

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

May 16, 1983 to June 24, 1983

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HOUSE

Wednesday, June 8, 1983

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

Prayer by the Reverend Edgar Jones of the Winthrop Congregational Church.

The journal of yesterday was read and approved.

Papers from the Senate

The following Joint Order: (S. P. 610)

ORDERED, the House concurring, that Bill, "AN ACT to Streamline Information Processing by Income Supplementation and Social Service Programs," Senate Paper 533, Legislative Document 1564, be recalled from the legislative files to the Senate.

Came from the Senate read and passed.

In the House, the Order was read.

The SPEAKER: The Chair will order a vote. The pending question is on passage in concurrence. This requires a two-thirds vote of all those present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

62 having voted in the affirmative and 26 having voted in the negative, the motion did prevail.

Orders

On motion of Representative Mitchell of Vassalboro, the following Joint Resolution: (H. P. 1308) (Cosponsors: Senator Hayes of Penobscot, Representative Locke of Sebec, and Matthews of Caribou)

Joint Resolution Authorizing the University of Maine in Cooperation with Appropriate Departments and Agencies of State Government to Develop an Official Atlas of the Resources of Maine

WHEREAS, No comprehensive Atlas of Maine has been published since 1891; and

WHEREAS, thirty-six states have published atlases during the last decade; and

WHEREAS, a comprehensive Atlas of Maine would be useful to decision-makers and planners in business and government; to research scholars, teachers and students seeking understanding of relationships between human activities and the physical environment; and to persons and organizations concerned with the optimum economic and social development of the State; and

WHEREAS, the University of Maine and State Government engage in a wide variety of partnership activities for the benefit of Maine citizens; now, therefore, be it

RESOLVED: That the University of Maine be authorized and respectfully directed to develop, in cooperation with appropriate departments and agencies of the State Government, an official Atlas of the Resources of Maine; and be it further

RESOLVED: That the Atlas shall be developed jointly, without legislative funds, by the Center for Research and Advanced Study of the University of Southern Maine and the Land and Water Resources Center of the University of Maine at Orono, along with the participation of other university branches and state agencies; and be it further

RESOLVED: That, upon passage, suitable copies of this resolution be sent to the Honorable Governor Joseph E. Brennan, Chancellor Patrick McCarthy, University of Southern Maine President Dr. Robert Woodbury and University of Maine at Orono President Dr. Paul Silverman.

The Resolution was read.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I would just simply pose a question. I don't have any particular problem with the Joint Resolution; however, in the past the legislature has refrained from getting involved with university business in the sense

that we appropriate money to the university system and they are generally free to spend it wherever they see fit. I wonder if we are somehow moving away from the precedent or tradition with this resolution and I wonder if the good gentlelady has conversed with them as to whether or not they are as interested in doing this as the legislature apparently is.

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

Mrs. MITCHELL: Mr. Speaker, in response to the question posed by the gentleman from Scarborough, this resolution is at the request of the board of trustees. It does not require the expenditure of state funds, it is an important venture that the university wished to embark upon, creating this Atlas, and if you will look on Page 2 of your calendar, it shall be developed jointly with legislative funds by the Center for Research and Advanced Study of the University of Southern Maine and the Land and Water Resources Center of the University of Maine at Orono, along with the participation of other university branches and state agencies. They wish to do that, but they also wish the stamp of approval of the Maine Legislature.

Thereupon, under suspension of the rules the Resolution was adopted and sent up for concurrence.

On motion of Representative Crowley of Stockton Springs, the following Joint Resolution: (H. P. 1309) (Cosponsors: Senators Minkowsky of Androscoggin, Shute of Waldo, and Representative Holloway of Edgecomb) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35) Joint Resolution Memorializing the Congress of the United States to Support Legislation Which Will Establish A National Oceans Policy Commission

WHEREAS, We, your Memorialists, the Senate and the House of Representatives of the State of Maine in the 111th Legislature most respectfully present and petition the Congress of the United States, as follows:

WHEREAS, the United States Senate and the House of Representatives are currently considering bills to establish a National Ocean Policy Commission; and

WHEREAS, there is a current need to examine and monitor certain long-term ocean policy issues now facing the United States; and

WHEREAS, the importance of unimpaired navigation through, over and under the world oceans and the development of fisheries, oil, gas, ocean minerals and marine resources are of great concern to the Nation and the State of Maine; and

WHEREAS, the purpose of the "National Ocean Policies Commission Act" of 1983 is to establish a commission in order to review and evaluate current marine policy programs during this present period of fundamental transition, and to maintain and further United States leadership in the oceans for the 1980's and 1990's; and

WHEREAS, the commission shall represent the gubernatorial leadership of coastal states; and

WHEREAS, the Act will ensure progressive, cooperative and mutual ocean policy developments and interests with Canada, Mexico and other countries; and

WHEREAS, the Act is essential to protect the interests of the State of Maine and its 3,500 miles of coastal resources; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the 98th Congress of the United States support and enact the Act to establish a National Oceans Policy Commission to study and develop a national oceans policy encompassing both international and domestic marine issues; and be it further

RESOLVED: That a copy of this resolution, duly authenticated by the Secretary of State, be transmitted forthwith by the Secretary of

State to the President of the Senate and the Speaker of the House of Representatives in the Congress of the United States and to each member of the Maine Congressional Delegation.

The Resolution was read.

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

Mr. CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: Together with my colleagues on the committee on Marine Resources, I am presenting a Joint Resolution memorializing the Congress of the United States to support pending legislation which will establish a national ocean policy commission. Both houses of Congress are currently considering bipartisan legislation that will establish a National Ocean Policy Commission Act of 1983.

United States interest in the ocean in fisheries and oil and gas and minerals and marine resources must be maintained. We are in a period of transition. We have important, strategic and resource interest, such as a concern for the unimpaired navigation through, over and under the world's oceans. Marine technology, research and regulatory complexities are of extreme importance to the United States. It is essential that we maintain our traditional leadership role in ocean matters.

This is a critical period for developing a national ocean policy for off-shore fishing, seaboard mining efforts and military uses of the seas. International and domestic marine activities are unquestionably critical issues for the United States. The piecemeal compartmentalized, crisis to crisis, problem solving approach must be replaced. A national ocean policy commission, composed of high level federal, state and private sector representatives is urgently needed to put our country on the right course. The ocean we share with Canada, Cuba and Mexico is of vital importance, as are the oceans we share with the rest of the world.

The State of Maine, with our 3,500 mile coastline, needs to be in the forefront of ocean policy development. I urge you to support this Resolution.

Thereupon, the Resolution was adopted and sent up for concurrence.

House Reports of Committees
Ought to Pass in New Draft

Representative Locke from the Committee on Education on Bill "An Act to Clarify the Education Laws" (Emergency) (H. P. 855) (L. D. 1105) reporting "Ought to Pass" in New Draft (Emergency) (H. P. 1310) (L. D. 1739)

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

Ought to Pass in New Draft/New Title

Representative Greenlaw from the Committee on Fisheries and Wildlife on Bill "An Act to Provide Additional Revenue to the Department of Inland Fisheries and Wildlife Through an Increase in License Fees" (H. P. 1208) (L. D. 1607) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Provide Additional Revenue to the Department of Inland Fisheries and Wildlife by an Increase in License Fees and to Make Allocations from the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1984, and June 30, 1985" (Emergency) (H. P. 1312) (L. D. 1741)

Report was read and accepted, the New Draft read once and assigned for second reading later in the day.

Divided Report

Majority Report of the Committee on State Government on Bill "An Act Relating to Major

Policy-influencing Positions in Various State Agencies" (H. P. 1187) (L. D. 1583) reporting "Ought to Pass" in New Draft (H. P. 1311) (L. D. 1740)

Report was signed by the following members:

Senators:

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

Representatives:

SPROUL of Augusta
COOPER of Windham
LaPLANTE of Sabattus
GWADOSKY of Fairfield
DILLENBACK of Cumberland
KETOVER of Portland
LEBOWITZ of Bangor
HOLLOWAY of Edgecomb
PARADIS of Augusta

— of the House.

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

Report was signed by the following member:

Representative:

SALSBURY of Bar Harbor
— of the House.

Reports were read.

On motion of Mr. Gwadosky of Fairfield, the Majority "Ought to Pass" Report was accepted and the New Draft read once. Under suspension of the rules, the New Draft was read the second time, passed to be engrossed and sent up for concurrence.

Passed to Be Engrossed

Bill "An Act to Limit Future Increases in the Cost of Hospital Care in Maine" (S. P. 608) (L. D. 1737)

Was reported by the Committee on Bills in the Second Reading, read the second time, the Senate Paper was passed to be engrossed in concurrence.

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

Unanimous Ought Not to Pass

Report of the Joint Select Committee on Whitewater Rafting reporting "Ought Not to Pass" on Bill "An Act to Revise Laws Concerning Commercial Whitewater Rafting" (S. P. 478) (L. D. 1453)

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

Divided Report

Majority Report of the Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (S-180) on Bill "An Act to License Home Health Care Services" (S. P. 527) (L. D. 1550)

Report was signed by the following members:

Senators:

BUSTIN of Kennebec
GILL of Cumberland
— of the Senate.

Representatives:

MANNING of Portland
BRODEUR of Auburn
PINES of Limestone
CARROLL of Gray
WEBSTER of Farmington
RICHARD of Madison
MAYBURY of Brewer
NELSON of Portland
SEAVEY of Kennebunkport

— of the House.

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

Report was signed by the following member:

Senator:

CARPENTER of Aroostook

Representative MELENDY of Rockland — of the House — abstaining.

Came from the Senate with the Majority "Ought to Pass" as amended Report read and

accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-180)

In the House: Reports were read.

On motion of Mrs. Nelson of Portland, the Majority "Ought to Pass" Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-180) was read by the Clerk and adopted. Under suspension of the rules, the Bill was read the second time and passed to be engrossed as amended in concurrence.

Non-Concurrent Matter

Bill "An Act Relating to the Identification and the Hazards of Exposure to Toxic and Hazardous Substances" (H. P. 1306) (L. D. 1735) which was passed to be engrossed in the House on June 7, 1983.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-182) in non-concurrence.

In the House:

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

Mr. BROWN: Mr. Speaker, I move that the House adhere.

Whereupon, Mr. Mitchell of Freeport moved that the House recede and concur.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: A kind of unusual thing happened, I guess, with respect to this bill, and I think it is important that we discuss it, talk about it and understand what we are doing this morning.

This is one of the most important pieces of legislation, I believe, before the legislature this session dealing with the identification of hazards of exposure to toxic and hazardous substances, and I stand before you today in support of that bill in its original form, as you see it before you.

This bill is a redraft of L.D. 770 and was agreed upon by the entire committee after considerable discussion and consultation. It represents a product agreed by the committee and which is acceptable to both labor and industry.

The bill, in the section proposed to be amended, deals with toxic substances, something that we have heard much about in past years and something that we want to control and something that each and every one of us want to have a handle on. That section that is being amended not only adopts the OSHA list but allows the director to, by rule, establish an additional list, additional to the federal list, based upon certain characteristics and upon the potential to cause adverse health effects. This additional list will be Maine's list, our own list, and will undoubtedly be different in part from the OSHA list because it will be more inclusive.

Each manufacturer, supplier and distributor must provide their purchasers certain information on their products contained on either list. If a product is on the list, employers must conduct educational programs, maintain certain records and may be required to make certain reports. The provisions of this L.D. are good and will enhance the safety of the workplace.

The amendment that is proposed, which is my objection and the reason why I am standing before you today, is to the last paragraph of section 5, if you have the bill in front of you. That section requires that rules adopted by the director to be based upon substantial evidence and also requires a written record. These requirements are not burdensome nor are they unusual. A written record will allow those persons trying to understand the rule and its reasons an adequate amount of materials to do so. This is of great benefit to manufacturers and suppliers from other areas of the country or world in understanding the Maine list. Again I

emphasize the Maine list, an expansion of the federal list. It is of benefit to employers and employees in Maine who are expected to live by the list and their consequences.

