

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

INDEX

FIRST CONFIRMATION SESSION

August 4, 1983

INDEX

FIRST SPECIAL SESSION

September 6 and 7, 1983

INDEX

SECOND CONFIRMATION SESSION

September 23, 1983

INDEX

THIRD CONFIRMATION SESSION

October 28, 1983

INDEX

SECOND SPECIAL SESSION

November 18, 1983

INDEX

HOUSE

Monday, June 6, 1983

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

Prayer by the Reverend Russell Chase of the United Church of Monmouth.

The members stood at attention for the Pledge of Allegiance to the Flag.

The journal of the previous session was read and approved.

Papers from the Senate

Unanimous Ought Not to Pass

Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Provide Tax Exemption for Widows of Disabled Veterans" (Emergency) (S. P. 430) (L. D. 1299)

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

Unanimous Leave to Withdraw

Report of the Committee on Fisheries and Wildlife reporting "Leave to Withdraw" on Bill "An Act to Make Allocations from the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1984, and June 30, 1985" (Emergency) (S. P. 246) (L. D. 767)

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act Concerning Payments to Boarding Care Facilities" (S. P. 368) (L. D. 1142)

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Provide a Corporate Tax Credit for Donations of Technological Equipment to Maine Elementary and Secondary Schools" (S. P. 422) (L. D. 1275)

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

Divided Report

Majority Report of the Committee on Energy and Natural Resources on Bill "An Act to Promote the Wise Use and Management of Maine's Outstanding River Resources" (S. P. 427) (L. D. 1296) reporting "Ought to Pass" in New Draft (S. P. 598) (L. D. 1721)

Report was signed by the following members:

Senators:
KANY of Kennebec
PEARSON of Penobscot

— of the Senate.

Representatives:

HALL of Sangerville
MITCHELL of Freeport
RIDLEY of Shapleigh
McGOWAN of Pittsfield
JACQUES of Waterville
MICHAUD of East Millinocket
DEXTER of Kingfield
MICHAEL of Auburn
BROWN of Livermore Falls

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft under New Title Bill "An Act Relating to the Management of Maine's Outstanding Rivers" (S. P. 599) (L. D. 1722)

Report was signed by the following members:

Senator:
McBREAIRTY of Aroostook

— of the Senate.

Representative:

KIESMAN of Fryeburg

— of the House.

Came from the Senate with the Majority "Ought to Pass" in New Draft Report (L. D. 1721) read and accepted and the New Draft (L. D. 1721) passed to be engrossed.

In the House: Reports were read.

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

Mr. HALL: Mr. Speaker, I move acceptance of

the Majority "Ought to Pass" Report.

The SPEAKER: The gentleman from Sangerville, Mr. Hall, moves that the Majority "Ought to Pass" Report be accepted in concurrence.

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

Mr. MITCHELL: Mr. Speaker, Men and Women of the House: The bill before us today is a historic piece of legislation of national significance which seeks to resolve conflicts between competing uses of Maine's rivers.

The rivers of this state are a valuable public resource which belong to all the people. There are many beneficial uses of rivers and many of these uses are conflicting. Throughout Maine's history, many of the most bitter and contracted political disputes revolved about the issue of river uses and water power.

The bill before us identifies Maine's outstanding scenic and recreational river segments and sets them apart by requiring legislative approval for dam building. For the remaining rivers, hydro licensing requirements are streamlined, making it easier to construct hydro-electric dams.

As we approach the end of this century, many anticipate an increasing shortage of power. Hydro-electric power is a relatively benign source of energy with many advantages over nuclear, coal or oil fired power. Hydro-power development deserves our attention and our encouragement.

At the same time, Maine is nationally known for its special character and undeveloped rivers. These rivers are of regional significance and recreational assets which attract many tourist dollars to the state. These undeveloped rivers are part of Maine as we know it and help make Maine a fine and outstanding place to live.

The bill before you strikes a balance between these two conflicting uses. It is an excellent bill and I hope you will support it. There are several small differences between the majority and minority report on this bill.

The majority report strengthens the shoreland zoning law and the subdivision law along Maine's outstanding and significant rivers. The minority report focuses its attention on strengthening the shoreland and zoning law only, and the majority report encourages the creation of river corridor commissions. The minority report also encourages them but in a less forceful manner. I think the majority report is by far the best report and I hope you will all support it.

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

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: I am glad the gentleman from Freeport got up and gave you a quick summary of the differences in the two bills. I would like to give you a little bit more in depth review of the two bills, or primarily the majority report, because I am sure that any of you that have a constituency along these rivers, you are going to be asked to explain it to your constituency after you get back home and I think you ought to be able to do that, and I think this is the place where you ought to get that little bit of information you might need.

I would have to say that this bill, as it is structured, is one of the most amazing bills that I have seen come through here in the five years I have been down here, and I will tell you where you are going to get a lot of confusion on this.

In both bills, we talk about outstanding rivers, and there are three different descriptions of outstanding rivers in this bill, and each of the three descriptions of outstanding rivers do different things and it involves, in some cases, different parts of the same river and in some cases the same parts of the same rivers.

In Section 1, it talks about outstanding rivers and it has different mileages, different sections of the rivers that prohibit dam building—1,051 miles on 18 river segments, and there will

be no dams allowed in those segments of river.

In Section 6 there is another listing of outstanding rivers which includes parts of the rivers that prohibit dams and other areas of the same river that has special prohibitions on the alterations of the river and river crossings if it is necessary to put a bridge across or any other activity along that river. That is also called an outstanding river segment.

In Section 11 there is another section called outstanding rivers. Section 11 deals with subdivision control along some of the same segments of river, and some of it another mileage on the same rivers. So this is going to cause some confusion and I think you should be aware of this.

In addition, we have Section 4 that describes significant rivers, and significant rivers deals with shoreland zoning and screening and so on.

You might also be interested to know, those of you who have unorganized territories in your districts, that the unorganized territory is not included in the sections that are laid out for protection under this bill. There are some pretty stringent protection requirements in this bill but the LURC areas are not included, they are going to be treated separately, in a much more stringent fashion, under LURC rules. So those of you who have plantations are going to find that your plantations are going to be zoned differently than is the organized township next door. You should be aware of that so you can explain this to your plantations.

In the corridor commission section, this bill proposes to allow the commissioner of conservation to be the big daddy, if you will, of the corridor commissions. He is going to promote, organize and help prepare, write up the rules and supervise corridor commissions within the state. This is one of my big hangups with the bill. We had a corridor commission in being in the state that was set up under statute, it was used as a model in preparing that portion of this legislation and it has worked rather well for the past 10 years. I felt rather strongly that if we had one type of corridor operation going on within the state, we should stay with it. This proposes to do it differently.

There are certain advantages to the proposal as is written in the bill, in Report A, to the municipalities that might be put under a corridor commission. I just felt strongly that this legislature should not give up its overview of an activity that would be an enforcement agency, if you will, over towns, because that is what a corridor commission does, it is a super-enforcement agency that in this law takes precedence over the ordinances of the town. That was my hangup with the corridor portion of this.

Section 18 we touched on, that deals with permits for dams on the rivers that are not included for no dams whatever and it makes the permitting of building dams a one-stop service and speeds up the process.

Section 19 sets up a commission to study local land use violations.

The primary difference between A and B, there are three sections of it that the signers of the B Report disagreed with the A Report. We left the rest of it alone, as bad as it was.

In Section 2, the B Report proposes that the LURC areas be treated the same as the incorporated areas, that townships and plantations should be treated the same as the towns as far as the restrictions on the rivers. It doesn't make second-class citizens out of the plantation people.

The second difference is in the subdivision section, proposal B puts it under shoreland zoning, and therefore it includes every lot on the rivers for protection. Under Report A, under subdivision control, that is all after the fact control. Any lots that presently exist can continue to build right down to 75 feet to the water, you can get 20,000 foot lots. Also, in

areas that are — general development is the term normally used, the very heavily developed areas adjacent to those developed areas, you can keep adding lots on. Under proposal B, every lot, whether it presently exists or would be created in the future would require minimum setbacks an aggregate of 300 feet between the frontage and setback, which would set structures back on every single lot that exists or would exist in the future. In the minds of the signers of the B Report, it provides more protection because it provides on the whole length of the river.

Finally, the final section that we disagreed with was on the makeup of the corridor commissions. As I said, we felt strongly that we had a working model of a corridor commission that was on the statutes and we should have gone that way rather than set up a new concept, even though there were benefits involved in Report A.

I guess in passing, after I have described this to you, I think you would have to agree with me that the way this bill is structured, it is like something that was made with the committee, it is just like the camel, which is said to have been a horse that was structured or created by a committee, and I think that is about what this bill is in both A and B.

Mr. Speaker, I would 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 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 Sangerville, Mr. Hall, that the Majority "Ought 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, Armstrong, Baker, Beaulieu, Benoit, Bost, Bott, Brannigan, Brodeur, Brown, D.N.; Carrier, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Conary, Connolly, Cooper, Cote, Cox, Crowley, Curtis, Daggett, Dexter, Diamond, Dillenback, Erwin, Gauvreau, Gwadoksy, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Jacques, Jalbirt, Joseph, Joyce, Kane, Kelly, Ketover, Kilcoyne, Lehoux, Lewis, Livesay, Locke, MacEachern, Macomber, Manning, Martin, A.C.; Martin, H.C.; Masterton, Matthews, K.L.; Matthews, Z.E.; Maybury, Mayo, McGowan, McHenry, McPherson, McSweeney, Melendy, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, Nelson, Paradis, E.J.; Paradis, P.E.; Parent, Perkins, Perry, Racine, Reeves, P.; Richard, Ridley, Roberts, Roderick, Rotondi, Smith, C.B.; Soucy, Sproul, Stevens, Stevenson, Stover, Swazey, Tammara, Telow, Theriault, Tuttle, Vose, Webster, The Speaker.

NAY—Anderson, Bell, Brown, K.L.; Cahill, Callahan, Connors, Davis, Day, Drinkwater, Foster, Greenlaw, Ingraham, Jackson, Kiesman, Lebowitz, Lisnik, MacBride, Masterman, Pines, Randall, Reeves, J.W.; Salsbury, Scarpino, Seavey, Sherburne, Smith, C.W.; Strout, Walker, Wentworth, Weymouth, Willey.

ABSENT—Bonney, Brown, A.K.; Crouse, Dudley, Hobbins, Holloway, Kelleher, LaPlante, Mahany, McCollister, Michael, Norton, Paul, Pouliot, Rolde, Small, Soule, Thompson, Zirkilont.

Yes, 101; No, 31; Absent, 19.

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

Thereupon, the New Draft (L. D. 1721) was read once and assigned for second reading later in the day.

Non-Concurrent Matter

An Act Concerning Special Telecommunications Equipment for the Deaf, Hearing Impaired and Speech Impaired (H. P. 913) (L. D. 1166) which was passed to be enacted in the House on March 23, 1983.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-174) in non-concurrence.

In the House: On motion of Mr. Vose of Eastport, the House voted to adhere.

Non-Concurrent Matter

Bill "An Act to Permit any Municipality with a License Ordinance to Deny a License to any Person who is Delinquent in Paying Personal Property Taxes" (Emergency) (H. P. 1290) (L. D. 1711) which was passed to be engrossed in the House on June 1, 1983.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-172) in non-concurrence.

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

Messages and Documents

The following Communication:

State of Maine

One Hundred and Eleventh Legislature
Committee on Public Utilities

June 3, 1983

The Honorable John Martin

Speaker of the House

State House

Augusta, Maine

Dear Speaker Martin:

The Committee on Public Utilities is pleased to report that it has completed all business placed before it by the first regular Session of the 111th Legislature.

Total number of Bills received: — 71

Unanimous Report: — 68

Leave to Withdraw — 19

Ought Not to Pass — 6

Ought to Pass — 13

Ought to Pass as Amended — 23

Ought to Pass in New Draft — 6

Re-referred — 1

Divided Reports — 2

Carried over to next Session — 1

Respectfully submitted,

S/HARRY L. VOSE

House Chairman

The Communication was read and with accompanying report ordered placed on file.

Orders

On motion of Representative Paradis of Augusta, the following Joint Resolution: (H. P. 1305) (Cosponsor: Representative Hobbins of Saco)

JOINT RESOLUTION IN MEMORIAM

TO THE LATE HONORABLE

ROBERT FRANCIS KENNEDY

WHEREAS, it was Tennyson who wrote, "... come my friends, 'tis not too late to seek a newer world"; and

WHEREAS, the late Senator Robert Francis Kennedy of New York and former Attorney General of the United States vigorously carried that shimmering banner; and

WHEREAS, friends came forth to the ring of his voice and stood firmly by countless numbers across the land in testament to his tireless efforts, "... to make gentle the life of the world"; and

WHEREAS, he was a man of strong conviction about what was right and moved forward to see that right was carried out, thereby establishing a high moral standard and "an honorable profession" for those in political life; and

WHEREAS, his courage, humanity and ability to inspire and command the loyalties of able men lives on in the hearts of all who were privileged to know him; now, therefore, be it

RESOLVED: That We the Members of the Senate and House of Representatives of the 111th Legislature of the great and sovereign

State of Maine pause from the duties of this First Regular Session to honor this man who is so endeared to the people of Maine and to pay this special tribute to Robert Francis Kennedy and his family on this the 6th day of June, 1983, which marks the 15th anniversary of his tragic death; and be it further

RESOLVED: That a suitable copy of these sentiments be prepared and presented to Mrs. Ethel Kennedy and the family, in remembrance and with deepest sympathy from those of us who share this great loss.

Under Suspension of the Rules, the Resolution was read and adopted and sent up for concurrence.

Divided Report Tabled and Assigned

Majority Report of the Committee on Labor on Bill "An Act Concerning Arbitration Involving Municipal Fire and Police Departments" (H. P. 331) (L. D. 390) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Establishing the Emergency Service Personnel Arbitration Act" (H. P. 1299) (L. D. 1724)

Report was signed by the following members:

Senators:

HAYES of Penobscot

DUTREMBLE of York

— of the Senate.

Representatives:

GAUVREAU of Lewiston

TAMMARO of Baileyville

TUTTLE of Sanford

NORTON of Biddeford

SWAZEY of Bucksport

BEAULIEU of Portland

— 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:

SEWALL of Lincoln

— of the Senate.

Representatives:

WILLEY of Hampden

LEWIS of Auburn

BONNEY of Falmouth

ZIRNKILTON of Mount Desert

— of the House.

Reports were read.

On motion of Mrs. Beaulieu of Portland, tabled pending acceptance of either Report and tomorrow assigned.

Divided Report

Majority Report of the Committee on Transportation on Bill "An Act to Adjust Certain Motor Vehicle Title Fees" (H. P. 930) (L. D. 1209) reporting "Ought to Pass" in New Draft (H. P. 1304) (L. D. 1732)

Report was signed by the following members:

Senator:

DANTON of York

— of the Senate.

Representatives:

CARROLL of Limerick

STROUT of Corinth

THERIAULT of Fort Kent

REEVES of Pittston

CALLAHAN of Mechanic Falls

MOHOLLAND of Princeton

NADEAU of Lewiston

— of the House.

