

# MAINE STATE LEGISLATURE

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# **LEGISLATIVE RECORD**

OF THE

## ***One Hundred and Eleventh Legislature***

OF THE

**STATE OF MAINE**

### **Volume II**

**FIRST REGULAR SESSION**

**May 16, 1983 to June 24, 1983**

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**HOUSE**

Thursday, May 26, 1983

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

Prayer by the Reverend Ronald Walden of the Orono United Methodist Church.

The journal of yesterday was read and approved.

Office of the Secretary of State

May 25, 1983

To the Honorable John L. Martin, Speaker of the House of Representatives of the One Hundred and Eleventh Legislature:

In compliance with the Constitution and laws of the State of Maine, I have the honor to herewith report the return of votes cast in Representative District 58 at the Special Election held on May 24, 1983, according to a review of the returns made by the Governor, to fill the vacancy that existed in that district as follows:

Vernon Jordan, Warren 510

Joseph Mayo, Thomaston 1,093

S/RODNEY S. QUINN

Secretary of State

The Communication was read and ordered placed on file.

State of Maine

Office of the Secretary of State

May 25, 1983

To Edwin H. Pert, Clerk of the House of Representatives of the One Hundred and Eleventh Legislature:

In compliance with the Constitution and laws of the State of Maine, I hereby certify that a Special Election was held on May 24, 1983, in Representative District 58 for the purpose of electing a Representative to the One Hundred and Eleventh Legislature; that Joseph Mayo of Thomaston having reviewed a plurality of all votes cast in District 58, as contained in a report to the Governor on May 25, 1983, appears to have been elected a Representative to the One Hundred and Eleventh Legislature.

IN WITNESS WHEREOF, I have caused the Great Seal of the State of Maine to be hereunto affixed this twenty-fifth day of May in the year of our Lord, One Thousand Nine Hundred and Eighty-three.

S/RODNEY S. QUINN

Secretary of State

The Communication was read and ordered placed on file.

**Papers from the Senate  
Non-Concurrent Matter  
Tabled and Assigned**

Bill "An Act to Incorporate Last Best Offer Provisions into the Municipal Public Employees and the University of Maine Labor Relations Laws" (H. P. 925) (L. D. 1204) on which the Majority "Ought Not to Pass" Report of the Committee on Labor was read and accepted in the House on May 24, 1983.

Came from the Senate with the Minority "Ought to Pass" in New Draft under New Title Bill "An Act to Encourage Prompt Resolution of Public Employee Labor Disputes" (H. P. 1267) (L. D. 1678) Report of the Committee on Labor read and accepted and the New Draft passed to be engrossed in non-concurrence.

In the House: Mrs. Beaulieu of Portland moved that the House recede and concur.

On motion of the same gentlewoman, tabled pending her motion to recede and concur and specially assigned for Tuesday, May 31.

**Non-Concurrent Matter**

Bill "An Act to Assure Public Awareness of Nuclear Civil Protection Plans for Maine" (H. P. 1266) (L. D. 1677) which was passed to be engrossed in the House on May 24, 1983.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-152) in non-concurrence.

In the House: On motion of Mr. Hickey of Au-

gusta, the House voted to recede and concur.

**Non-Concurrent Matter**

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) (L. D. 1571) which was passed to be engrossed as amended by Senate Amendment "A" (S-113) and House Amendment "A" (H-256) in the House on May 23, 1983.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-113) and Senate Amendment "B" (S-149) in non-concurrence.

In the House: On motion of Mr. Higgins of Portland, the House voted to recede and concur.

**Non-Concurrent Matter**

An Act to Create a Student Seat on the Board of Trustees of the University of Maine (H. P. 24) (L. D. 29) (C. "A" H-177 and S. "A" S-91) which failed of passage to be enacted in the House on May 13, 1983.

Came from the Senate passed to be enacted in non-concurrence.

In the House: Mrs. Locke of Sebec moved that the House recede and concur.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: To take only a few minutes of your time on a bill that we have discussed and debated rather extensively over the last 30 days, I would remind you of the previous debate where we identified this proposal as a quota, specifying a certain segment of the Maine population to be represented on that board of trustees. Now the trustees are required to represent all the citizens of the state.

Students haven't been appointed to the board of trustees, as we indicated in previous debate, no students have applied over the last few years.

I also would urge you to reject this motion because it provides for a different term, a two-year term rather than the seven-year term for all the regular members.

We also indicated that there is a problem in terms of definition of permanent resident, which takes only a few minutes to obtain, so we could have an out-of-state student declaring permanent residency and serving on the board of trustees.

The Governor, in his executive capacity, is limited to only five students who are nominated by the student government. There is no latitude there for the Governor in selection of choice.

I would urge you to defeat this motion that is before us so that we may adhere to our previous action.

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

Mr. HANDY: Mr. Speaker, Men and Women of the House: We have debated this bill rather extensively and I think many of the points have been brought out and most people understand what we are attempting to do here.

I submit to you that a student member on the board of trustees would represent all the people of the State of Maine and represent them well by presenting that student's point of view from the point of view of a person, an individual who presents the viewpoint of one who is involved in the activities on a daily basis.

I would urge you to support the motion to recede and concur with the other body.

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

Mr. MURPHY: Mr. Speaker, I would request a division.

The SPEAKER: The Chair recognizes the gentleman from Sebec, Mrs. Locke.

Mrs. LOCKE: Mr. Speaker, I request 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 Washburn, Mr. Crouse.

Mr. CROUSE: Mr. Speaker, Men and Women of the House: We have heard the same arguments on this issue today that we have heard in the past, the same arguments that are not, in fact, good arguments.

Mr. Murphy said that a student from out of state could be on this board, could be nominated for the board of trustees when in fact the out-of-state student has to maintain their out-of-state residence for tuition purposes for the University of Maine System. They have to go through a whole process within the University of Maine System to establish residency in the State of Maine for tuition purposes, so that is not a legitimate argument.

The quota system is another argument that I have some problems with. Right now there is an agriculture representative on the board and he stated in our hearing before us this session that he is representing the agricultural community, and we have had people from the agricultural community represented on the board. This has all been discussed before, these are all arguments that we have either rejected or accepted before. I don't believe they are legitimate arguments for this student seat.

My biggest concern and my real reason for wanting a student seat on the board of trustees is the lack of response that the board of trustees offers today. I mentioned this before but I will go over it again just to remind you that they provide the opportunity for students, faculty to input into the university but they do not respond, they do not respond to their requests, to the needs of the students in the University of Maine system. I have seen this in the five years I worked there and it just doesn't happen. A student seat on the board, a voting seat on the board, is very important and I hope you will vote to recede and concur on this issue. It is an important issue for the students of the University of Maine system.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Soucy.

Mr. SOUCY: Mr. Speaker, Ladies and Gentlemen of the House: I have been opposed to this bill ever since its introduction. Just a couple of points. In one of the earlier debates there was mentioned a figure of about 28,000 students in the University of Maine system. I can tell you, at the hearing there were only five students there and one of those students was opposed to this legislation. It seems to me if the students of the University of Maine system were in support of this bill, we would have had the hearing up to the civic center. We should have had hundreds of students there instead of just five.

I urge you to defeat the proposal.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Matthews.

Mr. MATTHEWS: Mr. Speaker and Members of the House: I hadn't intended to speak on this bill but I would just like to mention a couple of things. I have sat here and I have listened to the good Representative, Mr. Murphy, mention on previous occasions that this sets up a quota system. I think that using those kinds of catchphrases, quotas and that kind of terminology, is inappropriate, especially from the gentleman from Kennebunk.

I would just mention to members of this House that what we live in is a democracy and a democracy means representation, and that is what this bill is all about, representation.

I would also mention to members of this House that the people that might be elected from the university to serve on this board may

be of different ages, we are not just talking about young students. Our university happens to be a university which is open, a democratic university. I happen to have had the pleasure and the honor of being in one of our universities and I have seen elderly people, young people, middle-age people, continuing their education. This is a democratic bill, and I mean that in the full sense of the term, and I think it is a very, very good bill.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: I would remind the good gentleman, Representative Crouse, of the recent court case throwing out the six months' residency requirement for out-of-state students at the University of Maine. I would like to say something positive about the trustees of the University of Maine. They serve on a very difficult board which consumes a great deal of time, requires a great deal of background work, and they are working very hard to represent all the people of this state. And with our committee this year, the Education Committee, some very good communication has been established and the process is opening up.

I would stand by my comment that this is a quota, there is no other way of looking at it. We are talking about that there is some influence, indirect influence, already. At least three of the trustees presently have students, children who are students at the University of Maine or have just graduated from the university, and I know as a parent there is a great deal of influencing and lobbying that occurs at the dinner table.

We also read into the student record the last time we debated this bill that the student government went on record in opposition to this proposal.

I would ask you again that on this roll call vote we reject the motion that is before us so that we might adhere.

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

Mr. DIAMOND: Mr. Speaker and Members of the House: I was listening to the gentleman from Kennebunk, Mr. Murphy, with great interest, especially his concerns about the fact that out of staters might somehow qualify for this seat that we hopefully will be creating. It seems to me that it is possible now for any member of the board of trustees of the University of Maine to establish residency in Maine and thus become eligible to sit on the board of trustees, so this is nothing unique, it is no special situation that is being created. It is possible now for this to take place and I don't think that we are changing any policy.

