

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eleventh  
Legislature***

OF THE

**STATE OF MAINE**

**Volume I**

**FIRST REGULAR SESSION**

**December 1, 1982 to May 13, 1983**

**HOUSE**

Thursday, May 5, 1983

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

Prayer by Dr. Peter Misner of the Winthrop United Methodist Church.

The journal of yesterday was read and approved.

**Papers from the Senate**

Bill "An Act to Open State Collective Bargaining to the Public" (S. P. 506) (L. D. 1534)

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

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

Bill "An Act to Provide for Licensing of Bottle Clubs" (S. P. 509) (L. D. 1535)

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.

Bill "An Act to Extend the Time for County Commissioners to Apportion County Taxes" (Emergency) (S. P. 510) (L. D. 1536)

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

In the House, was referred to the Committee on Local and County Government in concurrence.

Bill "An Act to Provide for Citizen Participation in the Decision to Construct any Nuclear Power Plant" (S. P. 513) (L. D. 1537)

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

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

**Divided Report**

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (S-87) on Bill "An Act to Allow the Training of Bear Dogs" (S. P. 371) (L. D. 1145)

Report was signed by the following members:

Senators:

USHER of Cumberland  
DOW of Kennebec  
REDMOND of Somerset

— of the Senate.

Representatives:

MacEACHERN of Lincoln  
ERWIN of Rumford  
CONNERS of Franklin  
PAUL of Sanford  
CLARK of Millinocket  
RODERICK of Oxford  
SMITH of Island Falls  
GREENLAW of Standish  
JACQUES of Waterville

— of the House.

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

Report was signed by the following member:  
Representative:

KELLY of Camden

— of the House.

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-87)

In the House: Reports were read.

On motion of Mr. MacEachern of Lincoln, the Majority "Ought to Pass" Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-87) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

**House Reports of Committees****Unanimous Leave to Withdraw**

Representative Foster from the Committee on Judiciary on Bill "An Act to Permit Arrests for Drinking Alcoholic Beverages in a Stationary Motor Vehicle" (H. P. 967) (L. D. 1269) reporting "Leave to Withdraw"

Representative Joyce from the Committee on Judiciary on Bill "An Act Relating to Child Support" (H. P. 971) (L. D. 1266) reporting "Leave to Withdraw"

Representative Perry from the Committee on Aging, Retirement and Veterans on Bill "An Act to Remove Spruce Budworm Spray Project Personnel from the Maine State Retirement System" (Emergency) (H. P. 1131) (L. D. 1497) reporting "Leave to Withdraw"

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

**Ought to Pass in New Draft/New Title**

Representative Cox from the Committee on Legal Affairs on Bill "An Act to Create a Statewide Task Force on Arson" (Emergency) (H. P. 938) (L. D. 1221) reporting "Ought to Pass" in New Draft under New Title RESOLVE, Providing for a Study to Determine the Need for a Statewide Task Force on Arson (Emergency) (H. P. 1173) (L. D. 1556)

Representative Beaulieu from the Committee on Labor on Bill "An Act to Protect the Integrity of the Unemployment Insurance Trust Fund" (H. P. 407) (L. D. 490) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Protect the Integrity of the Unemployment Compensation Fund" (Emergency) (H. P. 1174) (L. D. 1561)

Reports were read and accepted, the New Drafts given first reading and assigned for second reading, Friday, May 6.

**Consent Calendar  
First Day**

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

(S. P. 272) (L. D. 835) Bill "An Act Relating to Agricultural Contracts"—Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (S-81)

(S. P. 335) (L. D. 980) Bill "An Act to Authorize the Commissioner of Transportation in Maine to Enter into Interstate Agreements Related to Reciprocal Enforcement of Fuel Use Laws"—Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-85)

(S. P. 420) (L. D. 1273) Bill "An Act Relating to Drinking in Public"—Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-86)

(H. P. 866) (L. D. 1114) Bill "An Act to Clarify the Rights of Putative Fathers in Adoption Proceedings"—Committee on Judiciary reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of May 6, under the listing of Second Day.

**Passed to Be Enacted  
Emergency Measure**

An Act to Amend Special Education Statutes Pertaining to the Filing of Allowable Expenditures by Special Purpose Schools, Agencies or Institutions (H. P. 856) (L. D. 1106)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 109 voted in favor of same and 5 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Passed to Be Enacted**

An Act to Reestablish the Time for Announcing a Shorter Deer Season (S. P. 304) (L. D. 918)

(C. "A" S-74)

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

An Act Concerning Public Easements for Access to Harvested Lands and Cemeteries (S. P. 326) (L. D. 971)

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

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. Livesay.

Mr. LIVESAY: Mr. Speaker, I am just curious as to the purpose of this legislation. I would pose a question through the Chair to anybody who might care to answer. The question is, what does the bill do and who is it designed to help and aid?

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

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I don't know if I can properly answer that, but I know what it is intended to do. As you know, some towns have voted to discontinue roads, and when you discontinue a town way or a state way, the land reverts to the abutting owner, and this having happened in many towns, we find that some of the farmers have a back field that he has to get to and he has no access to it. Also, some old cemeteries, the Civil War and beyond, are in back on this road and there is no access to it, especially in some of the counties where this wasn't taken into consideration, and this tends to deal with that problem.

I don't know the details because it wasn't before my committee, but apparently nobody else wanted to even try to answer the question, so I offer as much as I know about it.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. Livesay.

Mr. LIVESAY: Mr. Speaker and Members of the House: I really don't have any problems with addressing that particular concern where there at one time was a town road or a county road which was later discontinued, but I do have some problems with the difficulty created when an individual owns a piece of land locked property, which was land locked for not reasons of road abandonment but for some other reason and then that individual can simply step forward and request of the town that a public way be laid out, and I presume that it would be laid out at the expense of the taxpayers of that town.

I guess my concern is that this piece of legislation may be just a little over broad in terms of its potential impact. I would request a division on the pending motion.

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

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: I, too, am troubled by this bill in that it speaks of a public way. That means to me that it is open to the public, and I think that would open up some vast areas of the woodlands that may not be desired on the part of the landowner to be opened up to public way. I believe there are other means of gaining access, an easement. I question whether it is in fact possible to close a public way, an existing public way, where a landowner does become land locked by the closing of that public way.

I think in common law, and one of the lawyers can correct me on this, but I believe in common law there are means whereby an individual is granted a right of access to land locked land for timber harvesting.

I am very troubled by the fact that this is a public easement rather than to establish a private easement.

