milk Containers" (H. P. 1132) (Presented by Representative McCollister of Canton) (Cosponsors: Senator Teague of Somerset and Representative Michael of Auburn) (Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

**House Reports of Committees
Unanimous Ought Not to Pass**

Representative Carter from the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating \$5,000 for the Pink Panthers of Millinocket to Represent Maine in the Cherry Blossom Festival" (Emergency) (H. P. 194) (L. D. 238) reporting "Ought Not to Pass".

Representative Soule from the Committee on Judiciary on Bill "An Act to Amend the Law Governing the Compelling Evidence in Criminal Cases" (H. P. 732) (L. D. 941) reporting "Ought Not to Pass".

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

Unanimous Leave to Withdraw

Representative Carter from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Appropriations to the Department of Human Services and the Department of Mental Health and Mental Retardation" (H. P. 78) (L. D. 82) reporting "Leave to Withdraw".

Representative Carter from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide State Funding for Literacy Volunteers" (H. P. 696) (L. D. 885) reporting "Leave to Withdraw".

Representative Carter from the Committee on Appropriations and Financial Affairs on

Bill "An Act to Permit the Maine Health and Higher Education Facilities Authority to Issue Hospital Equipment Loan Program Revenue Bonds, to Allow Nonprofit Health Services Groups to Participate in the Authority's Programs and for other Purposes" (H. P. 874) (L. D. 1128) reporting "Leave to Withdraw".

Representative Joyce from the Committee on Judiciary on Bill "An Act to Change Age at which a Juvenile Offender is Treated as an Adult" (H. P. 324) (L. D. 383) reporting "Leave to Withdraw".

Representative Vose from the Committee on Marine Resources on Bill "An Act to Establish a Recreational Lobster Fishing License" (H. P. 961) (L. D. 1242) reporting "Leave to Withdraw".

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

Passed to Be Engrossed

Representative Matthews from the Committee on Public Utilities on Bill "An Act Requiring an Annual Report on Safety Problems by Nuclear Power Plants" (H. P. 344) (L. D. 403) reporting "Ought to Pass" in New Draft (H. P. 1129) (L. D. 1484)

Representative Murray from the Committee on Business Legislation on Bill "An Act to Amend the Statutes Relating to Itinerant Sellers" (H. P. 469) (L. D. 569) reporting "Ought to Pass" in New Draft (H. P. 1134) (L. D. 1487)

Representative Manning from the Committee on Marine Resources on Bill "An Act to Revise the Statutes Relating to Fish Weirs" (H. P. 690) (L. D. 870) reporting "Ought to Pass" in New Draft under New Title RESOLVE, Prohibiting the Issuance of Fish Weir Licenses for One Year. (Emergency) (H. P. 1133) (L. D. 1486)

Reports were read and accepted and the New Drafts read once. Under suspension of the rules, the New Drafts were read the second time, passed to be engrossed and sent up for concurrence.

Passed to Be Engrossed

Representative McHenry from the Committee on Local and County Government on Bill "An Act to Revise the Salaries of Certain County Officers" (Emergency) (H. P. 1135) (L. D. 1488) reporting "Ought to Pass" pursuant to Joint Order H. P. 159.

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

Divided Report**Later Today Assigned**

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-141) on Bill "An Act to Amend Maine's Wrongful Death Law" (H. P. 398) (L. D. 481)

Report was signed by the following members:
Senators:

TRAFTON of Androscoggin
COLLINS of Knox
VIOLETTE of Aroostook

— of the Senate.

Representatives:

JOYCE of Portland
FOSTER of Ellsworth
DRINKWATER of Belfast
LIVESAY of Brunswick
HOBBS of Saco
HAYDEN of Durham
SOULE of Westbrook

— 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:

REEVES of Newport
BENOIT of South Portland
CARRIER of Westbrook

— of the House.

Reports were read.

Representative Soule of Westport moved that the Majority "Ought to Pass" Report be accepted.

On motion of Representative Diamond of Bangor, tabled pending the motion of Representative Soule to accept the Majority Report and later today assigned.

Divided Report Later Today Assigned

Majority Report of the Committee on State Government reporting "Ought Not to Pass" on Bill "An Act to Amend the Maine Administrative Procedure Act to Require Legislative Approval of Rules and Regulations" (H. P. 228) (L. D. 276)

Report was signed by the following members:
Senators:

BALDACCI of Penobscot
HICHENS of York
VIOLETTE of Aroostook
— of the Senate.

Representatives:

LEBOWITZ of Bangor
COOPER of Windham
GWADOSKY of Fairfield
PARADIS of Augusta
DILLENBACK of Cumberland
SALSBURY of Bar Harbor
LaPLANTE of Sabattus
KETOVER of Portland

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Provide Legislative Review of Agency Rules" (H. P. 1130) (L. D. 1485) on same Bill.

Report was signed by the following members:
Representatives:

SPROUL of Augusta
HOLLOWAY of Edgecomb
— of the House.

Reports were read.

Representative Gwadosky of Fairfield moved that the Majority "Ought Not to Pass" Report be accepted.

On motion of the same gentleman, tabled pending his motion to accept the Majority Report and later today assigned.

Consent Calendar First Day

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

(H. P. 746) (L. D. 958) Bill "An Act Relating to Deposits and Termination of Utility Service for Nonresidential Customers"—Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-144).

(H. P. 320) (L. D. 379) Bill "An Act to Strengthen the Laws Relating to the Sexual Exploitation of Minors"—Committee on Judiciary reporting "Ought to Pass".

(H. P. 844) (L. D. 1094) Bill "An Act to Amend Certain Aspects of Post-conviction Review"—Committee on Judiciary reporting "Ought to Pass".

(H. P. 554) (L. D. 705) Bill "An Act to Provide Equity for Former Military Wives"—Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-148).

(H. P. 926) (L. D. 1205) Bill "An Act to Enable Law Enforcement Agencies to Dispose of Certain Property"—Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-149).

(H. P. 787) (L. D. 1029) Bill "An Act to Prohibit Control of Financial Institutions as Closely Related Activities"—Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-150).

(H. P. 786) (L. D. 1028) Bill "An Act to Amend the Lines of Credit and Commercial Loans to

Individual Borrowers"—Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-151).

(H. P. 744) (L. D. 956) Bill "An Act to Amend the Law Governing Construction Permits and the Examination of Plans by the Office of State Fire Marshal"—Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-152).

(H. P. 468) (L. D. 568) Bill "An Act Relating to Time Shares"—Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-153).

There being no objections, the above items were ordered to appear on the Consent Calendar Second Day later in today's session.

Consent Calendar Second Day

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

(H. P. 591) (L. D. 735) Bill "An Act to Amend the Termination of Parental Rights Act" (C. "A" H-142)

(H. P. 919) (L. D. 1198) Bill "An Act to Designate the Director of Area Reference and Resource Centers as Permanent, Nonvoting Members of the Maine Library Commission"

(H. P. 1065) (L. D. 1403) RESOLVE, to Authorize the Commissioners of Cumberland County to Reimburse the Town of Harrison \$2,368.86 for Unexpended Retirement Funds.

No objections having been noted at the end of the Second Legislative Day, 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 Provide a Sales Tax Exemption for Certain Church Affiliated Residential Homes" (H. P. 1128) (L. D. 1483)

Bill "An Act to Protect the Health of Children by Prohibiting the Free Distribution of Cigarettes" (H. P. 395) (L. D. 478)

Bill "An Act to Protect the Quality of Lobsters" (H. P. 1111) (L. D. 1456)

Bill "An Act to Permit the Employment Security Commission Wider Discretion in Determining Eligibility for Unemployment Compensation Benefits" (H. P. 1123) (L. D. 1467)

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

Second Reader Later Today Assigned

Bill "An Act to Promote Apprenticeship and Training Opportunities in State Government and to Assist Qualified Recipients of Aid to Families with Dependent Children to Compete for State Apprenticeships" (H. P. 1125) (L. D. 1469)

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

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

Bill "An Act to Limit the Personal Liability of Municipal Employees under the Maine Tort Claims Act" (H. P. 399) (L. D. 482)

Bill "An Act Concerning the Qualifications of Attorneys Moving to Maine from Other Jurisdictions" (H. P. 326) (L. D. 385)

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

Bill "An Act to Amend the Law Relating to Games of Chance" (H. P. 1014) (L. D. 1339)

Was reported by the Committee on Bills in the Second Reading and read the second time. Mr. Soule of Westport offered House

Amendment "A" and moved its adoption.