As far as the concern about out of staters goes, I think we have several members of this body who were not born here or who once resided out of state. In fact, the gentleman who represents the University of Maine at Orono District, I think a year or so ago, was registered out of state and established residency in Maine, ran for the legislature and the voters elected him; yet, I don't hear the gentleman from Kennebunk protesting that.

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

Mr. BROWN: Mr. Speaker, I would like to pose a question to anyone who may wish to answer. The original bill said that the student representative shall not come from the same campus in any two consecutive terms. I am trying to compare that with what the amendment says. Could somebody answer as to whether or not the original bill's wording is correct in that respect?

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

The Chair recognizes the gentlewoman from Sebec, Mrs. Locke.

Mrs. LOCKE: Mr. Speaker, Men and Women

of the House: I would be happy to answer the question. As I quickly look over what I have in front of me and as I remember my own input into this bill several weeks back, that has not changed.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to respond very briefly to some comments made by an earlier speaker, Mr. Matthews, who talked about our system being a democracy, and thank God it is, he is absolutely correct, and it works very well. I guess that is what bothers me a little bit about this particular bill in front of us is really the two items that "the Governor shall appoint from a list of five given to him." I think that is tying the Governor's hands, certainly more than it is in other appointments that he makes. Secondly, if we are talking about a truly representative government, composed of boards, commissions and so forth, why should the student representative not come from the same campus in any two consecutive terms? We really are tying the hands of the Governor in making this kind of appointment.

I really hope, for the reasons that I just outlined and the reasons that were outlined earlier by the Representative from Kennebunk, Mr. Murphy, that you oppose the recede and concur motion.

The SPEAKER: The Chair recognizes the gentleman from East Machias, Mr. Randall.

Mr. RANDALL: Mr. Speaker, Ladies and Gentlemen of the House: I stand today in support of this legislation. As previous speakers have already mentioned, they have been non-supportive of this bill for some time. I suppose I might say that I have been supportive of this bill ever since the day I was born.

Now, for such a general statement as this, I suppose I should put some qualifications in. I think it is interesting to note some of the things you may have not already heard in this body on this bill. One would be, where does the support for such an idea come from? You may have noted from previous roll calls on this that there does seem to be support from those many folks who have university campuses within our districts. I am one of those individuals, and I would suggest to you that I do know what students on those campuses think. While you may already have heard that student organizations have stood in opposition to this, if I look back to the 1981 proposal of this bill, I see that the student organization which was referred to in a previous speech did not exist in 1981, so I am really not sure where this non-support among students really does come from.

I would suggest to you that it is not one of those burning issues that people have, it is basically a common sense type of thing.

I would like to share with you a few words from a British Statesman, Winston Churchill, in regard to youth. Churchill says, "20 to 25, those are the years, and don't be content with things as they are. The earth is yours and the fullness thereof. Enter upon your inheritance, accept your responsibilities, raise the glory of the flags again, advance them upon the new enemies who constantly gather upon the front of the human army and have only to be assailed to be overthrown. Don't take no for an answer, never submit to failure, don't be fogged off with near personal success or acceptance, you will make all kinds of mistakes but as long as you are generous and true and also fierce, you cannot hurt the world or even seriously distress her. She was made to be wooed and won by youth; she has lived and thrived by repeated subjugations."

I would suggest to you today that the board of trustees of the University of Maine, a very distinguished board, would benefit much from this perspective of youth, and I would urge your passage of this bill.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am unable to drive an automobile so I am at the mercy of somebody picking me up at home and dropping me off, and the young man that picks me up is the sponsor of this measure, Representative James Handy. If the University of Maine turns out people like him, then I think with the help and the advice that this man would have on the board from the learned members of the board of trustees, I can tell you that we would end up with many more very, very good citizens. He is a fine, polite young man, shakes hands with you everyday, as I do with the Speaker every morning, opens the door for me. If it is raining, he picks up my gear, he is a fine young gentleman. For that reason alone — he is a graduate of the University of Maine — I would go along with this measure, because of this fine young man.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Not to prolong this debate which we have had here for many years, but just to make a couple of points. The gentleman from Kennebunk, Mr. Murphy, mentioned the role of the board of trustees and the fine work that they are doing and the tremendous amount of work that they have to do, and I agree with that. But I was very surprised the other day, on something else that I was dealing with I had to get a list of the board of trustees of the University of Maine and I was very surprised to see that two of those trustees both have out-of-state addresses and live outside the State of Maine. I would think in light of that, that we do have two trustees who are out of staters, that we could afford to have some of the consumers who use our services on this board, or at least represented on the board.

Another point, several years ago when we had this bill before us and I was on the Education Committee, the Chancellor of the University came and said that the bill wasn't needed because they had committees of the board of trustees on which students were allowed to sit and that there was absolutely no need, and that bill was killed and so were the committees. The students were taken off and they do not have any means of getting directly to the board of trustees.

Some of you served with Steve Hughes in this body. Steve was the only student who has ever served as a member of the board of trustees. I understand he served for seven years. He was an effective and able member not only of this body but of the board of trustees.

Finally, in regard to the gentleman from Kittery, Mr. Soucy, as to why so few students came down to testify on the bill, perhaps after all these years in which we have tried to pass the bill, they have become a little bit discouraged and cynical about our actions.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Matthews.

Mr. MATTHEWS: Mr. Speaker and Members of the House: I seldom stand on an issue unless I feel very strongly about it. I can only say this — this bill has become so complicated now that I am wondering what the title is all about.

Basically, I believe this — I taught for 35 years and I have a lot of confidence in the wisdom of young people. I think the other trustees on the board could get a heck of a lot from having a young person on there about what is going on in our university system.

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

Mr. BOST: Mr. Speaker, Men and Women of the House: I urge you to accept the motion to recede and concur.

The University of Maine board of trustees is filled by sincere and public-spirited individuals. However, the board has only limited contact with the actual educational process and living environment of the students. A student

member would enhance both the board's image and I believe the effectiveness.

Once the process is open to student participation, I believe there will be many qualified students attracted to serving in this capacity. A two-year term would be plenty of time to learn the ropes and certainly plenty of time to broaden the perspective of those already serving.

Merely citing the fact that the civic center was not used for the public hearing, indicating that unless hundreds of students rallied at a public hearing, that there is no groundswell support for the legislation, I believe is a weak argument against this student member.

Those that are concerned about tying the hands of the Governor here are usually quite receptive to that notion on other issues.

This is an issue of equal representation, equity and fairness. The over 27,000 consumers of education in this state deserve a voice on that board. What are the opponents of this measure afraid of?

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

Ms. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to support the motion before the House this morning also.

I had the opportunity to meet many students at the Gorham campus when I was campaigning this fall. I found that many of the students had fine ideas that could be beneficial to the board of trustees. They were really impressed that I spent the time that I did campaigning at their campus. I spent maybe three or four days with them and I learned a lot, and I am sure that the board of trustees could learn a lot from these students also.

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

Mr. CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I think I have a little different wrinkle to add to this and why I favor this bill. You take Bowdoin, Bates, Colby Colleges, you take all the business colleges, Thomas, Westbrook, Husson and so forth, they all have trustees on campus. They meet there, they know the faculty, they know the students and they add a great deal to the campuses. This Super University System, they meet in an ivory tower in Bangor, they see students in a very artificial light and they very seldom see faculty unless it is a faculty we wanted them to see when I was in the system. I think this would be an excellent move, to bring a student into their midst so they would get a little flavor of what the faculty is doing and what the students are doing in the university system.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentlewoman from Sebec, Mrs. Locke, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Benoit, Bost, Bott, Brodeur, Brown, A.K.; Cahill, Carroll, D.P.; Cashman, Chonko, Clark, Connors, Connolly, Cooper, Cox, Crouse, Crowley, Daggett, Dexter, Diamond, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Holloway, Ingraham, Jacques, Jalbert, Joseph, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lisnik, Locke, MacBride, Macomber, Martin, H.C.; Matthews, K.L.; Matthews, Z.E.; Maybury, McGowan, McHenry, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Paradis, E.J.; Paradis, P.E.; Paul, Pines, Randall, Richard, Rolde, Smith, C.B.; Soule, Stevens, Stevenson, Strout, Theriault, Thompson, Tuttle, Webster, Weymouth, The Speaker.

NAY—Anderson, Armstrong, Bell, Bonney, Brown, D.N.; Brown, K.L.; Callahan, Carrier, Carroll, G.A.; Carter, Conary, Cote, Curtis, Davis, Day, Dillenback, Drinkwater, Dudley, Erwin, Foster, Greenlaw, Jackson, Joyce,

Kiesman, Lebowitz, Lehoux, Lewis, Livesay, MacEachern, Manning, Martin, A.C.; Masterman, Masterton, McCollister, McPherson, Moholland, Murphy, E.M.; Murphy, T.W.; Nelson, Norton, Parent, Perkins, Perry, Pouliot, Racine, Reeves, J.W.; Ridley, Roberts, Roderick, Salisbury, Scarpino, Seavey, Sherburne, Small, Smith, C.W.; Soucy, Sproul, Stover, Swazey, Tamaro, Telow, Vose, Walker, Wentworth, Willey, Zirkilont.

ABSENT—Brannigan, Hobbins, Kane, Mahany, McSweeney, Reeves, P.; Rotondi.

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

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

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

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

Mr. DIAMOND: Mr. Speaker, having voted on the prevailing side, I now move reconsideration and hope that you all vote against me.

The SPEAKER: The gentleman from Bangor, Mr. Diamond, moves that the House reconsider its action whereby this Bill was passed to be enacted. All those in favor will say yes; those opposed will say no.