Substantial evidence is not a burdensome nor unusual requirement, it is the same requirement found in the federal rule-making procedures in this area. It is also the standard of review most prevalent in this state for quasi-judicial bodies such as planning boards. If a local planning board, which many of you are familiar with, reviews a three lot subdivision, their decision must be based upon substantial evidence. Substantial evidence is not a difficult burden to me. All it means is some evidence which a reasonable person would accept as supportive of the conclusion reached. Stated differently, it is evidence that a reasonable person would accept in supporting the director's rule. I believe in an area as complex as this is not too much to ask.

It will be argued that the standard of substantial evidence is higher than the standard required by the Maine Administrative Procedures Act for rulemaking. It will also be argued that the standard of substantial evidence will make it more difficult for the Attorney General to defend the rule.

As one committee member, it was my intent when reporting out this bill to require a slightly different standard and one which would require rules to be based upon evidence which a reasonable person would accept.

I urge you to adhere to the position and I urge you to do so because the committee worked on this bill many, many hours.

As I indicated to you and as all of you know, legislation is the art of compromise, and this product before us is one that was agreeable to all parties concerned, everybody was in agreement, everybody signed the bill "unanimous ought to pass," including the sponsor of the amendment from the other body, and I would urge you to defeat the motion before you to recede and concur so this body can go on to adhere to our original position.

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

Mrs. MITCHELL: Mr. Speaker, I request a roll call on the motion to recede and concur.

This amendment simply restores to this piece of legislation that this department, as all the other departments, must follow the rules of the Administrative Procedures Act.

In discussing this bill with the Attorney General's Office, it said this was the most appropriate way for this department to make its rules. It is a standard that business, it is a standard that consumers, it is a standard that departments have come to deal with and to understand, it is a fair standard. It makes no sense to me, to in this one instance deviate from the Administrative Procedures Act.

I would ask for your support for the motion to recede and concur.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: As one of the members of the committee that signed the unanimous "ought to pass" report, my good friend Representative Brown didn't tell the whole story.

At the work sessions it was brought out by a representative of the Attorney General's Office that there was some very significant concern with that so-called phrase "substantial evidence" and they brought the problem to our attention and the committee really never addressed that problem because it was kind of passed off by some representatives of industry that that was not a problem. Well, that is not the case. In the spirit of compromise, and I am as willing to compromise as anybody else, I think the committee went along with it at that time in a spirit of compromise. But one thing I am not willing to compromise is the health and safety of my constituents. I am also not willing to compromise the ability of the Attorney Gen-

eral's Office to do what they have to do with so many abusers of the laws of this state. That is why I am going along with this amendment, because I think it is a very important amendment, and even though the committee did report it out unanimous "ought to pass," I think they did so with a little bit of cloud over their head. That cloud has since been cleared up and now we can allow the Attorney General's Office to represent us and the people in the State of Maine and now we can continue to protect the people of the State of Maine because Mr. Brown has a lot more faith in some of the industries in this state than I have, and I have got good reason to have some fears in that area.

I hope you will go along with the motion to recede and concur and forget about the motion to adhere.

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

Mr. BROWN: Mr. Speaker, I always appreciate the remarks of the good gentleman from Waterville. He certainly is clear and concise and to the point; there is never any problem understanding where he is coming from.

I am concerned as Mr. Jacques is about protecting the people of this state from toxic substances. For those of you who don't know how to vote on this issue, I urge you to turn to page 4 of the L.D., the upper three-fourths of the page and go through the procedure that is going to identify those substances which are toxic and ask yourselves if this is a reasonable procedure. It certainly is. It makes Maine a heck of a lot more — provides Maine with a lot more authority over controlling hazardous waste and toxic substances than the federal government, that is what we want.

Our committee, this session, has done a good deal of compromising. I think the Rivers Bill that came out of our committee is a good example of that. I think our committee has done a lot of compromising in many areas, and I would ask the gentleman from Waterville, because this section, I believe, is the most important section of this bill, just take a look at it, because this is the one that identifies those substances which are toxic, and I would ask the good gentleman from Waterville or anyone else who plans to support this amendment, anyone else on the committee, that is, that if removing that section was so important, why didn't we come out with a divided report? If this was so important to you, why didn't you sign out a report eliminating that section instead of in the spirit of compromise, as you tell me, we are all going to sign a majority report and then pull a deal like this? I would like an answer to that question.

Again, I urge you to defeat the motion to recede and concur. I would like to stick with the spirit of compromise.

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

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

Mr. JACQUES: Mr. Speaker and Members of the House: I don't know what deal the gentleman from Livermore Falls is talking about here. He made mention of a deal — I would like to have you clarify what deal was made on this bill.

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

Mr. BROWN: Mr. Speaker, the legislative record of my remarks just stated will not include the word "deal" and Mr. Jacques knows it.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: There isn't anybody on that Energy and Natural Resources Committee that can deny that the Attorney General's Office brought the problem to our attention, but there were certain people in the room that

assured us that it would not be a problem, and because of the deadlines and because it was one of the last bills we had to deal with, the committee at that time went along with their agreement, but there were some of us, maybe I am just speaking for myself, that still had concerns. That concern has been addressed. The other body addressed that concern and they did so very adequately. That is why I am going along with this amendment, and had I known this concern at the time, I would have signed a divided report and it would have been such as this amendment will take care of, because the bottom line is, ladies and gentlemen of the House, we have to look out for our people, and I am looking out for our people, because industry is industry, you know it and I know 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 Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, Men and Women of the House: I am somewhat confused on this issue. As someone who has dealt with administrative bodies in the past both at the federal and state level, I have been on both sides of the issue. My gut feeling says that possibly the amendment is the way we should go, but my legal feeling is that I feel that the court, in order to make a decision that something is unlawful, should have some type of responsibility to set into the record specific findings which are supported by evidence which is substantial to be upheld. So I stand before you somewhat confused. The Federal Administrative Procedures Act uses the standard of substantial evidence and I honestly don't know whether or not in fact by changing that standard in the long run we would be weakening a case that was brought before the attorney general. The reason I say that is because if in fact a decision is rendered which is arbitrary or propitious or does not have any weight from an evidence standpoint, we could find ourselves exposed to some sanctions if, in fact, we make a decision which renders an industry an unjust decision which could pose some problems to industry.

I am going to reluctantly oppose the motion to recede and concur until I can be told otherwise. It appears to me that the committee has looked into this issue more than I have and it appeared to be a unanimous report and I think that is the way I am going to vote this morning.

Mr. Brown of Livermore Falls was granted permission to speak a third time.

Mr. BROWN: Mr. Speaker and Members of the House: I think the gentleman from Saco, Mr. Hobbins, just gave us the best reason to oppose the recede and concur motion, and that is that the committee dealt with this issue for a long time. And yes, we did make compromises, as we do in every piece of legislation. Again, if there was anything in that final piece of legislation that people in that committee did not agree with or had serious objection to, because this section that we are amending out is the most important section of that bill, they should have had the courage to put out another report. Again, I urge you to defeat the motion before you.

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

Mr. MITCHELL: Mr. Speaker and Members of the House: This bill deals with a very important subject, and that is the subject of toxins in the workplace. I feel that the amendment is an attempt to improve the bill and I don't think it is too late to improve it. By improving it we can better protect the health and safety of Maine

workers, and I would urge everyone in the House to support the recede and concur motion.

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

Mr. VOSE: Mr. Speaker, I would like to pose a question. The committee had a unanimous report on this bill and now there arises an amendment. I would like to know if the committee met again to discuss this amendment to see how they felt as a committee about the amendment?

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: To answer the good gentleman's question, we did not. This was brought to the attention of a member of the other body, who happens to be the chairman of the other half, by the Attorney General's Office. We all know that there was only one thing that we could do with the bill, and that was to offer an amendment, which she did, which was adopted by the other body, which makes an awful lot of sense, and that is why we have it here today.

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

ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Benoit, Bost, Brannigan, Brodeur, Carrier, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Dudley, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Jacques, Jalbert, Joseph, Joyce, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Macomber, Manning, Martin, A.C.; Martin, H.C.; Matthews, Z.E.; Mayo, McHenry, McSweeney, Melendy, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Paradis, P.E.; Paul, Pouliot, Racine, Reeves, P.; Ridley, Roberts, Rolde, Rotondi, Smith, C.B.; Soucy, Soule, Stevens, Swazey, Tammaro, Theriault, Tuttle, Vose, The Speaker.

NAY—Anderson, Armstrong, Bell, Bott, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Connery, Connors, Curtis, Davis, Day, Dillenback, Drinkwater, Foster, Greenlaw, Higgins, L.M.; Hobbins, Holloway, Ingraham, Jackson, Kisman, Lebowitz, Lewis, MacBride, Masterman, Masterton, Matthews, K.L.; Maybury, McColister, McGowan, McPherson, Michael, Michaud, Moholland, Murphy, E.M.; Norton, Paradis, E.J.; Parent, Perkins, Pines, Randall, Reeves, J.W.; Roderick, Salsbury, Scarpino, Seavey, Sherburne, Smith, C.W.; Sproul, Stevenson, Stover, Strout, Telow, Walker, Wentworth, Weymouth, Willey.

ABSENT—Bonney, Brown, K.L.; Connolly, Dexter, Kane, Kelleher, Livesay, Mahany, Murphy, T.W.; Nelson, Perry, Richard, Small, Thompson, Webster, Zirnklton.

Yes, 76; No, 59; Absent, 16.

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

Consent Calendar

First Day

(S. P. 501) (L. D. 1513) Bill "An Act to Provide for the Return and Disposal of Pesticide Containers" — Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (S-184)

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.

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

Emergency Measure

An Act Concerning Group Life Insurance for State Employees and Teachers (S. P. 556) (L. D. 1622) (C. "A" S-168)

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

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

Mr. SCARPINO: Mr. Speaker, I would pose a question through the Chair. Can somebody tell me how this bill will affect local control, how it will affect the authority of the participating towns in the districts to decide what insurance coverage they want for their district?

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

**Passed to Be Enacted
Emergency Measure**

An Act to Increase Funding Allocation for the Bureau of Air Quality Control for Fiscal Year 1983 (H. P. 1258) (L. D. 1679)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 115 voted in favor of same and 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Provide for the Development of a Centralized Coordinated Planning and Evaluation Process for State Alcohol and Drug Abuse Activities (H. P. 1276) (L. D. 1692) (H. "A" H-308 and H. "A" H-324)

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. 117 voted in favor of same and 3 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Authorize the Department of Human Services to Operate a Grant Diversion Program for Recipients of Aid to Families with Dependent Children (H. P. 130) (L. D. 1725)

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. 108 voted in favor of same and 13 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Relating to the Branding of Potatoes (S. P. 567) (L. D. 1642) (C. "A" S-169)

An Act to Amend the Statutes Relating to Fluoridation (S. P. 595) (L. D. 1717)

An Act to Amend the Department of Environmental Protection Statutes (H. P. 1105) (L. D. 1458) (H. "A" H-327; C. "A" H-291)

An Act to Amend the Maine Potato Dealer Licensing Law (H. P. 1298) (L. D. 1723)

An Act to Amend the Authority of the Department of Environmental Protection to Identify Hazardous Waste (H. P. 1302) (L. D. 1726)

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

Orders of the Day

The Chair laid before the House the first item of Unfinished Business:

Bill, "An Act to Provide Equitable Health Care for Alcoholism and Drug Dependency Treatment" (H. P. 623) (L. D. 775) — In House, Majority "Ought Not to Pass" Report of the Committee on Business Legislation read and accepted on June 1, 1983. — In Senate, Minority "Ought to Pass" in New Draft (H. P. 1293) (L.

D. 1714) Report of the Committee on Business Legislation read and accepted and the New Draft Passed to be Engrossed in non-concurrence.

Tabled—June 7, 1983 (Till Later Today) by Representative Brannigan of Portland.

Pending—Motion of same gentleman to Recede and Concur.

On motion of Mr. Gwadosky of Fairfield, the House voted to recede.

Thereupon, the Minority "Ought to Pass" Report was accepted in concurrence and the New Draft read once.

Under suspension of the rules, the New Draft was read the second time.

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

House Amendment "A" (H-358) was read by the Clerk and adopted.

Mr. Racine of Biddeford requested a roll call on passage to be engrossed.