House Amendment "A" (H-145) was read by the Clerk.

Mr. Cox of Brewer moved that this matter be tabled until later in today's session pending the adoption of House Amendment "A".

Subsequently, Mr. Cox requested permission to withdraw his motion to table, which was granted.

Thereupon, House Amendment "A" was adopted.

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

Amended Bills

Bill "An Act to Reincorporate and Amend the Charter of the North Berwick Water District" (Emergency) (H. P. 929) (L. D. 1208) (C. "A" H-135).

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

Mr. Soule of Westport offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-146) 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.

Bill "An Act to Regulate Striped Bass Fishing" (H. P. 636) (L. D. 787) (C. "A" H-137).

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 Amend the Competitive Bidding Procedure to Allow Negotiation for Petroleum Product Procurement. (H. P. 862) (L. D. 1111)

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

Finally Passed Emergency Measure

RESOLVE, Providing for a Study of a Maine Product Marketing Strategy and a Maine Business Product Logo. (H. P. 1095) (L. D. 1437)

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. 115 voted in favor of same and 5 against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Relating to Business, Travel or Recreation on Sunday. (S. P. 29) (L. D. 84) (C. "A" S-38)

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

Mr. Kelleher of Bangor requested a roll call vote.

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

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

The SPEAKER: The pending question is on passage to be Enacted.

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

Mr. RACINE: Mr. Speaker, I request permis-

sion to pair my vote with the gentleman from Lewiston, Mr. Pouliot. If Mr. Pouliot were here, he would be voting yea; if I were voting, I would be voting nay.

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

Mr. HIGGINS: Mr. Speaker, I would like to pair my vote with the gentlewoman from Vassalboro, Mrs. Mitchell. If she were here, she would be voting nay; if I were voting, I would be voting yea.

ROLL CALL

YE—Ainsworth, Andrews, Baker, Beau-lieu, Benoit, Bonney, Bott, Brannigan, Brown, A.K.; Brown, K.L.; Cahill, Callahan, Carroll, D.P.; Carroll, G.A.; Chonko, Conary, Cooper, Cote, Cox, Crowley, Curtis, Daggett, Day, Dexter, Diamond, Dillenback, Erwin, Foster, Gwadnosky, Hall, Hickey, Higgins, H.C.; Holloway, Jackson, Jalbert, Joyce, Kelly, Ketover, Kiesman, Lebowitz, Lehoux, Lewis, MacEachern, Macomber, Masterton, Maybury, McGowan, McPherson, McSweeney, Melendy, Mitchell, J.; Moholland, Murphy, Norton, Paradis, E.J.; Paradis, P.E.; Paul, Perkins, Perry, Reeves, J.W.; Richard, Roberts, Rotondi, Salisbury, Seavey, Sherburne, Small, Soucy, Soule, Sproul, Swazey, Tammaro, Telow, Thompson, Vose, Webster, Wentworth, Weymouth, Willey, Zirkilton.

NAY—Allen, Anderson, Armstrong, Bell, Bost, Brodeur, Carrier, Carter, Cashman, Clark, Connolly, Crouse, Drinkwater, Dudley, Greenlaw, Handy, Ingraham, Jacques, Joseph, Kelleher, Kilcoyne, LaPlante, Lisnik, Livesay, Locke, MacBride, Manning, Martin, A.C.; Martin, H.C.; Masterman, Matthews, K.L.; McCollister, McHenry, Michael, Michaud, Murray, Nadeau, Parent, Pines, Reeves, P.; Ridley, Roderick, Rolde, Scarpino, Smith, C.B.; Smith, C.W.; Stevens, Stevenson, Stover, Strout, Theriault, Walker, The Speaker.

ABSENT—Brown, D.N.; Conners, Davis, Gauvreau, Hayden, Hobbins, Kane, Mahany, Matthews, Z.E.; Nelson, Randall, Tuttle.

PAIRED—Higgins, L.M.-Mitchell, E.H.; Pouliot-Racine.

Yes, 80; No, 53; Absent, 12; Paired, 4; Vacant, 2.

The SPEAKER: Eighty having voted in the affirmative and fifty-three in the negative, with twelve being absent, four paired and two vacant, the motion does prevail.

Signed by the Speaker and sent to the Senate.

Enactor

Later Today Assigned

An Act to Provide for the Use of Major Credit Cards at State Liquor Stores. (S. P. 160) (L. D. 448) (C. "A" S-50)

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

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

An Act Concerning Dates for Harness Racing. (S. P. 233) (L. D. 675) (C. "A" S-51)

An Act Concerning the Operating after Suspension Law, the Habitual Offender Law and Admission of Identity by the Defendant. (S. P. 290) (L. D. 878)

An Act Concerning the Guidelines for State Contract Process and Appeal of Decisions. (S. P. 437) (L. D. 1316) (S. "A" S-53)

An Act to Extinguish Obsolete Mineral and Mining Rights. (S. P. 468) (L. D. 1414)

An Act Concerning the Penalties for Negotiating a Worthless Instrument. (S. P. 471) (L. D. 1435)

An Act to Exempt Clustered Single Family Subdivisions from the Maine Condominium Act. (H. P. 630) (L. D. 751)

An Act to Amend the Procedure for Assessing Surveying Costs in Court Cases. (H. P. 700) (L. D. 889)

An Act Relating to the Maine Municipal and Rural Electrification Cooperative Agency. (H.

P. 804) (L. D. 1044) (C. "A" H-122)

An Act Eliminating the Responsibility of the State Planning Office to Prepare an Annual Housing Report. (H. P. 847) (L. D. 1097)

An Act Concerning Visitation Rights for Parents and 3rd Persons with Children Involved in Divorce or Custody Proceedings. (H. P. 1091) (L. D. 1433)

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:

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Undedicate the Highway Fund. (H. P. 1087) (L. D. 1430)

—In House, Referred to the Committee on Transportation on April 6.

—In Senate, Referred to the Committee on Taxation in non-concurrence.

Tabled—April 14, 1983 by Representative Higgins of Portland.

Pending—Motion of same gentleman to reconsider whereby the House Adhered to its previous action whereby the Bill was referred to the Committee on Transportation.

Mrs. Cahill of Woolwich requested a vote on the motion to reconsider.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Higgins, that the House reconsider its action whereby it voted to adhere. All those in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

73 having voted in the affirmative and 62 having voted in the negative, the motion did prevail.

Thereupon, on motion of Mr. Higgins of Portland, the House voted to recede and concur.

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

An Act to Define Cider. (H. P. 711) (L. D. 902) (C. "A" H-116)

Tabled—April 14, 1983 by Representative Michael of Auburn.

Pending—Passage to be Enacted.

On motion of Mr. Michael of Auburn, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

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

House Amendment "A" (H-139) to Committee Amendment "A" (H-116) was read by the Clerk.

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

Mr. MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: This amendment adjusts the degree level for pasteurization from 180 degrees to 155.

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

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

The Bill was 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 third tabled and today assigned matter:

Bill "An Act to Require Annual Disclosure of Interest in Agricultural Land in Maine" (H. P. 871) (L. D. 1125) (H. "A" H-136 to C. "A" H-131)

Tabled—April 15, 1983 by Representative Mitchell of Vassalboro.

Pending—Motion of same gentlewoman to

reconsider adoption of Committee Amendment "A" (H-131) as amended by House Amendment "A" (H-136) thereto.

On motion of Mr. Michael of Auburn, retabled pending the motion of the gentlewoman from Vassalboro, Mrs. Mitchell, that the House reconsider adoption of Committee Amendment "A" as amended by House Amendment "A" thereto and specially assigned for Friday, April 22nd.

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

RESOLVE, to Provide Funds to the Department of Human Services to Study Radon in the Air and Waters of this State (S. P. 489) (L. D. 1489)

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

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

Bill "An Act to Amend the Authorization for the Community Development Block Grant Program to Include the Development Opportunity Fund" (S. P. 476) (L. D. 1463)

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

(Committee on Reference of Bills had suggested reference to the Committee on State Government)

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

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

Bill "An Act to Standardize the Disciplinary Proceedings of Health Professional Licensing Boards" (S. P. 483) (L. D. 1465)

Came from the Senate referred to the Committee on Audit and Program Review and ordered printed.