The SPEAKER: The Chair recognizes the

gentleman from Skowhegan, Mr. Walker.

Mr. WALKER: Mr. Speaker and Members of the House: As this came before our committee, it seems that now it is possible to go in to cultivate land, but this doesn't alleviate the problem that people who are separated by an abandoned road where the abutting landowners have taken over the ownership and they own woodlots behind there. This is to add harvesting of wood that was separated by the abandonment of the road and visiting and taking care of old cemeteries. This was the purpose of the legislation as I understood it as it came before our committee.

The SPEAKER: A vote has been requested. The pending question is on passage to be enacted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

70 having voted in the affirmative and 48 having voted in the negative, the motion did prevail.

Signed by the Speaker and sent to the Senate.

#### Enactor

#### Tabled and Assigned

An Act to Establish a Chief Justice of the Superior Court (S. P. 146) (L. D. 437)

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

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I have no particular problem with this particular piece of legislation, it is a good piece of legislation, I happened to be there at the public hearing. My question is simply this—does this piece of legislation need a fiscal note? It is my understanding that it does. I mentioned it to the chairman of the committee and I have noticed that the bill has not been amended to include a fiscal note, and I would pose that question to the Chair.

The SPEAKER: A fiscal note is required on the bill; therefore, the bill will either be ruled out of order by the Chair or it will be tabled pending an amendment.

Whereupon, on motion of Mr. Higgins of Scarborough, tabled pending passage to be enacted and tomorrow assigned.

An Act to Require Persons being Licensed to Hunt for the First Time to have Completed a Gun Safety Course (H. P. 168) (L. D. 199) (C. "A" H-166)

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

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I just don't believe we need to mandate anything like this, I don't believe it is necessary and I am very reluctant to mandate anything that is not necessary to the people of the State of Maine. For that reason, I hope that this House will see fit to indefinitely postpone this Bill, and I so move.

The SPEAKER: The gentleman from Enfield, Mr. Dudley, moves that this Bill and all its accompanying papers be indefinitely postponed in non-concurrence.

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

Mr. DAY: Mr. Speaker, Ladies and Gentlemen of the House: I, too, have some reservations about this bill. I have been a hunter safety instructor for six or seven years and I realize the value of the course. I also realize what it takes to put the course on. We have put between 400 and 450 youngsters through our program in Westbrook. It requires all kinds of audio-visual equipment, a training room and a fair amount of money. Of course, it is paid for by the Fish and Game Department through Robinson and Pittman funds, but the instructional staff is purely volunteer, those of us who come in evenings for eight or ten weeks to put on our portion of the course and so forth.

My concern is, what about youngsters who live in areas where there is not a viable and active fish and game club that provides the instructors and all the people and so forth? How would these youngsters get their chance to take the course and go through the eight week program where the facilities and personnel are not available? What about the youngsters who have to travel, say, if they live out on the farm.

In our area in Westbrook, most of the people that are instructors pick up kids at Windham, Gorham and Westbrook to bring them to the S.D. Warren training center for the program. But my concern is if this becomes law, and I have heard it said that eventually we can do it in the schools, well, if you realize what this course takes, the number of people and the expertise, I would certainly hope that maybe some years down the road that this would be another mandate on the school system to provide a hunter safety instructor during the daylight hours so that kids could still take the bus home, and therefore we are asking the schools to do something that I believe is none of their business.

I merely issue this as a warning. I am not going to vote against it. It is a good program but I wish it to be a matter of record that it could get into problems if volunteers don't step forward to keep this program going.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: The committee went into this pretty thoroughly and the same concerns were expressed at the hearing and our work sessions. We were assured by the department's safety officer that since the amendment to the bill changes the effective date to 1986, by that time there will be enough trained people throughout the state to take care of the program.

We were also assured that in the rural areas where access to an instructor or to a place to go for instruction, most of the course could be taken by mail and only the final part of it would they have to travel to do it.

It has been proven throughout the country that this program is a very effective way of stopping or cutting down on hunting accidents. Very few people that have completed this course have ever gotten into a hunting accident. It doesn't only teach them how to use firearms, but it teaches them a lot of other things about going hunting, such as what to do when you are lost and several other things like that.

It only applies to the first time applicants. Once a person has had a hunting license, an adult hunting license, he doesn't have to worry about a test again. If he has had a license in another state and can prove that, that is acceptable. It is a mandate, but it is a mandate, I think, that has a very valid purpose and I think we should pass this bill.

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I would pose a question to the chairman of the Fisheries and Wildlife Committee or anyone else who can answer. In the original bill, it said that when proof of competency cannot be provided, the hunter may substitute a signed, notarized affidavit, and I notice in the amendment that they have taken out the word "notarized." I wonder why.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the question, we discussed this pretty thoroughly and we decided that it really isn't necessary to have the thing notarized, that if a person signs an affidavit, that's his signature that the facts he has given you are true, and it doesn't make it

anymore invalid without a notarized signature.

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: A signed affidavit, I would presume that they are going to give this to the town clerk in a municipality seeing as the town clerks are the ones that issue those licenses. It concerns me a little bit that a person will come in an sign his name that he has previously held a license. I think you are putting the burden on the town clerks. That is my concern with this bill.

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

Mr. McHENRY: Mr. Speaker, I would like to pose a question. I would like to ask who is going to provide the money to set up this bureaucracy, and if it is the Fish and Game Department, they are so strapped for money, how can they do it and how much is that going to cost my constituents who are going to apply for a license for the first time?

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

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

Mr. MacEACHERN: Mr. Speaker, I think it would be pretty difficult to put a price tag on this because we don't know how many people are going to be involved.

The department already has a program within the department, it is in place and it is funded, and I don't think that this program—mainly, this program will be dealing with volunteer instructors and we have got an increasing number of them every year all over the state so that hopefully by 1986 we will have enough to take care of any workload there is there with a negligible cost to the department.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mrs. Erwin.

Mrs. ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: To further respond to the gentleman from Corinth, Mr. Strout, with regard to the notarization, I have been a notary public for a number of years I have notarized signatures but I would have no way of knowing if what that person was signing was true or not. I am only notarizing his signature.

The SPEAKER: The pending question is on the motion of Mr. Dudley of Enfield that this bill and all its accompanying papers be indefinitely postponed in non-concurrence. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

74 having voted in the affirmative and 50 having voted in the negative, the motion did not prevail.