A viva voce vote being taken, the motion did not prevail.

#### Petitions, Bills and Resolves Requiring Reference

The following Bills were received and referred to the following Committees:

##### Education

Bill "An Act to Create a Maine Commission on Excellence in Education" (Emergency) (H. P. 1279) (L. D. 1696) (Presented by Representative Mitchell of Vassalboro) (Cosponsors: Senator Carpenter of Aroostook, Representatives Diamond of Bangor, and Davis of Monmouth) (Approved for Introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)

Sent up for concurrence.

##### Energy and Natural Resources

Bill "An Act to Establish the Maine Environmental Protection Fund" (H. P. 1278) (L. D. 1695) (Presented by Representative Michael of Auburn) (Cosponsor: Senator Kany of Kennebec) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

##### Judiciary

Bill "An Act to Deter Drinking and Driving by Teenagers" (Emergency) (H. P. 1280) (L. D. 1697) (Presented by Representative Hayden of Durham) (Cosponsors: Representatives Joyce of Portland, Foster of Ellsworth, and Senator Violette of Aroostook)

Bill "An Act to Require Dismissal of State Employees Responsible for Abuse or Neglect of Patients, Clients or Students" (Emergency) (H. P. 1286) (L. D. 1704) (Presented by Representative Thompson of South Portland) (Cosponsor: Senator Clark of Cumberland)

(Ordered Printed)

Sent up for concurrence.

##### State Government

Bill "An Act Amending and Expanding the Home Winterization Program Statute" (H. P. 1281) (L. D. 1698) (Presented by Representative Jacques of Waterville) (Cosponsors: Senator Diamond of Cumberland and Representative McGowan of Pittsfield)

(Ordered Printed)

Sent up for concurrence.

##### Taxation

Bill "An Act Relating to Ethanol Production

in the State" (Emergency) (H. P. 1282) (L. D. 1699) (Presented by Representative Higgins of Portland) (Cosponsors: Senators Wood of York, Conley of Cumberland, and Speaker Martin of Eagle Lake)

Bill "An Act to Provide a Sales Tax Rebate on Materials Used in the Construction of Fish Passage Facilities" (H. P. 1283) (L. D. 1700) (Presented by Representative Hall of Sangerville) (Cosponsors: Senator Kany of Kennebec and Representative McGowan of Pittsfield)

(Ordered Printed)

Sent up for concurrence.

By unanimous consent, the previous bills requiring reference in concurrence were ordered sent forthwith to the Senate.

#### Table Unassigned

Bill "An Act to Increase the Excise Tax on Dessert Wine and to Permit the Sale of Dessert Wine at Retail Stores" (H. P. 1284) (L. D. 1701) (Presented by Representative Higgins of Portland) (Cosponsor: Senator Wood of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Committee on Taxation was suggested.

On motion of Mrs. Mitchell of Vassalboro, tabled unassigned pending reference.

#### Orders

##### Later Today Assigned

On motion of Representative Nelson of Portland, the following Joint Order: (H. P. 1285)

Ordered, the Senate concurring, that the Joint Rules be amended by repealing and replacing Joint Rule 21 as follows:

**21. Committee Fiscal Impact Statements.** Every bill or resolve affecting revenue or appropriations, which has a committee recommendation other than "Ought Not to Pass" or "Leave to Withdraw," shall include a fiscal impact statement. This statement shall be incorporated in the bill before it is reported out of committee. The Office of Legislative Finance shall have sole responsibility for preparing these fiscal notes.

And be it further

Ordered, that the Joint Rules be amended by adding a new Joint Rule 21-A to read:

**21-A. Committee judicial impact statements.** Every bill or resolve affecting the Judicial Department, which has a recommendation other than "Ought Not to Pass" or "Leave to Withdraw," shall include a judicial impact statement. The statement shall be incorporated in the bill before it is reported out of committee. The Office of Legislative Assistants shall have the sole responsibility for preparing those judicial impact statements.

The Order was read.

On motion of Mrs. Mitchell of Vassalboro, tabled pending passage and later today assigned.

On motion of Representative McSWEENEY of Old Orchard Beach, it was

Ordered, that Representative Peter Manning of Portland be excused May 31 and June 1 for personal reasons.

#### House Reports of Committees

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

Representative Livesay from the Committee on Judiciary on Bill "An Act to Protect Works of Art" (H. P. 1034) (L. D. 1359) reporting "Ought to Pass" in New Draft under New Title RESOLVE, Authorizing and Directing the Maine State Commission on the Arts and Humanities to Prepare and Make Available to Artists a Form Contract for the Protection of Works of Art (H. P. 1277) (L. D. 1693)

Representative Soule from the Committee on Judiciary on Bill "An Act to Provide Litigation Authority for the Maine Human Rights Commission" (H. P. 1092) (L. D. 1439) report-

ing "Ought to Pass" in New Draft under New Title Bill "An Act Relating to the Position of Counsel for the Maine Human Rights Commission" (H. P. 1287) (L. D. 1705)

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.

#### Ought to Pass

##### Pursuant to Joint Order H.P. 118

Representative Rolde from the Joint Select Committee on Alcoholism Services on Bill "An Act to Provide for the Development of Centralized Coordinated Planning and Evaluation Process for State Alcohol and Drug Abuse Activities" (Emergency) (H. P. 1276) (L. D. 1692) reporting "Ought to Pass" — pursuant to Joint Order (H. P. 118)

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.

#### Consent Calendar

##### First Day

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

(H. P. 477) (L. D. 574) Bill "An Act to Amend the Hazardous Waste Statutes Administered by the Department of Environmental Protection"—Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-290)

(H. P. 1105) (L. D. 1458) Bill "An Act to Amend the Department of Environmental Protection Statutes"—Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-291)

(H. P. 1021) (L. D. 1344) Bill "An Act Concerning Compensation for Witnesses"—Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-292)

(H. P. 223) (L. D. 271) Bill "An Act Relating to Certifying Indian Representatives"—Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-293)

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

(S. P. 415) (L. D. 1262) Bill "An Act to Authorize Bond Issue in the Amount of \$24,600,000 for Highway and Bridge Improvements to Match Federal Funds and to Accelerate the Improvement of Town Way Bridges"—Committee on Transportation reporting "Ought to Pass"

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

Thereupon, the Report was accepted in concurrence, the Bill read once and assigned for second reading later in the day.

(S. P. 545) (L. D. 1590) Bill "An Act to Provide a Comprehensive Marketing Program for Maine Agricultural Products"—Committee on Agriculture reporting "Ought to Pass"

(H. P. 1225) (L. D. 1630) Bill "An Act to Provide Authority to the Department of Labor to Receive Federal Funds in Order to Expand the Workplace Safety Compliance Consultation Program" (Emergency) — Committee on Labor reporting "Ought to Pass"

There being no objections, 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 Paper was passed to be engrossed and sent up for concurrence.

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

#### Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-294) on Bill "An Act to Authorize Court Appointed Receivers" (H. P. 1165) (L. D. 1546)

Report was signed by the following members:

Senators:

TRAFTON  
COLLINS of Knox

— of the Senate.

Representatives:

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

— of the House.

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

Report was signed by the following members:

Senator:

VIOLETTE of Arrostook

— of the Senate.

Representative:

REEVES of Newport

— of the House.

Reports were read.

On motion of Mr. Soule of Westport, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-294) was read by the Clerk and adopted.

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

#### Consent Calendar

##### First Day

(H. P. 970) (L. D. 1265) Bill "An Act to Provide Advocacy Services to Residents of Children's Homes"—Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-295)

(H. P. 1233) (L. D. 1640) Bill "An Act to Amend the Maine Business Corporation Act to Permit Preferred Stock Redeemable with Property or Securities"—Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-296)

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

#### Orders of the Day

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

An Act Relating to the Labeling of Milk Containers (H. P. 1132) (L. D. 1498)

Tabled — May 25, 1983 by Representative Mitchell of Vassalboro.

Pending — Passage to be Enacted.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to table this bill for two legislative days pending an opinion from the Attorney General's Office as to its constitutionality.

Whereupon, on motion of Mrs. Mitchell of Vassalboro, tabled pending passage to be enacted and tomorrow assigned.

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

Bill, "An Act to Require Swimming Pools to be Enclosed" (S. P. 511) (L. D. 1528)

— In Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-129)

Tabled — May 25, 1983 by Representative Cox of Brewer.

Pending — Motion of same gentleman to Reconsider whereby the House Adhered to its previous action whereby the Bill and accompanying papers were Indefinitely Postponed in non-concurrence.

On motion of Mr. Cox of Brewer, tabled pending his motion to reconsider and later today assigned.

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

Bill, "An Act to Increase the Minimum Wage" (H. P. 884) (L. D. 1138)

Tabled — May 25, 1983 by Representative Mitchell of Vassalboro.

Pending — Motion of Representative Kilcoyne of Gardiner to Reconsider whereby the House accepted the Majority "Ought Not to Pass" Report of the Committee on Labor.

On motion of Mrs. Mitchell of Vassalboro, tabled pending the motion of Mr. Kilcoyne of Gardiner to reconsider whereby the Majority "Ought Not to Pass" Report was accepted and tomorrow assigned.

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

SENATE DIVIDED REPORT — Majority (7) "Ought to Pass" in New Draft (S. P. 570) (L. D. 1646) — Minority (6) "Ought Not to Pass"

— Committee on Judiciary on Bill "An Act to Provide Equal Access to Justice" (S. P. 203) (L. D. 625)

— In Senate, Majority "Ought to Pass" in New Draft (S. P. 570) (L. D. 1646) Report read and accepted and the New Draft passed to be engrossed.