(Committee on Reference of Bills had suggested reference to the Committee on Business Legislation)

In the House, on motion of Mr. Brannigan of Portland, tabled pending reference in concurrence and later today assigned.

Bill "An Act to Restructure Maine's Insurance Management Program" (S. P. 482) (L. D. 1464)

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

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

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

The following Joint Order: (S. P. 495)

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Friday, April 22, at twelve o'clock noon.

Came from the Senate read and passed.

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

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

(Off Record Remarks)

On motion of Mrs. Masterton of Cape Elizabeth,

Recessed until four-thirty in the afternoon.

After Recess 4:30 p.m.

The House was called to order by the

Speaker.

The Chair laid before the House the following matter:

HOUSE DIVIDED REPORT—Majority (10) "Ought to Pass" as amended by Committee Amendment "A" (H-141) — **Minority (3)** "Ought Not to Pass" on Bill "An Act to Amend Maine's Wrongful Death Law" (H. P. 398) (L. D. 481) which was tabled and later today assigned pending the motion of Representative Soule of Westport to accept the Majority "Ought to Pass" Report.

Thereupon, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-141) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

The Chair laid before the House the following matter:

HOUSE DIVIDED REPORT—Majority (11) "Ought Not to Pass" — **Minority (2)** "Ought to Pass" in New Draft (H. P. 1130) (L. D. 1485) Bill "An Act to Provide Legislative Review of Agency Rules," on Bill "An Act to Amend the Maine Administrative Procedure Act to Require Legislative Approval of Rules and Regulations" (H. P. 228) (L. D. 276) which was tabled and later today assigned pending the motion of Representative Gwadosky to accept the Majority "Ought Not to Pass" Report.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I hope you don't accept the Majority Report on this bill. I would hope that instead you would defeat the motion before you so that the Minority Report can be accepted. I would like to outline the reasons why.

When I was first elected to the legislature a little over four years ago, I came down here and thought that I could be doing some things for my folks back home in trying to help them deal with state government and help them deal with the bureaucracy—I was in for a surprise. I found that over half the calls that I received did not deal with laws, necessarily, but dealt with rules and regulations that had been promulgated by agencies, boards, bureaus and departments. As a result of that, I decided that I would try to do something about it. The thing that I tried to do about it is before you today in a divided report.

Specifically, the piece of legislation would require legislative review of all proposed rules and regulations. This is something that the public is very much interested in, the people that I talked to feel overwhelmed by the numbers of rules and regulations that they have to live with daily. They feel frustrated, and I think justifiably so.

When we really look at rules, regulations and laws and ask ourselves, what's the difference between the three of them, there really isn't much difference in the eyes of the general public, because all they know is that they have to abide by them. But the problem is, rules and regulations are adopted through the Administrative Procedures Act, sometimes without public hearing, by a bureaucracy that is only accountable to itself, and that is my real problem here, my real problem is accountability. I think that when rules and regulations are promulgated, they are done so in such a manner by individuals who really aren't accountable to anyone as we, the legislators, are accountable to the people.

This proposed legislation places new responsibilities on agencies, bureaus and departments. It requires them to provide proposed rules and regulations in a timely fashion. Those rules and regulations would then be passed on to the appropriate joint standing committee which has jurisdiction over that particular department or bureau, and would have to be approved by that committee.

It further requires that the department or bureau or bureaucracy show the fiscal impact that the proposed rule or regulation is going to have on the state and the people within the state.

Ladies and gentlemen, I believe this is a people's bill, this is something that the people want. They don't want more rules and regulations, they want less. And if we are ever going to get any kind of a handle on the numbers of new rules and regulations that are being proposed weekly, and all you have to do is read the paper weekly and you will see lists of these, sometimes pages of these, if we are ever going to get a handle on that, we have got to take the bureaucracy in tow a little bit and we have got to be responsible for what the bureaucracy does rather than the bureaucracy being accountable only to itself.

I urge that you defeat the motion before you and, Mr. Speaker, I ask for the yeas and nays.

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to very briefly speak on behalf of the eleven members of the committee who signed this bill out "ought not to pass."

While many of us may have had similar frustrations, as Representative Brown has indicated, that being having a certain agency or department adopt a rule or regulation that has the effect of law, we do not believe as a committee that we received information or justification to warrant this type of change; furthermore, we disapprove of this proposed change. It may be valuable to take a look at what is available for people under our current statutes when it comes to reviewing rules and regulations that are administered by certain agencies.

First of all, under our current law today, because this legislature has adopted an Administrative Procedures Act and because public hearings are held by these agencies or various boards or commissions, members of the general public and legislators alike are free to attend these hearings to provide the valuable input they may need.

Secondly, according to our present law, a law that was passed a few years ago, an appropriate joint standing committee may now review a rule following the petition of 100 registered voters. So if a particular rule or regulation has been adopted and some people in a particular area feel that they have been punished or aggrieved by this particular decision, they can get 100 signatures which would then force the corresponding legislative committee to review that upon receipt of those 100 signatures.

Finally, anytime that we are in session, we have the authority and ability to submit legislation if we don't like a particular rule or regulation an agency has adopted, and that is something we have done already this session.

Originally, the original bill that was brought before our committee by the sponsors attempted to require legislative approval of any agency rule or regulation, and that bill was found to be unconstitutional. The bill before us now would require legislative review by any joint standing committee, and while this is certainly more palatable, it is the feeling of the members of the Joint Standing Committee on State Government, at least the eleven members that signed this bill out "ought not to pass," that the bill, as good as it may have been written by our legislative assistant on behalf of the sponsors, it misses the mark in two basic areas and we do not believe that there is justification to make this type of change at this time because of its cost and because we believe that this bill, if enacted, would be a move toward a full-time legislature.

It is important to remember that we are talking about hundreds and hundreds of rules and regulations that are proposed each year, and

although Representative Brown would indicate to you that the provisions of this bill would specify that a committee would only have to meet on certain days to decide whether or not to review, a realistic analysis, I believe, of the types of rules and regulations that are promulgated throughout the year, whether it is by the Human Services or by the Public Utilities Commission, would indicate that the expertise that is needed in some of these areas would cause us to expend great periods of time just to familiarize ourselves with these areas before we are even in a position to be able to consider proposed changes.

I will read from the bill very briefly. The bill talks about committee meetings and review. It says that each committee shall meet not later than 21 days from receipt of the rule, the proposed rule, from the director of the legislative assistants for the purpose of deciding which rule shall be reviewed by the committee and for reviewing the rules approved by the committee for review. Also, the committee shall notify the agency of its decision to review the rule. The agency shall be permitted to make expanded statements on its position to the full committee. The committee, in its course of review, shall be provided a staff assistant by the director. The committee may hold public hearings, request and obtain opinions from the Attorney General, obtain information from the agency and conduct further investigation.

Also, dealing with committee reports: The committee shall report its findings and determination to the agency no later than 60 days from the date the committee first convened to decide whether or not to review a particular rule.

Also, in relation to committee findings: The committee, in addition to issuing its determination, shall report its findings which at a minimum shall evaluate the proposed rule with respect to the criteria described already. The committee may also consider any other criteria that it deems necessary to determine the intent or reasonable effect of this rule to include research into the impact or similar rule in other states.

I can go on and on, but I think the point I am trying to make is that without question this bill is going to—the cost of this bill to the State of Maine is outrageous.

I think the thing that really mystifies me more than anything else about this particular bill and this particular concept is that Representative Brown would be a sponsor of this legislation. When I think back two years ago when Representative Brown saw fit to sponsor L.D. 558, which was An Act Proposing an Amendment to the Constitution of Maine to Abolish the Second Regular Session, because the requirement of the second regular session serves only to create unnecessary work and creates an environment that could lead to a full-time legislature, something that is not needed in the State of Maine—I am mystified that Representative Brown would now choose to have us become a full-time legislature by approving rules and regulations on a full-time basis.

This bill has a cost, and although the Department of Finance and Administration has yet to determine the final cost, I believe we can resolve this issue before we receive that final fiscal note. We had received, on behalf of my committee, an estimated cost on how much it would cost for the State Government Committee to meet one day. The State Government Committee has a couple of legislators from Augusta, they have one from Van Buren, so I think it is probably an average committee. The cost for our committee to meet for one day, and this includes per diem and mileage, meals and lodging, is \$1235. When you take that figure and multiply it by 18 or 19 committees, multiply that by umpteen number of bills they are going to have to review on a regular basis, I think you can see what I mean about the cost of this legislation.