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

An Act Relating to the Capitalization and Board of Directors of the Maine Fidelity Life Insurance Company (H. P. 260) (L. D. 320) (H. "B" H-170)

An Act to Allow the Department of Educational and Cultural Services to Administer the Child Nutrition Program in Private, Nonprofit Schools (H. P. 772) (L. D. 1002)

An Act to Provide the Department of Transportation with the Ability to Collect Rents on Acquired Properties (H. P. 813) (L. D. 1053)

An Act Concerning the Distribution of Table Wines (H. P. 833) (L. D. 1070) (C. "A" H-159)

An Act to Revise the Charitable Solicitations Law (H. P. 852) (L. D. 1102)

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

#### Orders of the Day

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

Bill "An Act to Establish the Third-party Prescription Program Act" (S. P. 518) (L. D. 1539)

Tabled—May 4, 1983 by Representative Diamond of Bangor.

Pending—Passage to be Engrossed.

On motion of Mrs. Nelson of Portland, retabled pending passage to be engrossed and specially assigned for Monday, May 9.

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

An Act to Establish a Workers' Compensation Hearing Exemption for Agricultural Employers' Liability Insurance Claim Disputes (S. P. 358) (L. D. 1079)

Tabled—May 4, 1983 by Representative Beaulieu of Portland.

Pending—Passage to be Enacted.

Mrs. Beaulieu of Portland moved that the rules be suspended for the purpose of reconsideration.

The SPEAKER: The Chair hears objection and the Chair will order a vote. All those in favor of the rules being suspended for the purpose of reconsideration will vote yes; those opposed will vote no. This requires a two-thirds vote of all those present and voting.

A vote of the House was taken.

74 having voted in the affirmative and having voted in the negative, the rules were not suspended.

On motion of Mr. Martin of Eagle Lake, the Bill and all its accompanying papers were indefinitely postponed 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 Extend Maine's Returnable Deposit Law" (S. P. 512) (L. D. 1529)

Tabled—May 4, 1983 by Representative Kelleher of Bangor.

Pending—Adoption of House Amendment "A" (H-191)

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

Mr. MURRAY: Mr. Speaker, Men and Women of the House: I move that House Amendment "A" be indefinitely postponed because this goes far beyond what the 12 ounce metal cans that we voted on the other to accept would go.

This bill would run into the problems that the original bill did and the problems that we heard at the public hearing. By including more than the 12 ounce look-alike cans, you are running into a number of distribution problems between the grocers and the distributors of the beverage containers, and for that reason it makes the extension of the bottle bill somewhat unworkable. I think by extending it to the 12 ounce look-alike cans, we are making a significant step, one that will improve our litter control and our solid waste management, as was discussed the other day, and for this reason I would urge you to support the motion to indefinitely postpone and I would ask for a division.

Thereupon, Mr. Zirnkilton of Mount Desert requested permission to withdraw House Amendment "A," which was granted.

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

Mr. KELLEHER: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Mount Desert, Mr. Zirnkilton. After his eloquent speech here yesterday on this amendment, I would like to hear from him why he would like to withdraw his amendment.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, has posed a question through the Chair to the gentleman from Mount Desert, Mr. Zirnkilton, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. ZIRNKILTON: Mr. Speaker, Ladies and

Gentlemen of the House: After talking to the sponsors of the original L. D., they explained to me that the amendment drastically disrupts the distribution process of the various different products to and from the stores, and it was not at all my intention to actually disrupt that distribution process. They also felt as though this amendment would greatly jeopardize the bill and would very much appreciate it if I would withdraw this amendment, and I have done so.

Mr. McGowan of Pittsfield offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-192) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. McGowan.

Mr. MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: This amendment provides all of the alcoholic beverages sold in the state by the State of Maine, and the purpose of this amendment is that I feel as the person offering this amendment that if the state is going to increase the returnable deposit laws by putting more beverages on, I think we ought to put the state in the business of also dealing with returnable bottles, because in my travels through the woods and streams during hunting in the fall, I see bottles with not Hi C on it but Old Duke and Fairview Wine, and I think it is important if we are looking at this problem in the method we are under this present bill, then we ought to include the state within the realm, as we do the small stores.

I hope you all will vote for this amendment.

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

Mr. MACEachern: Mr. Speaker, Ladies and Gentlemen of the House: I read this amendment over and I think it has a lot of merit, but I don't think it goes quite far enough. I have got a list of things here that I think should be included in it—containers for tomato juice, mayonnaise, peanut butter, jelly coffee, bread, oil, anti-freeze, fingernail polish, and last but not least, pampers.

The SPEAKER: The Chair recognizes the gentleman from Washington, Mrs. Allen.

Mrs. ALLEN: Mr. Speaker, I move the indefinite postponement of House Amendment "B."

The SPEAKER: The gentleman from Washington, Mrs. Allen, moves that House Amendment "B" be indefinitely postponed.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would urge this House not to accept the gentleman's motion. We in government want to be big brothers in mandating a variety of legislation on the people of this state. I should think that we would be consistent with ourselves and include the State of Maine in regards to its state liquor stores and all the wine bottles that are sold in this state.

The State of Maine dispenses hundreds and hundreds and hundreds of thousands of bottles a year of hard liquor and wine, and it seems to me that it would be a good practice for us to include it, to absolutely include it in this particular document.

I applaud the efforts of those on the Business Legislation Committee that passed this bill out originally, but if they want to go one step further, then they should include the State of Maine, which you are all responsible for, not just the soft drink people but also the state itself. I think we should have redemption centers in regards to the bottles of liquor.

I will tell you, I went up to the cemetery last week to clean up around my grandfather's lot and there was four bottles up there along the roadside—two were Old Duke and a couple of bottles of Seagrams-Seven. If those were returnable, people perhaps wouldn't be throwing them out. I think it would be a good business practice for us to accept the gentleman's amendment and reject the good gentlelady's

motion from a moment ago to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Washington, Mrs. Allen.

Mrs. ALLEN: Mr. Speaker, Men and Women of the House: When I rose to speak in support of L. D. 1529 two days ago, I did so because I firmly believed that by doing that we would be consistent with the wishes of Maine's voters by including 12 ounce look-alike containers. I believe to go beyond that point at this time would place an undue hardship not only on the consumers but most especially on small agency liquor stores such as the one that I have in my district.

I ask you today that you use your good judgment and that we draw a line between what is reasonably and practical and between that which is not reasonable.

