

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

May 16, 1983 to June 24, 1983

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HOUSE

Thursday, June 23, 1983

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

Prayer by Father Robert Hargreaves of St. Marks Episcopal Church, Augusta.

The journal of yesterday was read and approved.

Papers from the Senate

The following Joint Resolution: (S. P. 631)

Joint Resolution in Honor of Cundy's

Harbor Camp Fire Girls

WHEREAS, the statue of the Maine Lobsterman was created by the late William B. Kahill in honor of Maine fishermen and all those of our coastal fisheries who devote their lives to the sea; and

WHEREAS, in 1979, the Camp Fire Girls of Cundy's Harbor set out in celebration of the International Year of the Child to relocate this famous statue, built for the 1939 World's Fair, to an appropriate location in Washington, D.C.; and

WHEREAS, this small band of dedicated girls, led by Ruth Heiser with the support of Maine businesses, citizens and the aid of enabling legislation introduced by former Senator Edmund S. Muskie, achieved their goal after 4 years of dedicated effort; and

WHEREAS, this eloquent symbol of Maine, depicting a way of life that remains strong, vital and durable, now graces a small shaded park overlooking the waterfront of the Nation's capitol; and

WHEREAS, it is the first statue honoring a state to be so located at the Nation's capitol and a fitting tribute to the State and to all those who have taken part in the project; now, therefore, be it

RESOLVED: That, We the Members of the First Regular Session of the 111th Legislature of the great and sovereign State of Maine, now assembled, join in this special tribute to the goal, multiple-year effort and ultimate achievement of the Camp Fire Girls of Cundy's Harbor and to their hardworking and determined leader, Ruth Heiser, who have made this outstanding achievement possible; and be it further

RESOLVED: That suitable copies of this resolution be sent forthwith to these special girls and their leader in token of appreciation on behalf of the Legislature and the people of the State of Maine.

Came from the Senate read and adopted.

In the House, the Resolution was read and adopted in concurrence.

The following Joint Resolution: (S. P. 633)

JOINT RESOLUTION RECOGNIZING

JUNE 24, 1983

AS THE FEAST OF
SAINT JEAN-BAPTISTE

WHEREAS, Saint Jean-Baptiste is the patron saint of all French Canadians and their descendants the world over, as declared by Pope Pius X in 1908; and

WHEREAS, one-third of the population of the State of Maine is comprised of Franco-Americans; and

WHEREAS, the Franco-Americans have made many significant, far-reaching and important cultural, economic and civic contributions to enrich the lifestyle, heritage and culture of this State; and

WHEREAS, the Feast of Saint Jean-Baptiste is traditionally the day on which Franco-Americans have observed and celebrated their heritage; and

WHEREAS, the 111th Legislature in the First Regular Session has enacted, and the Governor has signed, an Act which will designate June 24th of each year, beginning in 1984, as Saint John-Baptiste day; now, therefore, be it

RESOLVED: That We, the Members of the

First Regular Session of the 111th Legislature, now assembled, on behalf of the People of Maine, recognize June 24, 1983 as the Feast of Saint Jean-Baptiste and urge all citizens to join in this important observance and show of appreciation toward all Franco-Americans.

Came from the Senate read and adopted.

In the House, the Resolution was read and adopted in concurrence.

Message and Document's

The following Communication:

State of Maine

One Hundred and Eleventh Legislature

Local and County Government

June 24, 1983

The Honorable John L. Martin

Speaker of the House

State House

Augusta, Maine

Dear Speaker Martin:

The Committee on Local and County Government is pleased to report that it has completed all business placed before it by the first regular session of the 111th Legislature.

Total number of bills received: 78

Unanimous reports: 77

Leave to Withdraw: 15

Ought Not to Pass: 6

Ought to Pass: 34

Ought to Pass as Amended: 9

Ought to Pass in New Draft: 14

Re-referred: 1

Divided report: 1

Respectfully submitted,

S/EDWARD A. McHENRY

House Chairman

The Communication was read and ordered placed on file.

At this point, the rules were suspended to allow members to remove their jackets for the remainder of today's session.