This bill represents a costly change and it is a change away from a citizen legislature to a full-time legislature and I think it is something that few of us want to see. If we are displeased with a particular regulation today, we know now that under our current statutes we can put a bill in to change that. If the members of the public are displeased and feel they have been aggrieved, they can collect 100 signatures and a joint standing committee can review that.

Representative Brown has mentioned and indicated that perhaps with these rules, perhaps with this type of legislative review, it might reduce the number of agency rules and regulations that are presented each year as though there were some correlation between the fewer numbers of rules and regulations and the efficiency of good government. We don't believe that to be the case.

Finally, we don't believe the responsibility should be placed on agencies. If there is a responsibility to consider, it is the responsibility of us as legislators to make our intent clear on these bills so that when they are sent to particular agencies or departments for implementation, they will be sent there with our clear intent. It is for these reasons that the committee would urge you to vote "ought not to pass" on the pending motion.

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

Mr. SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: I feel I must respond to a few points which Mr. Gwadosky mentioned. First of all, the fact that this is heading towards a full-time legislature, in my opinion, is not true whatsoever. What this bill calls for is for us to come in a total of three additional days over two years. Admittedly, there is a cost for that, for the committees to come, but I submit that that is a small cost in order for the people to feel that they have recourse regarding these rules and regulations.

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 Livermore Falls, Mr. Brown.

Mr. BROWN: Mr. Speaker and Members of the House: I really can't in good conscience sit here and let Mr. Gwadosky get away with all of those charges. He knows full well that I would be the last member in this body to ever propose going to a full-time legislature. I think the gentleman from Augusta, Mr. Sproul, laid it out very well in terms of what additional responsibilities would be expected of us.

Mr. Gwadosky said that I missed the mark in a couple of areas. Well, he hit the mark solid in one area. He said that the bureaucracy promulgates hundreds and hundreds of rules and regulations every year. Mr. Gwadosky, you're right! Last year the number was 600. That is just about the same number of laws that this body enacted—just about the same number of laws—and we didn't have one iota to do with the promulgation of those rules and regulations.

There is no doubt in my mind that if the bureaucracy knows that the legislature is going to be reviewing its proposed rules and regulations, the first effect will be about half of the proposed number coming out of the bureaucracy as is presently coming if they know that the legislature, somebody who is going to be accountable for its actions, is going to have to approve those rules and regulations, and that has got to be good for the people of Maine.

Folks, you know that our people are strapped with rules and regulations at every turn. Just think back in the last ten calls that

you have had and how many of those calls deal with rules and regulations that the general public is finding almost impossible to deal with. We have got a chance to help the public out, we have got a chance to do something for the folks back home. I hope that you defeat the motion before you so that we can go on and adopt the minority report.

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

Mr. MCCOLLISTER: Mr. Speaker, I would like to pose a question through the Chair. How many times have the citizens of Maine gone the 100 signatures route to petition against a rule?

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I would be happy to respond to the question of the gentleman from Canton, Mr. McCollister. The fact is that since that bill was enacted, no one has used this particular procedure, which leads me to believe that if the citizenry out there is really having problems with this particular situation we now are facing, then somebody would have used this particular figure, somebody would have gone out and tried to gather 100 signatures, and it is certainly not that hard, if any of you have been involved in the petition process, to get people to sign just about anything.

The feeling of our committee was, and we suggested during the work session, that if the members, the sponsors and those who were really supporting this act here wanted to make some good changes, perhaps they should be going in this direction, perhaps they should be looking at that figure of 100 signatures and reducing that.

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 Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Anderson, Andrews, Beaulieu, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Chonko, Clark, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Day, Diamond, Dillenback, Dudley, Erwin, Gwadosky, Hall, Handy, Hayden, Hickey, Hobbins, Jacques, Joseph, Joyce, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lebowitz, Lehoux, Lisnik, Locke, MacEachern, Macomber, Manning, Martin, H.C.; Masterman, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, J.; Moholland, Murray, Nadeau, Norton, Paradis, P.E.; Perkins, Perry, Racine, Reeves, P.; Richard, Ridley, Roberts, Rolde, Rotondi, Salisbury, Seavey, Smith, C.B.; Soule, Stevens, Swazey, Tammara, Theriault, Vose, Walker, The Speaker.

NAY—Bonney, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carter, Conary, Curtis, Dexter, Drinkwater, Foster, Gauvreau, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Kiesman, Lewis, Livesay, MacBride, Matthews, K.L.; Maybury, McPherson, Murphy, Paul, Pines, Randall, Reeves, J.W.; Scarpino, Sherburne, Small, Smith, C.W.; Soucy, Sproul, Stevenson, Stover, Strout, Telow, Thompson, Webster, Weymouth, Willey, Zirkilton.

ABSENT—Armstrong, Baker, Bell, Benoit, Bost, Bott, Brown, K.L.; Carrier, Cashman, Connors, Davis, Higgins, H.C.; Jalbert, Kane, Mahany, Martin, A.C.; Masterton, Matthews, Z.E.; Mitchell, E.H.; Nelson, Paradis, E.J.; Parent, Pouliot, Roderick, Tuttle, Wentworth.

Yes, 79; No, 44; Absent, 26; Vacant, 2.

The SPEAKER: Seventy-nine having voted in the affirmative and forty-four in the negative, with twenty-six being absent and two vacant, the motion does prevail.

Sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Promote Apprenticeship and

Training Opportunities in State Government and to Assist Qualified Recipients of Aid to Families with Dependent Children to Compete for State Apprenticeships" (H. P. 1125) (L. D. 1469) which was tabled and later today assigned pending passage to be engrossed.

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: We have a technical amendment to this bill where we have to add one word. Unfortunately, I don't believe it is ready, so I would appreciate it if someone would table this for one day.

Whereupon, on motion of Mr. Racine of Biddeford, tabled pending passage to be engrossed and later today assigned.

The Chair laid before the House the following matter:

An Act to Provide for the Use of Major Credit Cards at State Liquor Stores (S. P. 160) (L. D. 448) (C. "A" S-50) which was tabled and later today assigned pending passage to be enacted.

Mr. Higgins of Scarborough requested a roll call vote.

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

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

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

Mr. CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I don't think I could live with myself if I didn't speak to this issue, and the issue is the use of major credit cards at selective state liquor stores.

The purpose of this bill is very simple, it is to increase sales of liquor and increase profit, so passage means more sales, more consumption, more profit.

Representative Bonney last week told us that this twenty-nine or twenty-eight or twenty-seven million that we make on booze is very misleading because we spend a lot more than that taking care of the alcoholics and so forth that get tied up with the stuff.

Another aspect—one third or one half of the gross sales will be credit card sales at a cost to the state, as it says on the amendment, of anywhere from one to four percent on some \$33 million a year. The state will become one of the number one customers for the credit card companies. I don't know whether this is an invasion of private enterprise or not.

Ladies and gentlemen, this is truly and strictly a booze bill—pure and simple, a bill to increase the sale and consumption of booze. I cannot believe anyone, Republican or Democrat, could do this or would want to do this. It makes me even sadder to see so many members of my party in favor of this anti-people bill.

Booze has filled our jails, has made thieves, rapists and killers of some of our brothers, sisters and friends. Booze has assisted in filling our mental hospitals, booze has led to incest, brutality within families, drunken mothers and fathers beating their children sometimes to death. Booze is destroying our teenage children, booze dramatically increases the incidence of suicide. All these are statistics we all know about, facts we all know about. Booze causes death and destruction on the highways—we settled that issue last year.

We have eight million alcoholics in the United States today, and we seem to be shooting for more. I repeat, this bill, God forbid, is designed to increase the sale and consumption of booze. On a Channel 13 survey just last night, they surveyed some 700 or 800 people, and 86 percent of the listeners opposed buying booze

by credit card, 86 percent. I cannot live with myself if I vote for this bill. Republicans and Democrats, please prove you care, prove you really care about people by voting against this booze bill.

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

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to explain to members of this House why I voted in favor to allow credit cards to be used in our liquor stores.