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

Report was signed by the following members:

Senators:

DIAMOND of Cumberland

EMERSON of Penobscot

— of the Senate.

Representatives:

CALLAHAN of Woolwich

MACOMBER of South Portland

McPHERSON of Eliot

— of the House.

Reports were read.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I would now move we accept the Majority "Ought to Pass" Report, and I would like to speak on my motion.

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

The gentleman may proceed.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: This Act to Adjust Certain Motor Vehicle Title Fees is a very necessary document. It is necessary because we in the State of Maine have a backlog of about three months. They are behind on their work down there and in need of additional personnel. We certainly need the one dollar fee increase, it is a very small increase, and it will enable them to hire additional personnel. It will also enable us to have investigative personnel out there investigating titles.

The Maine title is a very important title. We have other states that have titles that are worthless. They are sending us titles out of other states where they are printing over the mileage. People in Maine are buying cars, they think they are buying cars that have got 30,000 miles; some of those cars have 90,000 miles; they change the nine into a three. They turn the odometer back on them and we need these personnel, it is a very small increase and I hope you will all support this motion.

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

Mrs. CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: As Mr. Carroll said, this bill would increase motor vehicle titles by one dollar across the board. It would also create over the next biennium 14 new positions in the Department of Motor Vehicle, and while I believe it might make it possible to obtain motor vehicle titles sooner, I am not in favor of expanding state government by 14 positions at this time and I would request that you vote against the pending motion.

The SPEAKER: The Chair recognizes the gentleman from Princeton, Mr. Moholland.

Mr. MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Carroll is right on target. I was down in Motor Vehicle and I saw a stack of titles probably two feet high that have got to be investigated. The people there don't have enough time to take care of that. I saw applications from New Jersey, New York, one title in particular, that had 76,000 miles on the car and it was changed over to 36,000, it was sold in the State of Maine and there was a stamp right across the New Jersey Title so you could just barely make it out. I think we should help the people in State of Maine so they won't buy a car that has 90,000 and only shows 30,000. That goes for trucks and pickups and all the stuff that I was shown about a week ago.

I hope you go along with the "ought to pass" Report.

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

Mrs. CAHILL: Mr. Speaker, I request the yeas and nays.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Limerick, Mr. Carroll, that the Majority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YE—Ainsworth, Andrews, Baker, Beaulieu, Benoit, Brannigan, Brodeur, Callahan, Carroll, G.A.; Carter, Clark, Connolly, Cote, Cox, Crowley, Daggett, Diamond, Erwin, Gauvreau, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jalbert, Joseph, Joyce, Kane, Kelly, Ketover, Kiesman, Kilcoyne, Lehoux, Lisnik, Locke, MacEachern, Manning, Martin, H.C.; Masterman, Matthews, K.L.; Matthews, Z.E.; Mayo, McGowan, McSweeney, Melendy, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Paradis, P.E.; Perry, Pouliot, Racine, Reeves, P.; Richard, Ridley, Roberts, Rotondi, Sherburne, Smith, C.B.; Soucy, Stevens, Swazey, Tammara, Telow, Theriault, Tuttle, Vose, Walker, The Speaker.

NAY—Allen, Anderson, Armstrong, Bell, Bost, Bott, Brown, D.N.; Brown, K.L.; Cahill, Carrier, Carroll, D.P.; Cashman, Chonko, Conary, Conners, Cooper, Curtis, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Greenlaw, Gwadosky, Higgins, L.M.; Ingraham, Jackson, Jacques, Kelleher, Lebowitz, Lewis, Livesay, MacBride, Macomber, Martin, A.C.; Masterton, Maybury, McHenry, McPherson, Michaud, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Parent, Paul, Perkins, Pines, Randall, Reeves, J.W.; Roderick, Salsbury, Scarpino, Seavey, Smith, C.W.; Sproul, Stevenson, Stover, Webster, Wentworth, Weymouth, Willey.

ABSENT—Bonney, Brown, A.K.; Crouse, Dudley, Holloway, LaPlante, Mahany, McCollister, Norton, Rolde, Small, Soule, Strout, Thompson, Zirkilton.

Yes, 74; No, 62; Absent, 15.

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

Thereupon, the New Draft (L. D. 1732) was read once. Under suspension of the rules, the New Draft 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 item appeared on the Consent Calendar for the First Day:

(S. P. 458) (L. D. 1389) Bill "An Act to Change the Method of Financial County Services in the Unorganized Territory" — Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-171)

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

Second Reader

Later Today Assigned

Bill "An Act to Permit Appointment of Registers of Deeds and to Involve the County Budget Committee in Certain Proposed Appointments" (H. P. 1303) (L. D. 1727)

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

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

Mrs. INGRAHAM: Mr. Speaker, Ladies and Gentlemen of the House: Being the only dissenting vote on the committee report, I felt that I owed you an explanation, perhaps, of my thinking.

Each county has three county commissioners, we have a two-party system. If this bill goes through and they make the treasurer and registrar of deeds appointive, we will have a one party system in each county. Whatever party is in the majority on county commissioners, that party will select those two county officers. I object to this because it does not give the voters a chance to express their opinions or have input, it eliminates the voter's choice.

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

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

tleman of the House: Somebody wants to put an amendment on the bill, so I would appreciate it if somebody would table this for one legislative day.

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

Later Today Assigned

Bill "An Act to Provide Equal Access to Justice" (S. P. 570) (L. D. 1646)

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

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

Later Today Assigned

Bill "An Act to Clarify the Law Concerning Certain Appeals from Planning Board Decisions" (Emergency) (S. P. 503) (L. D. 1519) (C. "A" S-165)

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

On motion of Mrs. Beaulieu of Portland, tabled pending passage to be engrossed and later today assigned.

Orders of the Day

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

SENATE DIVIDED REPORT—Majority (7) "Ought Not to Pass" — Minority (6) "Ought to Pass" in New Draft (S. P. 596) (L. D. 1718) — Committee on Business Legislation on Bill "An Act to Provide Equitable Mental Health Insurance" (S. P. 349) (L. D. 1023)

— In Senate, Minority "Ought to Pass" in New Draft (S. P. 596) (L. D. 1718) Report read and accepted and the New Draft passed to be engrossed as amended by Senate Amendment "A" (S-170)

Tabled—June 3, 1983 by Representative Brannigan of Portland.

Pending—Motion of same gentleman to accept the Minority "Ought to Pass" in New Draft Report.

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

Mr. BRANNIGAN: Mr. Speaker, Ladies and Gentlemen of the House: This is the second of two mandated bills; we dealt with one last week dealing with alcoholism. They are identical or almost identical as far as approach is concerned, they are almost identical as far as history, so I am reluctant to go through the history again of this kind of benefit, first of all, but I will just briefly. We have, over the years, mandated all kinds of things, that is our business here. When we see the necessity, we ask that things be done. In the area of insurance, it is the same. We have mandated over the years some very important benefits which some of us would in no way be without. It has been a very important part of this legislator's legislative duty to provide certain coverages. We have in the Business Legislation Committee and in this legislature over the years gently prodded, encouraged that certain less popular diseases, less popular problems be covered, be included, and we have done it very gently.

Finally, the last step before this one was that at least some options have to be available to be purchased by groups that wanted to purchase them. As we said before, that hasn't helped much with those who do not rush forward with their problems of alcoholism and mental illness, they do not want to tell their union leaders or their company president's or their bosses that they have this problem, but this problem is a prevalent problem. This problem has been mainly taken care of by the state and we have been paying for it through our tax dollars. Gently and with prodding, we have asked that third party carriers, especially Blue Cross — Blue Shield, other insurance carriers, begin to pick up part of the cost of these illnesses that are just as much illnesses as are heart

attacks, lung and bladder disorders.

We are now saying with this bill, it has been very much reduced, much more gentle, it is not to the liking of those who have proposed it, all we are saying is that in the basic coverage, you must cover in some way these newer treatments, community treatments, that are less expensive than hospital treatments.

As we talked about last week, for some people hospital care is necessary, and in the area of mental health it is the same; for some it is not, for certain stages, it is not. It is much more inexpensive to provide certain community-type treatments. We are not saying how much, we are not saying how far, we are just saying insurance companies provide, please, some basic coverage for these types of treatments. These are less expensive and in the long run will provide a better health climate for the people of our state, and so I encourage you to vote with us.

Let me cover one more point as far as mental health is concerned. I think it was rumored last week when I spoke with some passion on alcoholism that I ran an alcohol facility, I do not, but I do run a mental health facility. I run a halfway house which will not be helped by this bill and certainly my salary will not be enhanced by it one bit, so I have no fear of speaking to you from a conflict point of view. I have no fear in speaking to you as someone who knows the business.

The poorest constituency are the mentally ill. Everyone else, even prisoners, the mentally retarded, alcoholics, have a better group of backers, have a better constituency. It is only in the past few years and a very few years that the families of those of the mentally ill have begun to emerge, have begun to dare to speak out. They have begun to coalesce into groups and they are part of the groups that have presented this bill to us and they are very discouraged. They are very discouraged because we have not given them what they want. They wanted to be treated equally. They wanted us to say, no on 50 percent major medical coverage; everybody else gets 80 percent—mental health, 50 percent. They wanted us to make them at least equal to other illnesses. We said, no, not now. We will just ask them to include you in their basic coverage.

If this bill is defeated, it will be a defeat for this new, tenuous, frightened group of parents and friends of the mentally ill and I think that is a different aspect here, I think it is a very important aspect. As disappointed as they are, as politically naive as they are, they need some encouragement. The mentally ill need some help. The state needs some help with care of the mentally ill, and so I urge you today to join with us in passing this piece of legislation.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I think the gentlemen who spoke about families being deprived and the problems that they have with these two illnesses, alcoholism and mental health, I think they have missed one, there should be an amendment to this. I notice on TV now that they are pushing for money for the disease of those people who are gamblers. Maybe there should be an amendment to this for the gamblers.

The SPEAKER: The Chair recognizes the gentleman from Brooksville, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to go through everything that I said the other day on alcohol abuse although the same things apply. We are just going to substitute out-patient care for in-patient care and out-patient care is a lot less.

I think we have one set of experience in our neighboring state of New Hampshire which you might like to know. New Hampshire has had a mental illness rider for over eight years and they say that there has been no increase in

insurance rates attributable to mental health costs. I think our neighboring state saying that is highly important. They say that the population at our one state mental institution has halved as community mental health clinics have increased their ability to care for the mentally ill.

To me, I don't just believe that there is going to be any great increase in costs if this bill is passed.

The SPEAKER: The Chair recognizes the gentlewoman from Presque Isle, Mrs. MacBride.

Mrs. MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will not accept the Minority "Ought to Pass" Report this morning so that you can accept the Majority "Ought Not to Pass" Report.

This was a very difficult bill for us in committee. We all are most sympathetic to those people with mental health problems but we did not all agree on the approach to them. I feel good optional plans should be and are available through the insurance companies for people with specific problems. There are plans now. I think there should be more plans and better plans and I think the insurance companies can and should do a better job with those plans. They should be more viable and they should do a better job marketing them, but I do not believe that mandatory insurance is the answer.

There are many problems with this bill, there are many problems with mental health insurance and I think we all ought to do what we can to help those people. However, I think we do have to think of the other group of people who are now insured.

At the hearing, there were many people who came to testify. Many people who want this bill came to testify, but we had many employers and many employees who testified against this bill. They want to be left alone to make their own health care packages, to include what they want, not what the state tells them they must have. Usually there are certain sought after coverages in any health package. For example, workers with families often want dental coverage, they want to choose the item in their package that they feel is most advantageous to them.

A number of years ago, many employers fully pay for health insurance for the whole family and some still do. However, with increased health care costs and premium costs, many employers have dropped the family and covered only the worker. As costs increase, the worker often has to pay part of that cost. If this and other mandatory benefits are required, the workers will have to pay more and more. I am concerned that the employer might decide to give the employee a wage increase and let the worker buy his own health insurance program. I do not think that should happen, for I feel workers' benefits far outweigh a wage increase. Some workers might drop insurance and then suffer a costly illness that could cripple a family. I have seen this happen.

Blue Cross and Blue Shield, based on rider experience on their policies, has stated that the increased cost for a mental health coverage and that is the increased cost in addition to the package that they now have, would be for an individual, \$25.08 a year or that is \$2.09 a month; for a family, the increased cost would be \$67.08 a year or \$5.59 per month and that is per contract. How much more can the people afford?

My city is opposing this bill. They have budgeted \$130,000 for health contracts for city employees and they feel that they cannot afford anymore unless the property tax is increased.

The gentleman from Brooksville has mentioned that he does not believe that this is going to increase the cost very much, but as one insurance company said to me this morning, "Mary, you don't think for a minute we are going to give health insurance away, do you?" I

don't imagine the insurance companies really are going to give insurance away.

It has been said that this bill will substitute out-patient care for in-patient care; yes, it will, but at a cost of an additional \$67 per family contract a year.

Ladies and gentlemen, I think there should be a good, viable option for people with specific health problems but I don't think that mandatory mental health insurance is the way to go.

I hope you will vote against this Minority Report and I would request a roll call.

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

Mrs. MELENDY: Mr. Speaker, Ladies and Gentlemen of the House: Representative MacBride has said that the employers were not for this bill. Granted, when they came, they were probably not aware of the cost, such as Representative Perkins has been telling us that has happened in other states. One of the things that I think we should consider is that employees who are being treated are more apt to be able to continue to work and carry on their own load than one whose condition worsened and then becomes a burden to the state and we pay for everything and sometimes things for their children, AFDC and so forth. Let's consider this and vote for it.

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding, I believe it was during 1980, the 110th Maine Legislature, that we passed a bill which made health coverage mandatory in the sense that insurance carriers had to provide the option of mental health coverage. In other words, any treatment that was done in a community mental health center would have to be covered and I was wondering if the committee gave any thought to making that current option which applies to insurance carriers now mandatory? That way we would have more of a check on the types of treatment that would be carried out rather to apply this other business and social workers?

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: Yes, actually this is what is being done, Mr. Gwadosky, by this bill. Although we are not specifying what the companies have to put in their basic coverage, what they are telling us is that they will be taking that option and making it part of their basic coverage, so in effect that is what this bill will be doing.

To clarify a couple of other points, I agree with Representative Perkins, that as we deal with highly competitive groups, as he has said and he knows well from his experience, health insurance is a competitive business and when this is all melded in together, as one group competes with another, I do not believe that there will be large costs involved.

Also, in this particular bill that we are presenting to you, it has been amended by the other body to eliminate the small businessman, the groups of 20 or less, which we will be supporting and that will make some difference, I believe, in cost. There is just no way that a specific insurance can be picked up as mentioned by Representative MacBride—if insurance was specific, then people would only buy it as they needed it and that wouldn't be insurance. Insurance spreads the risk around to all people.

The SPEAKER: The Chair recognizes the gentlewoman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair. What is this going to cost state government?