**Petitions, Bills and Resolves
Requiring Reference**

Bill "An Act to Amend the Time During which Municipal Caucuses may be Held" (H. P. 1348) (L. D. 1790) (Presented by Representative Hobbins of Saco) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Committee on Election Laws was suggested.

Under suspension of the rules, the Bill was read twice, passed to be engrossed without reference to any committee and sent up for concurrence.

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

Representative Nelson from the Committee on Health and Institutional Services on Bill "An Act to Amend the Municipal General Assistance Reimbursement Law" (Emergency) (H. P. 881) (L. D. 1135) reporting "Leave to Withdraw"

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

Ought to Pass in New Draft

Representative McHenry from the Committee on Local and County Government on Bill "An Act to Increase the Per Diem for County Commissioners Who Hire a Full-time County Administrator" (H. P. 1119) (L. D. 1476) reporting "Ought to Pass" in New Draft (H. P. 1351) (L. D. 1786)

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.

Divided Report

Majority Report of the Committee on Taxation on Bill "An Act to Restructure the Personal and Corporate Income Tax System" (H. P. 1189) (L. D. 1585) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Reform the Corporate Income Tax and to Adjust the Cigarette Tax" (H. P. 1352) (L. D. 1787)

Report was signed by the following members:

Senator:

WOOD of York

— of the Senate.

Representatives:

HIGGINS of Portland

ANDREWS of Portland

CASHMAN of Old Town

KANE of South Portland

KILCOYNE of Gardiner

McCOLLISTER of Canton

— of the House.

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

Report was signed by the following members:

Sensors:

TWITCHELL of Oxford

TEAGUE of Somerset

— of the Senate.

Representatives:

BROWN of Bethel

DAY of Westbrook

INGRAHAM of Houlton

MASTERMAN of Milo

— of the House.

Reports were read.

Mrs. Mitchell of Vassalboro moved that the Bill and all its accompanying papers be indefinitely postponed and requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentlewoman from Vassalboro, Mrs. Mitchell, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

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

NAY—Baker, McHenry.

ABSENT—Curtis, Dudley, Jackson, Mahany, Matthews, K. L.; Murray, Reeves, P.; Seavey,

Soule, Thompson, Webster.

Yes, 138; No, 2; Absent, 11.

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

Sent up for concurrence.

Divided Report Later Today Assigned

Majority Report of the Committee on Taxation on Bill "An Act Providing for Conformity with the United States Internal Revenue Code" (H. P. 359) (L. D. 417) reporting "Ought to Pass" in New Draft (H. P. 1353) (L. D. 1788)

Report was signed by the following members:

Senator:

WOOD of York

— of the Senate.

Representatives:

HIGGINS of Portland

ANDREWS of Portland

CASHMAN of Old Town

KANE of South Portland

KILCOYNE of Gardiner

MCCOLLISTER of Canton

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (H. P. 1354) (L. D. 1789) on same bill.

Report was signed by the following members:

Sensors:

TWITCHELL of Oxford

TEAGUE of Somerset

— of the Senate.

Representatives:

BROWN of Bethel

DAY of Westbrook

INGRAHAM of Houlton

MASTERMAN of Milo

— of the House.

Reports were read.

On motion of Mr. Higgins of Portland, tabled pending acceptance of either Report and later today assigned.

Passed to Be Enacted

An Act to Amend the Statutes Regarding Mental Health and Mental Retardation (H. P. 1336) (L. D. 1776)

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

Orders of the Day

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

JOINT RESOLUTION Requesting Action to Prevent Further Accumulation or Storage of Spent Nuclear Fuel Within the State Beyond the Amount Presently Licensed (S. P. 632)

— In Senate, read and Adopted.

Tabled — June 22, 1983 (Till Later Today) by Representative Higgins of Scarborough.

Pending — Adoption. (Roll Call Requested)

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

Mrs. MITCHELL: Mr. Speaker, I move the indefinite postponement of this Joint Resolution.