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

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

The SPEAKER: The pending question is on passage to be engrossed as amended by House Amendment "A" (H-358) in non-concurrence. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Benoit, Bost, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Chonko, Clark, Connolly, Cooper, Cox, Crouse, Crowley, Daggett, Diamond, Erwin, Greenlaw, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Jalbert, Joseph, Joyce, Kelly, Ketover, Kilcoyne, LaPlante, Locke, Manning, Martin, A.C.; Martin, H.C.; Masterton, Matthews, K.L.; Matthews, Z.E.; Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michaud, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Nelson, Paradis, P.E.; Perkins, Pines, Reeves, P.; Richard, Rolde, Rotondi, Scarpino, Smith, C.B.; Stevens, Swazey, Tammaro, Theriault, Tuttle, Vose, The Speaker.

NAY—Anderson, Armstrong, Beaulieu, Bell, Bott, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carrier, Carter, Cashman, Conary, Connors, Cote, Curtis, Davis, Day, Dillenback, Drinkwater, Dudley, Foster, Gauvreau, Higgins, L.M.; Holloway, Ingraham, Jackson, Kiesman, Lebowitz, Lehoux, Lewis, MacBride, MacEachern, Macomber, Masterman, Maybury, McPherson, Moholland, Murphy, E.M.; Norton, Paradis, E.J.; Parent, Paul, Pouliot, Racine, Randall, Reeves, J.W.; Ridley, Roberts, Roderick, Salsbury, Seavey, Sherburne, Small, Smith, C.W.; Soucy, Soule, Sproul, Stevenson, Stover, Strout, Telow, Walker, Wentworth, Weymouth, Willey.

ABSENT—Bonney, Brown, K.L.; Dexter, Kane, Kelleher, Lisnik, Livesay, Mahany, Michael, Murphy, T.W.; Perry, Thompson, Webster, Zirnkilton.

Yes, 71; No, 66; Absent, 14.

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

Sent up for concurrence.

The Chair laid before the House the second item of Unfinished Business:

Bill, "An Act to Increase the Minimum Wage" (H. P. 884) (L. D. 1138) — In House, Minority "Ought to Pass" as amended Report of the Committee on Labor read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-262) in the House on June 1, 1983 — In Senate, Majority "Ought Not to Pass" Report of the Committee

on Labor read and accepted in non-concurrence.

Tabled—June 7, 1983 (Till Later Today) by Representative Mitchell of Vassalboro.

Pending—Further Consideration.

On motion of Mr. Diamond of Bangor, retabled pending further consideration and later today assigned.

The Chair laid before the House the third item of Unfinished Business:

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

Tabled—June 7, 1983 (Till Later Today) by Representative Carter of Winslow.

Pending—Adoption of House Amendment "A" (H-352) to House Amendment "A" (H-329).

On motion of Mr. Carter of Winslow, retabled pending adoption of House Amendment "A" to House Amendment "A" and later today assigned.

The Chair laid before the House the fourth item of Unfinished Business:

HOUSE DIVIDED REPORT—Majority (8) "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) — Minority (5) "Ought Not to Pass" — Committee on Labor on Bill "An Act Concerning Arbitration Involving Municipal Fire and Police Departments" (H. P. 331) (L. D. 390)

Tabled—June 7, 1983 (Till Later Today) by Representative Diamond of Bangor.

Pending—Acceptance of either Report.

On motion of Mr. Diamond of Bangor, retabled pending acceptance of either Report and tomorrow assigned.

The Chair laid before the House the fifth item of Unfinished Business:

An Act to Strengthen the Maine Milk Industry (Emergency) (H. P. 1260) (L. D. 1681) (C. "A" H-323)

Tabled—June 7, 1983 (Till Later Today) by Representative Mitchell of Vassalboro.

Pending—Passage to be Enacted.

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

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

An Act to Provide for Local Option Voting on Bottle Clubs (S. P. 584) (L. D. 1694)

Tabled—June 7, 1983 by Representative Smith of Mars Hill.

Pending—Passage to be Enacted.

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

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

Bill, "An Act to Establish and Amend the Air Emission and Open-burning Standards" (H. P. 1259) (L. D. 1680)

Tabled—June 7, 1983 by Representative Kiesman of Fryeburg.

Pending—Adoption of House Amendment "A" (H-361) to Committee Amendment "A" (H-340).

On motion of Mr. Diamond of Bangor, tabled pending adoption of House Amendment "A" to Committee Amendment "A" and later today assigned.

(Off Record Remarks)**House at Ease**

Called to order by the Speaker.

The Chair laid before the House the following matter:

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

later today assigned pending adoption of House Amendment "A" to House Amendment "A".

Thereupon House Amendment "A" (H-352) to House Amendment "A" (H-329) was adopted.

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

Mr. Carter of Winslow offered House Amendment "H" and moved its adoption.

House Amendment "H" (H-363) was read by the Clerk.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: This, in reality, is a very simple amendment. The fact that it has 15 pages should not disturb you, because all it does is provide, as it states in the new title, "An Act to Provide a Referendum to Establish County Budget Committees" and it is on a local county option. That is all this whole amendment does.

Legislative Research tells me that they had to do it this way because if some counties opt to go under the budget committee system and some do not, you would need both sets of laws on the books.

Some of you might think, well you know, he has been trying to kill this thing and he hasn't succeeded so he is going to try a different approach. Believe me, I am not. I have said before that what the committee was trying to do was not any reform as far as I was concerned and it is not. It is just passing our frustrations on to the local level, so I would strongly suggest to you that if we are going to give the local municipal people headaches, then we ought to give them the opportunity to decide whether they want to accept those headaches or the frustrations that we have been experiencing. That is all this does.

If it is the will of the Legislature to pass this document, then so be it, but let's do it, let's let the people who pick up the tab, the taxpayer back home, let him decide if he wants to suffer the frustrations of this type of so-called reform.

If we were to have real reform, we would be dealing with the real problems of county government. I am not going to stand up here and tell you again that it is not a government, that they are merely administrators of the state, we all know this, we have accepted this. They have no powers unless we give the power to them. That is the facts, nothing will change. This amendment won't change it, this bill won't change it. The county sheriff and the county commissioners are still going to be at each other throats trying to decide whose turf is he on. Is it your turf, my turf? Your duties, my duties? Your authority, my authority? The fight will go on and on and on until the Legislature decides—gee, we have had this long enough and let's really reform county government.

For those of you that don't quite agree with me, I would like to call your attention to a study that was done by a very astute person, Dr. Dow from the University of Maine in 1952, and if you will permit me, let me just read one or two sections out of it. Dr. Dow, in writing about county government, a study authorized by the Legislature, writes: "Some years ago, the government of counties in the United States was dubbed the dark continent of American politics." More recently another writer said: "County government is the last refuge of political incompetency. In many states, the county has been revitalized in recent decades and is a real force and sometimes a fairly efficient agency serving its inhabitants. Counties in Maine have followed the New England pattern, never as active as in other parts of the county, their functions have tended to shrink until they have reached a point where they are top heavy with elected officials and clerks. Their few functions are concentrated around the administration of justice and the recording of deeds. These matters are essential but not local. Counties act as state administrative

agencies carrying out state laws. They enact no policies nor do they carry out any local mandates." This was in 1952.

I have to agree that we have moved forward. Let me cite you some areas where we have moved forward. Recommendations made in 1952 by this study commission numbered seven, one, that the judges of probate should be appointed, they are presently the only elected judges in Maine. Registers of Probate clerks of courts should be appointed by the courts. County attorneys should be replaced by appointed district attorneys. Municipal and trial justice courts should be replaced by district courts. Registers of deeds should be appointed. Sheriffs, county commissioners and county treasurers should be abolished. Jails should be integrated with the state penal system and supplemented by a jail fine.

We have accomplished about four out of seven of these and that is not bad. Fifty-two to eighty, about 30 years, we are making some progress, we are getting there, slow, a little painstakingly slow, but we are getting there.

Here is a list of county officials that existed in 1952. We had 14 different positions, county commissioners, treasurer, clerk of courts, judge of probate, register of probate, register of deeds, sheriff, county attorney, medical examiner, municipal judges, municipal court clerks and recorders, trial justices, probation officers, bail commissioner—well, from 14 we are down to about 5. That is not bad progress, we are getting there. Maybe in another 30 years we might be able to completely reform county government, so I would urge you, if we are going to play and delay what should be done, what we should really do is bite the bullet and really go after county government, either reform it or restructure it, do something with it, just not pass headaches on to the local municipal officials. If we have to do it that way, then let's do it that way, but at least give the people back home a chance to vote on it. That is all this amendment does and I would urge you to support it.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Drinkwater.

Mr. DRINKWATER: Mr. Speaker, Ladies and Gentlemen of the House: I move indefinite postponement of House Amendment "H."

The SPEAKER: The gentleman from Belfast, Mr. Drinkwater, moves indefinite postponement of House Amendment "H."

The gentleman may proceed.

Mr. DRINKWATER: Mr. Speaker, Members of the House: I would like to be on the record as being a member of this House who does trust my local officials, my selectmen and my council people to serve on a budget committee on the county budget. I have no problem at all with this and I have no problem at all with their doing it.

I do feel that sometime after eleven o'clock in the morning here, late in the session, we have a 15-page document here which perhaps should have gone back before the committee. It looks like a bill within itself.

I can only say and I don't intend to stand up here and talk, I think everybody has got their minds made up which way they are going, but I have been a supporter of the counties having their own thing as far as budgets are concerned, etc., my voting record in this House shows it and I guess that is why I am up here this morning opposing this amendment. I just haven't had time to study it and from what I have seen going through it quickly, it doesn't look like anything that I wanted.

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

Mr. BOST: Mr. Speaker, Men and Women of the House: The document before us, House Amendment "H", would require that a public referendum be held on county budget committees, as has already been explained. While I do not take issue with an occasional referendum, I do believe that this bill is entirely appropriate

for legislative action, whether that be approval or disapproval. It behooves us, as members of this Legislature, to take the initiative here while the facts are all out on the table before us rather than thrust this on the general public who look to us for some guidance and leadership on these issues.

It seems to be the consensus that within the current county governmental structure there exists many problems. In recognizing those problems, the Legislature must also assume a degree of responsibility in seeing that appropriate reform take place and not pass the buck.

The intent of this measure is rather simple. The funds for county services are basically derived from the property tax. The Legislature has the prerogative to adjust county budgets, yet has no administrative or financial responsibility for the operation of county government. Add to this situation our elected county officials who must administer a budget which they have no responsibility for approving or collecting the revenues to implement. This legislation brings together the decision-making responsibility for county expenditures with the taxing authority. Who can better determine what the county should and should not do than those responsible for raising the revenue?

As far as I am concerned, the bill in its original form deserves our support. Let's not amend it to death.

This lengthy amendment before us is one more in that series. It was labored over by the committee for weeks, it was put out in new draft to alleviate the concerns of the Maine Municipal Association, the Maine County Commissioners Association and the good gentleman from Eagle Lake, among others. It was given a unanimous "Ought to Pass" Report from committee. It passed this House last week by a wide margin and finally this bill has been endorsed in its new draft by the Governor.

Let's take the bull by the horns and reject this amendment that would simply let the bull loose in the crowd.

I would request a roll call.

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

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: After having received a civics lesson this morning on representative government, I feel that I can better address this body as to the need and the correctness of a referendum vote.

Sitting here in this chamber for the last five years, I have never found that we are the fountain of all wisdom. I have a great deal of respect for every member here and their abilities, but I think everyone would agree that people elect us, that we represent for good or for bad a certain viewpoint of our constituents, not only taxpayers but everyone.

When we talk about direction, I don't find anything wrong with taking a poll once in awhile to find out how my people feel or talking to them at constituent meetings or going to city council meetings here in Augusta or town meetings for you people that have town government to find out how they feel. Once in awhile it is good for us to let them vote on something, not just a nuclear referendum or milk referendum but on other matters, because there isn't anything wrong with letting them express their views.

I am going to read something here that was said on June 21, 1977, and I quote: "I don't really think that all the direction needs to come from up here in Augusta. I think it can come from back home and come from the voters." Ladies and gentlemen of the House, the man who said this is our good friend, the gentlemen from Belfast, Mr. Drinkwater. He said that on the record some six years ago about putting out a referendum bill on county government. I grant him the courtesy of having changed his mind but I think what the gentleman said then is as valid today as it was then. I

don't really think there is anything wrong with letting the voters express a desire about changing a form of their government.