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

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: We heard some discussion about the burden that would be placed on various people. Well, I would like to bring to your attention that we have procedures under the bottle law that the companies who deal in bottles and cans of carbonated beverage and beer, it is relatively easy to set up a redemption system, a redemption program, but the fruit juices, uncarbonated juices and that sort of thing, the companies dealing with that are more in the food processing line than they are in the beverage line and there is no readily available system for recovery of these containers. It would increase the cost of the food products because when they start setting up a redemption system for food product drinks such as fruit drinks and vegetable drinks, beverages, they will put it across the board in their company and it will just increase the cost of food. I wish you would think about that.

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

Mr. MURRAY: Mr. Speaker, Men and Women of the House: The proposal to include alcoholic containers is certainly an interesting one, but I think it should be pointed out that the amendment before us now eliminates the reference to the 12 ounce can and would therefore include every beverage container that includes any type of fruit or imitation fruit. This House Amendment "B" goes far beyond even the original bill that was submitted to the Business Legislation Committee. If this amendment passes, this would include all paper containers, plastic containers, glass bottles for alcoholic and non-alcoholic beverages, and we again run into the distribution problems that have been mentioned before, only to a far greater degree.

For that reason, I would urge you to support the indefinite postponement.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I think I should say a word in regard to this legislation.

First of all, let me tell you, the farmers are not troubled by plastic containers or tin containers—the plastic ones will disintegrate in a few years. They are concerned when they have trouble with their tractor tires and with other tires.

The State of Maine now puts up some booze in half gallon containers with a heavy handle on it and this ruins a tire every time it is hit by one of these.

Another very detrimental one, and I just mention it for your concern, is an olive bottle. A small, round olive bottle breaks and it sticks upright and cuts a round hole about an inch and a half in diameter out of anybody's tire. These are two of the most detrimental ones that we find in the tire business.

The farmers are not so concerned with cans, I don't care if we eliminate taking back the cans because they disintegrate without des-

troying any farmer's property, but the ones that they are really concerned with are these half gallon jugs that have a handle on them, because this really ruins a tire. They are put out by the State of Maine, and if we are so concerned and we want to pass mandating bills and we seem to want to do that here very much, I know the people that want to do it had better do it this year because I am sure they won't be back to pass anymore next time around. So here is your chance to mandate some more.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I opposed the original bill as well as the amendment last time, and I think this amendment is very obvious—the amendment is here to kill the bill. I am in favor of the amendment because we have a good bottle bill now and that is just what we are going to do, so I am going to vote for this amendment.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I am awful proud to serve in this House. I think we have shown some very good judgment. We passed the bottle bill in the interest of cleaning up our roadsides, saving money in regards to the maintenance of highways because we had to use maintenance personnel to clean up the highways, and I thought the amendment the other day was a reasonable amendment. I would like to see you clean up the juice bottles, I would like to see you clean them all up, but I have got a message here that I have received in this House this session so far, and that is that you are interested in highway safety as long as it doesn't infringe on the rights of the city slickers who come down here representing the big chain stores and tell us, we want to sell our juice bottles, we want to desecrate the highways with all kinds of bottles, beer bottles, liquor bottles and what have you, let the rain come down as they have been, it has rained, it has poured, it has dropped from the heavens as it has never done before, it is the wettest season in history, and every ditch, every culvert, all the bottles have been washed down the ditches out over the farmer's land.

I am very proud of you, you are doing a tremendous service to the agricultural people of this state not to do anything more about the bottles. Leave them there because we are going to try to get on our land within the next two weeks and spread fertilizer to try to get a hay crop, and when we go out there we are going to have to send people out ahead of the machinery because those bottles have all swept out onto our fields and our land. That is where they are, but pity that poor butcher, God bless him, may he live forever, because the hungry seller is interested in the American dollar, he is not interested in what he does to our highways, to the automobile tires and the tractor tires. Let the farmer suffer, let him continue to suffer, let him up and then push him down, you are doing a good job so keep doing it.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: The Representative from Limerick is a hard act to follow, but I just wish that he would discontinue referring to the merchant as the culprit that throws that bottle out there beside the road, or that can or whatever the case may be, because once that goes across the counter, it is not our responsibility, it is the responsibility of the consumer.

I guess we have gone the gauntlet with this bill; it has revolved like a top. First of all, it was a solution to a problem with solid waste. Now we find that the people in the state, when they voted in referendum voted to enact a returnable container law, these beverages such as tea, iced tea, Gatorade, Hi-C, fruit drinks, things of that nature.

Today we have an amendment before us that if the original on that argument was a positive argument and one that everyone was concerned with, it would do a lot to assist the solid waste problem in this state but evidently that is not the argument. We are concerned about that agency store that is out there selling these beverages, liquor, wine, mixers, things of that nature—we are not concerned about the Mom and Pop stores, we are not concerned about the distributor who distributes that Gatorade or that iced tea that doesn't have the facilities to take these back at their warehouses where they stock their grocery stocks, we are not concerned about them.

It seems to me that we have an amendment before us which will not create a burden any greater than was created on any store owner in the state when the enactment of the bottle bill was started. I know the hardship that it created on my business, I know what I had to do to meet the requirements for returnable containers in this state, as many other stores in the state had. Some of our smaller communities do not have the luxury of belonging to a redemption center, so they have to take those bottles back. Supposedly they are supposed to be clean, but not very often. We have the problems with the insects, the rodents, the vermin, whatever the case may be, which is an additional cost to these small units, the Mom and Pop stores.

I guess that is enough of that. I just would like to direct myself to the amendment that Representative McGowan from Pittsfield has introduced. I think it is time that if we are concerned with solid waste, if we are concerned with roadside litter, it is time we included liquor and wine bottles under the returnable container law.

I want to ask you a question. Maybe you people are outdoors people, many of you people walk, you are joggers, you are bike riders, you do everything, when you ride down that highway and something is laying beside the road that catches your eye, I would bet that it would be a liquor bottle or wine bottle before it would be an iced tea can or Gatorade or Hi-C fruit juice can, so today we have a responsible piece of legislation with this amendment before us and I think we should take the opportunity now to extend that opportunity to the people in that industry to bring them under the returnable container law.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: Some of you people weren't here when the bottle bill was passed, and it amused me very much, sitting in the seat—by the way, I worked very diligently and very hard to get the bottle bill through, but I am hearing from the same people that were here as long as I was saying the same things against the Maine bottle bill as when we began. How sweet that sound is to them and how hard it was for us to get the bill through. We have come a long way, ladies and gentlemen, and let's not spoil it by a lot of fun like we have had here this morning with amendments like we have before us today. Let's take what we have, pass it, get prepared to go further. Don't listen to any more of these remarks you have heard here in favor of this amendment.