The SPEAKER: The gentleman from Vassalboro, Mrs. Mitchell, moves that this Joint Resolution be indefinitely postponed in non-concurrence.

The gentleman may proceed.

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: There is another Joint Resolution which accomplishes what this resolution intends to do that will be arriving soon.

Thereupon, the Joint Resolution was indefinitely postponed in non-concurrence and sent up for concurrence.

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

Bill, "An Act to Provide for the Use of Major Credit Cards at State Liquor Stores" (H. P. 1340) (L. D. 1780) (Committee on Business Legislation suggested)

Tabled — June 22, 1983 (Till Later Today) by Representative Mitchell of Vassalboro.

Pending — Reference.

On motion of Mr. Diamond of Bangor, the Bill was indefinitely postponed and sent up for concurrence.

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

Reference was made to (H. P. 1024) (L. D. 1325) RESOLVE, Authorizing the Conveyance of a Certain Unused Building and Land Owned by the State to the Town of Wells for \$10,000

In reference to the action of the House on Wednesday, June 22, 1983, whereby it Insisted and Asked for a Committee of Conference, the Chair appointed the following members on the part of the House as Conferees:

Representative GWADOSKY of Fairfield

Representative ROLDE of York

Representative WENTWORTH of Wells

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

The following Communication:

The Senate of Maine

Augusta

June 22, 1983

Honorable Edwin H. Pert

Clerk of the House

111th Legislature

Augusta, Maine 04333

Dear Clerk Pert:

The Senate today Voted to Insist and join in a Committee of Conference on "Resolve, Authorizing the Conveyance of a Certain Unused Building and Land Owned by the State to the Town of Wells for \$10,000" (H. P. 1024) (L. D. 1325).

Sincerely,

S/JOY J. O'BRIEN

Secretary of the Senate

The Communication was read and ordered placed on file.

Non-Concurrent Matter

Bill "An Act Relating to Services of a Municipal Character in the Unorganized Territory" (Emergency) (H. P. 1344) (L. D. 1783) which was passed to be engrossed as amended by House Amendment "A" (H-429) in the House on June 22, 1983.

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

In the House: On motion of Mr. Higgins of Portland, the House voted to adhere.

Non-Concurrent Matter

Bill "An Act to Amend the Statutes Regarding Corrections" (H. P. 1339) (L. D. 1779) which was passed to be engrossed in the House on June 21, 1983.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-224) and Senate Amendment "C" (S-226) in non-concurrence.

In the House:

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

Mr. BRODEUR: Mr. Speaker, I move that we recede and wish to speak to that motion.

The SPEAKER: The gentleman from Auburn, Mr. Brodeur, moves that the House recede.

The gentleman may proceed.

Mr. BRODEUR: Mr. Speaker and Members of the House: The bill that you have before you, L. D. 1779, comes out of the study transition committee that was put together when this legislature decided to separate the Department of Mental Health and Mental Retardation from the Department of Corrections. The transition

committee was established in order to recodify those statutes relating to both those departments and to provide for new direction or direction for most of those departments.

Today we enacted on your calendar 10-1, An Act to Amend the Statutes Regarding Mental Health and Mental Retardation (L. D. 1776) so that bill, along with the substantive amendments, have been enacted.

This bill is about 34 or 35 pages long, it is an amendment to amend the bill we previously passed this legislature, that of recodification, L. D. 832, and it comprises what normally would be about 25 or so bills if they were put in separately. It is a bill that is a package of changes in the Department of Corrections.

What I hope to do, I hope that you would recede in order to allow myself and another person to present amendments to that bill dealing with a few individual sections so the legislature can decide on which policy the Department of Corrections ought to be taking.

One of the tones of this bill is that it allows the commissioner more flexibility to deal with issues, and my concern is that the legislature ought to make those policies, some of the policies, not completely the commissioner, so I hope you will at least give me a chance to present the amendments for your consideration.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I would hope that you would not vote for the motion to recede and I would make an appropriate motion to recede and concur with the Senate. I have allowed Representative Brodeur to make that motion so that he could explain to you what he wanted to do. Since we do not have those amendments before us, and therefore I cannot debate them, I wanted to make something clear to you as to why it is important that we defeat this motion, and that is because the committee of 13, 12 of which unanimously approved this bill that we have before us without amendments after a hearing on April 6 and almost 10 different work sessions, worked through each and every word, period, comma and whatever with the help of our very efficient legislative aide, Chris Holden.