Originally, I was opposed to the bill because I felt that every alcoholic that is running around in this state would have a credit card in his back pocket and when he ran out of funds he would be able to go down to the liquor store and buy additional liquor. At the public hearing, it was proven that the majority of our alcoholics do not have access to credit cards, so this is an item that is being attempted to be used as a reason why people should vote against credit cards—this is not the case. The reason I changed is because we, the State of Maine, is a tourist state. We are inviting people to come to our state, use our facilities, and we are telling them, when you come to this state you will not be able to use a credit card in a liquor store. We want you to go into the State of New Hampshire and buy your liquor with your credit cards there. I don't think that we should do that.

If you recall, the Governor has a bill to promote tourism in the amount of \$3 million, and I think that if we are going to go out and advertise all over the world that Maine is a tourist state, that those that carry a credit card should be able to, if they so desire, purchase their booze at the liquor store, because when you go out on vacation, and I think we are all in the same boat, we do not carry a large amount of cash but we do carry credit cards.

Also, at the public hearing we heard some instances where people at the Kittery Liquor Store would come in, and these were all out-of-staters, incidentally, and would carry a basket full of liquor. They would take the liquor, put it on the counter and then would reach into their back pocket and present the cashier with a credit card, whereupon the cashier would say, sorry, we cannot accept your credit card. Then the patrons automatically walked right out. Then the state store personally must pick up the liquor and put it back on the shelves, and this happens very frequently. In a lot of states, people—it is a matter of being able—it is a transaction with a card. So on that basis, I would urge the committee here to vote to permit the use of credit cards at our liquor stores.

As a matter of fact, if we don't do this, if we do not give the Liquor Commission the proper tools to operate the way he should, I think that we should close our liquor stores and put them all out in agency stores.

The SPEAKER: The Chair recognizes the gentleman from West Bath, Mr. Stover.

Mr. STOVER: Mr. Speaker, Ladies and Gentlemen of the House: I remember a passage from Shakespeare that always stuck with me, the last in Henry VIII, when Cardinal Wolsey stood before his executioners he said, if I had been half as loyal to my God as I have been to my King, I would not now be standing before you naked.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I think this bill is against the people because I can find no support for it in my area whatsoever. The radio survey showed 86 percent, but I couldn't find any people that wanted it. I talked to people who have credit cards, a lot of them, including myself, they don't use their credit card, the Maine people at least, to buy a loaf of bread or a bottle of booze and I don't think they are going to if they have their card. If these foreigners are coming into the state, if all they are coming here for is to get

intoxicated, I'd rather they would stay away because we have problems enough without them. I would rather have people come here with their families and enjoy Maine as it is in its beauty without having to bring their booze with them and without having to buy it here.

The people that I represent feel very strongly that this is a bill against their wishes, so I wouldn't be doing my job as a legislator if I didn't let you know how they feel.

Let me tell you, the banks are the ones that are going to make money on this, not the State of Maine, because they are going to get a minimum of 3 percent for handling it. That is a loss to the State of Maine, not a gain. I know, I do a lot of credit card business and the bank gets 3 percent of every sale that goes through my place. I have talked to a lot of people with credit cards and I couldn't find one of them that wanted to buy booze on their credit card. I don't know what people are thinking of coming to this House and trying to pass a bill against the public of the State of Maine.

The SPEAKER: The Chair recognizes the gentleman from Unity, Mr. Stevenson.

Mr. STEVENSON: Mr. Speaker, Ladies and Gentlemen of the House: I think this is a bad booze bill. I suggest that many who buy booze buy it by the week when they get their paycheck. If they have this credit card, they can get it every night, regardless of whether they have groceries for the children or clothes for the children. At the end of the month, this bill has got to be paid.

The SPEAKER: The pending question is passage to be enacted.

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

Mrs. ERWIN: Mr. Speaker, I request permission to pair my vote with the gentleman from Old Town, Mr. Paradis. If Mr. Paradis were here and voting, he would be voting no; I would be voting yes.

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

Miss BROWN: Mr. Speaker, I request permission to pair my vote with the gentleman from West Paris, Miss Bell. If Miss Bell were here and voting, she would be voting no; I would be voting yes.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mrs. Ingraham.

Mrs. INGRAHAM: Mr. Speaker, I request permission to pair my vote with the gentleman from Benton, Mr. Parent. If Mr. Parent were present and voting, he would be voting no; I would be voting yes.

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

Mr. GAUVREAU: Mr. Speaker, I request permission to pair my vote with the gentleman from Portland, Mr. Higgins. If Mr. Higgins were present and voting, he would be voting yes; I would be voting no.

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

Miss LEWIS: Mr. Speaker, I request permission to pair my vote with the gentleman from Wells, Mrs. Wentworth. If Mrs. Wentworth were present and voting, she would be voting no; I would be voting yes.

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

Mr. MACEachERN: Mr. Speaker, I request permission to pair my vote with the gentlewoman from Vassalboro, Mrs. Mitchell. If Mrs. Mitchell were present and voting, she would be voting no; I would be voting yes.

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

Mr. HANDY: Mr. Speaker, I request permission to pair my vote with the gentleman from Brunswick, Mrs. Martin. If Mrs. Martin were present and voting, she would be voting no; I would be voting yes.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mr. Bonney.

Mr. BONNEY: Mr. Speaker, I request permis-

sion to pair my vote with the gentlewoman from Cape Elizabeth, Mrs. Masterton. If Mrs. Masterton were present and voting, she would be voting yes; I would be voting no.

The SPEAKER: The Chair recognizes the gentleman from Newport, Mr. Reeves.

Mr. REEVES: Mr. Speaker, I request permission to pair my vote with the gentleman from Saco, Mr. Hobbins. If Mr. Hobbins were present and voting, he would be voting yes; I would be voting no.

The SPEAKER: The Chair recognizes the gentlewoman from Edgecomb, Mrs. Holloway.

Mrs. HOLLOWAY: Mr. Speaker, I request permission to pair my vote with the gentleman from Wilton, Mr. Armstrong. If Mr. Armstrong were present and voting, he would be voting yes; I would be voting no.

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

ROLL CALL

YEA—Andrews, Beaulieu, Brannigan, Brown, D.N.; Carter, Chonko, Conary, Cote, Crouse, Dillenback, Hall, Hayden, Hickey, Jackson, Jalbert, Joseph, Joyce, Kelleher, Kiesman, Kilcoyne, Lehoux, Macomber, Manning, Martin, H.C.; Maybury, McCollister, McGowan, McPherson, McSweeney, Melendy, Michael, Moholland, Murray, Nadeau, Paradis, P.E.; Perkins, Perry, Racine, Reeves, P.; Roberts, Rolde, Rotondi, Soucy, Soule, Stevens, Swazey, Tammaro, Telow, Theriault.

NAY—Ainsworth, Allen, Anderson, Brodeur, Brown, A.K.; Cahill, Callahan, Carroll, D.P.; Carroll, G.A.; Clark, Connolly, Cooper, Cox, Crowley, Curtis, Daggett, Day, Dexter, Diamond, Drinkwater, Dudley, Foster, Greenlaw, Gwadosky, Higgins, L.M.; Jacques, Kelly, LaPlante, Lebowitz, Lisnik, Livesay, Locke, MacBride, Masterman, Matthews, K.L.; McHenry, Michaud, Mitchell, J.; Murphy, Norton, Paul, Pines, Randall, Richard, Ridley, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Sproul, Stevenson, Stover, Strout, Thompson, Vose, Walker, Webster, Weymouth, Willey, Zirkilton.

ABSENT—Baker, Benoit, Bost, Bott, Carrier, Cashman, Connors, Davis, Kane, Ketover, Mahany, Matthews, Z.E.; Nelson, Pouliot, Roderick, Tuttle, Mr. Speaker.

PAIRED: Erwin-E. Paradis; K. Brown-Bell; Ingraham-Parent; Gauvreau-H.C. Higgins; Lewis-Wentworth; MacEachern-E. Mitchell; Handy-A. Martin; Bonney-Masterton; J. Reeves-Hobbins; Holloway-Armstrong.

Yes, 49; No, 63; Absent, 17; Paired, 20.

The SPEAKER: Forty-nine having voted in the affirmative and sixty-three in the negative, with seventeen being absent and twenty paired, the motion does not prevail.

Sent to the Senate.

The Chair laid before the House the following matter:

Bill "An Act to Standardize the Disciplinary Proceedings of Health Professional Licensing Boards" (S. P. 483) (L. D. 1465) which was tabled and later today assigned pending reference in concurrence. (In Senate, referred to the Committee on Audit and Program Review) (Committee on Reference of Bills had suggested reference to the Committee on Business Legislation)

Thereupon, the Bill was referred to the Committee on Audit and Program Review in concurrence.