The SPEAKER: The gentlewoman from Cape Elizabeth, Mrs. Masterton, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the gentleman from Brooksville, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: There is some question as to what it will cost. You see, as far as insurance benefits are concerned, if this bill is passed you are going to have amounts going to AMHI and the others which you don't have now. That will offset the so-called cost to the state employees, if any, and it looks as if the General Fund might come out okay. Probably with dedicated revenue, you would have some charge.

While I am on my feet I would just like to say one thing which I omitted, it is more of an idea. About 80 percent of the hospital business in this state is handled by the Blues. On that, in the hospitals, they get a discount. Could it be that one of the reasons they are against this bill is that they will get no discounts whatsoever for out-patient treatment?

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

Mr. MURRAY: Mr. Speaker, Men and Women of the House: I would just like to share with you a few thoughts that hopefully might persuade you to join in supporting the "Ought to Pass" Report of the committee.

Mental illness in this country is presently the fourth leading disease, with an estimated number of cases over 6.6 million per year. It is a significant amount, a significant number, and one which, unfortunately, does not receive the attention that it probably should. Mental illness, at this point in time, ranks 17th in the amount of private support per victim.

What I think this bill mainly attempts to do is shift some of that support and responsibility to the private sector by making this sort of coverage mandatory. The degree of that shift is certainly debatable. We are given different figures by the insurance companies and also different figures from the experience of other states. Let me share with you the figures that were given to us by the insurance company, which I again would reiterate would be a worse case scenario because of the fact that they are supplying them in opposition to the bill and also they do not take into account the decrease in costs due to a lowering of absenteeism, a decrease in overall health insurance costs and situations where there are fewer accidents and things like this. But the cost that they did give us, and Representative MacBride gave them to you, represent an increase of 2.5 cents an hour in increased labor costs. I believe that 2.5 cents per hour is a minimal cost in trying to address the problem that this bill does, which is that shift of private sector support for the fourth leading disease in this country.

Let me also point out that a number of businesses that I talked with would tell me that we already provide a certain amount of mental health coverage in our package. During the committee work sessions I asked some of the insurance actuaries that were present that if those companies actually are already providing mental health benefits, would the cost decrease to them? They responded that, indeed, if those companies are already providing mental health coverage, their cost would decrease because of the increase in overall numbers of companies participating.

So I think we should keep this in mind. The good companies are actually going to receive a benefit if this sort of legislation goes through and what we are doing with the other companies is saying that we do feel that it is appropriate, that the private sector should share in the responsibility of trying to cover this fourth leading disease in this country.

I hope you will support the Minority "Ought to Pass" Report.

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to thank the gentleman from Portland, Mr. Brannigan, for clarifying in my mind exactly what the in-

tent of this legislation is and I apologize for asking that type of question. Without doubt, Representatives Brannigan and Murray have made some very strong arguments for the need for this legislation, so strong, in fact, they have prompted another question in my mind. If there is a need for this effective type of coverage, why did the committee limit this and not include individual contracts? Why does this just apply to group contracts?

The SPEAKER: The gentleman from Fairfield, Mr. Gwadosky, has posed an additional question through the Chair to anyone who may respond if they so desire.

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: We are dealing with groups here, individuals would have what is known as adverse selection, only those who need it would buy it. They can buy it now if they want to pay for it from an insurance company. As insurance companies will tell you, they will write anything you want as an individual, they will cover anything if you want to pay for it. We are talking about groups where risk is shared among many and not individual coverage where only those who need would buy.

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

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I hate to rise again this morning and speak against this bill like I did on alcoholism. However, I signed the Majority "Ought Not to Pass" Report because I have some deep concerns about whether or not we need to mandate this type of coverage.

Originally, the bill covered all groups; however, there was a Senate Amendment that was placed on the bill last week after we overwhelmingly defeated the alcoholism bill, and I feel that the supporters of this particular bill feel that it has a better chance of passage by amending it to include only groups of 20 or more. Now this brings a question to my mind when we say "only 20 or more," especially after I have heard that mental health is a big problem and it ought to be covered by insurance.

What we are saying here is that only those that work for large firms will be covered by mental health. Those are the only individuals that may be treated, unless those individuals that are not working in groups of 20 or more go out and purchase their own mental health coverage which is available with all the insurance carriers.

As a matter of fact, group coverage was mandated two years ago and for your information, there are 21 community mental health centers and substance abuse treatment facilities within the state, and out of the 21, as of April 1983, one group purchased the mental health and substance abuse, and the other group purchased only alcoholism, so that makes you wonder how important it is to mandate this when the people that deal with these problems are not even covering their own employees, it makes you wonder.

The other thing that I would like to bring to your attention is the fact that within the State of Maine we have 2,974 employers that employ 20 employees or more for a total of 239,000 employees that would be covered by this bill if it goes into law. The number of firms that employ from zero to 19 is 24,383 employers, and they employ 95,000 employees, which is roughly 28 percent of the work force that are working for somebody else. So that means that there would be a lot of employees that would not be covered.

The people have mentioned that the cost would not be that great—well, I question this and I will tell you why. Within the last two, four or six weeks, we in this House passed a bill that would authorize licensed social workers to be reimbursed for the same type of services that psychiatrists perform, which means that there are a lot of people out there that are available

to provide this service, and I question whether or not this bill will be costly to the employer as well as to the state.

If we mandate this bill—I hate to repeat myself—at the next special session or the next regular you are going to see other people in the health field that will be out there requesting that we mandate their coverage, and I will only mention one of them, podiatrists, I won't mention the other one, but they are going to be out there looking to be mandated. So what we will be doing, we will be establishing a precedent.

If it is so important that people be covered for this disease, then I would like to have someone put an amendment on and let's cover every individual that lives within the State of Maine rather than only those employees that work in an operation that hires 20 or more. On that basis, unless there is an amendment put on, and if there was I would support it because it would cover everybody else, but since it does not, I certainly hope that you will support the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Mechanic Falls, Mr. Callahan.

Mr. CALLAHAN: Mr. Speaker, Ladies and Gentlemen of the House: I certainly hope you will not support this bill. Our total cost of labor—I say "our," a company I used to represent—today is 76 cents on every dollar. Most of this is mandated, such as workers' comp, unemployment insurance, so we do have costs to help our employees, we have paid for health insurance for the employee and half for his family. We also have a retirement program to help our employees. As I say, the total cost is 76 cents on every dollar. It is hard for me to say that 2½ cents is very much money, but you add this to 76 cents and then, as the gentleman from Biddeford just said, next year there will be more and more. There has got to be an end to it. I certainly hope that you can leave it up to the employer to help the employees without mandating.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair. Why is it the State of New Hampshire can afford this coverage, have it in their policies, and yet the policies in a neighboring state, the State of Maine, cannot have this coverage? It appears to me that there are some unanswered questions here and we had better have them answered.

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: Usually we are proud to be in the vanguard and ahead of our neighbors over there in New Hampshire but in this case we haven't been and with this bill we will be catching up with them.

Just to explain the amendment that was put on by the other body, it was not put on by the proponents of this bill, it was not put on by the sponsors of this bill; however, some people who wanted to say they had done something for small business people put on an amendment which eliminated groups of 20 or more from mandation. That in no way means that they won't be covered, it just means that they won't absolutely have to be, that some insurance company could, if they wished, make up groups for 20 or less and those for 20 or more. I don't know what they do for a company of 19 who hires a couple of extra people. If the gentleman from Biddeford, Mr. Racine, would like to join me in taking that amendment off, I would be glad to work with him on that.

The SPEAKER: The Chair recognizes the gentleman from St. George, Mr. Scarpino.

Mr. SCARPINO: Mr. Speaker, Ladies and Gentlemen of the House: I have sat here and listened to Mr. Murray, the gentleman from Bangor, claim that mental health, mental illness is the fourth most prevalent illness in the country, and I have heard people compare it to

the bill we had in front of us previous on alcoholism, but there are a couple of minor problems with this, and the main one is one of definition. In the case of alcoholism, alcoholism is very well and very easily defined, it doesn't take much to tell an alcoholic, but I will say, who is going to define who is mentally ill? Our psychiatrists and psychologists are, and what are they going to use? They are going to use the APA manual, diagnostic manual, so let's see what the APA diagnostic manual has done in the past 10 years.

A little while ago we had a bill in here involving gay rights and a number of members of this body spoke in favor of it. Ten years ago, homosexuality was diagnosed as a mental illness in the APA manual. Ten years ago the APA manual had neuroses and psychoses, many decided they didn't like the word psychoses that much so they changed it to neuroses or you had neurotics and sociopaths—they liked sociopath much better than psychopath, it fit better.

Then in 1979 the APA itself did an experiment and they sent a bunch of professionals around to varying doctors in varying areas and they presented themselves as being mentally ill and presented symptoms, they presented the identical symptoms to different doctors and what they found was that there was absolutely no continuity in the diagnosis of these doctors. On the same people faking the same illnesses, they got a diagnosis from mild neurotics to severe psychotics. Now you ask, what did the APA do now? Well, they scraped the entire neurotic-psychotic system. We now have character disorders. All one has to do is look around this body and you can pick out a number of characters. The definitional problem comes with which ones of us are disordered and which ones of us aren't. Without this bill clearly defining what mental illness is and with the definition of mental illness being a sociological definition, the changes from year to year I have a great deal of difficulty supporting this particular piece of legislation. While I am in favor of providing some kind of coverage, this piece of legislation in itself has the potential to create many more problems than it could possibly resolve. Accordingly, I will urge your acceptance of the Majority Report.

Mr. Brannigan of Portland was granted permission to speak a third time.

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: I would just like to clarify that we already have coverage for mental illness, we pay for it dearly, it is very expensive, in-patient is \$200 or \$300 a day, whatever it costs in that particular hospital. The field of psychology and psychiatry is growing, maturing and should not be taken to task for that. We are already paying for this, this is merely establishing some less expensive treatments that are already in place.

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

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: This piece of legislation has generated a good deal of misinformation about both the need for and the cost of such legislation. A great deal has already been said about its positive impact on reducing the stigma against the mentally ill, but I don't think that is the most compelling reason for supporting this bill. I believe that the passage of this piece of legislation is a good financial investment for the State of Maine.

Let me cite just a few facts. Similar legislation has already been enacted in 17 other states which has resulted in very little, if any, increase in premiums. Contrary to unsubstantiated reports, experience in other states suggests virtually no increase. In fact, a Rand Corporation study published just last week in the New York Times indicates that a full coverage health care plan paid out only \$24 per family per year for mental health treatment. Only 5 percent of those covered utilized the mental

health benefit.

It seems to me that given the current fiscal constraints that we are facing in the State of Maine, we should be encouraging all human service programs to maximize all other possible sources of revenue. That is exactly what mental health programs are trying to do, in some places going to municipalities and counties, and we as legislators should be supporting that effort.

With regard to the impact of this bill on business, a good deal of the opposition has been from the business sector concerned about skyrocketing premiums. I would like to make two brief points in that regard. The closest experience we currently have is the community mental health benefit rider now marketed by Blue Cross. That rider, ladies and gentlemen, is marketed for 86 cents per individual per month and \$2.39 for a family per month. It seems to me that in spite of business and industry concerned, this bill will provide an ideal funding mechanism for employee assistance programs, much like the employee assistance program provided by state government which has been proven nationally and in the state of Maine to actually save the companies money, state government money, as a result of decreased absenteeism, fewer accidents and decreased health insurance claims.

To sum it up, I would like to just say that it seems to me that everyone has something to gain from this bill. I truly think that the taxpayer of Maine has something to gain, the individuals and the families that need mental health services, and business and industry itself.

Finally, I would just like to remind you that there is a built-in four year sunset provision that will allow for an evaluation of the use and the costs. I think we have an awful lot to gain and very little to lose, and I would urge you to support the bill.

The SPEAKER: The Chair recognizes the gentlewoman from Presque Isle, Mrs. MacBride.

Mrs. MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I do think that the people at home really would like to have a chance to choose some of the things themselves. It does seem as if we are attempting to mandate a good many things. I think people want to choose the programs which they want to have. They do not want to have the state tell them what they should have.

I hope today you will vote against the minority report and accept the majority report.

There are a number of other inequities in this bill. In the bill, public institutions must be paid, but public institutions are not paid in the coverage of any other type of illness, and that certainly is not equitable.

Office visits must be covered under this bill, but office visits are not required to be covered for any other type of treatment and are not covered in a basic coverage for any other type of illness. This, too, is not equitable.

I think it is important that we allow people, both workers and employers, to choose the type of coverage which they wish, and I hope you will vote against it.

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, Mr. Brannigan, that the Minority "Ought to Pass" Report be accepted in concurrence. All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentlewoman from

Auburn, Miss Lewis.

Miss LEWIS: Mr. Speaker, I request permission to pair my vote with the gentlewoman from Pittston, Mrs. Reeves. If Mrs. Reeves were present and voting, she would be voting yea and I would be voting nay.

ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Benoit, Bott, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Chonko, Connolly, Cooper, Cote, Cox, Crowley, Curtis, Diamond, Erwin, Foster, Gauvreau, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Jalbert, Joseph, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lewis, Lisnik, Locke, Manning, Martin, A.C.; Martin, H.C.; Matthews, Z.E.; Maybury, Mayo, McGowan, McHenry, McSweeney, Melendy, Michael, Mitchell, E.H.; Mitchell, J.; Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, Nelson, Paradis, P.E.; Perkins, Perry, Pines, Randall, Richard, Rolde, Rotondi, Seavey, Stevens, Tammaro, Theriault, Vose, The Speaker.

NAY—Anderson, Bell, Bost, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carter, Cashman, Clark, Conary, Conners, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Greenlaw, Gwadosky, Handy, Higgins, L.M.; Ingraham, Joyce, Kiesman, Lebowitz, Livesay, MacBride, MacEachern, Macomber, Masterman, Masterton, Matthews, K.L.; McPherson, Michaud, Moholland, Norton, Paradis, E.J.; Parent, Pouliot, Racine, Reeves, J.W.; Ridley, Roberts, Roderick, Salsbury, Scarpino, Sherburne, Smith, C.W.; Soucy, Sproul, Stevenson, Stover, Strout, Swazey, Telow, Tuttle, Walker, Webster, Wentworth, Weymouth, Willey.

ABSENT—Armstrong, Bonney, Carrier, Crouse, Holloway, Jackson, Mahany, McCollister, Paul, Small, Smith, C.B.; Soule, Thompson, Zirkilton.

PAIRED—Lewis-Reeves, P.

Yes, 71; No, 64; Absent, 14; Paired, 2.

The SPEAKER: Seventy-one having voted in the affirmative and sixty-four in the negative, with fourteen being absent and two paired, the motion does prevail.

Thereupon, the New Draft was read once. Senate Amendment "A" (S-170) was read by the Clerk.

Mr. Racine of Biddeford moved that Senate Amendment "A" be indefinitely postponed and requested a roll call vote.

The SPEAKER: The gentleman from Biddeford, Mr. Racine, moves that Senate Amendment "A" be indefinitely postponed in non-concurrence.

The gentleman may proceed.

Mr. RACINE: Mr. Speaker and Members of the House: I don't want to repeat what I stated previously, but some of the reasons is that this body obviously feels that mental health should be covered. Well, if we are, we might as well go all the way. So on that basis, I hope you will indefinitely postpone Senate Amendment "A".