Tabled — May 25, 1983 by Representative Kelleher of Bangor.

Pending — Motion of Representative Joyce of Portland to accept the Minority "Ought Not to Pass" Report.

On motion of Mr. Kelleher of Bangor, tabled pending the motion of Mr. Joyce of Portland to accept the Minority "Ought Not to Pass" Report and tomorrow assigned.

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

#### Passed to Be Enacted Emergency Measures

An Act to Allocate Moneys for the Administrative Expenses of the Bureau of Alcoholic Beverages, Department of Finance and Administration, and the State Liquor Commission for the Fiscal Years Ending June 30, 1985 (S. P. 218) (L. D. 655) (C. "A" S-134)

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. 106 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.

An Act Concerning Volunteer Marine Patrol Officers (S. P. 558) (L. D. 1624)

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. 111 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.

An Act Relating to Administration of Appropriations and Allocations for the Maine Human Services Council (H. P. 456) (L. D. 558) (C. "A" H-270)

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. 111 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.

An Act to Make Allocations from the Maine Hazardous Waste Fund for the Fiscal Years Ending June 30, 1984, and June 30, 1985 (H. P. 479) (L. D. 576) (C. "A" H-258)

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. 114 voted in favor of same and 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Make Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1984, and June 30, 1985 (H. P. 517) (L. D. 642) (C. "A" H-269)

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

#### Later Today Assigned

An Act to Increase the Annual Public Utilities Commission Regulatory Fund Assessment to \$1,460,000, beginning in Fiscal Year 1984 (H. P. 1228) (L. D. 1632) (S. "A" S-132)

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

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I originally signed the Minority Report on this bill because I did not believe that it was appropriate at this time to fund three new positions in the Public Utilities Commission. The reason why I don't believe it is appropriate at this time to expand government in this particular area is that the whole Public Utilities Commission is in a state of change. For the past few years, the Public Utilities Committee and the legislature has approved various deregulation within that particular commission so that they appear not to have quite as much work to do as they did previously. On the other hand, with technology changing, one could question whether there really is a need for more technical experts over there.

Because of this state of change, our entire committee has agreed that a study should be done of the PUC to find out exactly what is going on. We have agreed that this study should be done by the Audit and Program Review of this legislature during the next year or so.

The very first question that our committee has sent to the Audit and Program Review Committee is the following question: What is the proper size of Maine's PUC staff? Does it have enough accountants, too many; enough economists, too many; enough engineers, too many; enough clerical support, too much; enough attorneys, too many? In other words, our committee itself isn't sure how many positions there should be over there. For that reason, I feel that it is not appropriate at this time to fund three new positions but rather it would be more appropriate to wait until this study has been done to find out whether we need these positions.

I would also like to remind the members of this body that just this morning the Governor of this state was on the news saying that he didn't want any tax increases. Somehow we in the legislature, if we don't intend to vote for tax increases, are going to have to think about

ways not to spend the people's money.

I hope that some of you will vote against enactment.

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

Mr. VOSE: Mr. Speaker, Ladies and Gentlemen of the House: This is one of the few bills that the Public Utilities Commission, the utilities themselves, the public advocate, and 12 members of the committee all agreed that there was a need for at least the three.

The original bill had called for six new members. We decided to fund only three, recognizing that our Audit and Review would be reviewing this entire commission very shortly. It was almost unanimous and Representative Lewis is consistent, as she always has been, in making sure that state government does not increase its size. Although I sometimes concur with that belief, this is one time that I think we have a real need for these positions.

The positions are for an electrical engineer, a telecommunications engineer and a clerk. They would greatly help expedite the right proceedings.

The pending question is on passage to be enacted.

The SPEAKER: The pending question is on passage to be enacted. This being an emergency measure a two thirds vote of all the members elected to the House is necessary.

Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mrs. Mitchell of Vassalboro 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. 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 was ordered.

On motion of Mrs. Mitchell of Vassalboro, tabled pending passage to be enacted and later today assigned.

#### Later Today Assigned

An Act Establishing a Commission to Study the Issue of the Custody of Children in Domestic Relations Cases (H. P. 1244) (L. D. 1658)

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.

Mr. Higgins of Scarborough 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. 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 Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: We all know that Representative Hobbins at times has a busy schedule but there are at least nine other members of this House that have served on Judiciary. I appreciate the good gentleman's kind concern; however, I think there are enough here in the House to debate the issue and then we will just not pass it, that's all.

On motion of Ms. Benoit of South Portland, tabled pending passage to be enacted and later today assigned.

An Act Concerning the Agricultural Use of Sludge (H. P. 1248) (L. D. 1662)

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

The SPEAKER: The Chair recognizes the gentleman from Mars Hill, Mr. Smith.

Mr. SMITH: Mr. Speaker, I would like to pose a question through the Chair. Can someone give us a brief rundown on the contents of this bill?

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

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: This came out of the Energy and Natural Resources Committee dealing with tannery waste sludge, which is high in chromium, which has posed some questions to environmental concerns over the past years.

There have been a number of studies indicating that the material can be disposed of in a reasonable fashion on agricultural land thus solving the problems for the tanneries and thus providing some sludge material to be used on agricultural land and useful to some agricultural interests.

I hope that answers the gentleman's question.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: As we all know, dyes do cause cancer and I for one don't intend to vote for this pilot project for one industry. If they want to try it out, they can try it out on their own and use their own money. Why should the state subsidize this company, this tannery? The use of sludge is not a good thing for agricultural purposes, I don't believe so.

I know I had some problems up home with good sludge and my people don't like it. Tannery sludge, I believe they can just take it and burn it, just burn it, don't bury it, burn it.

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

Mr. MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: As the sponsor of this legislation and as a member of the Energy and Natural Resources Committee, we passed this bill out unanimous "ought to pass" to study the proposal of land spreading of tannery sludge. Presently, there is a landfill of P.O.T.W. in the town of Hartland, which is in my legislative district, which is a pile of about 50 feet high of this sludge and it is right there in a FHA housing development which aroused a lot of concern to me. What we are trying to do here is to solve a problem within this industry. If you believe what Representative McHenry tells you in incinerating tannery sludge, I believe you will have what is called hexavalentchromium, which is a cancer causing agent if you burn tannery sludge.

If you ate an orange this morning that was grown in Florida, chances are that that orange was grown on land that was spread with tannery sludge. It is something that has been done in other states. All we are doing here is providing a study on this issue.

I urge you to accept the unanimous committee report from the Energy and Natural Resources Committee.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: Of all the bills that I have seen come through this year in our committee, this is one that is outstanding and I will tell you the reason why. It is one of the first times I have seen where industry and the Department of Environmental Protection and all of us want to work together to solve a common problem. That is the reason why the bill is here and that is the reason for the study. I would hope that you would go along with this bill.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gen-



tle men of the House: If this were to be used for agricultural purposes and in the future, 10 years down the road, 15 years down the road, it would be proven that it does cause cancer, birth defects and other such things, who would be responsible? Would it be that company that would be sued? Would it be the state? Would it be the municipality? These are questions that I have and until they are answered, I cannot vote for this.

The SPEAKER: The Chair recognizes the gentleman from South Paris, Ms. Bell.

Ms. BELL: Mr. Speaker, Ladies and Gentlemen of the House: If you take a look at L. D. 1662, which is a new draft that came out of the Joint Standing Committee on Energy and Natural Resources, this is an important bill for the town of Paris in that we have tannery sludge piling up on a waste site down there. We are concerned about the safety and health aspects of how the study might take place.

Right now in the town of Paris we have some tannery sludge sitting next to the Little Androscoggin River. It is also over a major aquifer in Oxford County.

Representative McGowan from Hartland came up with this idea. We floated that through the local press in our area, talked to the tannery and the Paris Utility District who are very much concerned about what the tannery sludge would do to the residents of Paris.

In this bill, the Department of Environmental Protection, the University System, the tannery officials who worked cooperatively, they are looking at a fairly small site and would look at the results of those studies, so I would urge you to support this bill today.

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

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: I will try to put this into perspective of what this study does.

Tannery sludge has very, very high nitrogen content and it is a slow released product, it releases the nitrogen over a long period of time. It is used as a mulch on citrus fruits, almost all the citrus fruits are grown using tannery sludge. There were studies, the same type of studies, done on citrus products to find out if the trivalent chromium, which has been determined by the Federal EPA and dropped from the hazardous waste list as a non-hazardous substance, the trivalent chromium will not pick up in the tree and be deposited in the fruit; therefore, you can utilize the nitrogen and it does dispose of the tannery product.

What this study proposes to do is to run under test conditions under very tightly controlled conditions, the growth of agricultural products common to Maine that require a high nitrogen fertilizer and find out if there will be any pickup in the plant or in the produce grown utilizing chromium sludge, tannery sludge. If that does happen, of course there will be very tight controls put on this sludge and it will be disposed of in some other manner. If we don't run this kind of a study and find out, and the general public finds out that here is a great big pile of material that is high in nitrogen that will grow things like crazy, then you are going to have a problem with it proliferating around the state and utilizing it in ways that should not be. This is a controlled study of a small plot to find out if there is any pickup in the plants from the sludge and I urge you to support this.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Jacques.

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: If you haven't noticed, the State of Maine is growing and developing and hopefully more and more people are working all the time. That is the good part of it. The bad part of it is, they are producing a lot of by-products of this development that we don't know what to do with. In my younger days, some of this very substance they are talking about was shot down the Sebasticook and

Kennebec Rivers, it was buried. The people before us had an excuse, they didn't know what they were doing. We no longer have that excuse.