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

Passed to Be Enacted

An Act to Provide Necessary Statutory Changes as a Result of Certain Laws Relating to Juries (S. P. 148) (L. D. 439) (C. "A" S-52)

An Act to Improve the Identification of Persons Prescribing Medicines on Hospital Pres-

cription Blanks (S. P. 307) (L. D. 921) (C. "A" S-54)

An Act to Increase Licensing Fees of Agencies within the Department of Business Regulation (S. P. 355) (L. D. 1076)

An Act to Provide Confidentiality of Library Records (S. P. 472) (L. D. 1436) (H. "A" H-132)

An Act Relating to the Maine State Lottery Law (H. P. 151) (L. D. 159) (C. "A" H-127)

An Act to Amend the Definition of Hospital in the Maine Health and Higher Education Facilities Authority Act (H. P. 548) (L. D. 700) (C. "A" H-124)

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

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

Passed to be Enacted

An Act to Remove the Sunset Provision for Home Health Care Providers in the Certificate of Need Law (H. P. 611) (L. D. 759)

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

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

Mr. WEBSTER: Mr. Speaker, I would request a roll call.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those in favor of 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 and voting 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: When I first spoke to you against this bill, I told you that the non-profit agencies were charging up to \$30 an hour, as much as three times what private health care providers were charging the elderly for the same service.

This bill will shut out those private providers by not allowing them to compete against the non-profit agencies, the very ones who had their hand out at your town meetings because they had served a few people in your communities. They didn't tell you about the outrageous price they were billing the state and federal government and the private citizens as well, and now they want your protection from the small private providers. The unbelievable part is that the department overseeing the public trust supports this continued exploitation of the legislature's concern for our elderly.

As the Governor said here before you on Thursday, the problem is the payment system that was created in part by government and that has been tolerated by government. It is a system without restraints, without incentives. I can think of no comparable situation that has no public accountability.

We have only two choices—we can continue to give our medical institutions a blank check or we can enact a system of restraint. I speak not of a system to restrain the free enterprise system.

The primary function of government agencies is to provide service in areas where the private sector has not provided the needed service. The function is to show the private sector that there is a viable market and the market can be serviced. In the normal course of events, the government agency turns over these responsibilities to those private sector providers. The agency, having served its function, ceases to be needed and that is sunsetted by its respective legislative body.

In many cases, those private sector companies are formed by former employees of the government agencies. A claim may well be made

that the agencies of which we speak, the agencies which seek to control its competition, which insists that they cannot withstand the competition of a fair and open market, are non-profit organizations and not government agencies; yet, non-profit agencies are subsidized by government through lost tax dollars, tax deductible contributions, tax dollars received from local and county government, the tax dollars granted to these agencies from state and federal government. Further evidence of this battle rages in the hall of our highest court. These agencies bear the government subsidized labor, they are bound by the same limitations as any government agency and therefore assume the same limitations.

In the case of a South Carolina school, non-profit agencies have lost their non-profit tax deductible status. We can bring our health care delivery costs under control. The basic non-profit industry must start living within the means of the Maine people. No longer can we justify this industry's bloated management costs.

Since legislative efforts have failed, and they have failed, by supporting the Certificate of Need, a principle of trade restraint, a principle of removing free and open competition, it must be the principle that is wrong, for we have failed to contain the cost in the health delivery systems. It is time we say no to this burden of massive government spending, of paying a non-profit agency more than the free enterprise private profit agencies charge. You men and women of the Maine House can start by saying no to this attempt to restrain fair pricing in the market place. We must at some time bring to an end the "do it my way and damn the cost" attitude imbedded in current regulatory law and in the bill before us today. We must curtail this grab for power.

Mr. Speaker, I move indefinite postponement of this bill and all its accompanying papers and I ask for a roll call.

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

Mr. BRODEUR: Mr. Speaker, Members of the House: What this bill does is just one thing, it removes the sunset provision so that home health agencies would be reviewable under the Certificate of Need Law. Home health agencies which are supported by hospitals or nursing homes would have to come under review in any circumstances and this would make the same condition exist for other home health agencies.

The Certificate of Need Law asks four questions: Does the public need exist or is this a duplication of services? Is there sufficient level of confidence to carry out the activity? Is there sufficient financing available? Is the overall cost of such services to the health care system reasonable in relation to the economic market in the area?

The reason I put in this bill is to assure that home health care be made available to areas throughout the state and to assure in particular that rural areas and low-income elderly receive care.

Presently under the law, a Medicare certified home health agency must serve all people regardless of ability to pay, so they would have a higher overhead because they are serving people who do not have to pay. If home health agencies can't come into the area, and this bill would not prevent home health agencies from coming into any area, they would have to meet conditions and when it is needed, they would certainly be able to, assuming they have their finances in order and they have a Certificate of Need in order, they will be allowed to come into an area.

We have two good examples of this: (1) where a Certificate of Need was granted in the midcoast area and another in Lewiston where a Certificate of Need is now on hold until an agency can get its act together. They haven't

met the financial requirements necessary to carry out the process.

In order that an agency's overhead would not be so high where one company can come in and serve only people who are able to pay, who only give one service, if an agency cannot meet this need and is undercut, then what will happen is that they will have to cut out certain clients and the chances are they will cut out those clients in the rural areas where there is a high overhead and which in most cases could be the poor and low-income elderly.

The Certificate of Need has realized quite a bit of savings in the years past—\$7 million in 1982; about \$12 million in 1981; about \$8 million, almost \$9 million, 1980. In order to ensure that there not duplicated services, the Certificate of Need Law does exist.

I hope you will vote against the motion to indefinitely postpone.

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

Mr. WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I want to rise today briefly to disagree with the implications that Representative Brodeur has made in his previous comments. Representative McCollister and I both represent rural areas of the state, and Mr. Brodeur has suggested that the poor and the elderly in our districts and in your districts in rural Maine would not be served without passage of this bill.

I feel that this issue is a "free enterprise" type issue. If there is a need and I feel or some business entrepreneur feels that there is a need to set up an agency to deal with this subject and to deal with home health, then I believe they should be able to do that without going through this process, and that is why I have worked to defeat this legislation and I hope you will do so also.

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

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

Thereupon, the Committee Report was read by the Clerk.

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 is on the motion of the gentleman from Canton, Mr. McCollister 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—Anderson, Bonney, Brown, A.K.; Brown, D.N.; Cahill, Carter, Conary, Day, Dexter, Dillenback, Dudley, Foster, Greenlaw, Holloway, Kiesman, Lebowitz, Lewis, McCollister, Reeves, J.W.; Salsbury, Scarpino, Seavey, Sherburne, Smith, C.W.; Sproul, Stevenson, Webster, Weymouth, Willey, Zirkilston.

NAY—Ainsworth, Allen, Andrews, Beaulieu, Brannigan, Brodeur, Callahan, Carroll, D.P.; Carroll, G.A.; Chonko, Clark, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Drinkwater, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, L.M.; Ingraham, Jacques, Jalbert, Joseph, Joyce, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Livesay, Locke, MacBride, MacEachern, Macomber, Manning, Martin, H.C.; Masterman, Matthews, K.L.; Maybury, McGowan, McHenry, McPherson, McSweeney, Melendy, Michael, Michaud, Mitchell, J.; Moholland, Murphy, Murray, Nadeau, Norton, Paradis, P.E.; Paul, Perkins, Perry, Pines, Racine, Randall, Reeves, P.; Richard, Ridley, Roberts, Rolde, Rotondi, Small, Smith, C.B.; Soucy, Soule, Stevens,

Stover, Strout, Tammaro, Telow, Theriault, Thompson, Vose, Walker, The Speaker.

ABSENT—Armstrong, Baker, Bell, Benoit, Bost, Bott, Brown, K.L.; Carrier, Cashman, Connors, Curtis, Davis, Higgins, H.C.; Hobbins, Jackson, Kane, Mahany, Martin, A.C.; Masterton, Matthews, Z.E.; Mitchell, E.H.; Nelson, Paradis, E.J.; Parent, Pouliot, Roderick, Swazey, Tuttle, Wentworth.

Yes, 30; No, 90; Absent, 29; Vacant, 2.

The SPEAKER: Thirty having voted in the affirmative and ninety in the negative, with twenty-nine absent and two vacant, the motion does not prevail.