This bill has the unanimous approval of all of the people who served on that transitional committee and those people served for almost two years. If you would bear with me, I want to read to you who these people were who served on this committee, who unanimously have time and time again not only endorsed the bill but have endorsed the concept of no amendments.

This transitional committee was to assist the department in the preparation of legislation. The committee shall consist of a Representative appointed by the Speaker of the House, which was then Representative Prescott, it is now Representative Manning, and a member of the Senate, Senator Gill, appointed by the President of the Senate; the Chairman of the Governor's Correctional Advisory Commission; the Commissioner of Corrections; the Commissioner of Mental Health and Retardation; the Correction Administrator from within the Bureau of Corrections; a member of the Juvenile Justice Advisory Commission, appointed by the Governor; a representative of Maine's Sheriffs Association; a representative of the Governor and a representative of the Attorney General. All these people worked on the bill which our committee then, with the input of Pine Tree Legal, the Civil Libertarians, Maine Council for Churches and the Representatives and Senators of our Committee, with the Department and the Attorney General's Office, came out with the bill that is before us unamended, and for those reasons, at this time I ask you to vote against the motion to recede.

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

Mr. CONNOLLY: Mr. Speaker and Members

of the House: I would ask you to vote for the motion to recede for two reasons. I can understand the position of the committee in wanting to keep the bill intact, but I certainly think that Representative Brodeur and myself should have the opportunity to present the amendments and then this body can vote those amendments up or down based on the arguments.

The second reason is, I think that Representative Nelson is cutting off her nose to spite her face, because if she is successful in having this House vote against the motion to recede, her bill is dead.

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

Mrs. NELSON: Mr. Speaker, I now move that we concur.

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

Mr. BRODEUR: Mr. Speaker, a parliamentary inquiry. If the motion to recede is made, doesn't that have to be passed before the motion to concur?

The SPEAKER: The Chair would answer in the negative.

Mr. BRODEUR: Mr. Speaker and Members of the House: I would hope that you would defeat the motion to concur in order that we may have our opportunity to present our amendments for your consideration.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentlewoman from Portland, Mrs. Nelson, that the House concur. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Connolly of Portland requested a roll call vote.

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

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

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: I guess I am going to be forced to get a little bit ahead of myself because I am not in a position to be able to debate the merits of any of the amendments because they are not yet before us. But I believe I am in a position to debate some of the issues that are in this bill.

We had attempted to work out a compromise solution so that we wouldn't have to go through this today with the officials of the Department of Corrections, but the position that the Department of Corrections took was because they had the votes to defeat any amendments that might be offered, regardless of the merits, and because the bill, as Representative Brodeur says, gives the Department of Corrections a great deal of flexibility, I would use the word "control" over people that it has responsibility for, they decided not to try to work out a compromise and to try to fight us on the amendments.

I am quite surprised at the position that the Chairwoman of the Committee has taken. I thought that at least we were going to be able to present the amendments so we would have the opportunity to debate them. However, there are some things in this bill that you should understand before you vote. The first issue is that if this bill passes, all juveniles who are adjudicated by the court for having committed an offense would be committed not to a specific institution such as the Maine Youth Center by the court, but would be put completely under the control and the authority of the Commissioner and the Department of Corrections. That is a policy issue that some of you I think, should think about before you vote on this legislation.

One of the things that the bill does in the very first section, in the redraft of the committee, is to allow under certain conditions juveniles, children 13, 14, up to the age of 18, under certain conditions to now be allowed to be put into any adult correctional facility in the state, which means that under certain conditions a juvenile could be put into Thomaston.