That process has been used in Florida, I believe they told us, for 12 to 15 years. It is still monitored, no harmful effects so far. You can't burn it, they used to burn it but they found out that they were doing wrong. If we don't start taking the bull by the horns, so to speak, and find out what we are going to do with these by-products, everyone is concerned about the shoe industry in the State of Maine, well, you know, if you don't have leather, you are not going to have it to put in shoes. The tannery business is a big business to some of the people in the State of Maine in certain sections, especially in Hartland, and I am very familiar with the area, and if we don't study this problem so we can safely and realistically deal with this by-product, we are missing the beat.

We pushed Congress to remove import-export quotas on shoes so the American people can compete, so our people can continue to work and produce good shoes, but that doesn't do any good at all unless we start handling the by-products of that process, and tannery sludge is one of them.

Our committee spent many, many hours over this bill and I assure you that none of us on that committee would have gone along with this had we thought that we would be poisoning the people in the State of Maine by using this agricultural sludge. What they intend to do is develop the same type of test that was done in the Midwest which will be tried on corn, peas, beans, all different kind of vegetables and fruit trees to see what effect they have, a very controlled environment and very, very carefully kept data. We have to try to solve this problem to find out where we stand, we can't use the excuses that our forefathers had, that we just don't know, we have to find out, so I hope you will go along with this bill.

Mr. McHenry of Madawaska 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. 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 Chair recognizes the gentleman from Milo, Mr. Masterman.

Mr. MASTERMAN: Mr. Speaker, Men and Women of the House: I would like to pose a question. As has been pointed out to us, this has been studied, this is being used in Florida, one speaker said for 15 years. It has been pointed out that it has been used in other states with no detrimental effects, so if this is the case, I don't quite understand why we have to study it since we have knowledge that there is a problem with it already.

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

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

Mr. MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the question from the gentleman from Milo, this issue should be studied in the State of Maine because we feel that we want to take all the precautions dealing with our soil types and our climates and our agricultural situation that we have in this state so we know everything that there is about this substance in our environment in the State of Maine.

It was said earlier by Representative Jacques, this has been studied, we have a great tree growing process with our paper companies in this state. This is a possibility with this substance, reusing it to grow trees which never

enters the food chain. In my mind, this study is needed because we must determine all the possible effects that it will have on our environment.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mrs. Lebowitz.

Mrs. LEBOWITZ: Mr. Speaker, I would like to pose a question through the Chair. Is this study going to be done through the university system or through some outside study group?

The SPEAKER: The gentleman from Bangor, Mrs. Lebowitz, has posed a question through the Chair to anyone who may care to respond.

The Chair recognizes the gentleman from Waterville, Mr. Jacques.

Mr. JACQUES: Mr. Speaker, Members of the House: It was the intention of the committee that this would be the cooperative effort and the professor of the midwestern state university that studied the original study has offered to work in conjunction with our university system here in Maine to make sure that we won't have to go through the mistakes they made and we can concentrate our efforts on where they would be needed.

The SPEAKER: A roll call has been ordered. The pending is on passage to be enacted. This being an emergency measure, a two-thirds vote of all the elected members of the House is necessary. Those in favor of enactment will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Ainsworth, Allen, Anderson, Andrews, Armstrong, Baker, Beaulieu, Bell, Benoit, Bonney, Bost, Bott, Brodeur, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carrier, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Conary, Connors, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Curtis, Daggett, Davis, Day, Dexter, Diamond, Dillenback, Drinkwater, Dudley, Erwin, Foster, Gauvreau, Greenlaw, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Holloway, Ingraham, Jackson, Jacques, Jallbert, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kiesman, Kilcoyne, LaPlante, Lebowitz, Lehoux, Lewis, Lisnik, Livesay, Locke, MacBride, MacEachern, Macomber, Manning, Martin, H.C.; Masterton, Matthews, K.L.; Matthews, Z.E.; Maybury, McColister, McGowan, McPherson, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Perkins, Perry, Pines, Pouliot, Racine, Randall, Reeves, P.; Richard, Ridley, Roberts, Roderick, Rolde, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Soule, Sproul, Stevens, Stevenson, Stover, Strout, Swazey, Tammaro, Telow, Theriault, Thompson, Tuttle, Vose, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton, The Speaker.

NAY—Martin, A.C.; Masterman, McHenry, Reeves, J.W..

ABSENT—Brannigan, Hobbins, Mahany, McSweeney, Rotondi.

Yes, 141; No, 4; Absent, 5; Vacant, 1.

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

Signed by the Speaker and sent to the Senate.

An Act to Clarify the Tax Status of Time-sharing Condominiums (S. P. 292) (L. D. 880) (C. "A" S-130)

An Act Concerning Fishways in Dams and Other Artificial Obstructions in Coastal Waters (S. P. 359) (L. D. 1080) (C. "A" S-135)

An Act to Clarify the Authority of the Superintendent of the Bureau of Consumer Credit Protection (S. P. 502) (L. D. 1518) (C. "A" S-128)

An Act to Establish the Third-party Prescription Program Act (S. P. 518) (L. D. 1539) (H. "B" H-271)



An Act to Increase the Number of Voting Booths Required in Maine Elections (S. P. 566) (L. D. 1639)

An Act to Rejuvenate the Fishing Industry in Maine (S. P. 575) (L. D. 1652)

An Act to Improve Access to Small Claims Court (H. P. 540) (L. D. 577) (H. "A" H-227 and H. "B" H-273)

An Act Regarding Multiple Sentences of Imprisonment (H. P. 483) (L. D. 580) (C. "A" H-265)

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

An Act to Permit the Use of State Funds for Rail Rehabilitation Projects and Townway Crossing Improvements (H. P. 835) (L. D. 1087)

An Act to Amend Provisions of the Maine Insurance Code Relating to Tender Offers and to Unfair Trade Practices (H. P. 838) (L. D. 1088)

An Act to Require Annual Disclosure of Interest in Agricultural Land in Maine (H. P. 871) (L. D. 1125) (C. "B" H-260)

An Act to Complete the Statewide Coordination System for Preschool Handicapped Children (H. P. 873) (L. D. 1127)

An Act to Improve Remedies for Substandard Housing (H. P. 923) (L. D. 1202) (C. "A" H-266)

An Act Relating to the Replacement of Existing Buildings within 33 feet of the Center Line of a State or State Aid Highway (H. P. 982) (L. D. 1283)

An Act to Control Hazardous Air Pollutants (H. P. 1080) (L. D. 1426) (C. "A" H-259)

An Act to Provide Continued Funding for the Determination of Ground Water Quality in the State's Sand and Gravel Aquifers (H. P. 1113) (L. D. 1471) (C. "A" H-277)

An Act Concerning the Admissibility in Criminal Proceedings of Statements by Minors Describing Sexual Contact (H. P. 1201) (L. D. 1595) (H. "A" H-278)

An Act to Insure State Enforcement of Equal Opportunity in State-supported Educational Programs (H. P. 1241) (L. D. 1653)

An Act to Create a Forest Resource Assessment and Marketing Program (H. P. 1171) (L. D. 1559)

An Act to Authorize the Supreme Judicial Court to Provide for Collective Bargaining for Judicial Department Employees (H. P. 1246) (L. D. 1660)

An Act Concerning Explanations for Referenda Questions which Appear on a Ballot (H. P. 1250) (L. D. 1663)

An Act to Require Interdepartmental Coordination of Social Services Planning (H. P. 1255) (L. D. 1668)

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 acted upon requiring Senate concurrence were ordered sent forthwith to the Senate 15 minutes after the House recessed.

#### (Off Record Remarks)

On motion of Mr. Handy of Lewiston,  
Recessed until four o'clock in the afternoon.

#### After Recess 4:00 p.m.

The House was called to order by the Speaker.

At this point, the Speaker announced the presence in the hall of the House Representative-elect Joseph Mayo of Thomaston. The Speaker asked the gentlewoman from Vassalboro, Representative Mitchell, Representative Melendy of Rockland and Representative Kelly of Camden to escort the Representative-elect

to the Office of the Governor where the Governor would enable him to receive and subscribe the oath necessary to qualify him to enter upon his official duties.

The following papers appearing on Supplement No. 2, which were set aside during this morning's session, were taken up out of order by unanimous consent:

#### Passed to Be Enacted

An Act to Prohibit Residence Requirements for Municipal Employees (S. P. 61) (L. D. 167) (S. "B" S-136 to C. "A" S-90)

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

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

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: When this bill first appeared on the floor, I was in opposition to it and I haven't changed my mind since that time. The reason that I am opposed to this bill is because we are trying to dictate to municipalities what they should do or what they should not do. As an example, last week there was a bill that went through which directed municipalities to change their ordinances, their zoning ordinances, to permit and allow manufactured housing to be built on separate lots. Also last week we debated heavily a bill that would direct municipalities to adopt an ordinance to enclose swimming pools, and today we have a bill before us that directs municipalities to enact ordinances that would require employees to reside within a specified distance or a specific response time of a facility where those provisions represent a legitimate job requirement.

I feel that we should leave these things up to those elected officials that represent the people of a particular municipality. I feel that they are in a better position to be able to determine what is good or what is bad for that particular community. If the voters of that particular community are dissatisfied with the way that they are being represented by their local officials, they should either recall them or change them at election time.

On that basis, I move that L. D. 167 and all its accompanying papers be indefinitely postponed and I ask for a roll call.