The pending question now is on passage to be enacted. A roll call has been ordered. Those in favor of passage to be enacted will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Anderson, Andrews, Beaulieu, Brannigan, Brodeur, Cahill, Callahan, Carroll, D.P.; Carroll, G.A.; Chonko, Clark, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Drinkwater, Erwin, Foster, Gauvreau, Greenlaw, Gwadosky, Hall, Hayden, Hickey, Higgins, L.M.; Holloway, Ingraham, Jacques, Jalbert, Joseph, Joyce, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lebowitz, Lehoux, Lewis, Lisnik, Livesay, Locke, MacBride, MacEachern, Macomber, Manning, Martin, H.C.; Masterman, Matthews, K.L.; Maybury, McGowan, McHenry, McPherson, McSweeney, Melendy, Michael, Michaud, Mitchell, J.; Moholland, Murphy, Murray, Nadeau, Norton, Paradis, P.E.; Paul, Perkins, Perry, Pines, Racine, Randall, Reeves, P.; Richard, Ridley, Roberts, Rolde, Rotondi, Scarpino, Small, Smith, C.B.; Soucy, Soule, Stevens, Stevenson, Stover, Strout, Tammaro, Telow, Theriault, Thompson, Vose, Walker, Willey.

NAY—Bonney, Brown, A.K.; Brown, D.N.; Carter, Canary, Day, Dexter, Dillenback, Dudley, Kiesman, McCollister, Reeves, J.W.; Salisbury, Seavey, Sherburne, Smith, C.W.; Sproul, Webster, Weymouth, Zirkilston.

ABSENT—Armstrong, Baker, Bell, Benoit, Bost, Bott, Brown, K.L.; Carrier, Cashman, Connors, Curtis, Davis, Handy, Higgins, H.C.; Hobbins, Jackson, Kane, Mahany, Martin, A.C.; Masterton, Matthews, Z.E.; Mitchell, E.H.; Nelson, Paradis, E.J.; Parent, Pouliot, Roderick, Swazey, Tuttle, Wentworth, The Speaker.

Yes, 98; No, 20; Absent, 31; Vacant, 2.

The SPEAKER: Ninety-eight having voted in the affirmative and twenty in the negative, with thirty-one being absent and two vacant, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

Enactor

Tabled and Assigned

An Act to Amend the Probate Fees. (H. P. 714) (L. D. 905)

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

On motion of Mr. Reeves of Newport, tabled pending passage to be enacted and specially assigned for Friday, April 22nd.

An Act to Amend the Maximum Fee for Applications and to Clarify the Basis for the Annual Assessment of Financial Institutions. (H. P. 818) (L. D. 1058)

An Act to Amend the Motor Vehicle Racing Law. (H. P. 859) (L. D. 1109)

An Act to Authorize the Public Utilities Commission to Hold Joint Hearings with Federal Public Utility Regulatory Bodies. (H. P. 980) (L. D. 1281)

An Act to Remove the Jurisdiction of the Public Utilities Commission over Certain Dealers of Gas in Liquid Form. (H. P. 981) (L. D. 1282) (C. "A" H-125)

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.

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

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

Passed to Be Enacted

An Act Relating to Justices and Judges of the Supreme Judicial, Superior and District Courts. (H. P. 1088) (L. D. 1415)

An Act to Restrict Reimbursement of Mileage to Boards and Commissions to no More than that received by State Employees. (H. P. 1102) (L. D. 1448)

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

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

Consent Calendar

Second Day

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

(H. P. 746) (L. D. 958) Bill "An Act Relating to Deposits and Termination of Utility Service for Nonresidential Customers" (C. "A" H-144)

(H. P. 320) (L. D. 379) Bill "An Act to Strengthen the Laws Relating to the Sexual Exploitation of Minors"

(H. P. 844) (L. D. 1094) Bill "An Act to Amend Certain Aspects of Post-conviction Review"

(H. P. 554) (L. D. 705) Bill "An Act to Provide Equity for Former Military Wives" (C. "A" H-148)

(H. P. 926) (L. D. 1205) Bill "An Act to Enable Law Enforcement Agencies to Dispose of Certain Property" (C. "A" H-149)

(H. P. 787) (L. D. 1029) Bill "An Act to Prohibit Control of Financial Institutions as Closely Related Activities" (C. "A" H-150)

No objections having been noted, the House Papers were passed to be engrossed or passed to be engrossed as amended and sent up for concurrence.

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

Consent Calendar

Second Day

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

(H. P. 786) (L. D. 1028) Bill "An Act to Amend the Lines of Credit and Commercial Loans to Individual Borrowers" (C. "A" H-151)

(H. P. 744) (L. D. 956) Bill "An Act to Amend the Law Governing Construction Permits and the Examination of Plans by the Office of State Fire Marshal" (C. "A" H-152)

(H. P. 468) (L. D. 568) Bill "An Act Relating to Time Shares" (C. "A" H-153)

No objections having been noted, the House Papers were passed to be engrossed as amended and sent up for concurrence.

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

Bill "An Act to Limit Payments to Health Care Institutions which Engage Persons to Defeat the Organization of Collective Bargaining Units" (S. P. 485)

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

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

Unanimous Ought Not to Pass

Report of the Committee on Business Legislation reporting "Ought Not to Pass" on Bill "An Act to Require Social Workers Employed by Hospitals to be Registered" (S. P. 301) (L. D. 915)

Report of the Committee on Public Utilities reporting "Ought Not to Pass" on Bill "An Act to Amend the Provisions for Telecommunication Services to the Hearing Impaired" (S. P. 318) (L. D. 954)

Were placed in the legislative files without further action pursuant to Joint Rule 15 in concurrence.

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

Unanimous Leave to Withdraw

Report of the Committee on Education reporting "Leave to Withdraw" on Bill "An Act Relating to the Board of Trustees of the University of Maine" (S. P. 350) (L. D. 1024)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Require Prisoners Capable of Paying to Pay for the Costs of Their Incarceration" (S. P. 306) (L. D. 920)

Were placed in the legislative files without further action pursuant to Joint Rule 15 in concurrence.

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

Consent Calendar

First Day

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

(S. P. 328) (L. D. 973) Bill "An Act to Change the Definition of Firearm in the Maine Criminal Code"—Committee on Judiciary reporting "Ought to Pass".

(H. P. 387) (L. D. 470) Bill "An Act Relating to Nomination Petitions for Municipal Office"—Committee on Election Laws reporting "Ought to Pass".

(H. P. 196) (L. D. 240) Bill "An Act to Amend the Election Laws Concerning Signatures and Names"—Committee on Election Laws reporting "Ought to Pass".

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

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

Unanimous Leave to Withdraw

Representative Nadeau from the Committee on Election Laws on Bill "An Act to Limit the Amount of Money Which Can be Spent on Campaigns for the Maine Legislature" (H. P. 789) (L. D. 1031) reporting "Leave to Withdraw".

Representative Wentworth from the Committee on Election Laws on Bill "An Act Concerning Absentee Voting by Armed Services Members" (H. P. 990) (L. D. 1300) reporting "Leave to Withdraw".

Representative Martin from the Committee on Election Laws on Bill "An Act to Restrict the Time During Which a Candidate may Campaign before the General Election" (H. P. 921) (L. D. 1200) reporting "Leave to Withdraw".

Representative Roberts from the Committee on Election Laws on Bill "An Act to Provide for the Settlement of Disputes Concerning Political Advertising during Political Campaigns" (H. P. 809) (L. D. 1049) reporting "Leave to Withdraw".

Were placed in the legislative files without further action pursuant to Joint Rule 15 and

sent up for concurrence.

The following Bill and Resolve requiring reference appearing on Supplement No. 14 were taken up out of order by unanimous consent:

Bill "An Act to Provide for Consumer Representation before the Maine Milk Commission" (Emergency) (H. P. 1137) (Presented by Representative Kelleher of Bangor) (Cosponsors: Senator Baldacci of Penobscot, Representatives Kane of South Portland, and Michael of Auburn)

Committee on Agriculture was suggested.

On motion of Mr. Kelleher of Bangor, the Bill was referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

RESOLVE, to Prohibit the Expenditure of Funds Raised for Food Stamps in Androscoggin County. (Emergency) (H. P. 1138) (Presented by Representative Jalbert of Lewiston) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Was referred to the Committee on Local and County Government, ordered printed and sent up for concurrence.