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.

On motion of Mr. Brannigan of Portland, tabled pending the motion of Mr. Racine of Biddeford to indefinitely postpone Senate Amendment "A" and later today assigned.

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

Bill "An Act to Establish County Budget Committees" (S. P. 592) (L. D. 1710) (H. "A" H-329; H. "B" H-330)

Tabled—June 3, 1983 by Representative Carter of Winslow.

Pending—Passage to be Engrossed.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I am having an amendment prepared and it is not ready, and I would hope that somebody would table this until later.

Thereupon, on motion of Mr. Diamond of Bangor, tabled pending passage to be engrossed and later today assigned.

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

An Act Concerning Confidential Records and State Certification of Educational Personnel (Emergency) (S. P. 583) (L. D. 1691)

Tabled—June 3, 1983 by Representative Locke of Sebec.

Pending—Passage to be Enacted.

On motion of Mrs. Locke of Sebec, retabled pending passage to be enacted and tomorrow assigned.

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

HOUSE DIVIDED REPORT—Majority (10) "Ought to Pass" as amended by Committee Amendment "A" (H-317) — Minority (3) "Ought Not to Pass" — Committee on Taxation on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Change the Municipal Property Tax Loss Reimbursement Formula, to Change the Penalty for the Withdrawal of Land from Current Use Valuation and to Require a Two-thirds Vote for the Expenditure of Funds from the Mining Excise Tax Trust Fund (H. P. 502) (L. D. 652)

Tabled—June 3, 1983 by Representative Mitchell of Vassalboro.

Pending—Acceptance of Either Report.

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

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

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

The gentleman may proceed.

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: While both the Senate Chair and myself signed the Minority "Ought Not to Pass" Report, I have moved the Majority "Ought to Pass" Report so that we may have first and second readings and send the bill on to engrossment.

Since this L.D. proposes an amendment to the Constitution of Maine and therefore requires a two-thirds vote, I would fully expect to detail our reasons for opposing this measure at enactment.

Thereupon, the Majority "Ought to Pass" Report was accepted and the Resolution read once. Committee Amendment "A" (H-317) was read by the Clerk.

Mr. Kane of South Portland offered House Amendment "A" to Committee Amendment "A" (H-331) was read by the Clerk.

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

Mrs. INGRAHAM: Mr. Speaker, I would request that Representative Kane explain the amendment.

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

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: All this amendment did, the gentelady from Houlton will be familiar—there was a problem with the Attorney General's opinion that said we couldn't reimburse in any event more than 50 percent, so we all agreed on the committee a couple of years ago that we would change that and there was an inadvertent mistake made and the words "not less than" were left out. This just amends what was previously agreed to.

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

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

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

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

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

Tabled—June 3, 1983 by Representative Mitchell of Vassalboro.

Pending—Passage to be Enacted. (Roll Call Ordered)

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

Mr. HOBBS: Mr. Speaker, I move that L.D. 1658 be indefinitely postponed.

The SPEAKER: The gentleman from Saco, Mr. Hobbins, moves the indefinite postponement of L.D. 1658.

The gentleman may proceed.

Mr. HOBBS: Mr. Speaker, Men and Women of the House: As you probably know, the issue of joint custody, the issue of custody of children in domestic relations cases, is an issue of fundamental importance that affects this state and this country. Our committee had numerous bills presented to it addressing this particular area. Fortunately, our committee made a minor change which I think is significant which I discussed last week in the area of joint custody and when both parties agree to joint custody. That particular bill also incorporated a study commission which is outlined in this particular bill. Because of the fact that all of this area has been addressed in the previous legislation which was enacted last week, this particular bill, L.D. 1658, is not needed.

I would like to commend all of the sponsors and cosponsors who dealt with the area of joint custody and the area of custody of children in domestic relations cases. I think they all had a sincere interest and an effort in this regard and it is my hope that the commission, which is outlined in the previous bill, will come up with some excellent recommendations which will affect this particular area and which we can address during the next session.

Thereupon, the Bill and all its accompanying papers were indefinitely postponed in non-concurrence and sent up for concurrence.

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

Bill, "An Act to Amend the Motor Vehicle Salvage Laws of the State" (H. P. 910) (L. D. 1189) (C. "A" H-318)

Tabled—June 3, 1983 by Representative Carroll of Limerick.

Pending—Passage to be Engrossed.

On motion of Mr. Carroll of Limerick, retabled pending passage to be engrossed and later today assigned.

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

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

Tabled—June 3, 1983 by Representative Brodeur of Auburn.

Pending—Motion of same gentleman to Reconsider Passage to be Enacted.

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

Mr. BRODEUR: Mr. Speaker and Members of the House: This is a bill that I sponsored as a result of a study last summer. It has been a unanimous committee report and it appeared that a compromise was reached with two commissioners and the director of community services. The problem, as I understand it, is still that they would like to change the form of the

agreement, so this bill needs to be amended and I hope we can back this up so we can do that.

On motion of Mr. Kelleher of Bangor, tabled pending the motion of Mr. Brodeur of Auburn to reconsider enactment and later today assigned.

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

An Act to Provide Workers' Compensation Coverage to Emergency Medical Services' Persons (S. P. 563) (L. D. 1637) (C. "A" S-160)

Tabled—June 3, 1983 by Representative Mitchell of Vassalboro.

Pending—Passage to be Enacted.

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

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

An Act to Clarify and Make Corrections in the Inland Fisheries and Wildlife Laws (S. P. 548) (L. D. 1599) (C. "A" S-151)

Tabled—June 3, 1983 by Representative Carter of Winslow.

Pending—Passage to be Enacted.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I have been assured by several people on the Fish and Wildlife Committee that there is nothing in this bill that would adversely affect several items on the Kennebec, so I therefore move enactment.

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

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

An Act to Encourage Prompt Resolution of Public Employee Labor Disputes (H. P. 1267) (L. D. 1678)

Tabled—June 3, 1983 by Representative Norton of Biddeford.

Pending—Passage to be Enacted. (Roll Call Ordered)

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

Mr. KELLEHER: Mr. Speaker, I move the rules be suspended for the purpose of reconsideration.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves that the rules be suspended for the purpose of reconsideration. Is there objection? The Chair hears objection and the Chair will order a vote.

Whereupon, Mr. Kelleher of Bangor requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that the rules be suspended for the purpose of reconsideration. This requires a two-thirds vote of all those present and voting. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Anderson, Andrews, Armstrong, Baker, Beaulieu, Bell, Benoit, Bost, Brannigan, Brodeur, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Conary, Conners, Cooper, Cote, Cox, Crowley, Curtis, Daggett, Davis, Day, Diamond, Dillenback, Drinkwater, Dudley, Erwin, Foster, Gauvreau, Greenlaw, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, L.M.; Hobbins, Ingraham,

Jackson, Jacques, Jalbert, Joseph, Joyce, Kelleher, Kelly, Ketover, Kiesman, Kilcoyne, LaPlante, Lebowitz, Lehoux, Lewis, Lisnik, Livesay, Locke, MacBride, MacEachern, Macomber, Manning, Martin, A.C.; Martin, H.C.; Masterman, Masterton, Matthews, K.L.; Matthews, Z.E.; Maybury, Mayo, McCollister, 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.; Parent, Perkins, Perry, Pines, Pouliot, Racine, Randall, Reeves, J.W.; Richard, Ridley, Roberts, Roderick, Rotondi, Salsbury, Scarpino, Seavey, Sherburne, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stevens, Stover, Swazey, Tammaro, Telow, Tuttle, Vose, Walker, Webster, Wentworth, Weymouth, Willey.

NAY—Allen, Higgins, H.C.; Kane, Rolde, Stevenson.

ABSENT—Bonney, Bott, Brown, K.L.; Carrier, Connolly, Crouse, Dexter, Holloway, Mahany, McGowan, Paradis, P.E.; Paul, Reeves, P.; Small, Soule, Strout, Theriault, Thompson, Zirkilton, The Speaker.

Yes, 126; No, 5; Absent, 20.

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

On motion of Mr. Kelleher of Bangor, the House Reconsidered its action whereby the Bill was passed to be engrossed.

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

House Amendment "A" (H-333) was read by the Clerk.

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

Mr. DIAMOND: Mr. Speaker and Members of the House: I move the indefinite postponement of House Amendment "A".

The SPEAKER: The gentleman from Bangor, Mr. Diamond, moves that House Amendment "A" be indefinitely postponed.

The gentleman may proceed.

Mr. DIAMOND: Mr. Speaker and Members of the House: It is with great reluctance that I oppose my neighbor from Bangor, Mr. Kelleher, on his amendment and it is not because I don't share his concerns that we include state employees under the binding arbitration provision that is before this body. The only reason that I oppose it is mainly because according to people that I have talked to in and outside of government, it appears that it is clearly unconstitutional because it would be a delegation of the legislature's ability to appropriate money, something that is not the problem with the proposal as it now reads, because there is no constitutional prohibition in that regard. So for that reason, I feel it is important that we do away with this piece of legislation that is clearly unconstitutional and get on to the matter at hand.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the kind words of my colleague from Bangor; however, I haven't talked to anybody on the law court this morning and I would suggest to this House that if this issue is unconstitutional that (1) we adopt it and (2) then we go through the proper channels of procedure to see if, in fact, it is unconstitutional and if it is unconstitutional in regards to the state employees, then I would suggest that we pursue it even further to see what it does to the towns and municipalities.

As I stated earlier, I have not talked to anyone on the law court and the only way we would ever find out whether it is or not, is to adopt the amendment, so I urge you not to listen to my colleague from Bangor and please put this amendment on this bill.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and

Gentlemen of the House: I find myself in an awkward position of having to oppose this amendment. I guess I would not be at this point if the committee had not made specific efforts in this area to find out why state employees should not be included. We rejected the issue on the grounds that there are two other factors, you have the legislative body who appropriates the money, then you also have the executive branch who can overturn or veto or override what the agreement is that comes to us. Also, we are in a position as a legislative body to act as binding arbitrators by either accepting over the executive objection a proposal brought to us and/or overriding if he opts to sway enough people. That is probably the major reason why this kind of amendment will have some problems.

I would have preferred that the gentleman from Bangor had researched the issue before he offered the amendment. I am not going to hold anybody to the issue. If you wish to pursue it and you do adopt this amendment, then I think the questions will have to be raised with those who can give us the right answers downstairs, but I will be voting no and I wish you would understand that we have made a specific effort in this area and that is the major reason why the bill came before you for those at the municipal level and not including those at the state level with the one exception, and I believe it is the VTIs because they come under another set of statutes. If you do adopt the amendment, there is going to be a lot of time spent asking the questions that I feel our committee has already researched.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Tuttle.

Mr. TUTTLE: Mr. Speaker, Men and Women of the House: I would agree with the gentleman from Portland, Mrs. Beaulieu, and I would hope that we would defeat this amendment. I, for one, would be in favor of putting the state under the same rule of arbitration but I think all of us know the political realities, that if this is done the bill will not pass. It will give the Governor more reasons not to support the bill.

I guess the same reason that most municipal officials would not support final best offer arbitration, regardless of the cost, the expense, the unneeded delay, the harm that is done under present law, we, like municipal officials, like to be in charge, we like to be the boss, we like to pull the strings and we like the power. True, the electorate have a chance to speak but only from time to time, only every two years for us and only every three years for most municipal officials, but sometimes it is too late.

It should be the purpose of government, if something is not working, to correct it regardless of whose feelings or pride it might hurt. It is our moral obligation, whether it be Congress, the state government or judicial intervention, that is the nature of our system and it has worked for the equity and rights and equal justice for all.

I would encourage you to defeat this motion. I think Mr. Kelleher did it in good faith but I think it would only hurt the bill, it would kill the bill, and I think for the sake of the employees and for all Maine citizens, this should be defeated.

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

Mr. SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: I have consistently been opposed to this bill all along; however, I have to rise in support of this amendment and the reason is, I was opposed to the bill initially because we were telling the municipalities that they had to follow this law but we were not willing to do so with the state employees of which we are the management. I really feel that that is unfair, it is not consistent, and I just think it is nothing short of hypocritical in that we want to do it for those people but not our own. I really feel that it is somewhat humorous almost to watch some of the people who cham-

pion the labor causes in this state, all of a sudden, when they are in a position of management, oppose this. I don't feel that it is right, I hope you oppose the motion to indefinitely postpone.

Mr. Kelleher of Bangor requested a roll call.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I assure the gentleman from Augusta that it is not a matter of opposition to this approach, it is a matter of opposition on the basis that it cannot be done legally or rightfully and constitutionally.

As I said, if you are going to adopt this amendment, then be prepared to follow through with this bill with all the ensuing questions to the Attorney General, for example, all the way down the line, which is going to take a heck of a lot of more time, but I am willing to take as much time as you are.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would ask this House to heed the comments made by Mr. Tuttle. He says he wants this government of ours to govern fairly. He wants us to have equal and fair justice for all. If he fully believes in that, and I know all of you do, then I suggest that we adopt this amendment this morning and let it pursue its own course.

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

Mr. DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: When we took our oath of office, we swore to uphold the Constitution of the State of Maine, and as much as we sometimes don't like to do that, I think we have a responsibility to do so.

We had another piece of legislation in a little while ago, another bill of mine as is this one, that raised some constitutional questions, and rather than pursue it in the manner described by Mr. Kelleher, we chose to table it unassigned so we could get an Attorney General and court opinion on whether or not it does pass the test of constitutionality.

I would hate to see us amend a bill and then enact a law that has some serious constitutional questions, and for that reason, I would rather go the route of having an Attorney General's opinion presented to us in order to determine whether or not this proposed amendment is constitutional before we proceed any further. I already have that request in and I am waiting to hear back, and for that reason I would hope that somebody, possibly my seatmate to the right, would table it until later in today's session.

On motion of Mrs. Mitchell of Vassalboro, tabled pending the motion of Mr. Diamond of Bangor to indefinitely postpone House Amendment "A" and later today assigned.

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

An Act to Effect Changes in the Statutes of Various Occupational and Professional Licensing Boards (S.P. 562) (L.D. 1625) (C. "A" S-156)

Tabled—June 3, 1983 by Representative Brannigan of Portland.

Pending—Passage to be Enacted.

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

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-156) was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-334) was read by the Clerk and adopted.

Committee Amendment "A" as amended by

House Amendment "A" thereto was adopted.

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

Special Sentiment Calendar

Expression of Legislative Sentiment recognizing:

American record holder Joan Benoit, of Cape Elizabeth, who ran 26 miles, 385 yards in 2:22.42, and shattered the world women's marathon mark during the 87th Boston Marathon on April 18, 1983; (HLS 536) by Representative Benoit of South Portland. (Cosponsors: Senator Gill of Cumberland and Representative Masterton of Cape Elizabeth).

The Order was received out of order and read.

The SPEAKER: The Chair recognizes the gentlewoman from South Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, Men and Women of the House: Well, she is finally here and fortunately we are still in session.