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

The Chair recognizes the gentlewoman from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: This bill has been explained to you several times. It was worked carefully and diligently by the Committee on Labor and we came out with a unanimous report on the issue. The questions raised by the gentlelady from Rockland have been addressed and taken care of and she has indicated to you that she is supportive of the bill as amended and taken care of. We have worked as hard as we possible could with Maine Municipal Association to insure that we were doing something that would not strip management rights, and I would ask that you vote no on the pending motion before you.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Biddeford, Mr. Racine, 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.

#### ROLL CALL

YEA—Anderson, Armstrong, Bell, Benoit, Bonney, Bott, Brodeur, Cahill, Callahan, Carroll, G.A.; Carter, Conary, Conners, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Gwadnosky, Higgins, L.M.; Holloway, Ingraham, Jackson, Jacques, Kiesman, Lebowitz, Livesay, MacBride, MacEachern, Martin, A.C.; Masterman, Masterton, Matthews, K.L.; Maybury, McPherson, Moholland, Murphy, E.M.; Murphy, T.W.; Nelson, Paradis, E.J.; Parent, Paul, Pines, Pouliot, Racine, Reeves, J.W.; Ridley, Roderick, Salsbury, Scarpino, Sherburne, Smith, C.W.; Sproul, Stevenson, Stover, Telow, Vose, Walker, Webster, Wentworth, Weymouth.

NAY—Ainsworth, Allen, Andrews, Baker, Beaulieu, Bost, Brannigan, Brown, A.K.; Brown, D.N.; Brown, K.L.; Carroll, D.P.; Chonko, Clark, Connolly, Cooper, Cox, Crouse, Crowley, Diamond, Erwin, Gauvreau, Greenlaw, Hall, Handy, Hickey, Higgins, H.C.; Hobbins, Joseph, Joyce, Kane, Kelleher, Ketover, Kilcoyne, LaPlante, Lehoux, Lewis, Lisnik, Locke, Macomber, Manning, Martin, H.C.; Matthews, Z.E.; McCollister, McGowan, McHenry, McSweeney, Michael, Michaud, Mitchell, J.; Murray, Nadeau, Norton, Paradis, P.E.; Perkins, Perry, Reeves, P.; Richard, Roberts, Rolde, Smith, C.B.; Stevens, Strout, Swazey, Tammara, Theriault, Thompson, Willey, Zirkilton, The Speaker.

ABSENT—Carrier, Cashman, Cote, Curtis, Hayden, Jalbert, Kelly, Mahany, Melendy, Mitchell, E.H.; Randall, Rotondi, Seavey, Small, Soucy, Soule, Tuttle.

Yes, 64; No, 69; Absent, 17; Vacant, 1.

The SPEAKER: Sixty-four having voted in the affirmative and sixty-nine in the negative, with seventeen being absent, the motion does not prevail.

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

#### Tabled and Assigned

An Act Relating to Prison Visits (H. P. 699) (L. D. 888) (C. "A" H-261)

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

On motion of Mr. Richard of Madison, tabled pending passage to be enacted and tomorrow assigned.

An Act to Require the Wearing of Protective Headgear by all Motorcycle and Motor Driven Cycle Riders (H. P. 836) (L. D. 1072) (Conf. Com. "A" H-263)

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

The SPEAKER: The Chair recognizes the gentleman from Millinocket, Mr. Clark.

Mr. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: The reason I had this set aside, I would like to have a little more information from the committee that had this bill about what it is going to do. I have read a lot in the paper, I have had some 300 petitions from motorcyclists in my town who are against this bill, so at this time I would like to hear from the Committee of Conference about what this bill is going to do.

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

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

Mr. MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: As you know, Representative Cahill, Representative Moholland and myself served on the committee of conference on this bill, representing the Maine House, which defeated the mandatory helmet bill. We decided in the committee of conference to make mandatory helmets required for persons who are riding a motorcycle with a permit and during their first year of operation. It was our belief that people who have little experience

riding motorcycles are the ones most vulnerable for accidents. We believe that this is a fair compromise and I urge this House to accept it.

The SPEAKER: The Chair recognizes the gentleman from Millinocket, Mr. Clark.

Mr. CLARK: Mr. Speaker, I would like to pose a question through the Chair to the good gentleman from Pittsfield, Mr. McGowan. How would you identify a person for the first time, a beginner or the first year using a motorcycle?

The SPEAKER: The gentleman from Millinocket, Mr. Clark, has posed a question through the Chair to the gentleman from Pittsfield, Mr. McGowan, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: That is an excellent question, and I believe the only way that we will be able to enforce it is if an officer of the law does stop a motorcyclist and finds by the date of issuance on his license that he is within the period determined by law that he must wear the helmet, then he will be in violation of this law. That is a hard point to enforce, but I believe that with a statement issued to the permittee and the first-year motorcyclist, then he will be warned that if he does not wear a helmet he will be in violation of the law.

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

Mr. SMITH: Mr. Speaker, does this bill now cover mopeds?

The SPEAKER: The gentleman from Island Falls, Mr. Smith, has posed a question through the Chair to anyone who may care to respond.

The CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: The Moped provision has been eliminated in the Committee of Conference Report.

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

Mr. BOTT: Mr. Speaker, I would like to pose a question through the Chair. I would like to ask what the penalty for not wearing a helmet would be if an individual were stopped and was found to be in violation of the law?

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

The Chair recognizes the gentlewoman from Woolwich, Mrs. Cahill.

Mrs. CAHILL: Mr. Speaker, the first offense would be a \$25 fine; the second or subsequent offenses would be \$50.

The SPEAKER: The Chair recognizes the gentleman from Millinocket, Mr. Clark.

Mr. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: Just from the report I have heard from the people that just made the presentations, I would like to have this bill and all its accompanying papers indefinitely postponed and would ask for a roll call.

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

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

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, I would like to pose a question through the Chair. If I understand the amendment correctly, it states that no parent or guardian may allow a passenger under the age of 15 years to ride in violation of this section. If that occurs, will the parent or guardian be held liable?

The SPEAKER: The gentleman from Winslow, Mr. Carter, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the gentleman from Pittsfield, Mr. McGowan.

Mr. MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: As you know, under

current law, passengers on motorcycles under the age of 15 are required to have a helmet on, so this is part of the current law and I believe that the motorcyclist who is of legal age driving the vehicle will be responsible.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Millinocket, Mr. Clark, 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.

#### ROLL CALL

YEA—Allen, Anderson, Armstrong, Bell, Bonney, Bost, Brown, A.K.; Brown, D.N.; Brown, K.L.; Callahan, Carter, Clark, Conary, Connors, Connolly, Daggett, Davis, Day, Dexter, Dillenback, Dudley, Gauvreau, Greenlaw, Hickey, Higgins, L.M.; Jackson, Joseph, Kelleher, Kiesman, Lebowitz, Lewis, MacEachern, Martin, H.C.; Masterman, McColister, McHenry, Michaud, Murphy, E.M.; Norton, Paradis, E.J.; Parent, Paul, Perkins, Pouliot, Racine, Reeves, J.W.; Ridley, Roberts, Roderick, Salsbury, Scarpino, Sherburne, Smith, C.W.; Strout, Tammaro, Webster, Wentworth, Willey.

NAY—Ainsworth, Andrews, Baker, Beaulieu, Benoit, Bott, Brannigan, Brodeur, Cahill, Carroll, D.P.; Carroll, G.A.; Chonko, Cooper, Cox, Crouse, Crowley, Diamond, Drinkwater, Erwin, Foster, Gwadosky, Hall, Handy, Higgins, H.C.; Hobbins, Holloway, Ingraham, Jacques, Joyce, Kane, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Livesay, Locke, MacBride, Macomber, Manning, Martin, A.C.; Masterton, Matthews, K.L.; Matthews, Z.E.; Maybury, McGowan, McPherson, McSweeney, Melendy, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, T.W.; Murray, Nadeau, Nelson, Paradis, P.E.; Perry, Pines, Reeves, P.; Richard, Smith, C.B.; Sproul, Stevens, Stevenson, Stover, Swazey, Telow, Theriault, Thompson, Vose, Walker, Weymouth, Zirkilton, The Speaker.

ABSENT—Carrier, Cashman, Cote, Curtis, Hayden, Jalbert, Mahany, Randall, Rolde, Rotondi, Seavey, Small, Soucy, Soule, Tuttle.

Yes, 58; No, 77; Absent, 15; Vacant, 1.

The SPEAKER: Fifty-eight having voted in the affirmative and seventy-seven in the negative, with fifteen being absent, the motion does not prevail.

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

At this point, Mrs. Mitchell of Vassalboro reported that the necessary oath had been taken by Representative Mayo of Thomaston to qualify him to enter upon his official duties.

The Speaker then assigned him to Seat 81.

An Act to Provide that Joint Custody be Awarded when the Parents Agree to it in Child Custody Cases (H. P. 1243) (L. D. 1657)

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

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, I humbly move that we table this matter for one day.

The SPEAKER: The Chair would correct the gentleman from Saco, Mr. Hobbins. He has debated his motion to table.

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

An Act to Revise Certain Sections of the Probate Code (H. P. 1256) (L. D. 1669)

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

On motion of Mr. Hobbins of Saco, tabled pending passage to be enacted and tomorrow assigned.

The following papers appearing on Supplement No. 3 were taken up out of order by un-

animous consent:

Bill "An Act to Clarify State Authority Regarding Higher Education Student Loan Secondary Markets" (Emergency) (S. P. 585) (L. D. 1702)

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.