I urge you to kick this out and down the trough where it should go.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Ketover.

Mrs. KETOVER: Mr. Speaker, I would like to pose a question through the Chair. How are the bottle containers that are now under the law and after they have gone to the redemption centers, who picks them up? Is it the recycling plant or the product manufacturers?

The SPEAKER: The gentleman from Portland, Mrs. Ketover, has posed a question through the Chair to anyone who may respond if they so desire.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would assume that we would use the same principle now for this amendment as we have in the past.

But, ladies and gentlemen, while I am on my feet, I would just like to say one or two more things. If this House sincerely wants to improve the control of solid waste, it would set an example itself—each member in this House would set an example because we are part of this state—in accepting the good gentleman's amendment.

The State of Maine, as I said before, dispenses beyond count tremendous amounts of bottles in this state that are found along the roadsides, and if you want to be less than honest, just get up and say that you don't see these bundles distributed along the roadside, in the farmers' fields, in the city, and everywhere else in this state. It is a shame that we in this State, who dispense the number of bottles that we do, that we, in fact, won't apply this rule to ourselves.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Ketover.

Mrs. KETOVER: Mr. Speaker, Ladies and Gentlemen of the House: Thank you Mr. Kelleher, you didn't answer my question. Would the manufacturers or these liquor distributors of bottles, would they come here and pick them up? That is the question.

The SPEAKER: The gentleman from Portland, Mrs. Ketover, has restated her question to any member who may care to respond.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I don't know how to answer the good Representative's question but I will tell her how it happens today in the state. The distributor, if you do not belong to a redemption center, picks the bottles up. I would assume that it would be up to, under this proposed amendment here, I would expect those retailers who sell wine would return the bottles in the same manner they are doing today, either through the distributor process or through the redemption center process. I would think probably with the state liquor involved in it, it would be a rule that the State Liquor Commission would have to promulgate.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: This is not a Portland bill. Verse and poems are made by fools like me but only God can make a tree, so Joyce Kilmer spoke.

I will support the indefinite postponement of this amendment and I urge then that we go on and support the bill bearing in mind that there are only 35 legislative days until the statutory adjournment of this body.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. McGowan.

Mr. MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: There has been some debate this morning in regard to the amendment that I offered saying that I was trying to kill the bill. I want you to know that that is not the intent of this amendment.

My intent is to include the state in the returnable bottle law. Now remember those store-owners, the ones that put your signs in the windows at election time and those good fellows who are always smiling on the corner, if we are going to make them deal with another portion of state regulations in regard to this bottle bill, let's tell them that we included the state also in this bill.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mrs. Melendy.

Mrs. MELENDY: Mr. Speaker, before we can vote on this bill, if this were to pass, would it be right for me to ask at this time that a fiscal note be attached to this as to what it would cost the



state to do this?

The SPEAKER: The gentlewoman from Rockland, Mrs. Melendy, has posed a question through the Chair to anyone who may care to answer.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I would imagine that they might have an additional fee on the bottle of liquor. I think they might charge you another 10 or 15 cents on your bottle, and that would be the money that would go to take care of these bottles.

Mr. Kelleher of Bangor requested a roll call.

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

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

The SPEAKER: The pending question before the House is on the motion of the gentlewoman from Washington, Mrs. Allen, that House Amendment "B" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Ainsworth, Allen, Anderson, Andrews, Armstrong, Baker, Bell, Benoit, Bonney, Bost, Bott, Brannigan, Brodeur, Brown, D.N.; Cahill, Carrier, Carroll, D.P.; Cashman, Chonko, Clark, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Curtis, Daggett, Davis, Day, Diamond, Drinkwater, Gauvreau, Hall, Handy, Higgins, L.M.; Hobbins, Ingraham, Joyce, Ketover, LaPlante, Lebowitz, Lehoux, Lewis, Livesay, Locke, MacBride, Manning, Martin, A.C.; Masterton, Matthews, K.L.; Matthews, Z.E.; Maybury, McPherson, McSweeney, Melendy, Mitchell, E.H.; Mitchell, J.; Murphy, E.M.; Murray, Nadeau, Nelson, Paradis, E.J.; Parent, Paul, Perry, Pines, Reeves, P.; Richard, Roderick, Rolde, Salsbury, Scarpino, Seavey, Smith, C.B.; Smith, C.W.; Soucy, Stevens, Tammaro, Theriault, Thompson, Weymouth, Willey, Zirkilton.

NAY—Beaulieu, Brown, A.K.; Brown, K.L.; Callahan, Carroll, G.A.; Carter, Conary, Conners, Dexter, Dillenback, Dudley, Erwin, Foster, Greenlaw, Gwadosky, Hayden, Hickey, Higgins, H.C.; Jackson, Jalbert, Joseph, Kane, Kelleher, Kelly, Kiesman, Kilcoyne, Lisnik, MacEachern, Macomber, Martin, H.C.; Masterman, McCollister, McGowan, McHenry, Michael, Michaud, Moholland, Murphy, T.W.; Norton, Paradis, P.E.; Perkins, Pouliot, Racine, Randall, Reeves, J.W.; Ridley, Roberts, Sherburne, Soule, Stevenson, Stover, Strout, Swazey, Telow, Tuttle, Vose, Walker, Webster, Wentworth.

ABSENT—Holloway, Jacques, Mahany, Rondini, Small, Sproul, The Speaker.

Yes, 84; No, 59; Absent, 7; Vacant, 1.

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

The pending question is on passage to be engrossed.

Mr. Gwadosky of Fairfield requested a division.

The SPEAKER: The pending question is on passage to be engrossed in concurrence. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Brannigan of Portland requested a roll call.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. Those in favor 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 Chair recognizes the gentleman from Portland, Mr. Brannigan.

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: I just want to make it clear, clearer than I did in the original debate on this bill, as it has come from the committee, that what it does as far the extension of the present returnable container law and people have been saying, Representative Hall and others have been saying that this sounds like some of the same things that we've said previously, and it is true. They are things that were said previously when the bottle bill was passed. When the bottle bill was passed, it was a real intrusion into all areas, intrusion into the areas of wholesalers, manufacturers, retailers, homes, restaurants, everyone had to make changes in the way they handled certain products. It was decided that it was a popular intrusion. We do make intrusions and we will continue to when necessary.