Ever since Joanie won this race and shattered the world's record, many of you have asked me if we are related and, yes, we are related via marriage, but even if we weren't related, I wouldn't be any less proud of her than I am and have been.

I am very proud of her and I know that all of you are too. I listened to the Marathon on WBZ radio on April 18th and as the time got closer, they kept saying that Joanie was in the lead, I just had to see it and fortunately had access to a Cable TV. I was just so excited and so proud when she came running across that line and I know if any of you saw it, you must have shared the same feeling. I can't imagine how it must have felt for her.

I am so happy that she is here today, she is a super runner, and not only that, she is a super person, she is a terrific young woman and I can't think of anyone that would be better to represent the State of Maine and the town of Cape Elizabeth, where she grew up and lived and still returns to her family.

I believe that Representative Masterton would like to say a few words too.

The SPEAKER: The Chair recognizes the gentlewoman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I am very proud to be Joanie's legislator. One of the things that I really appreciate about Joan is that despite all of her triumphs, her victories and all of her really outstanding accomplishments, she is still "old Joanie" and she still can be seen running the roads of Cape Elizabeth. She is one runner, even though I know she is very serious about her running, that I never fail to toot at and she never fails to wave back. So, welcome back Joan, we know that you have bought some property here in Maine, you told me earlier that the house needs a lot of work, I hope it does so that we can keep you here a long time in Maine. Congratulations from all of us.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort Joan to the rostrum.

May I present to you, Joan Benoit.

JOAN BENOIT: Thank you very much, Mr. Speaker. It is a real honor to be here in front of the House of Representatives. I feel a little bit out of order myself after running that marathon, but it is a pleasure to be back here in the great State of Maine. I know once the highway department of Cape Elizabeth approached my father and said, "When is your daughter going to start paying for the wear and tear she is putting on our roads?" Now I expect the town of Freeport to ask me the same thing. Thank you all very much. (applause)

Thereupon, the Speaker presented Ms. Benoit with a framed copy of the Joint Order.

The Order received passage and was sent up for concurrence.

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

Mrs. MITCHELL: Mr. Speaker, is the House in possession of An Act Appropriating Funds for Independent Living Services for the Disabled (S. P. 316) (L. D. 952) (C. "A" S-150)?

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

On motion of Mrs. Mitchell of Vassalboro, the House reconsidered its action whereby the Bill was passed to be enacted.

On motion of Mr. Carter of Winslow, under suspension of the rules, the House reconsidered its action whereby the bill was passed to be engrossed.

On motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (C. "A" S-150) was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-336) was read by the Clerk and adopted.

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

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

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

Ought to Pass in New Draft

Report of the Committee on Health and Institutional Services on Bill "An Act to Limit Payments to Health Care Institutions which Engage Persons to Defeat the Organization of Collective Bargaining Units" (S. P. 485) (L. D. 1501) reporting "Ought to Pass" in New Draft (S. P. 602) (L. D. 1728)

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed as amended by Senate Amendment "A" (S-176)

In the House, the Report was read and accepted and the New Draft read once.

Senate Amendment "A" (S-176) was read by the Clerk and adopted.

Under suspension of the rules, the New Draft was given its second reading and passed to be engrossed as amended in concurrence.

Ought to Pass in New Draft/New Title

Report of the Committee on Transportation on Bill "An Act to Require Baffles in any Interstate Tank Carrier of Hazardous Waste Shipments" (S. P. 262) (L. D. 807) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Relating to Transportation of Hazardous Material and Waste" (S. P. 604) (L. D. 1731)

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 and the New Draft read once. Under suspension of the rules, the New Draft was given its second reading and passed to be engrossed in concurrence.

The following Communication: (S. P. 607)

111th Maine Legislature

June 3, 1983

Honorable Kenneth Hayes

Honorable Stephanie Locke

Chairs

Joint Standing Committee on Education

State House

Augusta, Maine 04333

Dear Chairs Hayes and Locke:

Please be advised that Governor Joseph E. Brennan today nominated Robert J. Dunfey of Cape Elizabeth for appointment to the University of Maine Board of Trustees.

Pursuant to Title 20 MRSA Section 2251, this

nomination will require review by the Joint Standing Committee on Education and confirmation by the Senate.

Sincerely,

S/GERARD P. CONLEY
President of the Senate

S/JOHN L. MARTIN
Speaker of the House

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

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

Consent Calendar

First Day

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

(S. P. 547) (L. D. 1598) Bill "An Act Relating to Emergency Planning for the Area Around Nuclear Power Plants" Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-175)

No objections being noted, under suspension of the rules the above item was given Consent Calendar, Second Day, notification, and passed to be engrossed as amended in concurrence.

All matters acted upon requiring Senate concurrence were ordered sent forthwith fifteen minutes after the House recessed for lunch.

(Off Record Remarks)

On motion of Mr. Theriault of Fort Kent, Recessed until four o'clock in the afternoon.

After Recess 4:15 PM

The House was called to order by the Speaker.

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

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide that Senators shall serve Four-Year Terms Commencing in 1986 (S. P. 62) (L. D. 168) ask leave to report: that they are unable to agree.

(Signed)

Senators:

VIOLETTE of Aroostook

HICHENS of York

BALDACCI of Penobscot

— of the House.

Representatives:

GWADOSKY of Fairfield

KELLEHER of Bangor

STROUT of Corinth

— of the House.

Came from the Senate with the Committee of Conference Report read and accepted.

In the House, the Committee of Conference Report was read and accepted in concurrence.

Unanimous Ought Not to Pass

Representative McHenry from the Committee on Local and County Government on Bill "An Act to Provide a Referendum to Abolish County Government and Authorize Reassignment of its Functions and Duties to Appropriate State and Municipal Departments and Agencies" (H. P. 635) (L. D. 786) reporting "Ought Not to Pass"

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

Unanimous Leave to Withdraw

Representative Nelson from the Committee

on Health and Institutional Services on Bill "An Act Concerning Criteria for Determining Need for Welfare" (H. P. 1012) (L. D. 1337) reporting "Leave to Withdraw"

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

Ought to Pass as Amended

Representative Carter from the Committee on Appropriations and Financial Affairs on Bill "An Act Relating to the Education of Dependent Children" (H. P. 879) (L. D. 1133) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-338) (Representative Smith of Mars Hill — of the House — abstaining)

Report was read and accepted and the Bill read once.

Committee Amendment "A" (H-338) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was given its second reading, passed to be engrossed as amended 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. 1282) (L. D. 1699) Bill "An Act Relating to Ethanol Production in the State" (Emergency) Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-337)

On the objection of Mr. Kelleher of Bangor, was removed from the Consent Calendar, First Day.

The Report was read.

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

Mr. KELLEHER: Mr. Speaker, I would like to pose a question through the Chair.

Would some kind gentleman or gentlewoman on Taxation tell us just what this item does?

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

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

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: Earlier this session, legislation was presented to provide for a temporary gas tax exemption dealing with the ethanol industry in proposed growth and expansion here in the State of Maine. There were a number of questions that were raised concerning competitive advantages, the market and the feasibility of an ethanol project in the State of Maine, and I think they were valid questions that were asked. Rather than proceed at that point in time, without the answers to the questions that seemed should be asked, the Governor's Office prepared L.D. 1699 with an emergency preamble to ask five basic questions concerning the ethanol industry and the gasoline industry and how it affects the State of Maine. These five questions are outlined in L.D. 1699 and this bill proposes that a seven-member study commission be established and report back to this legislature prior to September 1st of this year answering these questions and answering other questions that the committee and other members of the general public might have on the project.

This bill received a unanimous committee report of all 13 members of Taxation, and I urge acceptance of this bill.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I thank the good gentleman from Portland for his explanation but I have just one additional question that the Governor didn't ask you — why do we need to

have a study when the Taxation Committee studied this and looked at it since day one of this session? There is no single issue, I don't believe, outside of the minimum wage that had more input from the lobby from both sides of the aisle or both sides of the question on this particular item. Am I correct to assume that there is a price tag of somewhere around \$30,000 for this study, and if that is the case, why would we want to waste the taxpayers' money to study an issue that the Taxation Committee has studied, that the news media, the television media in this state has put across for the general public to look at? To tell you the truth, I think it is a waste of time but, more importantly, it is a waste of the taxpayers' money for a study that is absolutely not needed.

If that bill had come out of Taxation, in my humble opinion, the House wouldn't have passed it nor should they pass this study order. If Cianbro and the rest of them that are involved in this want to spend \$30,000 of their money, then I say, let them spend it. They certainly have got enough of the taxpayers' money, both federal and state, involved in this issue through guarantees and commitments.

This is absolute highway robbery and I urge this House not to support this issue, and Mr. Speaker, I move the indefinite postponement of this item and all its papers and I would ask for the yeas and nays.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, has moved the indefinite postponement of this bill and all its accompanying papers and further requests a roll call.

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

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: I am sure that at least every member of this House was approached by a lobbyist on this issue. The opponents of this issue ended up hiring from what I understand, some of the most prestigious law firms in this state, and to the best of my knowledge, there were 10 lobbyists working in opposition, raising all kinds of questions about this proposed industry.

What we are talking about is a \$100 million industry for the State of Maine; a \$100 million industry is a lot of money.

The tax revenues that could be accrued to the state are very substantial. From what I understand, based on the projections of the Department of Transportation, in the four year temporary gas tax exemption that was being proposed, the state would have a net gain above and beyond this, but there were five questions here in the bill that the Taxation Committee doesn't have the expertise to answer. Apparently no one here in the state can truly answer it and I think this is one of the reasons that the Office of Energy Resources and the Governor's Office, in proposing this legislation, asked for an appropriation of \$30,000.

In the amendment, H-337, the Statement of Fact states, "Although the bill contains an appropriation of \$30,000, it is currently unclear what will be the amount required to complete this study. The Joint Standing Committee on Taxation understands that the Office on Energy Resources will be making a more definite budget proposal for the Joint Standing Committee on Appropriations and Financial Affairs and any necessary adjustments can be made before final enactment."

I think we all know that Mr. Kelleher serves on the Appropriations Committee and would clearly have plenty of input into that appropriations at that time.

I am not sure that Mr. Kelleher nor any member of this body, including the members of the Committee on Taxation, can answer whether the New England ethanol project would be economically feasible without an excise tax exemption, what would be the optimum level of the exemption, is the exemption

unfair to competition, which funds should bear the cost of an exemption, the General Fund or the Highway Fund and, lastly, do the benefits to this state for allowing an exemption outweigh the loss of revenue? I think these are very valid questions and it would clearly be to the state's advantage to get true, precise answers to these questions.

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

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: Nobody ever said that it was going to be easy nor cheap to find a replacement for petroleum. Everybody knows that it is a non-renewable resource in our lifetime, but we can grow a crop of corn every year from now on. The argument will be made, why not make the alcohol in the Midwest where the corn is? The argument can also be made, why not produce our milk in the Midwest instead of shipping the corn here and growing milk.

All ethanol plants have been profitable after they have been given an opportunity to enter into the market. It is an investment that the people of this country are going to have to make sometime and it is cheaper to do it now while we still have some oil reserves that we can draw upon.

I urge you not to accept the indefinite postponement of this bill. Many reports were drafted by the opposition and by the ethanol people themselves, but there were enough doubts cast upon the committee on both reports so that it was felt that the committee wanted to have an independent study and so we could determine which arguments were valid and which were not.

Maryland, the Midwest, those ethanol plants have been made profitable by a tax exemption for a limited period of time.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I am older than a great deal of you and old enough to remember something about the industrial history of the state that I live in. Back during World War II and shortly afterwards, one of the largest industries in the central part of the state was the textile industry. We saw it reach a maximum and then we saw it gradually fade. There were many reasons given why it faded but one of the major reasons was because they made a killing during the war and they had not needed to nor cared to reinvest the money.

It was many years after that that we went through quite a trial and tribulation of trying to get new industry in the state. Along about that time, I saw the pulp and paper industry begin to take off. They provided up to 40 percent of the work for this state. Now, because there is a depression, they too are reaching a point where they are having hardships. What I am trying to lead up to is that through these episodes, we have seen the majority of the people of this state rely on one particular type of industry.

I have no problem with a study of \$30,000, we passed a study, which I was very much in favor of, for a turbine a short while ago for \$25,000, and I believe in it. I just can't understand Mr. Kelleher's reasoning unless he has some particular reason to dislike Cianbro or whoever it may be. This is of concern to me because what we are doing is hurting the majority of the people of this state. The ethanol plant has a great deal to offer all the people here.

One thing I am concerned about, putting all their eggs in one basket as we have seen in the pulp and paper industry, because now they are going to have a lot of competition coming out of the woodwork, particularly from the computers.

I would like to remind you people of the great state that I came from last weekend, the State of Massachusetts, where they have over 365 different businesses, that is what I would hope we would be able to work into the State of

Maine.

Some of the work we have done in the past for Pratt & Whitney, Bath Iron Works, we have another industry that will need encouragement from the state, and I hope we will go along with this funding for this commission.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I stand to be corrected by some of the speakers if I am not correct because I am going by memory, but this ethanol plant came before the State Government Committee and as I understood it there was \$90 million that the federal government was going to put into it and I am sure they did a survey before they are going to give you \$90 million. I think the Maine Guarantee Authority put in \$6 million or \$7 million which I voted for, I had no objection to that, but I was under the impression that when they appeared before us in that committee that that was all they needed to run this plant and to make it go. Now you are talking about a tax on ethanol to save on the excise tax, and then I find that it isn't just on the ethanol because they take every gallon and they mix it with nine gallons of gasoline, so therefore you are giving them an excise tax abatement on 10 gallons but only one gallon is ethanol. It probably is confusing but if somebody could explain it to me, I would appreciate it.

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

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

The SPEAKER: The pending question before the House is on the motion of the gentleman from Bangor, Mr. Kelleher, that this Bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Beaulieu, Bell, Benoit, Bost, Bott, Brown, A.K.; Brown D.N.; Callahan, Carter, Chonko, Clark, Conary, Connors, Connolly, Curtis, Daggett, Davis, Dexter, Dillenback, Hickey, Higgins, L.M.; Jacques, Jalbert, Joyce, Kelleher, Kelly, Kiesman, Lebowitz, Lehoux, Lewis, Livesay, Manning, Martin, A.C.; Masterton, Matthews, Z.E.; Maybury, McHenry, McPherson, McSweeney, Michaud, Moholland, Murphy, E.M.; Murphy, T.W.; Norton, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Pines, Racine, Reeves, J.W.; Ridley, Roderick, Salsbury, Scarpino, Sherburne, Small, Smith, C.W.; Soule, Sproul, Stevenson, Stover, Swazey, Webster, Wentworth, Weymouth, Willey.

NAY—Allen, Anderson, Andrews, Armstrong, Baker, Brannigan, Brodeur, Brown, K.L.; Cahill, Carroll, D.P.; Carroll, G.A.; Cooper, Cox, Crouse, Crowley, Day, Diamond, Drinkwater, Dudley, Erwin, Foster, Gauvreau, Greenlaw, Gwadosky, Hall, Handy, Higgins, H.C.; Hobbins, Ingraham, Jackson, Joseph, Kane, Ketover, Kilcoyne, LaPlante, Lisnik, MacBride, MacEachern, Macomber, Martin, H.C.; Masterman, Matthews, K.L.; Mayo, McCollister, McGowan, Melendy, Michael, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Perkins, Perry, Pouliot, Randall, Reeves, P.; Richard, Roberts, Rolde, Seavey, Smith, C.B.; Soucy, Stevens, Strout, Tammaro, Telow, Theriault, Thompson, Tuttle, Vose, Walker, The Speaker.