There is a fiscal note on the bill, \$12,000, I believe; however, in my opinion that fiscal note is not accurate. One of the things that this bill does is, it allows to be established a new facility, correctional facility, for mentally retarded people, and if that comes about, the minimum cost, as I understand the committee has estimated, will be \$250,000. While the bill itself does not require that to be built, if this bill passes it may be built and that would be committing either the next session of this legislature or future sessions of the legislature to a minimum of \$250,000, and I suspect that that fiscal information should be on the bill.

Those are some of the issues, none of which are touched by any of the amendments that we wish to offer. And I would hope that at the very least the House would defeat the motion to concur so that we might present the amendments and then you can vote up or down as you see fit.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I would like to address specifically several points that Representative Connolly mentioned. First of all, the rules and regulations that are allowed in this bill are subject to the APA as a safeguard.

On the issue of juveniles, that decision was recommended by the judges of the State of Maine. As a matter of fact, the Chief Justice of the Supreme Judicial Court of the state called it a progressive move so that a juvenile or any prisoner would have the right to rehabilitation in the best facility available to that prisoner. Also, as Representative Connolly said, it only approves the Department of Mental Health and Retardation to take a look and see if such a facility is necessary. If they decide that it is, it will be introduced as a piece of legislation that would go through the same process as all other pieces of legislation, and if you think it is worthy of sending it to the Appropriations Table, then it might, indeed, be funded. This is not mandating anything except the people in the right place to make a study.

The SPEAKER: The pending motion before the House is the motion of the gentlewoman from Portland, Mrs. Nelson, that the House concur.

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

Mr. GAUVREAU: Mr. Speaker, pursuant to the provisions of House 19, I declare a conflict of interest and request leave to be excused from voting on this matter.

The SPEAKER: The Chair will grant the request of the gentleman from Lewiston, Mr. Gauvreau; pursuant to House Rule 19 he will be excused from voting.

The SPEAKER: The pending question before the House is on the motion of the gentlewoman from Portland, Mrs. Nelson, that the House concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Anderson, Armstrong, Beaulieu, Bell, Benoit, Bonney, Bott, Brannigan, Brown, A.K.; Brown, D.N.; Brown, K.L.; Callahan, Carroll, D.P.; Carroll, G.A.; Carter, Chonko, Conary, Connors, Cooper, Cote, Cox, Davis, Day, Diamond, Dillenback, Drinkwater, Erwin, Foster, Greenlaw, Hobbins, Holloway, Ingraham, Jacques, Jalbert, Joyce, Kelleher, Kelly, Ketover, Kiesman, LaPlante, Lebowitz, Lehoux, Lewis, Lisnik, Livesay, MacBride, MacEachern, Macomber, Manning, Martin, A.C.; Martin, H.C.; Masterman, Masterton, Matthews, Z.E.; Maybury, McCollister, Mc-

Gowan, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Moholland, Murphy, T.W.; Nadeau, Nelson, Norton, Paradis, E.J.; Perkins, Perry, Pines, Pouliot, Racine, Randall, Reeves, J.W.; Richard, Ridley, Roderick, Rotondi, Salisbury, Scarpino, Sherburne, Small, Soucy, Stevens, Stevenson, Stover, Strout, Swazey, Tammara, Telow, Theriault, Tuttle, Vose, Wentworth, Weymouth, Willey, Zirkilton.

NAY—Baker, Bost, Brodeur, Cahill, Carrier, Cashman, Clark, Connolly, Crouse, Crowley, Daggett, Dexter, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Joseph, Kane, Kilcoyne, Locke, Mayo, McHenry, McPherson, Mitchell, J.; Paradis, P.E.; Parent, Paul, Roberts, Rolde, Smith, C.B.; Smith, C.W.; Walker.

ABSENT—Andrews, Curtis, Dudley, Gwadnosky, Jackson, Mahany, Matthews, K.L.; Murray, Reeves, P.; Seavey, Soule, Sproul, Thompson, Webster, The Speaker.

EXCUSED—Gauvreau.

Yes, 100; No, 35; Absent, 15; Excused, 1.