Last night here in Augusta, our city council voted, a divided vote, to raise the tax here some 2.5 mills or 2.4 mills. I talked to one of the councilors and I said, "How would you like to have the responsibility of voting in the county budget?" He said, "Well, I don't really know what I would do with the county budget. If I am going to have to defend my vote for raising the city tax, do you think I am also going to want to defend having to raise the county tax?" He said, "I will tell you, I would like to cut county government right down to nothing." Perhaps that isn't the answer, but when I hear someone say that it isn't good for the voters to speak on any bill because we ought to be doing it right here, I am not advocating shirking our responsibilities. I have spoken more than once saying that we have a responsibility to meet our obligations constitutionally right here in this chamber, but that doesn't mean the voters ought not to be able to express themselves. We can vote, we can vote our consciences, but we can also let them vote if there isn't anything wrong there.

I hope you will support the amendment of the gentleman from Winslow. I really don't believe he is trying to kill the bill. I really think he is trying to amend the bill. I think people offer amendments not with the object of killing a bill necessarily but trying to improve a bill to them so they can vote for it, perhaps. I don't question his motivation, just like I don't question the motivation of people who were cosponsors of this original measure not wanting to vote for another measure because they felt as though perhaps that other measure would kill this bill. I don't question their motivation, I don't question the motivation that four cosponsors of this measure before you all sit on the same committee and would not sign out another bill, so I hope you will vote to pass this amendment this morning.

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

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

I would like to know, on the first page in Section One under county officers' salaries, it firmly establishes county officers' salaries if the county does not adopt a budget committee. Does this mean that they are locked into that forever more or can the salaries be increased?

The second question is, where do the figures come from that are in this bill?

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

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: To answer my good friend's question, Legislative Research prepared this amendment and they told me that it was necessary because you can't have two forms of government in operation. If you elect to relinquish one form by voting to establish county budget committees, you have got to have these items in this bill.

To answer the other question as to where they got the figures, I don't know, I presume it is current law.

You should also be aware of the fact that every session we change, we tend to increase the salaries of the county employees.

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

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: What prompted my question as to the levels of salaries that are listed in this bill is that that is not the current salary of Oxford County. I can't speak for the other counties but I do happen to have my county budget documents with me, that is the 1982

level of salary, not the 1983 that has already been put in place, so those aren't very valid figures.

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

Mr. MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I would like to concur with the gentleman from Fryeburg, Mr. Kiesman, because if I am not mistaken, the sheriff from Cumberland County got a substantial raise and it is not reflected in this bill, and if I am not mistaken, if this bill passes he will go back to his original salary.

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

Mr. ARMSTRONG: Mr. Speaker, a point of order. I wonder if you would be willing to rule on the germaneness of House Amendment "H" under filing number of H-363 to the bill?

The SPEAKER: The Chair would respond to the gentleman from Wilton, Mr. Armstrong, that House Amendment "H" keeps Section 7 of the bill, which is for the creation of the county budget committees. The purpose of House Amendment "H" as interpreted by the Chair would be to provide for a referendum and the addition of the referendum clause to the county budget committee. Prior to effectiveness of the budget committee, it would have to go to referendum; therefore, the Chair would rule that it is germane.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: For the most part I am in concurrence with this amendment. The only problem that I do have is that I do think that Legislative Research did use the past year's salaries and for that reason I would think that somebody might table this until later today.

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

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

Mr. McHenry of Madawaska requested a division.

The SPEAKER: The pending question before the House is the motion of the gentleman from Winslow, Mr. Carter, that this matter be tabled for one legislative day. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

56 having voted in the affirmative and 46 in the negative, the motion did prevail.

The Chair laid before the House the following matter:

An Act to Provide for Local Option Voting on Bottle Clubs (S. P. 584) (L. D. 1694) which was tabled and later today assigned pending passage to be enacted.

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

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

House Amendment "A" (H-364) was read by the Clerk.

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

Mr. MICHAEL: Mr. Speaker and Members of the House: This amendment handles some of the problems that I raised yesterday. I ran this by the proponents of the bill, in fact I had one of them assist in the drafting of it, so the problem they have with some of the communities, except for the ones that are dry, having bottle clubs come in and then the bottle clubs get to be the last places—they can still ban bottle clubs from those communities. The problem I had with the wet communities having patterns of pushing out the bottle clubs, that will be eliminated by this. It will allow towns that have voted affirmatively in items two and three in the referendum procedure, which now lists eight items, if they want to can include a ninth item which shall say that there shall be no bottle clubs in that town.

tle clubs in that town.

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 disturbed by this because I see a bottle club as a completely different fish or fowl than is, for example, a Class A lounge. You have quite a different clientele and it has a different impact on a municipality. I would not care to see something go through here that says if you have a Class A lounge in a town that the people of that town have no right as to whether they will open it up to a type of establishment as a bottle club. I have a problem with this and when this goes to a vote, I would like a division on it.

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

Mr. MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: The problem I had with the original bill, I didn't have any problem with it in concept, and I don't essentially have any problem with one of the ideas that had been brought forth of allowing people into bottle clubs to inspect them or even licensing them, but I guess that doesn't have much agreement. The imbalance that I had a problem with is the idea of licensed taverns, which is a place where you push booze, having a political edge where they could maybe push the bottle clubs out.

I haven't been to a bottle club for probably five years and I can't remember whether I have ever had a drink in one, and when I go to bottle clubs, I can sit there and drink coke if I want to or orange juice and be comfortable because that is a bring your own kind of thing. But if I go to a tavern or even a restaurant, the waitress is always coming up and saying "are you ready for another one" and that kind of thing, so it is a different kind of atmosphere but they do compete with the licensed taverns, and I am concerned with the licensed tavern operators trying to put the bottle clubs out of business because they want all the business for themselves. I think that is dangerous and this amendment makes it acceptable to me. As I stated earlier, it doesn't in any way jeopardize the purpose of the bill, which was to close down the bottle clubs in the areas which are dry.

The dry areas, I think, have a right to be dry. If a town wants to be dry, they should stay dry; if they want to be wet, it is their right to be wet also.

The SPEAKER: A vote has been requested. The pending question is on the adoption of House Amendment "A" (H-364). All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

58 having voted in the affirmative and 41 having voted in the negative, the motion did prevail.

Thereupon, the Bill was passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

(Off Record Remarks)

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

On motion of Representative Higgins of Scarborough, the following Joint Order: (H. P. 1314)

ORDERED, the Senate Concurring, that An Act making Adjusted Allocations from the Highway Fund for the Fiscal Year Ending June 30, 1983, H. P. 810, L. D. 1050, be recalled from the legislative files to the House.

The Order was received out of order by unanimous consent and read.

The SPEAKER: The pending question is on passage. This requires a two-thirds vote of all those present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

101 having voted in the affirmative and 1 in the negative, the Order received passage.

Sent up for concurrence.

By unanimous consent, fifteen minutes after the House recessed, all matters acted upon requiring Senate concurrence were ordered sent forthwith.

On motion by Mr. McCollister of Canton,
Recessed until two o'clock in the afternoon.

After Recess 2:00 p.m.

The House was called to order by the Speaker.

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

Ought to Pass in New Draft/New Title

Report of the Committee on Energy and Natural Resources on Bill "An Act to Require Legislative Approval of Regional Radioactive Waste Facilities" (S. P. 327) (L. D. 972) reporting "Ought to Pass" in New Draft under New Title, Bill "An Act to Require Legislative Approval of Low-Level Radioactive Waste Facilities" (S. P. 609) (L. D. 1738)

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

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

At this point, the rules were suspended to allow members to remove their jackets.

Divided Report

Seven Members of the Committee on Agriculture on Bill "An Act to Revise the Wood Measurement Law" (S. P. 390) (L. D. 1190) report in Report "A" that the same "Ought to Pass" in New Draft (S. P. 605) (L. D. 1733)

Report was signed by the following members:
Senator:

WOOD of York

— of the Senate.

Representatives:

LOCKE of Sebec
STOVER of West Bath
PARENT of Benton
CROUSE of Washburn
MICHAEL of Auburn
SMITH of Island Falls

— of the House.

One Member of the same Committee on the same Bill reports in Report "B" that the same "Ought to Pass" in New Draft (S. P. 606) (L. D. 1734)

Report was signed by the following member:
Representative:

McCOLLISTER of Canton

— of the House.

Four Members of the same Committee on the same Bill report in Report "C" that the same "Ought Not to Pass".

Report was signed by the following members:
Senators:

ERWIN of Oxford
HICHENS of York

— of the Senate.

Representatives:

SHERBURNE of Dexter
ANDERSON of Stockholm

— of the House.

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

In the House: Reports were read.

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

Mrs. LOCKE: Mr. Speaker, I move that this Bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentlewoman from Sebec, Mrs. Locke, moves that this Bill and all its accompanying papers be indefinitely post-

poned.

The gentlewoman may proceed.

Mrs. LOCKE: Mr. Speaker, Men and Women of the House: I am about to deliver a eulogy on a bill that many people have been very interested in in one way or another, either for or against, but many, many people in this building realize now, because of this bill and another, that there are definite problems with the way that wood is measured, or the lack of a way to measure wood.

An agreement had been reached, after much heated discussion, that in another atmosphere, with a new bill which has been reported out by the Legislative Council, another bill will be introduced into the next legislative session after being carefully thought out and will address all the problems that this bill addresses and hopefully in a better way and be submitted to a much calmer Legislature.

The SPEAKER: The Chair recognizes the gentleman from Kingfield, Mr. Dexter.

Mr. DEXTER: Mr. Speaker, Men and Women of the House: I am real pleased to state that I am in complete agreement with the gentlelady from Sebec. We have been friends for seven years and this is the first time we have ever been on the opposite sides of a major issue. Some of us a month ago suggested that this be the route, so I am really happy at the outcome.

Thereupon, the Bill and all its accompanying papers were indefinitely postponed in concurrence.

Non-Concurrent Matter

Bill "An Act Relating to Ethanol Production in the State" (Emergency) (H. P. 1282) (L. D. 1699) which was passed to be engrossed as amended by Committee Amendment "A" (H-337) in the House on June 6, 1983.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-337) and Senate Amendment "A" (S-185) in non-concurrence.

In the House: Mr. Higgins of Portland moved that the House recede and concur.

The SPEAKER: The gentleman from Portland, Mr. Higgins, moves that the House recede and concur.

The Chair recognizes the gentlewoman from Auburn, Miss Lewis.

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will vote against the motion to recede and concur so that we may adhere to our former position.

The people in my district, and that includes part of the City of Auburn, are very concerned about the proposed ethanol plant to be built in the city of Auburn and they have several reasons for their concern. First of all, they are concerned that this plant is requiring too many subsidies, and they think that if a plant needs not only 90 percent of its debt to be subsidized, but gas tax and perhaps other subsidies in addition, that that plant will never be a success and will continue to be a liability on government.

Secondly, they are concerned about the environmental hazards posed by ethanol production. These include the use of benzene, which is a fairly dangerous chemical, as well as the production of coal ash, and to the environmentalists' knowledge, there is no good place to get rid of that coal ash in the City of Auburn.

I would like to point out to you that what this bill is a study, a study of something that has probably already been studied. In fact, ethanol production has been studied to death.

As was pointed out on the floor of the House the other day, this bill is really a \$30,000 waste of the taxpayers' money. I request a division.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the good gentlelady from Auburn. They should retile this bill—they ought to call it "Ether." Absolu-

tely what they are trying to do is put us all to sleep and have us waste \$30,000 of the taxpayers' money.

This bill was before the Taxation Committee, as we all know, and it was kicked around up there and the people worked on it for a long, long time. Not only was it worked on up there, but there were a great many people down here that worked on all of us to go one way or the other. Well, at this point in time, if the Taxation Committee cannot get a bill out of that committee after the long deliberations they had, no way on God's good earth should we waste \$30,000 of the taxpayers' money, and that is what it is, an absolute waste to play around with a study to play hide and seek with a group of people that want to continue an issue that does not have the support in this House or in the other body, but particularly in this House.