That is all fine and well, we are now being asked to vote, and the majority of the committee did not agree, on an increase in that intrusion, that a certain number of other types of cans be included, but only that, that other types of distributors, other types of people who handle the deposits, the nickel or a dime that you put in that goes back to the distributor, when you take it back to a store or redemption center, it comes back. We are beginning to intrude into another group of people, a group of wholesalers, distributors, to small stores.

Mr. Carroll, I am not worried about the large distributors, Hannaford Brothers, Shaw's, all those can adapt very easily because they already have their own streams of deposits. It is the small stores, 300 and some that belong to one grocery outlet, brokers here and brokers there, to broker out small stores. It is there that the intrusion is going to come, where they are going to have to set up a whole new system of running the deposit back and forth and taking these new cans back and forth. If we want to do that, fine, but the outcome is not worth the extension of what we are doing. I just want everybody to be clear on that, that we are intruding, we are extending. If you wish that, fine, vote for this. If you don't, you vote against it.

The SPEAKER: The Chair recognizes the gentlewoman from Washington, Mrs. Allen.

Mrs. ALLEN: Mr. Speaker, Men and Women of the House: Representative Brannigan talks about intrusion on the small store owners again. May I remind this House that in 1979, a question was put to the voters shall we repeal the returnable container bill? They answered loud and clear by a 7 to 1 margin that in fact we should intrude upon the small store owners. Not only that, they were upset by the distributors, wholesalers, etc, 3 to 1; yet, the people of this state said loud and clear, we like the returnable container bill, we support the returnable container bill. Including a few more look-alike 12 ounce cans is not going to be an added intrusion but simply our desire to go along with the intent of the voters in 1979.

I urge you to pass this bill.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I will not prolong this very long. I voted for this container bill, this bottle bill, I was one of the few people in my organization that was in favor of it. My fear today is that you are going to add just a can today; tomorrow, you are going to add something else; the next day you are going to add baby bottles and then the liquor bottles and pretty soon, you don't realize what you are doing but it is a step each time.

We have a good bottle bill, it is doing a good job, the highways are clean except for a few liquor bottles, but I think we ought to leave it the way it is.

The SPEAKER: The Chair recognizes the

gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, I would like to pose a question through the Chair. I have read through the bill and I am a bit puzzled and I would like to know if the bill excludes or is discriminatory in a certain area. As some of you may know, our friends across the border, north of us, produce a type of beverage in a plastic pouch that is supposed to be more efficient than a tin can or a plastic bottle because it holds its refrigeration much longer, and if I read this bill correctly, I think this type of a pouch is excluded, am I correct in my interpretation?

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

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

Mr. MURRAY: Mr. Speaker, Members of the House: This bill that we are about to vote on is extending the bottle bill to 12 ounce metal cans only.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair. The gentleman from Bangor, Mr. Murray, just jogged my memory a little bit from reading the bill yesterday—I am supporting the bill and I intend to, but I do have a question, a sincere question, in that the bill speaks only of 12 ounce metal cans. Is there a possibility that manufacturers might make 11 ounce cans in the future or something and somehow circumvent the intent of the law by changing the size of their cans, or is that not applicable in this instance?

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

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

Mr. BRANNIGAN: Mr. Speaker, Ladies and Gentlemen of the House: To answer the gentleman's question, that is a possibility of circumventing it. It is why, as I said, I just don't think it is worth setting up new distribution systems to make this small intrusion, additional intrusion, to this group. Those things are possible and that is why I would say that either we make large steps or no more tinkering, just tinkering, with this bill.

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I am beginning to lose track; I know we have spent a lot of time on this bill but I am beginning to lose a little track of what the committee report was. Would it be possible for the Clerk to read the committee report?

Thereupon, the Report was read by the Clerk.

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

Mrs. FOSTER: Mr. Speaker, Ladies and Gentlemen of the House: What happens when we go onto metric system with this 12 ounce can?

The SPEAKER: The gentlewoman from Ellsworth, Mrs. Foster, has posed a question through the Chair to anyone who may care to answer.

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

Mr. BAKER: Mr. Speaker and Members of the House: Just to respond to the gentlewoman's question, at the rate we are going, I don't think we have to worry about the metric system for a long time to come.

The SPEAKER: A roll call has been ordered. The pending question is on passage to be engrossed in concurrence. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Benoit, Bonney, Bost, Bott, Brodeur, Carroll, D.P.; Carroll, G.A.; Cashman, Clark, Connolly, Cooper, Cox, Crouse, Daggett, Davis, Day, Diamond, Gauvreau, Hall, Handy, Higgins, H.C.; Higgins, L.M.; Hobbins, Joyce, Kelly, Kilcoyne, LaPlante, Lebowitz, Lewis, Lisnik, Livesay, Locke, Manning, Martin, A.C.; Matthews, K.L.; Matthews, Z.E.; Maybury, McCollister, McHenry, McSweeney, Michael, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Nelson, Paradis, E.J.; Parent, Paul, Perry, Randall, Reeves, P.; Roderick, Rolde, Scarpino, Seavey, Smith, C.B.; Soule, Stevens, Theriault, Thompson.

NAY—Anderson, Armstrong, Bell, Brannigan, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carrier, Carter, Chonko, Conary, Connors, Cote, Crowley, Curtis, Dexter, Dillenback, Drinkwater, Dudley, Erwin, Foster, Greenlaw, Gwadosky, Hayden, Hickey, Ingraham, Jackson, Jalbert, Joseph, Kane, Kelleher, Ketover, Kiesman, Lehoux, MacBride, MacEachern, Macomber, Martin, H.C.; Masterman, Masterton, McGowan, McPherson, Melendy, Michaud, Moholland, Murphy, E.M.; Murphy, T.W.; Norton, Paradis, P.E.; Perkins, Pines, Pouliot, Racine, Reeves, J.W.; Richard, Ridley, Roberts, Salsbury, Sherburne, Smith, C.W.; Soucy, Stevenson, Stover, Strout, Swazey, Tamarro, Telow, Tuttle, Vose, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Holloway, Jacques, Mahany, Rondini, Small, Sproul, The Speaker.

Yes, 66; No, 77; Absent, 7; Vacant, 1.

The SPEAKER: Sixty-six having voted in the affirmative and seventy-seven in the negative, with seven being absent and one vacant, the motion does not prevail.

Sent to the Senate.

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

Mrs. MITCHELL: Mr. Speaker, is the House in possession of House Paper 480, L.D. 577, Bill "An Act to Improve Access to Small Claims Court?"

The SPEAKER: The Chair would answer in the affirmative, having been held at the gentlewoman's request.