Bill "An Act Relating to Exceptional Children" (Emergency) (S. P. 586) (L. D. 1703)

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

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

Bill "An Act Relating to the Period of License Suspension for Drivers Convicted or Adjudicated of Operating Under the Influence" (S. P. 587) (L. D. 1706)

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

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

#### Divided Report Tabled Unassigned

Majority Report of the Committee on Business Legislation reporting "Ought Not to Pass" on Bill "An Act to Authorize the Public Advocate to Intervene in Workers' Compensation Rate Filings" (H. P. 1000) (L. D. 1308)

Report was signed by the following members:

Senator:

SEWALL of Lincoln

— of the Senate.

Representatives:

PERKINS of Brooksville  
CONARY of Oakland  
RACINE of Biddeford  
MacBRIDE of Presque Isle  
POULIOT of Lewiston  
TELOW of Lewiston  
MURRAY of Bangor  
STEVENS of Bangor

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-297)

Report was signed by the following members:

Senators:

CLARK of Cumberland  
CHARENTE of Androscoggin

— of the Senate.

Representatives:

BRANNIGAN of Portland  
MARTIN of Van Buren

— of the House.

Reports were read.

Mr. Brannigan of Portland moved that the Minority "Ought to Pass" Report be accepted.

On motion of Mrs. Mitchell of Vassalboro, tabled unassigned pending the motion of Mr. Brannigan of Portland to accept the Minority Report.

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

#### Ought to Pass in New Draft

Report of the Committee on Education on Bill "An Act Concerning Confidential Records and State Certification of Educational Personnel" (Emergency) (S. P. 356) (L. D. 1077) reporting "Ought to Pass" in New Draft (Emergency) (S. P. 583) (L. D. 1691)

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

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

be engrossed in concurrence.

#### Ought to Pass

Report of the Committee on State Government reporting "Ought to Pass" on Bill "An Act to Establish a Special Acquisitions Fund at the State Library" (S. P. 573) (L. D. 1651)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-148)

In the House, the Report was read and accepted in concurrence and the Bill read once. Senate Amendment "A" (S-148) was read by the Clerk and adopted in concurrence. Under suspension of the rules, the Bill was read the second time and passed to be engrossed as amended in concurrence.

#### Divided Report

Majority Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act to Open State Collective Bargaining to the Public" (S. P. 506) (L. D. 1534)

Report was signed by the following members:

Senators:

DUTREMBLE of York  
HAYES of Penobscot

— of the Senate.

Representatives:

LEWIS of Auburn  
TUTTLE of Sanford  
BEAULIEU of Portland  
GAUVREAU of Lewiston  
TAMMARO of Baileyville  
SWAZEY of Bucksport  
NORTON of Biddeford

— of the House.

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

Report was signed by the following members:

Senator:

SEWALL of Lincoln

— of the Senate.

Representatives:

WILLEY of Hampden  
ZIRNKILTON of Mount Desert  
BONNEY of Falmouth

— of the House.

Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted.

In the House: Reports were read.

Mrs. Beaulieu of Portland moved that the Majority "Ought Not to Pass" Report be accepted in concurrence.

Mr. Zirnkilton of Mount Desert requested a roll call vote.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Willey.

Mr. WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: This is a very simple measure and I would hope that the debate will be short on it. I can see absolutely no reason why the public should not be invited to labor negotiations. I think perhaps that might bring some public pressure in many instances so that the negotiations would reach a conclusion that much sooner.

I simply don't know what the objection is, really, to not being allowed. I think it would be enlightening to the public to know what goes on behind these closed doors. I think it would be very enlightening for them to know the postures that are taken and all the ramifications of labor negotiations, because if you haven't been there, you can't imagine what it is like.

I would urge very much for this motion to be defeated and allow the public to see what goes on behind these closed doors.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: There is no law on the statutes now that prohibits opening bargaining. Many communities are doing it; some

like it, some don't. Some have tried it and have decided not to participate in it.

This bill has nothing to do with collective bargaining at the municipal level. It specifically addresses the state level, and we feel that if nothing else, if you are going to do it for one group, you should do it for everybody.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Willey.

Mr. WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: I agree that it should be for all purposes of collective bargaining. The lady is absolutely right about there not being a law on the books. What the law does say is that both parties have to agree to allow the public in, and it would be unusual for that to happen.

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I also agree that the public has a right to know, but I believe that under the present system, when bargaining takes place behind closed doors, the public does have an opportunity to know because that contract comes to the legislature for approval. At that point, the contract is known in the press and we as legislators have a chance to hear from our constituents back home what to do.

It is my understanding that before I had the privilege to serve in this body, it was a great hassle with a collective bargaining contract which in the end was significantly changed due to public pressure, so in fact this system is working presently.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mrs. Beaulieu, that the Majority "Ought Not to Pass" Report be accepted in concurrence. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Benoit, Bost, Brannigan, Brodeur, Brown, A.K.; Callahan, Carroll, D.P.; Carroll, G.A.; Carter, Chonko, Clark, Connolly, Cooper, Cox, Crouse, Crowley, Daggett, Diamond, Dudley, Erwin, Gauvreau, Greenlaw, Gwadosky, Hall, Handy, Hickey, Higgins, H.C.; Hobbins, Jacques, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lebowitz, Lehoux, Lewis, Lisnik, Locke, MacEachern, Macomber, Manning, Martin, A.C.; Martin, H.C.; Masterman, Matthews, K.L.; Matthews, Z.E.; Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Norton, Paradis, P.E.; Paul, Perry, Pines, Pouliot, Racine, Reeves, P.; Richard, Ridley, Roberts, Rolde, Smith, C.B.; Sproul, Stevens, Stover, Strout, Swazey, Tammamaro, Telow, Theriault, Thompson, Vose, Webster.

NAY—Anderson, Armstrong, Bell, Bonney, Bott, Brown, D.N.; Brown, K.L.; Cahill, Conary, Connors, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Higgins, L.M.; Holloway, Ingraham, Jackson, Kiesman, Livesay, MacBride, Masterton, Maybury, McPherson, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Parent, Perkins, Reeves, J.W.; Roderick, Salsbury, Scarpino, Sherburne, Smith, C.W.; Stevenson, Walker, Wentworth, Weymouth, Willey, Zirnkilton.

ABSENT—Carrier, Cashman, Cote, Curtis, Hayden, Jalbert, Mahany, Randall, Rotondi, Seavey, Small, Soucy, Soule, Tuttle, The Speaker.

Yes, 93; No, 43; Absent, 15.

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

Bill "An Act Making Additional Allocations for the Expenditures of State Government in Response to United States Emergency Jobs and Humanitarian Aid Programs for the Fiscal Years Ending June 30, 1983, 1984 and 1985" (Emergency) (H. P. 1289) (Presented by Representative Mitchell of Vassalboro) (Cosponsor: Senator Pray of Penobscot)

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

By unanimous consent, ordered sent forthwith to printing.

#### Unanimous Leave to Withdraw

Representative Norton from the Committee on Labor on Bill "An Act to Clarify the Status of Workfare Recipients under the Workers' Compensation Act" (H. P. 1221) (L. D. 1628) reporting "Leave to Withdraw"

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

#### Second Reader Tabled and Assigned

Bill "An Act to Authorize Bond Issue in the Amount of \$24,600,000 for Highway and Bridge Improvements to Match Federal Funds and to Accelerate the Improvement of Town Way Bridges" (S. P. 415) (L. D. 1262)

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

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I realize that I was probably suspect when I set this aside this morning but I did so for what I think is a very important reason.

Last year, in 1982, the 110th Legislature passed a constitutional amendment, the people adopted it in November of this year, that limits the life of bond authorizations. Basically what that constitutional amendment says is that once an issue has been authorized by the legislature and ratified by the people in November, or June, whenever they do it, that the department of treasury has five years to issue those bonds or they become deactivated unless the legislature acts within a two-year period after that to reactivate them.

I have talked with some people in the treasury department and they have indicated to me that their interpretation of that constitutional amendment is that if any portion of the authorization be issued, then it is good for another five years. For example, if we passed this bond issue for \$24 million and four years and eleven months from now the people ratified a bond issue in the amount of \$100,000 of this \$24 million, that would keep that bond issue alive for five more years. My opinion is that, that is clearly in opposition to the legislative intent. I may be wrong, you may have viewed it a different way when we passed it here last year, but my feeling was that unless all the bonds are authorized within that five year period, then the legislature had to act positively to keep those bonds activated.

I had an amendment drafted to try to attach to this bill to make it clear what I thought the legislative intent was. I have also asked the Attorney General for a ruling as to what his opinion is on the constitutional amendment. I have spoken with the good Majority Floor Leader this afternoon and she informed me that perhaps a better idea might be to wait on this until we have the opinion back, because if we have a favorable opinion back, we may not need an amendment and it will certainly clear up any cloudiness that might appear surrounding this bill.

I would ask some member of the House to table this until we have the opinion back.

Thereupon, on motion of Mr. Nadeau of Lewiston, tabled pending passage to be engrossed and tomorrow assigned.

#### **Finally Passed Emergency Measure**

Resolve to Prohibit the Expenditure of Funds Raised for Food Stamps in Androscoggin County (H. P. 1138) (L. D. 1500)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 119 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

#### **Passed to Be Enacted**

An Act to Authorize the Department of Environmental Protection to Continue to Provide Technical Assistance to Municipalities and other Quasi-municipal Entities Regarding Solid Waste Management (H. P. 1114) (L. D. 1472) (C. "A" H-276)

An Act to Provide for the 1983 Amendments to the Maine Housing Authorities Act (H. P. 1152) (L. D. 1521) (S. "A" S-133; C. "A" H-250)

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.