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

Tabled and Assigned

RESOLVE, Authorizing the Bureau of Public Lands to Convey by Sale to the Maine State Advent Christian Conference the State's Interest in the Former Municipal Building of Plantation 21. (Emergency) (H. P. 1139) (Presented by Representative Moholland of Princeton) (Cosponsors: Representatives Vose of Eastport and Tammara of Baileyville) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Committee on State Government was suggested.

On motion of Mr. Diamond of Bangor, tabled pending reference and specially assigned for Friday, April 22.

Consent Calendar

First Day

(H. P. 816) (L. D. 1056) Bill "An Act to Amend Maine's Abandoned Property Law"—Committee on Business Legislation reporting "Ought to Pass".

No objections having been noted, 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 paper appearing on Supplement No. 16 was taken up out of order by unanimous consent:

On motion of Representative Carroll of Limerick, the following Joint Resolution: (H. P. 466) (Cosponsors: Senators Emerson of Penobscot and Danton of York)

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES, THE UNITED STATES SECRETARY OF TRANSPORTATION AND THE CONGRESS OF THE UNITED STATES TO REMOVE CERTAIN ROADS IN THE STATE OF MAINE FROM THE INTERIM DESIGNATED NETWORK FOR OPERATION OF TRACTOR-SEMITRAILER-TRAILER COMBINATIONS

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the First Regular Session of the One Hundred and Eleventh Legislature, now assembled, most respectfully present and petition the Honorable Ronald W. Reagan, President of the United States, Elizabeth H. Dole, United States Secretary of Transportation and the Congress of the United States, as follows:

WHEREAS, the United States Surface

Transportation Assistance Act of 1982 made several significant changes in federal law governing the type of trucks that can operate on the Federal Aid Interstate System and other qualifying federal aid primary roads, as designated by the United States Secretary of Transportation; and

WHEREAS, the United States Surface Transportation Assistance Act, Section 411, requires that all states permit the operation of tractor-semi-trailer-trailer combinations on the Interstate Highway System and on other designated portions of the Federal Aid Primary System; and

WHEREAS, the State of Maine has not previously allowed the operation of tractor-semi-trailer-trailer combinations on Maine highways because of safety considerations; and

WHEREAS, the 111th Maine Legislature has amended its state law effective April 1, 1983, consistent with the United States Surface Transportation Assistance Act of 1982; and

WHEREAS, the 111th Maine Legislature is convinced that tractor-semi-trailer-trailer combinations would jeopardize safety to Maine motorists if they were allowed to operate on roads other than 4-lane divided roads with access fully controlled; and

WHEREAS, Mr. R.A. Barnhart, Federal Highway Administrator, issued a policy statement published in the Federal Register, April 5, 1983, wherein an Interim Designated Network was established for operation of tractor-semi-trailer-trailer combinations effective April 6, 1983; and

WHEREAS, the Interim Designated Network included nearly 600 miles of highways within the State of Maine which were generally 2-lane facilities; and

WHEREAS, these substandard roads included 152 high-accident locations, 100 miles of federal aid secondary roads, and many railroad grade crossings, traffic signals and built-up urban areas; and

WHEREAS, tractor-semi-trailer-trailer combinations represent an unacceptable threat to the health, welfare and safety of the people of Maine operating on any of our roads; now, therefore, be it

RESOLVED: That we, your Memorialists, respectfully urge that the President of the United States, Ronald W. Reagan, and the United States Secretary of Transportation, Elizabeth W. Dole, take steps to immediately remove the following roads in the State of Maine from the Interim Designated Network established by Federal Highway Administrator, R.A. Barnhart:

U.S. Route 202 from the New Hampshire state line to the Maine Turnpike;

U.S. Route 302 from the New Hampshire state line to I-295 in Portland;

U.S. Route 1 from I-95 in Brunswick to the Canadian border, Fort Kent, excluding the 4-lane divided fully-controlled access section between Brunswick and Bath; and

U.S. Route 1-A from U.S. Route 1, Stockton Springs, to U.S. Route 1 in Ellsworth; and be it further

RESOLVED: That the Congress of the United States return to the states the right to determine whether they will suffer tractor-semi-trailer-trailer combinations on their highways, contrary to the provisions of the United States Surface Transportation Assistance Act of 1982, Section 411; and be it further

RESOLVED: That suitable copies of this resolution be transmitted immediately to the Honorable Ronald W. Reagan, President of the United States, to Elizabeth H. Dole, United States Secretary of Transportation, to the President of the Senate and Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation.

The Resolution was read and adopted and sent up for concurrence.

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

The following Communication: (S. P. 493)

Department of
Inland Fisheries and Wildlife

April 13, 1983

Honorable Gerard P. Conley
President of the Maine Senate
Honorable John L. Martin
Speaker of the Maine House of Representatives
Dear Senator Conley and Representative Martin:

I am pleased to submit my report for 1983 pertaining to compliance with provisions of the 1977 Resolve Chapter 55 on the Augusta fishway issue.

I have had recent correspondence with Richard Davies of the Executive Department regarding this issue. Several questions were raised by Mr. Davies with regard to compliance with the 1977 Resolve. My response to Mr. Davies is considered an appropriate response at this time to inform the Legislature on what has taken place since 1977 and bring the Legislature up to date on our progress in getting a fishway installed in the Augusta dam. I have therefore enclosed a copy of my reply to Mr. Davies.

I shall be glad to address further questions should the need arise.

Very truly yours,
S/ GLENN H. MANUEL

Commissioner

Came from the Senate read and with accompanying report ordered placed on file.

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

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

Bill "An Act to Prevent Unjust Enrichment by Retention of Surplus Upon Foreclosure of Municipalities and Sewer Districts" (S. P. 486) (L. D. 1479)

Bill "An Act to Amend the Act to Implement the Maine Indian Claim Settlement Act with Respect to the Houlton Band of Maliseet Indians" (S. P. 487) (L. D. 1480)

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

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

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

Consent Calendar

First Day

(H. P. 1002) (L. D. 1310) Bill "An Act to Establish Municipalities as Agents for Utilities within their Jurisdictions for the Purpose of Charges Assessed for Use of Railroad Crossings"—Committee on Public Utilities reporting "Ought to Pass".

(H. P. 860) (L. D. 1110) Bill "An Act to Conform the Requirements for Construction of Generating Facilities or Transmission Lines"—Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-155).

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

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

The Chair laid before the House the following matter:

Bill "An Act to Promote Apprenticeship and Training Opportunities in State Government

and to Assist Qualified Recipients of Aid to Families with Dependent Children to Compete for State Apprenticeships" (H. P. 1125) (L. D. 1469) which was tabled and later today assigned pending passage to be engrossed.

Mr. Gwadosky of Fairfield offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-156) was read by the Clerk.

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: In our deliberations in committee, we had several redrafts of this particular bill and we found out that after we had sent it out we had left out the word "registered." The purpose of this amendment is to include that word in two sections.

Thereupon, House Amendment "A" was adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

The following paper appearing on Supplement No. 20 was taken up out of order by unanimous consent:

Bill "An Act Providing Uniformity, Conformity with the Maine Administrative Procedure Act and Compliance with Court Decisions of the Statutes of Licensing Boards within the Department of Business Regulation" (S. P. 495)

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

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

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

Unanimous Ought Not to Pass

Representative Joyce from the Committee on Judiciary on Bill "An Act Relating to Juvenile Offenders" (H. P. 757) (L. D. 988) reporting "Ought Not to Pass".

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

Consent Calendar

First Day

(H. P. 890) (L. D. 1155) Bill "An Act Concerning a Judge Hearing a Case where his Town or County is a Party"—Committee on Judiciary reporting "Ought to Pass".

(H. P. 956) (L. D. 1237) Bill "An Act to Amend the Habitual Offender Law"—Committee on Judiciary reporting "Ought to Pass".

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

By unanimous consent, the preceding matters were ordered sent forthwith to the Senate.

House at Ease

The House was called to order by the Speaker.

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

Non-Concurrent Matter

Bill "An Act to Permit Producers of Perishable Products to Ship on Seasonally Closed Ways" (H. P. 1112) (L. D. 1470) which was referred to the Committee on Agriculture in the House on April 14, 1983.

Came from the Senate, referred to the Committee on Transportation in non-concurrence.

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

On motion of Mr. Jacques of Waterville,
Adjourned until Friday, April 22, at twelve o'clock noon.