If this issue is such a wonderful issue in terms of bringing out a piece of legislation for us to support, the Taxation Committee would have brought it out, and do you know why they didn't bring it out? Not because of these five alleged questions, at least in my mind I don't think they brought it out because of these five questions, because a great many of them, I believe, thought it wasn't a good issue, and more importantly, had it come out, it would have been divided, not on political lines, it would have been divided on what the real issue is, and there would have been Democrats and Republicans on both sides and then you and I, the rank and file, would have had a shot at it. I really believe that had it come out that way, this House would have absolutely killed it. But for us to have a \$30,000—you know, they ought to go to the Revlon Company, they can get all the makeup they want at a heck of a lot less price than spending \$30,000 of the taxpayers' money, I sincerely mean it.

I have seen a few things go through this House over the years that you might want to hold your hand over, but this issue has got to be above and beyond the call of duty to spend \$30,000 of the taxpayers' money, and they are taking off the amendment, they are taking off the two-thirds because they know this is a wise House and in no way would they ever get two-thirds vote.

I would ask this House, even if you are in favor of it, leave the emergency on because that was one of the big selling points. We will have a study, we will put up thirty grand, we will leave the emergency on it. Now they know they can't get the study, we are all awake, we're not up in the dentist's office having a tooth drilled and they are using ether on us, they are trying to use ethanol on us and there is no way in heaven we should waste the taxpayers' money.

I ask that you support the good gentlelady's motion, let's take the \$30,000 out of this room, let's take the politics out of this room and let's leave good common sense in this room.

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

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I think Mr. Kelleher's deliberate attempt to mix two very separate issues into one issue is awfully unfortunate. Other people go on about the importance of alternate fuels, but I think the importance of having this House know what really went on in committee is the answer to what we are talking about today.

There are two very separate issues here, one was a tax exemption on ethanol. That was the issue that the Taxation Committee considered and decided not to give. This is a completely separate issue, whether or not the State of Maine, through the Office of Energy Resources, ought to have someone who is familiar with ethanol come in and talk to us.

This particular project, as you may know, has already had some federal guarantees and there have been some guarantees from the Maine Guarantee Authority and there are

some people who have seen those MTA reports, those submitted to the MGA who think that they may be a little on the flimsy side.

I don't think that I am qualified to judge whether or not this plant is an economic project, whether or not it is good for the State of Maine, whether or not it is good for the Lewiston-Auburn area and whether or not it is good for the United States in the event of another Arab oil embargo. I don't think Mr. Kelleher is, I don't think Revlon is and I don't think there are many people in here who could really make a very good determination on this. I think what we do need is probably someone from the mid-west who is very familiar with ethanol. There are some mid-west states that have some very big plants and have done very well and have been assisted by this sort of tax exemption. The State of Maryland, just last week, after enacting this sort of exemption, had a very big plant that started up. I think it is a very legitimate question and as the gentleman from Bangor said, there would have been people from both parties on each side of it. It is a confusing, legitimate issue, and to say that because the Committee on Taxation wouldn't go out and grant the exemption immediately after recommending to this House a 5 cent gas tax, to say that that is the same thing as saying we ought not to confess our relative ignorance on these matters and decide to look into them is deliberately obfuscatory, I think.

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

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: I have got to applaud the gentleman from Bangor. I know that if he was to go to Hollywood, he would be very much in demand as a storyteller, probably an author, and I think he could probably write a few films because he is leading you down a primrose lane that isn't there.

Clearly, there were a lot of questions in the committee regarding this issue, a lot of questions that had been raised by the opponents that ended up hiring numerous lobbying firms. I would guess that other than on milk issues, this is probably the most lobbied issue and I think we are all getting a little tired of it this session, I know I am.

The questions that were raised by the opponents were very valid ones, very real ones. The petroleum industry is not a major force here in the State of Maine, it appears to be much more so out in the western states and primarily overseas. These will have a very real impact on the ethanol industry in this state, in other states and especially on the proposed \$100 million project that the Lewiston-Auburn area may get, and they may get it for a number of reasons, a number of them being government involvement in this industry.

I am not convinced personally that a gas tax exemption is absolutely necessary for the economic viability of this project, but I would surely hate not to look into this and have this project dry up and not have it here. We are talking about a couple hundred jobs, we are talking about a major investment, we are talking about a lot of potential good for this state.

Thirty thousand dollars is the maximum amount of money that the Appropriations Committee would allocate to study the ethanol industry. It is my guess that it would probably be far less, especially with the voice of the gentleman from Bangor on the Appropriations Committee, if we could get any money out, but let's answer the questions that have been raised; let's pass this bill.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Hayden.

Mr. HAYDEN: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Portland has talked about the primrose path. Well, it may be a primrose path out there, but I don't think the gentleman from Bangor is trying to lead us down it.

We talk about this plant, and I come from an

area near where this plan would be undertaken, and I have to tell you, I find it very hard to believe that with the kind of financing behind this program, the kind of political muscle, the kind of financial muscle, that the question of the feasibility of this project hasn't been asked a hundred times, it hasn't been answered tenfold. I want you to look at the kind of backing and the kind of financing that we have in this project. We have got the state backing it to the tune of \$66 million; we have got the primary investors backing it to the tune of \$4 million; we have the limited partners backing it to the tune of \$17 million.

We may say that \$30,000 isn't very much, this is a grand idea and it may help us out a great deal in the end. My guess is, if it is such a grand idea, the kind of businesses that have invested this kind of money have asked those questions, if they want this exemption, they can prove it to us, they can show it to us that we need to give it in order for them to go on, but I don't think that is our job to do. My guess is that if this project is such a good plan is going to go on without the exemption. It looks to me like they have got a lot of guarantees already.

If we do this, if we grant a study for this noble idea because we are afraid that the plan that we have already backed and guaranteed may dry up, what are we going to do the next time if Bath Iron Works or Pratt and Whitney comes in here? Are we going to have a \$30,000 study for them to see if we really should give them a tax exemption later on? It just doesn't make sense to me and I find it difficult to say because I would like to see this plant come into the Auburn area, but you know, have a notion that maybe it just might manage to get in there anyway, and I don't think it is our job to spend money doing studies to see if we should give somebody a tax exemption. Let them do it and prove it to us.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: You know, the men and women that went to the moon didn't have the guarantees that this program has got, that is the first thing.

If Mr. Kane and Mr. Higgins want to have a \$30,000 conversation, I suggest they do it on their own time. This is an issue that has really been talked to death in this body and up in their committee and over in the other body, and Mr. Hayden described so clearly just a few moments ago, there are a number of guarantees.

There is something behind this, believe me, and my mind is suspicious and I just can't put my finger on it but there is something behind this more than just that \$30,000 study. I can feel it in my old bones here today, Mr. Higgins, and I suggest to this House, if you want to save \$30,000, you listen to the arguments from the gentlelady from Auburn, Miss Lewis, and the gentleman from Durham, Mr. Hayden, and not only will we be ahead but the people of Maine will.

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

Mr. MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the gentleman from Bangor that there appears to be something more to here, but I normally wouldn't have discussed it on the floor. But I want to ask the House not to be pennywise and pound foolish with this measure. It is a very complex issue and this \$30,000 that we are talking about for a study, so what, big deal. You have already got a project that the federal government has put \$60 million into, I think, the state put several million into it to back it up with the MGA Authority — are we crazy? We have got a \$30,000 study that wants to answer some questions that need to be answered. I don't care about the personalities of it, and I guarantee you that there are personalities involved in this thing. We should be ashamed of

ourselves to even discuss it at that level.

The question is, would the ethanol project be economically feasible without an excise tax exemption? That needs to be answered. Now, we thought this bill was all right and then all of a sudden, I guess you could call them competitors of the ethanol gas, showed up and now they are opposing this bill, and I would remind that they are people that sell foreign oil, they would be oil dealers, some of them. I don't know if they just don't want the competition or what, and I have no problem with that, I would like to have a study and look all that over and maybe it would be unfair for them competitively and that was one of the questions in the report that will be answered, number three, is an exemption unfair to competitors? I don't have an answer to that and I don't think anybody in the room does.

One other very important point is that it is not a simple matter of their being battered for the ethanol plant because perhaps the partnership can come up with some money and there may be millions of federal dollars involved, and the state has already backed it up with \$2 million, so what? There's already 20 or 30 states in the country that have ethanol exemptions for ethanol blended fuel, and most of those states do not have ethanol plants. There are not that many ethanol plants in the country, but there are lots of states with ethanol plants in the country, but there are lots of states with ethanol tax exemptions, and all of them are sunsetted over a period of a few years, just like ours would be. In other words, they have said that we will give you an exemption on the tax and support this home-grown fuel for an unlimited period, just like the Maine bill would have done, but there are enough states in New England that have tax knowledge, and for this plant to survive in marketing its products in New England, it will be necessary to lobby those states so that they have an exemption so that the product is competitive in the marketplace there, so the issue is much more than just Maine, it goes throughout New England. Although it appears that the project is economically sound, and I am sure it is, it is insane for us to go and be \$30,000 cheap here in the legislature, possibly deny this exemption, when we don't even know if we want it or not yet. I bet most of the people in this room don't know the answer to the question—do we want that exemption right now? It is crazy for us to deny that and jeopardize the entire project.

Listen, I have studied this thing hours and I don't understand it totally, I am sure most people don't. Of course we should vote for this \$30,000 study, big deal! We waste millions of bucks here some years. This \$30,000 would be wisely spent.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to remind you people that studies aren't something that is new. We have been kicking them around here for many years. I would submit to you people that probably already we have in the vicinity of eighteen to twenty thousand dollars worth of studies. I know our committee has four that have been approved and I venture to say that there are other studies that have been approved. What are they for? They are for a purpose, a definite purpose. I find no fault with a study that is going to maybe benefit us all.

There is something behind this, my dear friends, and I think the gentleman that made the statement first ought to look in his own back yard before he goes any further, because from some information that I have, there is something behind this. I would like to have you people all remember that, not just that Don Hall said it, but let's see what the study brings out. Who actually is behind this? What is the reason they don't want this to go on?

Ladies and gentlemen, I hope that you will

continue with what we have done with the vote that we had the other day. We need other businesses in this state, so let's not be fooled by somebody saying that studies are something that go to the moon.

I ask you to go ahead and vote the way we did before.

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: The proponents would lead us to believe that this issue needs study. I would point out to you that the Office of Energy Resources in Washington has studied ethanol production and then they underwrote part of the loan.

Presumably, the Maine Guarantee Authority studied the whole issue because they are also underwriting part of the loan.

The representative of the First Boston Company, the organization that is looking for all of the outside financing of this whole project, told me that this plant does not need a gas tax subsidy. We have studied this issue to death; let's save the taxpayers \$30,000 today. Please vote against the motion to recede and concur.

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

Mr. CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Kelleher talks of people on the committee who have expressed opposition to the gas tax exemption on ethanol. I think I can say that I am one of them, and one of the reasons that I expressed that opposition are the five points raised in this study. These are legitimate questions that were brought out by the Taxation Committee. I appreciate the explanation of what went on in the Taxation Committee given to us by the gentleman from Bangor, but the point of the fact is, these questions were raised by us, they are legitimate questions and they need answers.

If Miss Lewis and Mr. Kelleher have answers to questions such as "is an exemption unfair to the competitors," then I would like to hear them. They certainly didn't come up to Taxation and give them to us up there. Perhaps they would like to answer that on the floor. I don't feel qualified to answer that question and that is why we voted to authorize this study. If anybody has answers to any of these five points, perhaps they could stand up and give them. If they don't, then I think we ought to vote for this study because the questions need to be answered.

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

Mr. ANDREWS: Mr. Speaker and Members of the House: I just want to add a few points from my own perspective as a member of the Taxation Committee and what went on up there. I can assure you that it was not a shootout at the Okay Corral. We worked very hard on this original proposal and grappled with this study, and I just want to point out, as was pointed out the other day when we had our first debate on this issue, if you look at Committee Amendment "A," it reflects some of the concerns that the committee had with this particular proposal; namely, we never saw a concrete, tangible proposal before us that had a price tag of \$30,000 on it which was going to be used to conduct this study. We have no idea how much that is going to cost but we had a real good idea that we weren't going to spend any more than \$30,000, so we added in the Statement of Fact to Committee Amendment "A" two provisions, two safeguard provisions, to keep the price of the study down as low as possible. The first obstacle that it has to confront, and I think you can truly appreciate this obstacle when you listen to the good gentleman from Bangor, Representative Kelleher, it has to confront the Appropriations Committee. Because the Taxation Committee did not have a concrete, tangible proposal before it, we asked the Appropriations Committee to take a hard look at whatever the Energy Office comes up with as a

justification for that \$30,000. We have asked it to reduce that amount if, in the judgment of the Appropriations Committee, it feels that that \$30,000 is not justified. It may be such that the Appropriations Committee feels that none of that money is justified and if any money has to be spent, it should come from some of the principal investors.