ABSENT—Bonney, Carrier, Cashman, Cote, Hayden, Holloway, Locke, Mahany, Nelson, Rotondo, Zirkilton.

Yes, 68; No, 72; Absent, 11.

The SPEAKER: Sixty-eight having voted in the affirmative and seventy-two in the negative, with eleven being absent, the motion does not prevail.

Thereupon, the Report was accepted and the Bill read once.

Committee Amendment "A" (H-337) was read by the Clerk and adopted.

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

(H. P. 1093) (L. D. 1443) Bill "An Act to Provide for the Continued Operation of the Maine Occupational Information Coordinating Committee and Include an Economic Data-based System for Economic Development within the Committee's Designated Responsibilities" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-339)

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

(H. P. 1259) (L. D. 1680) Bill "An Act to Establish and Amend the Air Emission and Open-burning Standards" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-340)

There being no objection, the above item was removed from the Consent Calendar.

Thereupon, the Report was read and accepted and the Bill read once.

Committee Amendment "A" (H-340) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Passed to Be Engrossed

Bill "An Act to Promote the Wise Use and Management of Maine's Outstanding River Resources" (S. P. 598) (L. D. 1721)

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

Mr. Kiesman of Fryeburg offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-341) was read by the Clerk.

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: There is presently one corridor commission in the state established under statute. This was the first ever and many of you probably know I helped write that statute. We did the best we could without any precedent to work with.

As I said this morning when we debated L.D. 1721, the rivers bill, there were some advantages to the towns under the "A" proposal, the greatest of which is a stabilized source of income, state and local. L.D. 1721 establishes commissions via an inter-local agreement whereby the towns will have more participation in the Corridor Commission operation and will authorize the town participation under ordinance. In drawing up the inter-local agreements that the towns will work under, they will consider the duration of their agreement, withdrawal procedures, municipal responsibility for funding, as three items they will be required to consider.

As I stated this morning, I thought the Corridor Commission should have been kept under the legislative oversight. That feeling was not shared by this body and so be it. I feel that the corridor commissions should be the same statewide. One river out of the state should not be under a different set of rules, especially where it would be reflected by their financial insecurity in their annual fight for funds.

The towns along the Saco cannot participate in this new procedure that is proposed in L.D. 1721 unless they are let out from under the present statute. This amendment proposes an effective rescission date of the statutory authority of the Saco River Corridor Commission for July 1, 1984. This gives the towns along the Saco a year to set up the procedure to go under

the new law proposed by L.D. 1721 and gives them time to reassess their position and to reorganize under this more advantageous law.

I hope you will support this amendment.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I move the indefinite postponement of this amendment.

The SPEAKER: The gentleman from Sangerville, Mr. Hall, moves the indefinite postponement of House Amendment "A".

The gentleman may proceed.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: The commission is already under schedule for sunset review in 1983 and this bill would kill the rivers commission next year. If the gentleman wants to do away with the commission, he should introduce a bill and have a public hearing.

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

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: I am a little bit surprised at the response of my House Chairman of the Energy and Natural Resources Committee. That is what I am doing, I am submitting a bill, in effect by proposing this amendment and I am not proposing to kill the Saco River Corridor. What I am proposing is that the Saco River Corridor share in the benefits that is proposed by L.D. 1721. Let me tell you, the Saco River Corridor has had to come in every year and fight for the state's share of the funding to operate that commission. In addition, they have had to go to the towns with their hat in their hands every year and ask the towns for monies to support that commission. They have been operating on a very meager budget. The state has been funding them to the extent of \$10,000 a year and it has been a battle, as any one on the Appropriations Committee will attest.

What L.D. 1721 proposes is that any commission that is set up under this new law can be funded up to \$25,000 through the appropriation of the Department of Conservation and it would be an automatic thing. In addition, when the towns are under the new law, as part of their organization under the new law, they will agree to the town's participation in the funding, so the town funding for the commission will be established, so they will not have to run around and spend a lot of their time every year with their hats in their hands begging for money so they can continue to function. If this legislature feels that that is the way commissions should be operated under L.D. 1721 which we voted this morning, then so should the Saco River towns. They should not be held out here as a separate entity, hanging off the end of a limb and have to fight for funding by a completely different procedure. All I'm saying is, we will set them up to where they can come out from under the present statutory law, they will come under this L.D. 1721, which puts them under the Department of Conservation where they can enjoy access to this \$25,000 a year matching funds. Why in the world should those towns along the Saco River be discriminated against if this is the way this legislature says the Corridor Commission should be established and should operate? I think we should have an equal access to that \$25,000 a year assistance from the state just like any other new commission that might be established. This gives them a year to become established. I request a roll call.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the effort of the gentleman from Fryeburg, Mr. Kiesman, to take away a certain amount of workload of the Audit Committee, because one of the responsibilities that we do have will be to examine the Saco River Corridor Authority and come back to the next session of this legislature with our recommendations on that particular program.

I am concerned, and I certainly am going to vote against this amendment because I don't think this is really the appropriate way to go about dealing with the Saco River Corridor, in an amendment of this sort, and as has been pointed out, no public hearing and basically no public input. Our recommendation may be quite different from that of the gentleman from Fryeburg. There may be members of our committee who feel that the Saco River Corridor should keep on in existence. I think it would also be very valuable for the legislature to examine how the Saco River Corridor Authority has operated all these years, because it is a part of the project, and the legislation that we are talking about, I think is based on the fact that this Corridor Authority has been in existence since basically 1973.

I was one of the original supporters of it. There was a great deal of support for it. Only 13 people voted against it at the time, so I would certainly urge you to defeat this amendment. There is nothing in the law, as I understand it, that would preclude the Saco River Corridor from coming under this particular Rivers Bill and partaking of the benefits thereof. So I do think it would be a very valuable thing for the Audit Committee to examine the Saco River Corridor Authority and see how it has worked and see what could be better done or if the members of the committee so decide, we could recommend to do away with it, but to do away with it in this particular fashion, I think would be irresponsible.

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 Sangerville, Mr. Hall, that House Amendment "A" be indefinitely postponed. 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, Brown, A.K.; Brown, K.L.; Carroll, D.P.; Carroll, G.A.; Carter, Chonko, Clark, Connolly, Cooper, Cox, Crouse, Crowley, Curtis, Daggett, Diamond, Dudley, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hickey, Higgins, H.C.; Hobbins, Jacques, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, MacEachern, Macomber, Manning, Martin, A.C.; Martin, H.C.; Masterton, Matthews, Z.E.; Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, T.W.; Murray, Nadeau, Nelson, Norton, Paradis, P.E.; Paul, Perry, Pouliot, Racine, Randall, Reeves, P.; Richard, Ridley, Roberts, Rolde, Smith, C.B.; Soucy, Soule, Swazey, Tammaro, Telow, Theriault, Thompson, Tuttle, Vose, The Speaker.

NAY—Anderson, Brown, D.N.; Cahill, Callahan, Conary, Connors, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Greenlaw, Higgins, L.M.; Ingraham, Jackson, Kiesman, Lebowitz, Lewis, Livesay, MacBride, Masterman, Matthews, K.L.; Maybury, Murphy, E.M.; Paradis, E.J.; Parent, Perkins, Pines, Reeves, J.W.; Roderick, Salisbury, Scarpino, Seavey, Sherburne, Small, Smith, C.W.; Sproul, Stevenson, Stover, Strout, Walker, Webster, Wentworth, Weymouth, Willey.

ABSENT—Bonney, Carrier, Cashman, Cote, Hayden, Holloway, Jalbert, Locke, Mahany, McPherson, Rotondi, Stevens, Zirnkilton.

Yes, 92; No, 46; Absent, 13.

The SPEAKER: Ninety-two having voted in the affirmative and forty-six in the negative, with thirteen being absent, the motion does

prevail.

Thereupon, the Bill was passed to be engrossed in concurrence.

Passed to Be Enacted Emergency Measure

An Act to Clarify State Authority Regarding Higher Education Student Loan Secondary Markets (S. P. 585) (L. D. 1702) (C. "A" S-166)

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. 120 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.

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

Passed to Be Enacted

An Act to Recodify the State Military Laws (H. P. 1199) (L. D. 1593)

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

By unanimous consent, ordered sent forthwith.

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

Passed to Be Enacted Emergency Measure

An Act to Amend Certain Motor Vehicle Laws (H. P. 1272) (L. D. 1686) (H. "A" H-315)

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 10 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act Concerning the Stopping of Trucks at Roadside Weighing Points (H. P. 1094) (L. D. 1440) (C. "A" H-288; H. "B" H-310)

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. 116 voted in favor of same and 7 against, and accordingly the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, all previous enactors were ordered sent forthwith to the Senate.

Passed to Be Enacted

An Act to Amend Various Provisions of the Maine Criminal Code (H. P. 1035) (L. D. 1360) (S. "A" S-147 to C. "A" H-275)

An Act to Protect Employees from Reprisal who Report or Refuse to Commit Illegal Acts (H. P. 592) (L. D. 736) (H. "A" H-313 to C. "A" H-274)

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 Make Voting Places more Accessible to the Elderly and Handicapped (H. P. 728) (L. D. 937) (H. "A" H-320 to C. "A" H-298)

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

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

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: There comes a time when we have to stand up and speak against those people who put undue demands upon the tax burdens of the small towns. Every year we go over our absentee ballot laws, we alter them, we change them, we adapt them to all

the problems that the people of Maine have. Now we are asking these towns to make a provision in their voting buildings for one day a year. I believe the money that would be spent adapting a polling place for use one day a year by those people who could adequately use the absentee ballot form of voting, I believe that money could better be spent to enable them to use public facilities elsewhere rather than just for voting one day every year.

Mr. Speaker, I ask for the yeas and nays.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly. Everybody is questioning me with this issue, but I think what we are trying to say in this bill is that we are encouraging municipalities and towns across Maine to do everything they can to make that polling place accessible. Nine times out of ten, I imagine, the polling place is a public building anyway and probably ought to be accessible year round, so I am not sure we are talking about just one day.

We have provisions in this bill so that where there is an extreme hardship, they can apply for a waiver from the Secretary of State, so that would include undue cost, but, of course, they do have to make a legitimate effort and those rules and regulations will be outlined in black and white as soon as the Secretary of State has designed them and gone through the Administrative Procedures Act.

Ladies and gentlemen, there are plenty of safeguards in the bill. The municipalities and towns have a couple years to phase into this gradually, and it has been my impression that many clerks and town officials have been doing this on their own to some degree and this is just an attempt to make it consistent statewide.

There are many provisions in the bill so there will be no extreme hardships experienced and the committee feels that this is a solid piece of legislation and we hope you will vote to enact it today.

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

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

The SPEAKER: The Chair recognizes the gentleman from Mechanic Falls, Mr. Callahan.

Mr. CALLAHAN: Mr. Speaker, I would like to pose a question. In cases like my hometown, is there a provision where it would cost, even though it is only for one day, maybe it is for the whole year—the polling booth is on almost the second floor, below there is a gymnasium, I don't know how you would alter the building, is there any provision for a hardship or tremendous cost to eliminate this procedure?

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

Mr. HANDY: Mr. Speaker, Men and Women of the House: Those provisions will be sent out by the Secretary of State when they undertake rule-making.

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

ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Bell, Benoit, Bost, Bott, Brannigan, Brodeur, Brown, A.K.; Brown, D.N.; Cahill, Carroll, D.P.; Chonko, Clark, Conary, Connolly, Cooper, Cox, Crouse, Crowley, Curtis, Diamond, Erwin, Foster, Gauvreau, Gwadosky, Hall, Handy, Hickey, Higgins, H.C.; Hobbins, Jacques, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Livesay, MacBride, Macomber, Manning, Mar-

tin, A.C.; Martin, H.C.; Masterton, Matthews, K.L.; Matthews, Z.E.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michael, Mitchell, E.H.; Mitchell, J.; Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, Nelson, Norton, Paradis, P.E.; Paul, Pines, Pouliot, Racine, Randall, Reeves, P.; Richard, Ridley, Rolde, Scarpino, Small, Soucy, Soule, Stevens, Stover, Telow, Theriault, Thompson, Tuttle.

NAY—Anderson, Armstrong, Brown, K.L.; Callahan, Carroll, G.A.; Carter, Connors, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Greenlaw, Higgins, L.M.; Ingraham, Jackson, Kiesman, Lebowitz, Lewis, MacEachern, Masterman, Maybury, McCollister, McPherson, Michaud, Moholland, Paradis, E.J.; Parent, Perkins, Perry, Reeves, J.W.; Roberts, Roderick, Salsbury, Seavey, Sherburne, Smith, C.B.; Smith, C.W.; Sproul, Stevenson, Strout, Swazey, Tammara, Vose, Walker, Webster, Wentworth, Weymouth, Willey.

ABSENT—Bonney, Carrier, Cashman, Cote, Hayden, Holloway, Jalbert, Locke, Mahany, Rondoli, Zirnkilton, The Speaker.

Yes, 88; No, 51; Absent, 12.

The SPEAKER: Eighty-eight having voted in the affirmative and fifty one in the negative, with twelve being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

An Act to Clarify the Decision-making Process within the Department of Environmental Protection (H. P. 1009) (L. D. 1334) (C. "A" H-314)

An Act to Authorize Court Appointment Receivers (H. P. 1165) (L. D. 1546) (H. "A" H-311) (C. "A" H-294)

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 Address the State's Responsibility Under the Potato Industry's Long-Range Plan (H. P. 1170) (L. D. 1558) (C. "A" H-305)

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

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Armstrong.

Mr. ARMSTRONG: Mr. Speaker, Ladies and Gentlemen of the House: The Committee on Appropriations and Financial Affairs this year has considered a number of L.D.'s, many of which attempt to help the plight of the potato industry and Aroostook County, which is a major industry to the state and certainly of major economic importance to Aroostook County.

At glancing at my supplement, going down through here, I noticed L.D. 1558 and I wondered how it related to the bills we have been considering in Appropriations and also how it related to several items that we have been considering in the Governor's Part II Budget dealing with the potato industry in Aroostook County.

I do have a couple of questions after looking at this bill, one is the question of funding. This bill apparently has a price tag of \$75,000 and I am not sure and can't recall if that is for each year, which would make it a total request of \$150,000, or if it is \$75,000 for the two years. Also, I believe that we have taken this up in the Part II Budget, but I don't have my notes here and I am not sure how the committee voted on it.

I think the question I really have, glancing through the bill, is on Page 4, Line 21. There have been several bills presented this session to reimburse municipalities that have state-owned real estate in them for loss of taxes. Either that or bills to allow municipalities to charge service fees to state-owned property like the university complexes in lieu of real estate taxes. I believe these requests have all been turned down by this legislature or prior legis-

latures. I know about every town has got a highway garage in it or salt stockpile or a human services building or a university building, there is a lot of state property in a lot of towns, and at the present time we are not reimbursing these towns for the loss of real estate taxes.