#### **Tabled and Assigned**

An Act to Amend the Foreclosure Laws (H. P. 1153) (L. D. 1523) (C. "A" H-268)

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

On motion of Mr. Hobbins of Saco, tabled pending passage to be enacted and tomorrow assigned.

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

Mr. BRODEUR: Mr. Speaker, is the House in possession of House Paper 1255, L. D. 1668, An Act to Require Interdepartmental Coordination of Social Services Planning?

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

Mr. BRODEUR: Mr. Speaker, having voted on the prevailing side, I now move that we reconsider our action whereby this Bill was passed to be enacted.

On motion of the same gentleman, tabled pending his motion to reconsider whereby the Bill was passed to be enacted and tomorrow assigned.

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

Mrs. MITCHELL: Mr. Speaker, is the House in possession of House Paper 1241, L. D. 1653, An Act to Insure State Enforcement of Equal Opportunity in State-supported Educational Programs?

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

Mrs. MITCHELL: Mr. Speaker, having voted on the prevailing side, I now move reconsideration whereby this House passed to be enacted L. D. 1653 and further move that this be tabled for one legislative day.

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

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

#### **Consent Calendar First Day**

(H. P. 1252) (L. D. 1665) Bill "An Act Relating

to the Date to Apportion County Taxes" — Committee on Local and County Government reporting "Ought to Pass"

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

The Chair laid before the House the following matter:

Bill "An Act to Require Swimming Pools to be Enclosed" (S. P. 511) (L. D. 1528) which was tabled and later today assigned pending the motion of Mr. Cox of Brewer to reconsider whereby the House voted to adhere to its action whereby the Bill and accompanying papers were indefinitely postponed.

On motion of Mr. Cox of Brewer, retabled pending his motion to reconsider and tomorrow assigned.

The Chair laid before the House the following matter:

An Act to Increase the Annual Public Utilities Commission Regulatory Fund Assessment to \$1,460,000 beginning in Fiscal Year 1984 (H. P. 1228) (L. D. 1632) (S. "A" S-132) which was tabled and later today assigned pending passage to be enacted. (Roll Call ordered)

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

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: The funding for this bill is assessed against the utilities and is reflected in the payment by the ratepayers and shareholders jointly. The utilities themselves have agreed that an increase in the technical engineering side of the PUC staff is most necessary at this time and that they have asked for a total of two positions, plus one clerk, in order to support those two engineering positions to be placed on the staff.

The utilities see no need and no requirement for lawyers. They say there is an abundance of that type over that at this time, but they do feel the pressures for technical expertise. I believe the position is necessary and the committee supports that also after great and lengthy discussion and debate. We feel that passage of the bill will enable the PUC to place these people on board in a timely and adequate fashion. I urge that you pass the bill so that we can act favorably and put these people on board as they are needed.

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: As I stated this morning, the Public Utilities Committee itself feels that the PUC should be studied to see just how many positions it does need. Although the utilities may think these positions and may be perfectly willing to pay for them, all of our constituents are paying their utility bills and I am not so sure that we should be so free with their money when there is some doubt as to whether these positions are needed. For that reason, I continue to be opposed to this bill.

The SPEAKER: A roll call has been ordered. The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor will vote yes; those opposed will vote no.

#### **ROLL CALL**

YEA—Ainsworth, Allen, Andrews, Armstrong, Baker, Beaulieu, Bell, Benoit, Bost, Bott, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Carter, Clark, Connolly, Cooper, Cox, Crowley, Daggett, Day, Dexter, Diamond, Dillenback, Drinkwater, Erwin, Foster, Gauvreau, Greenlaw, Gwadosky, Hall, Handy, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Ingraham, Jacques, Joseph, Joyce, Kelleher, Kelly, Ketover, Kiesman, Kilcoyne, LaPlante, Lehoux, Lisnik, Livesay, Locke, MacBride, MacEachern, Macomber, Manning, Martin, H.C.; Masterton, Matthews, K.L.; Matthews, Z.E.; Mayo, McCol-

lister, McGowan, McHenry, McPherson, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Perry, Pouliot, Racine, Reeves, P.; Richard, Ridley, Roberts, Roderick, Salsbury, Scarpino, Sherburne, Smith, C.B.; Sproul, Stevens, Stover, Strout, Swazey, Tammaro, Telow, Theriault, Thompson, Vose, Walker, Weymouth, Willey, Zirkilton, The Speaker.

NAY—Anderson, Bonney, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Conary, Connors, Davis, Dudley, Jackson, Lebowitz, Lewis, Martin, A.C.; Masterman, Maybury, Parent, Paul, Perkins, Pines, Reeves, J.W.; Smith, C.W.; Stevenson, Webster, Wentworth.

✓ ABSENT—Carrier, Cashman, Chonko, Cote, Crouse, Curtis, Hayden, Jalbert, Kane, Mahany, Randall, Rolde, Rotondi, Seavey, Small, Soucy, Soule, Tuttle.

Yes, 107; No, 26; Absent, 18.

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

Signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter:

An Act Establishing a Commission to Study the Issue of the Custody of Children in Domestic Relations Cases (H. P. 1244) (L. D. 1658) which was tabled and later today assigned pending passage to be enacted. (A Roll Call ordered)

On motion of Mr. Hobbins of Saco, tabled pending passage to be enacted and tomorrow assigned.

The Chair laid before the House the following matter:

HOUSE JOINT ORDER, H. P. 1285, amending Joint Rule 21 and Joint Rule 21-A, which was tabled and later today assigned pending passage.

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

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

#### **Tabled and Assigned**

On motion of Representative Diamond of Bangor, the following Order:

WHEREAS, it appears to the House of Representatives of the 111th Legislature that the following are important questions of law and that the occasion is a solemn one; and

WHEREAS, the Constitution of Maine, Article I, Section 2, provides that all power is inherent in the people of Maine; and

WHEREAS, the Constitution of Maine, Article IV, Part First, Section 1, reserves to the people of Maine the power to propose and enact laws and to reject at the polls any resolve, resolution or bill enacted by the Legislature; and

WHEREAS, the Constitution of Maine, Article IV, Part Third, Section 18, provides for public initiative of referendum on issues of concern to the citizens of Maine; and

WHEREAS, the Constitution of Maine, Article IV, Part Third, Section 17, provides for a people's veto of legislative enactments by use of the referendum process; and

WHEREAS, the Constitution of Maine, Article IX, Section 14, requires the submission of certain bond issues proposed by the legislature to the citizens of Maine for approval; and

WHEREAS, the Constitution of Maine, Article IV, Part First, permits legislative use of the referendum process on issues the Legislature desires to submit to the citizens of Maine; and

WHEREAS, these constitutional procedures are integral to the form of democracy the citizens of Maine have chosen for their govern-

ment; and

WHEREAS, protection of these procedures from corruption and the appearance of corruption is a paramount responsibility of Maine's State Government; and

WHEREAS, in recent years the use of these constitutional procedures has increased, as has the importance of the issues submitted thereby to the citizens of Maine; and

WHEREAS, the level of spending in referenda and bond issue elections has increased sharply, with many referenda and bond issue elections occurring amidst great disparities in spending between proponents and opponents to influence the outcome of the elections; and

WHEREAS, a bill, House Paper 11, Legislative Document 7, "AN ACT Relating to Referendum Campaign Reports and Finances," attached as Exhibit A, has been introduced into the House of Representatives and is now pending before that body; and

WHEREAS, the constitutionality of House Paper 11, Legislative Document 7, has been questioned and it is important that the Legislature be informed as to the constitutionality of the proposed bill; and

WHEREAS, it is important that the Legislature be informed as to the answers to the important and serious legal questions hereinafter raised;

now, therefore, be it

ORDERED, that the Justices of the Supreme Judicial Court are hereby respectfully requested to give to the House of Representatives, according to the provisions of the Constitution of Maine on its behalf, their opinion on the following questions, to wit:

Question No. 1: Do the differing limitations in House Paper 11, Legislative Document 7 (Exhibit A) on the contributions of individuals and corporations to political committees participating in a bond issue or referendum election deny equal protection of the laws to individuals in violation of the Constitution of Maine, Article I, Section 6-A, and the Constitution of the United States, Amendment XIV?

Question No. 2: In light of the fact that Maine law pertaining to elections, Maine Revised Statutes, Title 21, section 1, et seq., contains no limitation on the amount of money individuals or corporations may spend directly in promoting or opposing referendum or bond issues, in the event that the Legislature found that the initiative referendum, people's veto, legislative referendum and bond issues referendum processes were being corrupted, were in danger of being corrupted or appear to have been corrupted by great disparities in spending between proponents and opponents of measures submitted to the citizens of Maine for consideration, would enactment of House Paper 11, Legislative Document 7 (Exhibit A) limiting the contributions of individuals and corporations to committees participating in such referendum elections unconstitutionally abridge the freedom of speech of individuals or corporations in violation of the Constitution of Maine, Article I, Section 4, and the Constitution of the United States, Amendment I?

The Order was read.

On motion of Mr. Diamond of Bangor, pursuant to House Rule 40, tabled pending passage and tomorrow assigned.

(Off Record Remarks)

On motion of Mr. Kelleher of Bangor,

Adjourned until nine o'clock tomorrow morning.