But what we were concerned about, yes, we have been lobbied; yes, we have heard from the companies that have a direct financial interest in this. We were interested in getting some objective information that could come from a source that we could really count on and that was the source of the Energy Office and we thought it would be important for them to get involved in this project and to spend the resources necessary, if it were necessary, in order to get a concrete idea of whether or not this tax exemption was worthwhile.

Secondly, there is a steering committee that is going to take a hard look, once this money is appropriated and once this study is approved, there is a steering committee that members of the Taxation Committee will serve on that will make sure that we spend this money as prudently as possible.

I thought that at least before we vote on this measure, you should get another side of the story from the Taxation Committee.

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

Mr. MACEachern: Mr. Speaker, Ladies and Gentlemen of the House: If we continue this debate much longer, we are going to spend much more than \$30,000 to just finance the operation of this body. Why don't we get along and vote this thing in and go to something else?

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

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: In deference to Mr. MacEachern, I would like to just make a couple of points that I forgot before. One, I forgot to mention that I was one of the strongest opponents to this bill when it first showed up in the committee among those people, Representative Andrews, Representative Cashman, all of whom are supporting this study today.

I would also like to respond very quickly to the gentlelady from Auburn, Miss Lewis, when she said that presumably the MGA took a good hard look. Well, presumably the MGA did the same thing with Freddie Valsing, it didn't work out. If we don't have the right and the duty to second guess the Maine Guarantee Authority, I don't know who does.

As far as the \$30,000, I think Representative Andrews has made it abundantly clear that the language in the amendment makes it really clear, makes very, very obvious the kind of faith and confidence that we proposed in the committee on Appropriations, including the gentleman from Bangor, Mr. Kelleher. We are not saying that this is a \$30,000 study, we would like to see it not go over that but we would like to leave it up to them.

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

Mrs. FOSTER: Mr. Speaker, Ladies and Gentlemen of the House: One of the people involved, D. W. Small, is a constituent of mine and operates one of the best firms in Hancock County. I have been asked these five questions by people in my county that sell gas and I need answers, I need answers badly, and so does D. W. Small. They have a reputation of being one of the finest employers in the county and I would like to have them back if they don't want them in Auburn. We study potatoes, we study tanneries and I don't want to see this project be scrapped for \$30,000 and I really need some help on this issue.

Mr. Kelleher of Bangor was granted permission to speak a third time.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Be it not said that I am one that would not compromise. Mrs. Foster

and Mr. Michael and others may have raised a point of interest — I would be willing to know how quick Mrs. Foster and others would like to spend D.W. Small's money or Cianbro's money or anybody else's for that matter?

When I served on the Energy Committee, when we used to have one here, I did a study statewide on the oil dealers in this state, and believe me, they are wonderful people, the big ones. If they can murder the little guy, they have done it. They have done it through Dead River up north in Aroostook County; D. W. Small has got a strangle-hold down in Hancock and Washington County. I like those people, they are not very fond of me because I used to drive them crazy trying to keep them legitimate with the small guy in business that would buy their gasoline from them and five feet down the road they would open up one of those quickie self-sells and they would be putting everybody out of business.

Now, those benevolent businessmen that Mrs. Foster is talking about, I want to help them out. You know, Mr. MacEachern, you're right, we have gone a long ways but we ought to add one more amendment to this bill. Let's meet each other halfway, Mrs. Foster, somewhere between Ellsworth and Bangor, say around Lucerne and "let them," the very people who say it is good "pay" for the study. They got a \$91 million guarantee, a scheme, they call them schemes in Europe, we ought to use that more over here, a \$91 million scheme and they got a \$4 million investment, they are going to build the plant, I bet Cianbro builds the plant, they are going to use the designs, I bet they come from D.W. Small and that other fellow who is in with them. Now, for \$4 million and they are going to spend \$91, maybe we ought to just let that nice little company you are talking about, Mrs. Foster, spend the money.

If someone would be kind enough to table it, we will put an amendment on it that will get two-thirds vote in this House, we will let the very companies that have got that \$4 million and that \$91 million monstrosity go for the \$30,000. I will meet you halfway.

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

Mrs. FOSTER: Mr. Speaker, Ladies and Gentlemen of the House: Oh, Mr. Kelleher, you are right. I think the problem I have is that if they did do the study, Mr. Kelleher would be here next year saying that it was not done right and they didn't — you know, they slanted it toward their view; that is why I want Mr. Kelleher to pay for the study.

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

Mr. CASHMAN: Mr. Speaker, Men and Women of the House: I would point out that the parties involved, as Mr. Kelleher says, should be spending their own money to do studies, they have already done that. As a matter of fact, they presented us with several studies in Taxation and some of us in Taxation questioned those studies for the very reason pointed out by Representative Foster, that they may have been somewhat slanted, seeing as how the people who paid for them were working for the benefits of our action. Therefore, we determined that somebody who didn't have a vested interest in this should do the study. I don't think that that is unreasonable thing to ask.

Mr. Kelleher of Bangor was granted permission to speak a fourth time.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I am not crazy enough nor did I imply, and well you know, that I'd want D. W. Small or Cianbro or any of the others that are involved to do the study, I never said that and we could restructure the record. What I said was, they could pay the study and I would feel most comfortable with Mr. Higgins and company in here and Senator Wood and company over there doing the study. I have dealt with these rascals before. They are aw-

fully good people, but I wouldn't want them studying anything for the people of Maine. So, what I would like to do is put an amendment on this and let them pay and let Brother Kane and company do the study and I am sure that everything would come out just right.

Mr. Kane of South Portland requested a roll call.

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

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

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

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to remind everybody, I felt that we got a little far afield here and after that melange of character assassination and guilt by association of Mr. Kelleher, I would like to remind everybody that we are voting on Committee Amendment "A" which is to House Paper 1282, which is the study for ethanol, nothing more, nothing less.

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

ROLL CALL

YEA—Allen, Anderson, Andrews, Armstrong, Brannigan, Brodeur, Callahan, Carroll, D.P.; Carroll, G.A.; Cashman, Cooper, Cote, Crouse, Crowley, Dexter, Diamond, Erwin, Foster, Gauvreau, Greenlaw, Gwadosky, Hall, Handy, Hickey, Higgins, H.C.; Jackson, Jalbert, Joseph, Joyce, Kane, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Macomber, Manning, Martin, H.C.; Masterman, McColister, McGowan, McHenry, Melendy, Michael, Mitchell, E.H.; Moholland, Murray, Nadeau, Paradis, P.E.; Perkins, Perry, Pouliot, Randall, Reeves, P.; Richard, Roberts, Smith, C.B.; Stevens, Tammaro, Telow, Theriault, Thompson, Tuttle, Vose, Webster, The Speaker.

NAY—Ainsworth, Baker, Beaulieu, Bell, Benoit, Bost, Bott, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Carter, Chonko, Clark, Conary, Connors, Connolly, Cox, Curtis, Daggett, Davis, Day, Dillenback, Drinkwater, Dudley, Hayden, Higgins, L.M.; Holloway, Ingraham, Jacques, Kelleher, Kiesman, Lebowitz, Lewis, Livesay, MacBride, Martin, A.C.; Masterton, Matthews, K.L.; Matthews, Z.E.; Maybury, Mayo, McPherson, McSweeney, Michaud, Mitchell, J.; Murphy, E.M.; Norton, Paradis, E.J.; Parent, Paul, Pines, Racine, Reeves, J.W.; Ridley, Roderick, Rolde, Rotondi, Salsbury, Scarpino, Sherburne, Small, Smith, C.W.; Soucy, Soule, Sproul, Stevenson, Stover, Strout, Swazey, Walker, Wentworth, Willey.

ABSENT—Bonney, Carrier, Hobbins, Mahany, Murphy, T.W.; Nelson, Seavey, Weymouth, Zirkilton.

Yes, 69; No, 73; Absent, 9.

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

Thereupon, the House voted to adhere.

Non-Concurrent Matter

Bill "An Act to Encourage Prompt Resolution of Public Employee Labor Disputes" (H. P. 1267) (L. D. 1678) (H. "A" H-333) which Failed of Passage to be Engrossed in the House on June 7, 1983.

Came from the Senate with that Body having Insisted on it previous action whereby the Bill was Passed to be Engrossed in non-concurrence.

In the House:

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

Mrs. BEAULIEU: Mr. Speaker, I move that we recede and concur and would ask for a division.

Mr. Willey of Hampden 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 the motion of the gentlewoman from Portland, Mrs. Beaulieu, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Benoit, Bost, Brannigan, Brodeur, Cahill, Carroll, D.P.; Cashman, Chonko, Clark, Connolly, Cote, Cox, Crouse, Crowley, Diamond, Erwin, Gauvreau, Handy, Hayden, Hickey, Higgins, H.C.; Jacques, Joseph, Joyce, Kane, Kelly, Ketover, LaPlante, Lisnik, Locke, MacEachern, Macomber, Martin, H.C.; Matthews, Z.E.; Mayo, McColister, McHenry, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Paradis, P.E.; Perry, Randall, Reeves, P.; Richard, Rolde, Rotondi, Soule, Stevens, Tammaro, Theriault, Thompson, Tuttle, Vose, The Speaker.

NAY—Anderson, Armstrong, Bell, Bott, Brown, A.K.; Brown, D.N.; Brown, K.L.; Callahan, Carroll, G.A.; Carter, Conary, Connors, Cooper, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Greenlaw, Gwadosky, Hall, Higgins, L.M.; Holloway, Ingraham, Jackson, Kelleher, Kiesman, Kilcoyne, Lebowitz, Lehoux, Lewis, Livesay, MacBride, Manning, Martin, A.C.; Masterman, Masterton, Matthews, K.L.; McGowan, McPherson, Melendy, Moholland, Murphy, E.M.; Nelson, Norton, Paradis, E.J.; Parent, Paul, Perkins, Pines, Pouliot, Racine, Reeves, J.W.; Ridley, Roberts, Roderick, Salsbury, Scarpino, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stevenson, Stover, Strout, Swazey, Telow, Walker, Webster, Wentworth, Willey.

ABSENT—Bonney, Carrier, Dudley, Hobbins, Jalbert, Mahany, Maybury, Murphy, T.W.; Seavey, Weymouth, Zirkilton.

Yes, 64; No, 76; Absent, 11.

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

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

Mr. DIAMOND: Mr. Speaker, I move that the House insist and ask for a Committee of Conference and I would request a roll call.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those in favor of a roll call 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. Diamond, that the House insist and ask for a Committee of Conference. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Benoit, Bost, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Erwin, Gauvreau, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Jacques, Jalbert, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lisnik, Locke, MacEachern, Macomber, Martin, H.C.; Matthews, Z.E.; Mayo, McColister, McHenry, McSweeney, Michael, Michaud, Mitchell, E.H.;

Mitchell, J.; Murray, Nadeau, Paradis, P.E.; Paul, Perry, Randall, Reeves, P.; Richard, Rolde, Rotondi, Smith, C.B.; Soule, Stevens, Tammaro, Theriault, Thompson, Tuttle, Vose, The Speaker.

NAY—Anderson, Armstrong, Bell, Bott, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Conary, Connors, Cooper, Curtis, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Greenlaw, Gwadosky, Higgins, L.M.; Holloway, Ingraham, Jackson, Kiesman, Lebowitz, Lehoux, Lewis, Livesay, MacBride, Manning, Martin, A.C.; Masterman, Masterton, Matthews, K.L.; Maybury, McGowan, McPherson, Melendy, Moholland, Murphy, E.M.; Norton, Paradis, E.J.; Parent, Perkins, Pines, Pouliot, Racine, Reeves, J.W.; Ridley, Roberts, Roderick, Salsbury, Scarpino, Sherburne, Small, Smith, C.W.; Soucy, Sproul, Stevenson, Stover, Strout, Swazey, Telow, Walker, Webster, Wentworth, Willey. The Speaker.