You will notice on Page 4 of this bill it states, and apparently this is current law because it isn't underlined—it says: This board, meaning the Seed Potato Board, is authorized to pay to the town of Masardis in lieu of taxes a sum that in the discretion of the board will compensate the town in whole or in part for loss of real estate taxes due to state ownership of real estate. Well, not knowing what the history of this thing is, I kind of think that if we are going to reimburse the town of Masardis for state-owned real estate, we ought to be reimbursing my town and your town and everybody else's town for state-owned real estate there. If anyone cares to respond to this and maybe give some idea of why we are, in fact, in this bill reimbursing one town that has a piece of state-owned real estate and how come we are not reimbursing other towns, I would appreciate knowing about it. And since I think the wording of the fiscal note is a little ambiguous, before voting for this, I would kind of appreciate knowing if we are voting for \$75,000 additional funds or \$150,000 additional funds.

The SPEAKER: The gentleman from Wilton, Mr. Armstrong, has posed a series of questions through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Washburn, Mr. Crouse.

Mr. CROUSE: Mr. Speaker, Men and Women of the House: I would like to answer a few of those questions that Mr. Armstrong raised and also give you just a general idea of what this bill does while I am standing.

The funding that is requested in the bill is part of the Governor's Part II Budget, and the \$75,000 requested is for both years, 1984-85, so it would be a total of \$150,000 requested.

The Committee Report on this out of Agriculture is an 11 to 1 report, to answer another question that Mr. Armstrong had.

The other question that he has raised on the issue of Masardis being paid a certain amount of taxes, this is presently in the law and something that has only had a change in language in this present bill. I am not sure of the details of this particular item, but if he does have some real questions about it, then maybe we could table it for a day or so.

The bill itself, I will just give you a brief idea of what the bill does. This particular bill addresses a concerted effort by the potato industry to develop a plan to improve the quality of Maine potatoes over the long term. From qualified, certified seed comes high quality potatoes. This not only helps the Maine farmer buying our seed but it establishes a strong reputation for our sale of certified seed nationwide. It presents a system where certified seed, if they are sold, it has to be four years off the farm, which means that the certified seed can no longer be sold this four years off the farm and effectively cleans out disease from certified seed. It will really clean out the disease from our industry over the period of the long term. It is a very important bill for the potato industry, one of the most important that we have seen in some time and is essential for the future of our industry in the county and statewide.

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

An Act to Reform the School Finance Act (H. P. 1197) (L. D. 1588) (C. "A" H-312)

An Act to Create a Maine Sentencing Guidelines Commission (H. P. 1270) (L. D. 1684) (H. "A" H-316)

An Act Concerning the Calculation of Peri-

ods of Imprisonment (H. P. 1295) (L. D. 1716)

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

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

Consent Calendar First Day

(H. P. 583) (L. D. 832) Bill "An Act to Recodify the Statutes Relating to Corrections and Mental Health and Mental Retardation"—Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-346)

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

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

Bill "An Act to Permit Appointment of Registers of Deeds and to Involve the County Budget Committee in Certain Proposed Appointments" (H. P. 1303) (L. D. 1727) which was tabled earlier and later today assigned pending passage to be engrossed.

Mr. Jackson of Harrison offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-345) was read by the Clerk.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: This House Amendment to L.D. 1727 just strikes the language which I had some concerns with which I voiced yesterday morning in regards to the county budget committee having the authority to set or establish policy at the county level. I felt that they should just be dealing with the budgetary matters, and all this amendment does is just takes them out of the appointed process of the Register of Deeds or the County Treasurer and that's basically what the whole amendment does. I think it is proper and I hope that everybody in this body would support it.

Thereupon, House Amendment "A" was adopted.

The SPEAKER: The pending question before the House is passage to be engrossed.

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

Mr. RACINE: Mr. Speaker, I request a division.

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

Mrs. Ingraham of Houlton 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 pending question is on passage to be engrossed as amended. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Anderson, Andrews, Baker, Beaulieu, Benoit, Bost, Bott, Brodeur, Brown, A.K.; Cahill, Carroll, D.P.; Carter, Conary, Cooper, Cox, Crouse, Crowley, Curtis, Daggett, Diamond, Drinkwater, Erwin, Greenlaw, Hickey, Jackson, Jacques, Joyce, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lebowitz, Lehoux, MacEachern, Macomber, Manning, Masterton, Matthews, K.L.; Matthews, Z.E.; McHenry, McSweeney, Melendy, Michael, Mo-

holland, Murray, Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Parent, Perkins, Perry, Randall, Roberts, Roderick, Salsbury, Seavey, Small, Soucy, Soule, Stover, Swazey, Tammara, Thompson, Vose, Walker, Wentworth, Weymouth, Willey.

NAY—Armstrong, Bell, Brannigan, Brown, D.N.; Brown, K.L.; Callahan, Carroll, G.A.; Chonko, Clark, Connolly, Davis, Day, Dexter, Dillenback, Foster, Gauvreau, Gwadosky, Handy, Higgins, H.C.; Higgins, L.M.; Hobbins, Ingraham, Joseph, Kane, Kiesman, Lewis, Lisnik, Livesay, MacBride, Martin, A.C.; Martin, H.C.; Masterman, Maybury, Mayo, McCollister, McGowan, McPherson, Michaud, Mitchell, E.H.; Mitchell, J.; Murphy, E.M.; Murphy, T.W.; Nadeau, Paul, Pines, Pouliot, Racine, Reeves, J.W.; Reeves, P.; Richard, Ridley, Rolde, Scarpino, Sherburne, Smith, C.B.; Smith, C.W.; Sproul, Stevens, Stevenson, Strout, Telow, Theriault, Tuttle, Webster.

ABSENT—Bonney, Carrier, Cashman, Connors, Cote, Dudley, Hall, Hayden, Holloway, Jalbert, Locke, Mahany, Rotondi, Zirnkilton, The Speaker.

Yes, 72; No, 64; Absent, 15.

The **SPEAKER**: Seventy-two having voted in the affirmative and sixty-four in the negative, with fifteen being absent, the motion does prevail.

Sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Provide Equal Access to Justice" (S. P. 570) (L. D. 1646) which was tabled earlier and later today assigned pending passage to be engrossed.

Mr. Soule of Westport offered House Amendment "A" (H-344) and moved its adoption.

House Amendment "A" (H-344) was read by the Clerk.

Mr. SOULE: Mr. Speaker, Ladies and Gentlemen of the House: I am offering an amendment today to L.D. 1646, which is An Act to Provide Equal Access to Justice. This amendment tightens up a few ambiguities in the original bill and clarifies some of the language in that bill. In addition, it adds a sunset provision so that we can take a look at the effect of this bill and then review it in a few years. In addition, it has eliminated some of the exemptions concerning eligibility under the terms of this act. If you have looked at the original act, it provides basically, or allows a judge to order the state to pay legal fees and expenses of a private party, an individual or a small business for example, only under two circumstances—if the state loses and if the judge finds that the state's position was not substantially justified.

In addition, the amendment clarifies that the language concerning special circumstances has been deleted so that the only way a judge could award fees and expenses is if the state's position was not substantially justified. That terminology is used in a federal act of a similar nature and can be readily interpreted by the courts under current legal concepts.

I would urge your support of the amendment and of the bill.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: This bill just isn't that good. This particular bill today, I wish that I were two persons. My good and dear friend J. Robert Carrier very much opposes this bill and my good and dear friend, when he left here, he handed me two pieces of paper, so I feel that I am obligated to speak two times on this bill so that I will speak for him as well as myself.

He gave me two pieces of paper and one is what he wanted me to say against fluoridation, and the other one is what he wanted me to say against this bill. I have a problem because he didn't label which was which, so I might be giving you the pitch of fluoridation. The fluorida-

tion complaints that my good and dear friend J. Robert Carrier has, fit this bill, so if you will bear with me, I will give you a few lines that he thought should be brought to your attention. I feel that they fit this present bill.

J. Robert says, "This bill serves no useful public policy. It creates a whole new type of litigation." Now, that's either the fluoride or this bill. It would fit both.

I feel obligated to touch upon this bill. This bill was in our committee and we had it a long, long time. Wasn't I glad to see this bill come out of my committee. I said, thank god we got rid of that.

The **SPEAKER**: The Chair would ask the Sergeant-at-Arms to escort the gentleman from Fairfield, Mr. Gwadosky, to the rostrum to act as Speaker Pro Tem.

Thereupon, Mr. Gwadosky assumed the Chair as Speaker Pro Tem, and Speaker Martin retired from the Hall.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I was so glad to see that bill leave the Judiciary Committee but it seemed to have a reverse. It has been on our calendar now for over two weeks. They didn't want to move it, they didn't want to move it up, down, over or across.

I will tell you what this bill does. If my good and dear friend were here, he certainly wouldn't hesitate to call this a "lawyer's bill" but you know, I think it is a little bit different. This bill is a "lawyer's lottery." There is a prize in this bill of up to \$10,000, not for everybody, just for the lawyers.

A bill like this makes me wonder if William Shakespeare perhaps might have been right when he said: "It would be a better world without lawyers." Perhaps it is an unfair statement but I see a young attorney to my right, he is opposed to this bill too. All this bill does is say the state will pay lawyers' fees if they happen to have a bad case and lose. You know, I couldn't find anything even when they amended this bill that says how about if the state wins? They don't get any reward and Attorney Generals don't come free. The state puts a lot of money into these cases.

I haven't got a long speech today, even though I am speaking for the absent member, J. Robert Carrier. He had three brothers in his family honored in Lewiston last week. You know, that family presented the state three priests but that family also presented this legislature one saint. He isn't here today but I have to speak for him.

This bill will discourage vigorous representation by the state, by state agencies, because of the additional state financial exposure involved. It creates a whole new type of law. We could live without this one. Oh, they changed it on the amendment a little, they said you can't have class actions, but they've got everybody else listed in there that can go and sue the state. If the attorney wins, he is entitled to the lottery award, \$10,000. This bill discourages the early settlement of law suits because a private attorney may be awarded the entire fee; the state, however, might not recover its fee and expenses when it prevails. This bill serves no useful purpose.

In the past, the legislature has allowed recovery of attorneys' fees only in those instances where it is necessary to promote an important and limited social objective, human rights, workmen's compensation, unemployment compensation.

In summary, this bill creates a new and potentially large financial liability for the state. Believe me, if this bill were to pass, we would have a bill in here in January to create more courthouses. Read the bill. We would end up with more courthouses than we have hamburger joints today. Yes, my good and dear

friend J. Robert Carrier would tell you that it is a lawyer's bill, I think it is a lawyer's lottery bill. I don't think much more has to be said.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I cosponsored this bill with Senator Clark from the other body, and contrary to the good gentleman from Portland's remarks, I submit to this House that it is not a lawyer's bill, it is a bill that protects people in our own communities. One reason why I put this bill in was very simple — most small, and I am talking about small businesses but more importantly individuals, who come against issues that have been brought to them by the state in regard to its various agencies, a lot of them can never go to court because of the cost. Mr. Joyce said that this is a lottery bill, that they can get \$10,000 in returning their cost of their fees back if, in fact, they happen to be right, meaning the small man in this state or the small businessman, he is wrong, they can get up to \$10,000. They might get \$100, they might get \$500.

I put this bill in because I think it makes justice equal, I honestly do. I want to quote what the President of Harvard University said not too long ago: "Access to courts may be open in principle; in practice, however, most people find that their legal rights are severely compromised by cost of legal services, the battling complications of the existing rules and procedures. There is far too much law for those who can afford it and far too little for those who cannot afford it."

When I submitted this bill before the Judiciary Committee, I did it for sincere fact that people that you and I represent, who are sometimes intimidated by state agencies and because of the limitations of their income, they cannot go to court to get a reasonable hearing before a judge because of costs. In this bill, it was very carefully put together so that if, in fact, someone did prove their case, that the judge would have to then deem to see if it was fair for the men or women to get back the cost of their expenses, to see if the state did have just cause. They are automatically given back to them even if they win the case. The state is protected from that. That is up to the judge himself to determine whether (1) the state has a legal case to begin with, whether it was frivolous or whether it wasn't and (2) if the man or woman wins or the small business wins, can they receive due compensation?

You know, one reason why I put this bill in, I told the Judiciary Committee and I want to tell this House, when I first went on the Appropriations Committee, we were presented with a bill for \$89,000 because a state agency had refused an individual his or her rights to food stamps. I am going to give you this as an illustration. The person, because of Pine Tree Legal, went to court and through the court system until finally they stopped and they spent \$89,000 of our money, yours and the state's money, to try to prove their point. Had that individual not had the resources of Pine Tree Legal in that particular case, justice would not have been served. Forget the AFDC aspect of it or Food Stamps or Pine Tree Legal, go back to the man or woman or the farmer or the fisherman or your next door neighbor in your communities that may be running a small business, may own a camp lot somewhere, who is presented by the state in the judgement of an individual, of he or she violating the law and they can't go to court even though in their own minds they are right. The United States Congress passed a much stricter law than this law here.

The state agencies don't want this. The Attorney General's Office doesn't want this, if the truth was known. They don't want it because they don't want to have egg on their face if, in fact, the court does find that they overextended themselves with an individual. This

issue is absolutely a people's issue but you can be rest assured that the state agencies don't want it or the AG's don't want it.

When it was before the Judiciary Committee, myself and the others that were involved bent over backwards trying to accommodate not only the Governor's Office but the AG's Office. We met with them a zillion times and if we had surrendered everything but the title, they would not have been satisfied. Mr. Joyce knows why that bill stayed up there so long, because we did try to iron out those problems, and when that bill got on the floor, there were still others who had problems with it and we tried to iron it out. We bent over backwards to accommodate them but the bottom line is, and don't forget it, it's downstairs with the AG's Office and the state agencies. For those who have been here, even a year or longer, have at times run into constituent problems unnecessarily because at times there is arrogance in government and this humbles them, this makes it a little more even. This gives everybody a chance.

I would hope that you would support Mr. Soule's motion and then we could pass this bill.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: This bill really discourages settlements. That attorney sees that rainbow there and he wants the pot of gold. I don't know what really kept this bill floating around up here. They wanted to make a supplement. Well, I waited several days and it came across our desks today and really all the supplement does is say that you have got to make out a report card for the Attorney General, you've got to give him a list of all the money you have spent paying lawyers on this lottery.

I think the good gentleman from Bangor was right, he did have a lot of difficulty finding a friend for this bill. I enjoyed his speech, he is one of my favorite legislators up here, but I always recall the many times that I listened to him, that he always gives a better speech when my good and dear friend J. Robert Carrier is sitting beside him. I am sorry that he is handicapped today and I will ask you, on my behalf and on the behalf of Representative J. Robert Carrier, to indefinitely postpone this House Amendment "A" and I so move.

The SPEAKER Pro Tem: The gentleman from Portland, Mr. Joyce, has moved indefinite postponement of House Amendment "A".