Mrs. MITCHELL: Mr. Speaker, I move that L.D. 577 be reconsidered and further move that it be tabled for one legislative day.

Whereupon, on motion of Mrs. Mitchell of Vassalboro, tabled pending her motion to reconsider whereby the Bill was passed to be Engrossed and tomorrow assigned.

(Off Record Remarks)

On motion of Mr. Martin of Eagle Lake, Recessed until five o'clock in the afternoon.

#### After Recess 5:00 p.m.

The House was called to order by the Speaker.

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

#### Unanimous Ought Not to Pass

Representative Soule from the Committee on Judiciary on Bill "An Act Concerning Statute of Limitations Under the Medical Malpractice Law" (H.P. 629) (L.D. 781) 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 Soule from the Committee on Judiciary on Bill "An Act Relating to the Statute of Limitations in Medical Malpractice Cases" (H.P. 403) (L.D. 486) reporting "Leave to Withdraw"

Representative Soule from the Committee on Judiciary on Bill "An Act to Clarify the Sta-

tutes of Limitations" (H.P. 253) (L.D. 303) reporting "Leave to Withdraw"

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

#### Divided Report Tabled and Assigned

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act Concerning Submerged and Intertidal Lands Owned by the State" (H.P. 952) (L.D. 1233)

Report was signed by the following members:

Senators:

TRAFTON of Androscoggin

VIOLETTE of Aroostook

— of the Senate.

Representatives:

BENOIT of South Portland

JOYCE of Portland

CARRIER of Westbrook

SOULE of Westport

HOBBS of Saco

HAYDEN of Durham

— of the House.

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

Report was signed by the following members:

Senator:

COLLINS of Knox

— of the Senate.

Representatives:

REEVES of Newport

DRINKWATER of Belfast

FOSTER of Ellsworth

LIVESAY of Brunswick

— of the House.

Reports were read.

On motion of Mrs. Mitchell of Vassalboro, tabled pending acceptance of either Report and tomorrow assigned.

#### Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act to Require the Purchase of a Bear Stamp to Hunt Bear" (H.P. 773) (L.D. 1003)

Report was signed by the following members:

Senators:

USHER of Cumberland

REDMOND of Somerset

— of the Senate.

Representatives:

CLARK of Millinocket

GREENLAW of Standish

ERWIN of Rumford

MacEACHERN of Lincoln

CONNERS of Franklin

JACQUES of Waterville

RODERICK of Oxford

— of the House.

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

Report was signed by the following members:

Senator:

DOW of Kennebec

— of the Senate.

Representatives:

KELLY of Camden

PAUL of Sanford

SMITH of Island Falls

— of the House.

Reports were read.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: Even though the title might indicate something other than what the bill does, I would like to move that we accept the Majority "Ought Not to Pass" Report.

Thereupon, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

#### Consent Calendar First Day

(H.P. 988) (L.D. 1293) Bill "An Act to Increase the Borrowing Capacity of the Winterport Water District" (Emergency) Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-193)

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

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

The following Communication:

The Senate of Maine

Secretary's Office

Augusta, Maine 04333

May 5, 1983

Honorable Edwin H. Pert

Clerk of the House

111th Legislature

Augusta, Maine 04333

Dear Clerk Pert:

The Senate voted today to Adhere to its action whereby it Indefinitely Postponed Bill, "An Act to Give the Maine Association of Retirees Proper Representation on the Board of Trustees for the Maine State Retirement System (S. P. 481) (L.D. 1447).

Sincerely,

JOY J. O'BRIEN

Secretary of the Senate

The Communication was read and ordered placed on file.

The following Joint Resolution: (S. P. 535)

JOINT RESOLUTION APPLAUDING THE PARTIES INVOLVED IN THE HISTORIC AGREEMENT BETWEEN THE PROVINCE OF QUEBEC AND THE NEW ENGLAND STATES, TO PROVIDE HYDRO-ELECTRIC POWER TO THE PEOPLE OF NEW ENGLAND

WHEREAS, officials of the New England Power Pool (NEPOOL) and Hydro-Quebec have agreed to bring hydro-electric power from the Province of Quebec to New England; and

WHEREAS, the New England governors, Joseph Brennan of Maine, Richard Snelling of Vermont, William O'Neill of Connecticut, J. Joseph Garrihy of Rhode Island, John Sununu of New Hampshire, Michael Dukakis of Massachusetts and the Prime Minister of Quebec, Rene Levesque, wholeheartedly endorse the historic agreement; and

WHEREAS, this interconnection agreement provides considerable savings for New England consumers with respect to energy costs and further reduces New England's dependency on oil; and

WHEREAS, the people of New England and their Canadian neighbors share common culture, economic and environmental advantages and concerns; now, therefore, be it

RESOLVED: That We, the Members of the First Regular Session of the 111th Legislature of the State of Maine, now assembled, applaud this historic occasion as a sign of mutual goodwill between the people of New England and the Province of Quebec; and be it further

RESOLVED: That other mutually beneficial agreements between New England and Quebec be encouraged in future years to strengthen relationships between New England and Canada; and be it further

RESOLVED: That a suitable copy of this resolution be prepared and presented to Premier Rene Levesque.

Came from the Senate read and adopted.

In the House, the Resolution was read.

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: Although all of us are concerned about the utility bills that our various constituents are paying, I would like to



point out to the members of this body that this purchase from Quebec is not exactly as rosy as it might appear. There is going to be a loss of jobs in the State of Maine, or that is that jobs will not be created in the State of Maine to produce this power since we will be buying it from Quebec, and also there will be no increase in tax revenues that we might ordinarily expect. Should a power facility be in Maine, we would be getting various property taxes as well as other taxes paid to the state.

I would like to point out to the members of this body that this is not as rosy a picture as it might appear.

Thereupon, the Resolution was adopted in concurrence.

Bill "An Act to Permit the Use of Modulating Headlights on Motorcycles" (S. P. 519) (L. D. 1540)

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

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

#### Unanimous Leave to Withdraw

Report of the Committee on Public Utilities reporting "Leave to Withdraw" on Bill "An Act to Raise the Annual Public Utilities Commission Regulatory Fund Assessments to \$1,450,000, for Fiscal Year 1984 and \$1,500,000 for Fiscal Year 1985" (S. P. 421) (L. D. 1274)

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

#### Ought to Pass in New Draft/New Title

Report of the Committee on Health and Institutional Services on Bill "An Act to Require Physicians to Report to the Board of Registration in Medicine Whether or not they Accept Medicare Assignments" (S. P. 266) (L. D. 811) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Require Physicians, Chiropractors and Podiatrists to Post their Policy regarding their Acceptance of Medicare Assignments" (S. P. 524) (L. D. 1542)

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

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

#### Non-Concurrent Matter

Bill "An Act Relating to Boards of Voter Registration" (H. P. 1146) (L. D. 1509) which was Passed to be Engrossed in the House on April 27, 1983.