Yes, 72; No, 70; Absent, 9.

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

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

Consent Calendar

First Day

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

(H. P. 1238) (L. D. 1647) Bill "An Act to Encourage Competition in Workers' Compensation Insurance Rates" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-366)

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.

Second Reader

Tabled and Assigned

Bill "An Act to Provide Additional Revenue to the Department of Inland Fisheries and Wildlife by an Increase in License Fees and to Make Allocations from the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1984, and June 30, 1985" (Emergency) (H. P. 1312) (L. D. 1741)

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

Mr. MacEachern of Lincoln offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-365) was read by the Clerk and adopted.

Mr. MACEachern: Mr. Speaker, Ladies and Gentlemen of the House: There are other amendments coming along and I would hope that somebody would table this for one legislative day.

On motion of Mrs. Mitchell of Vassalboro, tabled pending passage to be engrossed and tomorrow assigned.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Nelson.

Mrs. NELSON: Mr. Speaker, is the House in possession of Bill, "An Act to License Home Health Care Services" (S. P. 527) (L. D. 1550) (C. "A" S-180)? (In House, Passed to be Engrossed as amended by Committee Amendment "A" (S-180) in concurrence.)

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

On motion of Mrs. Nelson of Portland, the House reconsidered its action whereby the Bill was passed to be engrossed.

On motion of the same gentlewoman, the House reconsidered its action whereby Committee Amendment "A" was adopted.

The same gentlewoman offered House

Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" (H-370) to Committee Amendment "A" (S-180) was read by the Clerk and adopted.

Thereupon, 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 SPEAKER: The Chair recognizes the gentlewoman from Athens, Ms. Rotondi.

Miss ROTONDI: Mr. Speaker, is the House in possession of Bill, "An Act to Provide for Local Option Voting on Bottle Clubs" (S.P. 584) (L.D. 1694) (H. "A" H-364)?

(In House, Passed to be Engrossed as amended by House Amendment "A" (H-364) in non-concurrence)

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

The SPEAKER: The Chair recognizes the gentlewoman from Athens, Ms. Rotondi.

Ms. ROTONDI: Mr. Speaker, I move that the House reconsider its action whereby this Bill was passed to be engrossed.

The SPEAKER: The gentlewoman from Athens, Ms. Rotondi, now moves that the House reconsider its action whereby this Bill was passed to be engrossed.

The Chair recognizes the gentleman from Winslow, Mr. Matthews.

Mr. MATTHEWS: Mr. Speaker, Members of the House: I hope you will reconsider this bill today and I would like to tell you a few reasons why.

While I applaud the sponsors of this bill and the committee, I must tell you that the bill, as amended, leaves one with serious concerns. Some of those concerns are, certain municipalities and unorganized townships will be excluded from putting this question out to its people. This bill as amended has its heart in the right place but has forgotten about the more important questions which are the protection of liberty and the constitution. One question I have, if this bill as amended is passed, can a community which has voted on a previous local option question to allow on-premise consumption of alcohol, could that community entertain the question again? Times change people and certainly the local ordinances change from time to time.

Under this bill as amended, I propose to you that local communities in this situation could not entertain this question again if it voted previously to allow drinking establishments.

In conclusion, fellow members of the House, I would ask that you consider the serious problems that are inherent in this bill as amended. Are we going to allow only some communities in this state to put this question out to its voters and others not to put this question out? The right of the governed to petition and to decide their destiny is the right guaranteed by the Constitution in the Bill of Rights.

I would ask the members of this House to please reconsider so we can address some of these problems and I am sure we will get some answers.

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

Mr. MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: I move that this item be tabled one legislative day.

The SPEAKER: The gentleman from Auburn, Mr. Michael, moves that this matter be tabled one legislative day.

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

Mr. HANDY: Mr. Speaker, Members of the House: I would request a division.

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

Michael, that this matter be tabled one legislative day pending reconsideration. Those in favor will vote yes; those opposed will vote no. A vote of the House was taken.

77 having voted in the affirmative and 20 in the negative, the motion did prevail.

The Chair laid before the House the following matter:

An Act Concerning Group Life Insurance for State Employees and Teachers (S.P. 556) (L.D. 1622) (C. "A" S-168) which was tabled and later today assigned pending enactment.

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

Mr. REEVES: Mr. Speaker, Members of the House: I would like to pose a question through the Chair. I would like to have someone explain briefly what this matter does? It concerns group life insurance for state employees and I would like to know what it does different from what we have now under the group life insurance coverage for the state employees. If someone could tell me briefly what this does, I would appreciate it.

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

The Chair recognizes the gentleman from Augusta, Mr. Hickey.

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: The group life insurance is run by the Retirement Board. At the present time, they have an amount of money much greater than they had anticipated. They were hopeful that this bill would go through and they will eventually revise and restructure the amount of — like if you get \$2500 for insurance, they hope to raise it and equate it to the amount of money they have. At the present time, they have an excess and they want to restructure the whole financial system of it.

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

A vote of the House was taken.

106 having voted in the affirmative and none in the negative, the Bill was passed to be enacted.

Signed by the Speaker and sent to the Senate.

On motion of Mr. Diamond of Bangor, the following item was removed from the Unassigned Table:

Bill "An Act to Reassign Responsibilities Within the Department of Environmental Protection" (S.P. 470) (L.D. 1434)

Tabled — April 14, 1983 by Representative Diamond of Bangor.

Pending — Passage to be Engrossed.

Mr. Hall of Sangerville offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-369) was read by the Clerk.

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

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: This bill, this L.D. 1434, has been sitting on the Unassigned Table for about a month and a half or two months. It came out of the committee unanimous and what this amendment proposes to do, H-369, is to change the unanimous agreement of the committee as to the makeup of the BEP, the Board of Environmental Protection.

The Board of Environmental Protection is a board that is completely appointed by the Governor. He appoints all these people, they come before the Energy and Natural Resources Committee for hearing and then go to the Senate for confirmation. Every one of them is appointed by the Executive Department. What this proposes to do is, in addition to appointing

members to the board individually, it proposes also that the Governor shall select the Chairman of that Board. That is not in line with the other boards of a similar nature, for example, the Chairman of the Fisheries and Wildlife Advisory Committee, the Pesticides Review and many, many others. It is common for boards to select their own chairmen amongst themselves. They know best who has the executive ability to run the board and I object to this and I move indefinite postponement of this amendment.

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

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I am a little bit surprised to hear the gentleman from Fryeburg, Mr. Kiesman, say that most boards in the State of Maine, that members of the board pick their own chairman because, in fact, that is not the case. I know in State Government we deal with a lot of different agencies, a lot of different divisions, a lot of different boards, and more often than not the Governor is responsible for selecting that person who is going to be chairman of that particular board. I think that makes good sense. It is important to have the person who is going to be involved working in behalf of the Governor in that position, and to me, I am very surprised to hear the gentleman from Fryeburg, Mr. Kiesman, make this motion.

I would ask for a roll call.

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

Mr. BROWN: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Sangerville, Mr. Hall, who is the sponsor of this amendment. Mr. Hall, we discussed, again, at the risk of sounding like a broken record, this very proposal in committee, again at great length, and for a number of reasons decided to go with the Chairman of the BEP being selected by the BEP rather than appointed by the Governor. You were in on those discussions as Chairman, you agreed as Chairman and as a member of the committee and you signed the unanimous "Ought to Pass" Report. I am just wondering what the motivation is in presenting this amendment?

The SPEAKER: The gentleman from Livermore Falls, Mr. Brown, has posed a question through the Chair to the gentleman from Sangerville, Mr. Hall, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: If the good gentleman remembers correctly, I was not in on all of the conversations but I did sign the jacket out that way. Like all bills that come before us, I have yet to see very few that haven't had amendments offered to them because somebody has told us we have left something out or something like that. I think we see evidence of that everyday that we are here. This, to me, is something that is very important, to have continuity.

I might add also that the Commissioner has been removed from the Board with this bill so he no longer will be a part of the makeup of the board.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Sangerville, Mr. Hall, is absolutely right. I think if I, as a member of this body, am looking at a piece of legislation coming out of a committee of which I am not a member and I wish to attach an amendment, then certainly that is my right and the right of every member of this body. However, Mr. Hall is Chairman of this Committee and this is not something that was inadvertently left out, it is not an error, not something that we didn't talk about, it is none

of those. It is obviously something that the gentleman didn't agree with. If that is the case, he should have presented another report instead of sliding it in this way. This is the second time today that this has happened. I think it is enough of this and I would certainly hope that you vote to indefinitely postpone this amendment.

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

Mr. MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: I think House Amendment "A" is an improvement to this bill. I think the Chairman of the Board of Environmental Protection should be accountable to the Governor and I think he should be appointed by the Governor and I hope that members of the House will vote against the motion to indefinitely postpone the amendment.

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

Mr. KIESMAN: Mr. Speaker, I would like to pose a question to the gentleman from Freeport. My question is, how did the gentleman from Freeport sign the report out of committee?

The SPEAKER: The gentleman from Fryeburg, Mr. Kiesman, has posed a question through the Chair to the gentleman from Freeport, Mr. Mitchell, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. MITCHELL: Mr. Speaker, Members of the House: I signed the report also, but as you know, things can always be improved and that is what I think this amendment does.

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 the motion of the gentleman from Fryeburg, Mr. Kiesman, that House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Anderson, Armstrong, Bell, Bott, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Conary, Connors, Curtis, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Kiesman, Lebowitz, Lewis, Livesay, MacBride, Martin, A.C.; Masterman, Masterton, Matthews, K.L.; McPherson, Michaud, Murphy, E.M.; Norton, Paradis, E.J.; Parent, Pines, Randall, Reeves, J.W.; Roderick, Salsbury, Scarpino, Sherburne, Small, Smith, C.B.; Smith, C.W.; Sprout, Stevenson, Stover, Walker, Webster, Wentworth, Willey.

NAY—Ainsworth, Allen, Andrews, Baker, Beaulieu, Benoit, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Carter, Chonko, Clark, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Dudley, Erwin, Gauvreau, Gwadlosky, Hall, Handy, Hickey, Higgins, H.C.; Hobbins, Jacques, Jalbert, Joseph, Joyce, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Locke, MacEachern, Macomber, Manning, Matthews, Z.E.; Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Paradis, P.E.; Paul, Perkins, Perry, Pouliot, Racine, Richard, Ridley, Roberts, Rolde, Rotondi, Soucy, Soule, Stevens, Tamarro, Telow, Theriault, Thompson, Tuttle, Vose, The Speaker.

ABSENT—Bonney, Bost, Carrier, Cashman, Connolly, Hayden, Kane, Lisnik, Mahany, Martin, H.C.; Maybury, Murphy, T.W.; Reeves, P.; Seavey, Strout, Swazey, Weymouth, Zirkilton. Yes, 55; No, 78; Absent, 18.

The SPEAKER: Fifty-five having voted in the

affirmative and seventy-eight in the negative, with eighteen being absent, the motion does not prevail.

Thereupon, House Amendment "A" was adopted.

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

The Chair laid before the House the following matter:

Bill "An Act to Establish and Amend the Air Emission and Open-burning Standards" (H. P. 1259) (L. D. 1680) which was tabled and later today assigned pending adoption of House Amendment "A" to Committee Amendment "A."

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to withdraw House Amendment "A" to Committee Amendment "A."

The SPEAKER: The gentleman from Sangerville, Mr. Hall, now withdraws House Amendment "A" to Committee Amendment "A."

Mr. Hall of Sangerville offered House Amendment "B" to Committee Amendment "A" and moved its adoption.

House Amendment "B" (H-368) to Committee Amendment "A" (H-340) was read by the Clerk.

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

Mr. BROWN: Mr. Speaker, I would like to pose a question through the Chair. Would the gentleman from Sangerville, Mr. Hall, please explain the amendment?

The SPEAKER: The gentleman from Livermore Falls, Mr. Brown, has posed a question through the Chair to the gentleman from Sangerville, Mr. Hall, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I am very surprised at the gentleman who gives good speeches oftentimes on the floor of this House can't read the amendment that is before him — the reason is to correct a problem that was in the original bill.