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

Mr. LIVESAY: Mr. Speaker, Members of the House: With reference to that pot of gold that my friend Representative Joyce just referred to, I would ask you this, if it were your decision as to who should pay the lawyer that pot of gold, the State of Maine or the individual who has been wronged by the State of Maine by being hauled through the courts at some great expense, who would you want to foot the bill? I would suggest to you that the appropriate party, if indeed the case was brought about within any justification, would be the State of Maine.

Let me give you an example of a case that I was involved in quite a few years ago. It involved a hairdresser from somewhere down in the southern part of the state. She had a beauty shop and in that shop she had two chairs. She rented out that second chair to another beautician and that woman paid rent, had her own clientele, kept her own hours, charged her own hairdressing fees, had her own key to the shop, was absolutely 100 percent totally independent from this client that came to me. My client's problem was the the Employment Security Commission said that that second woman was an employee of my client and there wasn't anything that we could do to convince the Employment Security Commission that that wasn't the case. They repeatedly sent my client requests for the

amount of money that she had paid the employee in wages, and the response always went back that she is not an employee, I haven't paid her anything, and after a couple of months the Employment Security Commission said, well since you won't tell us what you are paying by way of wages, we have determined that it is X-amount and that you owe us \$1,000.

This was a woman that didn't have very financial wherewithal and I was feeling pretty badly about the way she was being dragged about willy-nilly, but in any event, we appealed that decision and had a hearing before the Employment Security Commission. That was a very, very trying experience for that lady but she felt that she was fighting for a principle and that principle was, darn it all, she didn't owe anybody any money, she didn't employ that person and she was darned if she was going to capitulate to the state's demands.

To make a long story short, the commission ruled against us, we appealed to the courts, we had to have the hearing transcribed, probably about so thick, but in the process they reduced that \$1,000 to something like \$37. They were looking for sort of a graceful way out and my client wouldn't buy that. The fact of the matter is that this whole process created a great deal of stress. She, in fact, had a heart attack, and once this matter got to the courts since we were then arguing over nothing but \$37.00, nothing ever came of it, that was the last I ever heard about it.

The fact of the matter is, if this law had been in place, that woman wouldn't have had to pay my bill and, incidentally, that pot of gold Representative Joyce might be interested to know was exactly my expenses. I felt so badly for that woman that I just couldn't see asking her to pay me anything above and beyond my expenses but somebody should have been paying me for all the running around that I did and it should have been the state. With this bill in effect, I think there is a good chance that the state would have paid.

I hope you will vote against indefinite postponement because this is a good piece of legislation.

The SPEAKER Pro Tem: The Chair will order a vote. The pending question is on the motion of the gentleman from Portland, Mr. Joyce, that House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

11 having voted in the affirmative and 78 in the negative, the motion did not prevail.

Thereupon, House Amendment "A" was adopted.

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

The Chair laid before the House the following matter:

Bill "An Act to Clarify the Law Concerning Certain Appeals from Planning Board Decisions" (Emergency) (S. P. 503) (L. D. 1519) (C. "A" S-165) which was tabled and later today assigned pending passage to be engrossed.

Thereupon, the Bill was passed to be engrossed and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Establish a County Budget Committee" (S. P. 592) (L. D. 1710) (H. "A" H-329; H. "B" H-330) which was tabled earlier and later today assigned pending passage to be engrossed.

Mr. Paradis of Augusta offered House Amendment "C" (H-343) and moved its adoption.

House Amendment "C" was read by the Clerk.

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: On L.D. 1710, Page 9 of

that L.D., at the very top of the Page, under Subsection 4, if you will take your amendment you will see that this further defines the issue of expenses. In reading the bill last week, I noticed that it was rather vague. It says: "Members shall serve without compensation but shall be reimbursed from the county treasury for expenses lawfully incurred by them in the performance of their duties." I thought that left open a rather large loophole, not so much the fact that they were not paid for performing important tasks as I think this is very important because I know in my own county we are talking about a budget of \$1,250,000 or so just in appropriated monies and money that is raised through taxation, but if we were going to make these people work, perhaps we ought to pay them a salary. I admit that I put \$50 there and that is a rather generous sum, some might think its rather ungenerous to pay them only \$50, but I think it is more than enough for the duties they are going to perform for us. If you read further into the amendment, it says at the very end: "In the performance of their duties only for work done within their respective counties."

In looking at the amendment and comparing it to the bill, I kind of saw some sections here where the commissioners perhaps would say, let's send them to this meeting so they are better educated about county government and county finances and county responsibilities and county taxation, etc., and well, as your imagination can further this through the same logic as mine could last week, I said, no I don't think this is correct, if they are going to be doing a job, let them do it. This isn't a happy free-for-all where they raid the public till of money. Perhaps you will say, they are not getting paid anything according to L.D. 1710 so why don't we send them to Reno, Nevada, so they can better learn what county government is all about. I say, let's pay them a modest sum but let's not send them to Reno, Nevada. Let's let them do the work that they want to do, fine, but let's keep them here at home in the State of Maine in their own county.

I urge adoption of this amendment.

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

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: At the start of this session, I presented a bill to the State Government requesting that all board and commission members within the state be paid the same per diem rate as legislators, which is \$35 a day. It is my understanding that the State Government is going to study that proposal to equalize all of the per diem within the state, so on that basis I believe that Representative Paradis is too generous. Therefore, I would like to move the indefinite postponement of House Amendment "C". I hope you will vote for it and let the State Government decide in their study what is just compensation for county budget members.

The SPEAKER Pro Tem: The gentleman from Biddeford, Mr. Racine, moves the indefinite postponement of House Amendment "C".

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

Mr. BOST: Mr. Speaker, Members of the House: I urge the House today to reject House Amendment "C" first on the grounds that it sets a \$50 per diem, which is higher, as Mr. Racine has implied, than the members of the legislature currently receive; secondly, because it would clearly infringe upon the authority of local officials to set their own rate, and finally because I believe it is clearly an attempt to scuttle this legislation.

The bill as it presently stands I believe is well thought out and is very reasonable. It would not, as the good gentleman from Augusta has implied, open the door for meetings in Reno.

I hope you will vote against this amendment.

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

Paradis.

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: On this hot Monday afternoon and to be accused of trying to do something like this, I know that my good friend from Biddeford, Mr. Racine, is sincere when he says that the State Government Committee is going to attempt to look into the per diem expenses paid to different boards and commissions in the state, but I will submit that that is a state problem, this is a county bill. I am saying that this is one of the last times we will have, if this L.D. is adopted by this House, the say as to what these budget committee members ought to receive.

If we leave it to the commissioners, I see an awful lot of hocus pocus going on down the road where maybe Cumberland County might pay them \$75 per diem because that is a rich county, but poor old Franklin County, perhaps, where those good honest people pay the property tax up there, they might only pay them \$10 per diem. I just thought in the great spirit of compromise that Representative Joyce talks about all the time, we ought to find a middle ground here.

In answer to my friend from Orono, I just see an avenue here in the second part of that bill where it just says that they were going to be paid expenses incurred by them in the performance of their duties. Now I ask you, doesn't that permit any of these members to go any place as long as the county commissioners give them permission to go, the same way you and I can go to a conference to study abuse in government, or fraud, or waste in Boston or go to the national conference in San Francisco or go anywhere where the House has voted to extend us the funds to travel? I sought this amendment here in that spirit, to say let's put some breaks on this right now. This is the last time we can do it, if this bill passes.

I urge you to vote against the motion to indefinitely postpone.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Waldoboro, Mr. Curtis.

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: Just in response to a few of the comments made by Mr. Paradis in regards to this amendment, I believe it certainly did take a bit of imagination.

The expenses that we are referring to in Section 4 deals with mileage to and from meetings, and further, the committee will, as the bill is set up, of course, be deciding appropriations for the county budget. They will also, in effect, be deciding how much will be allotted to administration as far as expenses are concerned and they certainly are not going to be in a position, seeing that they are going to be accountable to the property taxpayers for the expenditures, of padding the budget to send themselves to Reno.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Skowhegan, Mr. Walker.

Mr. WALKER: Mr. Speaker, Ladies and Gentlemen of the House: What you see here is your basic red herring wrapped in blue amendment paper. This is the first of such red herrings to come before us on this bill this afternoon.

I would like you to bark back to the last part, your county commissioners suggested that you should be reimbursed for trips to Las Vegas or anywhere else and there is no more danger that our county commissioners are going to authorize trips to Las Vegas for elected town officials than they will for elected state officials.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't going to get up and speak on this amendment, but since the subject of red herring was brought up by the good gentleman from Skowhegan, I didn't know he had red herrings nearby in his com-

munity, I thought those things only swam in ocean waters, but perhaps they do swim around Skowhegan. Nevertheless, I would urge you to vote against the motion to indefinitely postpone. The reason that I would urge you to do this is I think it is unfair for us to ask any person to work as a really dedicated person, that is work for nothing. We don't work for nothing in the legislature; whatever we do, we get paid, and to compare what the legislature receives as per diem to what these people might receive is totally ridiculous. These people, whoever they are going to be, will be municipal officials, and some of them, like myself, serving on the local council receive the grand sum of \$10 a month. It doesn't make any difference how many meetings we attend, we receive \$10 a month, and it is getting more and more difficult to get people to present themselves to run for the local town council. My town is no different than many other towns. The day is coming very shortly where nobody will want to serve on any commission or board.

My good friend, Representative Racine, makes a point that the state committee is going to study the per diem rates for various commissions in the state, and I can assure him that there are many now that receive \$50 per day, some even higher. Well, \$50 may sound like an awful lot of money but it really is not. These people are going to meet how many times a year? I should think that if you were going to ask them to serve, you should pay them accordingly. Certainly you want the best possible person to represent you on these commissions. If you refuse to pay adequate wages for remuneration, you are going to get somebody that is going to serve just for the sake of serving. It behooves us, if we are going to reform, let's do it correctly, and I would urge you to vote against the motion to indefinitely postpone and I would ask for a division.

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

Mr. CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I think Representative Racine was right on target when he said that the members of the towns should get the same pay that the Representatives have been receiving and what I have received for the last three years for about five meetings a year is zero. I was glad to go there. In fact, we didn't even get expenses, and I think this is right on and I think we are going to give them expenses and they don't need to get paid for it. I have spoken to three or four different people in my county about serving on such a committee and they said they would be delighted and they thought it would be an excellent idea for them to take the helm because it is a property tax. So I think that no pay and expenses is just right.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Windham, Mr. Cooper.

Mr. COOPER: Mr. Speaker, Ladies and Gentlemen of the House: I feel that I should apologize for getting up to speak on this bill today. I don't think it is really worth the debate or worth your consideration.

Most elected officials attend the budget hearings that in Cumberland County hold anyway, they are the ones that come out, they ask the questions, they put in the time. This simply means that instead of telling the county commissioners what they would like and having some impact and losing it when it goes to the legislature, that they would have more to say because they would be the ones controlling it. I know that I served on the Windham Budget Committee for three years and I didn't get expenses, I didn't get meals, I didn't get anything, I did it as a public service. I feel that these people would do it for the same reasons, they are already concerned about it. They want to keep their taxes down and this is a method for them to do it.

It strikes me as odd that the good gentleman

from Augusta wants to pay the municipal officials more than he is paying the county commissioners who put together the budget.

I would just suggest that we defeat the motion for indefinite postponement and get on with some real business here.

Mr. Paradis of Augusta was granted permission to speak a third time.

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: Just as a point of clarification. The \$35 per diem that the gentleman from Biddeford has referred to is for special sessions and committee meetings and those happen very infrequently. Some committees will not be meeting at all. The real per diem that we get right now is \$65, we are getting \$6,500 for 100 legislative days; if we meet less than 100 legislative days, we will receive more than \$65. In the next session, it will be \$70 per day, and I drew up this amendment with that in mind, that they were not going to be paid as much as we were. I think if I followed the gentleman's advice, I would have put it up to perhaps \$67.50 but that is not my point, it was to provide them with something that was fair all across the state, York County as well as Aroostook County, Washington County and Franklin County.

The second point that was just addressed by my friend from Windham, that this budget committee would be paid more than the county commissioners—I believe my county commissioners in Kennebec County receive something like \$5,000 a year, which is approximately a little less than \$100 a week. They meet every other week for two hours; that is a rather good per diem. There is very little work involved. You might say they meet often in December, perhaps twice in two weeks, but no more than that. You will find they don't consider that a very big part of their job, so I really don't think this is being too generous. I would request a roll call vote.

The SPEAKER Pro Tem: 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 Pro Tem: The pending question is on the motion of the gentleman from Biddeford, Mr. Racine, that House Amendment "C" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Allen, Anderson, Andrews, Armstrong, Bell, Benoit, Bost, Bott, Brannigan, Brodeur, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carroll, D.P.; Carroll, G.A.; Chonko, Clark, Connors, Cooper, Cox, Crouse, Crowley, Curtis, Daggett, Davis, Day, Dexter, Diamond, Dillenback, Drinkwater, Erwin, Foster, Gauvreau, Greenlaw, Handy, Higgins, L.M.; Ingraham, Jackson, Joseph, Joyce, Kelly, Ketover, Kiesman, Kilcoyne, LaPlante, Lebowitz, Lewis, Lisnik, Livesay, MacBride, MacEachern, Macomber, Manning, Martin, A.C.; Martin, H.C.; Masterman, Master-ton, Matthews, K.L.; Matthews, Z.E.; Maybury, Mayo, McGowan, McHenry, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, Nelson, Paradis, E.J.; Parent, Paul, Perkins, Perry, Pines, Racine, Randall, Reeves, J.W.; Richard, Ridley, Roderick, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Soule, Stevens, Stevenson, Stover, Strout, Swazey, Telow, Theriault, Thompson, Vose, Walker, Webster, Wentworth, Weymouth, Wiley.

NAY—Ainsworth, Baker, Carter, Conary, Connolly, Hickey, Higgins, H.C.; Hobbins, Jacques, Kelleher, Lehoux, McCollier, Moholland, Norton, Paradis, P.E.; Reeves, P.; Roberts, Rolde, Tammaro, Tuttle.

ABSENT—Beaulieu, Bonney, Carrier, Cash-

man, Cote, Dudley, Gwadosky, Hall, Hayden, Holloway, Jalbert, Kane, Locke, Mahany, McPherson, McSweeney, Pouliot, Rotondi, Salisbury, Sproul, Zirnkilton, The Speaker.

Yes, 109; No, 20; Absent, 22.

The SPEAKER Pro Tem: One hundred and nine having voted in the affirmative and twenty in the negative with twenty-two being absent, the motion does prevail.

At this point, Speaker Martin returned to the rostrum.

SPEAKER MARTIN: The Chair would like to thank the gentleman from Fairfield, Mr. Gwadosky, for presiding.

Thereupon, the Sergeant-at-Arms escorted Mr. Gwadosky to his seat on the floor, amid the applause of the House, and Speaker Martin resumed the Chair.

(Off Record Remarks)

On motion of Mr. McHenry of Madawaska,
Adjourned until eight-thirty tomorrow morning.