Comes from the Senate Passed to be Engrossed as amended by Senate Amendment "A" (S-88) in non-concurrence.

In the House: On motion of Mr. Paradis of Augusta, the House voted to recede and concur.

#### Petitions, Bills and Resolves Requiring Reference

Bill "An Act to Clarify the Types of Property Which Pass by Deed" (Emergency) (H. P. 1176) (Presented by Representative Gwadosky of Fairfield) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Committee on Judiciary was suggested.

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

Bill "An Act Adjusting the Rate of Refund of Motor Fuel Tax to Users of Aircraft and to Make Technical Adjustments to the Motor Fuel Tax Laws" (Emergency) (H. P. 1177) (Presented by Representative Kelleher of Bangor) (Cosponsors: Representatives Higgins of Portland, Carroll of Limerick, and Senator Danton of York) (Submitted by the Department of

Transportation pursuant to Joint Rule 24)

The Bill was referred to the Committee on Taxation, ordered printed and sent up for concurrence.

#### Unanimous Leave to Withdraw

Representative Perkins from the Committee on Business Legislation on Bill "An Act to Permit the Public Advocate to Participate in Insurance Rate Filings" (H. P. 1030) (L. D. 1355) reporting "Leave to Withdraw"

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. 717) (L. D. 908) Bill "An Act to Clarify the Fuel Charges of Electric Utilities"—Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-195)

(H. P. 427) (L. D. 509) Bill "An Act to Remove the Requirement that Farm Vehicles have a Fuel Use Decal"—Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-197)

(H. P. 422) (L. D. 505) Bill "An Act to Revise the Mexico Water District Charter"—Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "B" (H-196)

(H. P. 876) (L. D. 1130) Bill "An Act to Amend the Standard Valuation Law for Life Insurance and Annuities and the Standard Nonforfeiture Law for Life Insurance"—Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-198)

No objections having been noted, the above items were ordered to appear on the Consent Calendar of May 6, under the listing of Second Day.

#### Passed to Be Enacted

An Act to Change References to the Public Utilities Commission in the Transportation Statutes (S. P. 360) (L. D. 1081)

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

#### Enactor

##### Tabled and Assigned

An Act to Improve Voter Registration Access for Potential Absentee Voters (H. P. 114) (L. D. 121)

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

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: This bill, L.D. 121, is the bill that I was concerned about last week and had asked that it might be set aside so we might have an opportunity to debate it earlier on, but unfortunately, I was not afforded that opportunity.

I am concerned about this piece of legislation, for I happen to believe that we have one of the most liberal registration laws in the United States in how we allow people to register to vote. I am in favor, as I am sure you all are, of maintaining everybody's opportunity to participate in the democratic process, but at the same time I think we should be cognizant of are we—not encouraging but are we somehow making it easy for people to become involved in some fraudulent activities.

I have some problems with this bill because I happen to feel if somebody is going to register to vote, they ought to have to come and take the oath in front of the clerk or someone who is a registrar. They should not be allowed to do it at their home by someone who happens to be interested in obtaining absentee ballots.

I think the intent of this—reading the

Statement of Fact, I can sympathize with the intent of the legislation and the ill that it is trying to eliminate, but at the same time it seems to me that it would be very simple for someone to go out and obtain any number of registrations, enrollments and absentee votes on election day based on the premise that those people were sick, ill or unable to attend the voting booth. I think it is an unfortunate piece of legislation at best, and I am concerned about it. I would ask for the yeas and nays on enactment.

I would also like to pose a question. I don't have the statute in front of me, but from reading both Section 2 and Section 3 of the bill, my interpretation of this is that one could register on any day, not only election day but any day, so long as they were qualified to obtain an absentee ballot. I may be wrong about that, I hope that I am. If I am not, that makes it even worse.

It just seems to me that we ought to be concerned about the integrity of the voting process and we should not be liberalizing our laws to the extent that this bill does, which does kill the opportunity out there for someone to go around and pick up any number of absentee votes on election day and registrations at the same time.

On motion of Mr. Diamond of Bangor, tabled pending passage to be enacted (a roll call requested) and tomorrow assigned.

An Act Relating to Clam Regulation in the Unorganized Territories (H. P. 908) (L. D. 1187) (S. "A" S-80)

An Act to Amend the Maine Coastal Protection Fund (H. P. 993) (L. D. 1303) (C. "A" H-164)

An Act to Prohibit Smelting on Morrill Pond in Somerset County (H. P. 995) (L. D. 1305) (C. "A" H-167)

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.

#### Enactor

##### Tabled and Assigned

An Act to Make Corrections in the Maine State Housing Authorities Law (H. P. 1053) (L. D. 1397) (H. "A" H-165 to C. "A" H-163)

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

On motion of Mr. Gwadosky of Fairfield, tabled pending passage to be enacted and tomorrow assigned.

An Act to Authorize Easements for the Purpose of Sewage Disposal and to Eliminate Undersized Rights-of-way on Certain Leased Lots Owned by the Town of Bridgton (H. P. 1079) (L. D. 1425)

An Act to Provide Cost-of-living Adjustments to Retired State Employees, Teachers and Beneficiaries (H. P. 1142) (L. D. 1507) (H. "A" H-169)

An Act Requiring Motorists to Protect Children in Motor Vehicles by Use of Approved Child Safety Seats (H. P. 1149) (L. D. 1514)

An Act to Make Confidential Certain Documents of the Maine Human Rights Commission (H. P. 1156) (L. D. 1526)

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.

#### Finally Passed

RESOLVE, Authorizing the Exchange of Certain Public Lands (H. P. 1008) (L. D. 1333)

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

The Chair laid before the House the following matter:

Bill "An Act to Clarify the Types of Property which Pass by Deed" (Emergency) (H. P. 1176) which was tabled and later today assigned pending reference. (Committee on Judiciary was suggested)

On motion of Mr. Gwadosky of Fairfield, the Bill was referred to the Committee on State Government, ordered printed and sent up for concurrence.

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(Off Record Remarks)

On motion of Mrs. Joseph of Waterville,  
Adjourned until twelve o'clock noon tomorrow.