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

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: Well, I can read the bill and I will explain it. What I am going to explain is not written on the bill. Every time an air emission license is applied for, it requires extensive engineering and extensive modeling to determine the air quality that will result because of the operations being proposed. It is a very expensive process, it costs a lot of money and under a rather pie-in-the-sky type standard that says that best practical treatment, it requires extensive expense and time by both industry or the applicant and the department. As a result, some efforts were made in rule making over at the department, which was made under the Administrative Procedures Act, to establish the standards under which licenses would be granted. These are done under the APA and the public and all interested parties are involved.

The department proposed and the applicants, industry if you will, if you don't mind my putting that term in, industry is usually the one that is involved in all major air emission applications, agreed to a much more stringent standard being applied that would have some firm numbers in them. They would have a number to work to, a real stiff standard, if you will, much more stringent than presently existed. This served one purpose only, to make it less expensive for the applicant and make it less expensive and time consuming for the department, and these standards were put in place by the department as department rules. If you look at the bill in Section 600, it lists in

Section 2 emission standards for oil and gas petroleum burning sources as follows and it lists the numbers. Under B, emission standard for coal burning sources are numbers, and emission standards for woodburning sources under C and some numbers, some firm figures to work from.

There are also emission standards for solid waste burning that takes care of the situation up in Auburn and we will probably have some elsewhere around the state. It gives some firm numbers to work from and they are very rigid standards and it is going to take some real doing for the applicants to make those numbers, but they felt that it was worthwhile to agree to them so they wouldn't have to do all this expensive engineering and modeling.

These rules came out and under our law on air emissions, the rules must come back to the legislature to be enacted into law and that is the air emissions standards and law technique. They came back to the committee under L. D. 1680. After all this had been done, oddly, at the request of the department, and was all put together in department rule and it came to the committee and it came out of the committee with Committee Amendment "A" and then somebody else started looking it over and said, well, we don't like that, we not only want the more rigid standard, we also want them to have to do this extensive engineering analysis in the air modeling and go through all the expense and maybe we can squeeze it down one more little bit. We don't care how much it costs because the applicant is paying for it. That is what the problem is and that is the explanation.

What this basically does is, in House Amendment "B," Section 5, Subparagraph 6, it adds in something that we deliberately left out in the Committee Amendment, deliberately left out, and that says: "Compliance with best practical treatment requirement, this section shall not be a substitute for a determination that stricter emission limitations may be necessary in order to meet the requirements of the best practical treatment." I can read and I have read and I have read a long time before I read this amendment and that explains what it is all about.

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

Mr. ARMSTRONG: Mr. Speaker, I don't know anything about the technical aspects of this bill but at least one of my local industries has contacted me concerning the fee schedule. The law reads in part that this is also another fee bill which is to provide additional funds for the Maine Environmental Protection Agency. This raises fees on licenses and permit applications. I see a fee schedule is proposed that represents a considerable increase over what we currently pay. All air emissions licenses on this table are shown as depending upon the level of pollutant, A, B, or C. We assume that we will be in Category C, which is the lowest one, and the minimum fee would be \$1150 for an air emission license. The last license we got cost \$50, so this represents quite a steep increase, I would say.

Can someone tell me if in fact we are poking it to these people and going from a \$50 fee to an \$1150 fee?

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

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

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: Actually the fee part of it is not included in this bill and actually the increased fee that will be on the fees bill, which is coming up, is a drop in the bucket compared to what it is going to cost to do all of the engineering studies and modeling that is going to be required as a result of this added paragraph.

The SPEAKER: The Chair recognizes the

gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: Seldom do I disagree with the last speaker, but what he is saying now is not necessarily one hundred percent. He and I sat together just a short while ago and we know that part of this is already in the original bill. I hope that we pass this.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: Before I make a motion, I want to thank the gentleman from Fryeburg, Mr. Kiesman, for explaining the amendment, the question that I had asked Mr. Hall originally.

I would now move that House Amendment "B" be indefinitely postponed.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Livermore Falls, Mr. Brown, that House Amendment "B" to Committee Amendment "A" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

54 having voted in the affirmative and 57 having voted in the negative, the motion did not prevail.

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

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

The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Strengthen the Maine Milk Industry (Emergency)" (H. P. 1260) (L. D. 1681) (C. "A" H-323) which was tabled and later today assigned pending passage to be enacted.

On motion of Mr. McCollister of Canton, 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" (H-323) 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-367) was read by the Clerk and adopted.

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

The SPEAKER: The Chair recognizes the gentleman from Dexter, Mr. Sherburne.

Mr. SHERBURNE: Mr. Speaker and Members of the House: What this amendment does is removes the part which asks for confirmation of the commission members by the Agriculture Committee and Senate. It seems as though most appointments to commissions have that privilege, that those appointments are approved by some committee and approved by confirmed by the Senate, and I believe that those on the Milk Commission should get that same consideration.

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

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: This is an emergency bill. This bill will put a floor under the Maine milk prices in case the present law suit against the Milk Commission price fixing powers is lost. If the Milk Commission were to lose, we would be back where we were a year or two ago when we lost our price power. This bill will put a floor under which the price of milk may not be set lower than the cost of producing and delivering that milk during the time in which the Milk Commission has to refigure its minimum price on milk.

The purpose for removing the part of the

amendment which calls for confirmation by the legislature of the Milk Commission members is because, frankly, we need 101 votes and I believe that we would not get 101 votes with this on there at this time.

The SPEAKER: The Chair recognizes the gentleman from Dexter, Mr. Sherburne.

Mr. SHERBURNE: Mr. Speaker, Ladies and Gentlemen of the House: The bill in itself, which does just what Mr. McCollister said, it prevents companies from selling milk under their cost, so if the commission were to lose its authority to set prices, somebody came in and sold milk under cost, sold milk at a substantially lower price, they would have to prove that they were not selling below the cost. This part is very good. The amendment on it, I think, is very reasonable, that commission members that are being appointed should be confirmed by the legislature.

The SPEAKER: The pending question is on passage to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto in non-concurrence. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

84 having voted in the affirmative and 17 having voted in the negative, the motion did prevail.

Sent up for concurrence.

On motion of Mrs. Mitchell of Vassalboro, the following item was removed from the Unassigned Table:

Bill "An Act to Ban Clear Cutting Within the Allagash Wilderness Waterway" (H. P. 312) (L. D. 371)

— In House, Unanimous "Ought to Pass" in New Draft under New Title Bill "An Act to Identify Areas Requiring Further Protection Within the Allagash Wilderness Waterway" (H. P. 1296) (L. D. 1720) Report of the Committee on Energy and Natural Resources read and accepted and the New Draft Passed to be Engrossed in the House on June 1, 1983.

— In Senate, Bill and accompanying papers Indefinitely Postponed in non-concurrence.

Tabled — June 2, 1983 by Representative Mitchell of Vassalboro.

Pending — Further Consideration.

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

Mrs. MITCHELL: Mr. Speaker, I move that the House recede and concur. The motion to recede and concur effectively kills this legislation because the Senate indefinitely postponed it. This is a study order. The Legislative Council today did approve funding to accomplish the purposes of this study so this piece of legislation is no longer needed.

Thereupon, the House voted to recede and concur.

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

**Recalled from Legislative Files
Pursuant to Joint Order S. P. 610
Tabled and Assigned**

Bill "An Act to Streamline Information Processing by Income Supplementation and Social Service Programs" (S. P. 533) (L. D. 1564)

In Senate, Unanimous "Leave to Withdraw" Report of the Committee on Health and Institutional Services was read and accepted on May 23, 1983.

In House, Unanimous "Leave to Withdraw" Report of the Committee on Health and Institutional Services was read and accepted in concurrence on May 23, 1983.

Recalled from the Legislative Files pursuant to Joint Order S. P. 610.

Came from the Senate with the Bill and Papers Recommended to the Committee on Health and Institutional Services in non-concurrence.

In the House: On motion of Mrs. Mitchell of Vassalboro, tabled pending further considera-

tion and tomorrow assigned.

Bill "An Act to Increase Funding Allocation for the Bureau of Oil and Hazardous Materials Control for Fiscal Year 1983" (Emergency) (H. P. 1317) (Presented by Representative Mitchell of Freeport) (Cosponsors: Senator Kany of Kennebec and Representative Kiesman of Fryeburg)

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

By unanimous consent, ordered sent forthwith to the Senate.

Divided Report

Majority Report of the Committee on Labor on Bill "An Act to Debar from State Contracts Employers Guilty of Willful or Repeated Violation of Safety Standards" (H. P. 1222) (L. D. 1629) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Debar from State Contracts Employers Guilty of Serious, Willful and Repeated Violations of Safety Standards" (H. P. 1313) (L. D. 1742)

Report was signed by the following members:

Senators:

DUTREMBLE of York
HAYES of Penobscot

— of the Senate.

Representatives:

BEAULIEU of Portland
TUTTLE of Sanford
NORTON of Biddeford
SWAZEY of Bucksport
TAMMARO of Baileyville
GAUVREAU 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:

Senator:

SEWALL of Lincoln

— of the Senate.

Representatives:

WILLEY of Hampden
LEWIS of Auburn
ZIRNKILTON of Mount Desert
BONNEY of Falmouth

— of the House.

Reports were read.

On motion of Mrs. Beaulieu of Portland, the Majority "Ought to Pass" Report was accepted and the New Draft read once. Under suspension of the rules, the New Draft was read the second time, passed to be engrossed and sent up for concurrence.

On motion of Miss LaPlante of Sabattus, Recessed until the sound of the gong.

**After Recess
5:10 p.m.**

The House was called to order by the Speaker.

**Bill Recalled from Legislature Files
(Pursuant to Joint Order - House Paper 1314)**

An Act Making Adjusted Allocations from the Highway Fund for the Fiscal Year Ending June 30, 1983 (Emergency) (H. P. 810) (L. D. 1050)

— In Senate, Passed to be Enacted.

— In House, House Adhered to its previous action whereby the Bill Failed of Passage to be Enacted on May 31, 1983.

On motion of Mr. Carroll of Limerick, the House reconsidered its action whereby the voted to adhere.

On motion of the same gentleman, the House voted to recede.

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

House Amendment "B" (H-373) was read by the Clerk and adopted.

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

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

Divided Report

Majority Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Include PCB's Within the Definition of Hazardous Wastes" (Emergency) (S. P. 568) (L. D. 1643)

Report was signed by the following members:

Senator:

McBREAIRTY of Aroostook
— of the Senate.

Representatives:

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

— of the House.

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

Report was signed by the following members:

Senator:

KANY of Kennebec
— of the Senate.

Representative:

HALL of Sangerville

— of the House.

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

In the House: Reports were read.

Thereupon, the Majority "Ought Not to Pass" Report was accepted in concurrence.

Divided Report

Majority Report of the Committee on Agriculture reporting "Ought Not to Pass" on Bill "An Act to Amend the Wood Measurement Law" (S. P. 457) (L. D. 1388)

Report was signed by the following members:

Senator:

WOOD of York
— of the Senate.

Representatives:

McCOLLISTER of Canton
LOCKE of Sebec
STOVER of West Bath
PARENT of Benton
ANDERSON of Stockholm
MICHAEL of Auburn
SMITH of Island Falls
CROUSE of Washburn
SHERBURNE of Dexter

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-173) on same Bill.

Report was signed by the following members:

Senators:

ERWIN of Oxford
HICHENS of York

— of the Senate.

Came from the Senate with the Bill substituted for the Reports and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-190).

In the House: Reports were read.

On motion of Mrs. Locke of Sebec, the Majority "Ought Not to Pass" Report was accepted in non-concurrence and sent up for concurrence.

Non-Concurrent Matter

Bill "An Act to Permit Appointment of Registers of Deeds and to Involve the County Budget Committee in Certain Proposed Appoint-

ments" (H. P. 1303) (L. D. 1727) which was passed to be engrossed as amended by House Amendment "A" (H-345) in the House on June 6, 1983.

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

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

Non-Concurrent Matter

An Act Amending and Expanding the Home Winterization Program Statute (H. P. 1281) (L. D. 1698) (C. "A" H-322) which was Passed to be Enacted in the House on June 7, 1983.

Came from the Senate Passed to be Engrossed as amended by Committee Amendment "A" (H-322) as amended by Senate Amendment "A" (S-192) thereto in non-concurrence.

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

On motion of Mrs. MacBride of Presque Isle, Adjourned until nine o'clock tomorrow morning.