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

Passed to Be Enacted

An Act to Amend the Military Laws of the State of Maine (H. P. 1337) (L. D. 1777) (H. "B" H-430)

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

Failed of Passage to Be Enacted

An Act to Encourage Prompt Resolution of Public Employee Labor Disputes (H. P. 1267) (L. D. 1678) (Conf. Com. "A" H-427)

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

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: I would like to clarify the record as to a statement that was made last night that this House has previously supported this binding arbitration bill. This House accepted under the hammer Mr. Kelleher's amendment, H-333, which added state employees to the municipal and county employees already contained within this bill. After that, on June 7th, this bill failed of passage to be engrossed in this House; June 8th it came back to us from the other body and the motion to recede from failing of passage to be engrossed and concur with passage to be engrossed failed.

During these 99-plus days, there has been a lot of talk about local control and we are coming down one of these last days with probably the bill that is most representative of that issue. I think we all agree that our selectmen and city councilmen, our county commissioners, our Governor and this legislative body have a very difficult job. We have a very fragile relationship where all three levels of government govern together. Our present labor laws now are balanced and I think it would be a very clear description or analysis that neither side, management nor labor, is happy with those laws, and I think that balance ought to be maintained. For once, here on a state level, on the county level, and back home in our communities we have lower interest rates, the inflation rate has finally been brought down, we finally have an opportunity on all three levels of government to level off the burden that we placed upon the citizens of the State of Maine.

I would ask in the interest of local control and maintaining that fragile, positive relationship that we have with the other two levels of when the vote is taken that we vote no, and, Mr. Speaker, I would ask for a roll call.

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

Mr. KELLEHER: Mr. Speaker, Ladies and

Gentlemen of the House: This bill is back in the posture for enactment because of the actions of the Conferees on the part of this House and in the other body. We were able, in our conference committee, to make the other body change its position, or at least the three Senators that we dealt with in good faith, and we represented this House in holding firm its position in regard to the L. D. that is before us. We came back with an agreement. The three of us in the House, Mr. Diamond, Mr. Sproul and myself, acted in good faith on the part of this House in trying to negotiate with the other body. We held the House's position firm and we would hope that the House would stand behind the Conference Committee Report because we were acting in good faith on your behalf and I would urge the House to support the position which we represented yesterday morning.

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

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

The SPEAKER: The pending question before the House is on passage to be enacted. 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.; Cashman, Chonko, Clark, Connolly, Cote, Cox, Crouse, Crowley, Diamond, Erwin, Gauvreau, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Jalbert, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, LaPlante, Lisnik, Locke, MacEachern, Macomber, Martin, H.C.; Matthews, Z.E.; Mayo, McColister, McGowan, McHenry, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Nadeau, Paradis, P.E.; Paul, Perry, Randall, Richard, Rolde, Rotondi, Stevens, Tammaro, Theriault, Thompson, Tuttle, Vose, Weymouth, The Speaker.

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

ABSENT—Curtis, Dudley, Jackson, Mahany, Matthews, K.L.; Murray, Reeves, P.; Seavey, Soule, Sproul, Webster.

Yes, 67; No, 73; Absent, 11.

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

Sent to the Senate.

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

The Chair laid before the House the following matter:

Majority Report of the Committee on Taxation on Bill "An Act Providing for Conformity with the United States Internal Revenue Code" (H. P. 359) (L. D. 417) reporting "Ought to Pass" in New Draft (H. P. 1353) (L. D. 1788)

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (H. P. 1354) (L. D. 1789) on same bill, which was

tabled earlier and later today assigned pending acceptance of either report.

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

Mr. HIGGINS: Mr. Speaker, I move acceptance of the Majority "Ought to Pass" Report.

The SPEAKER: The gentleman from Portland, Mr. Higgins, moves acceptance of the Majority "Ought to Pass" in New Draft Report. The gentleman may proceed.

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: We have two "Ought to Pass" Reports before us at this time, the Majority Report and the Minority Report, and there is one principal difference between the two. For those of you who have been here in previous sessions of the legislature, conformity, that is piggy-backing the actions taken by the Congress dealing with the Internal Revenue Service and collections of personal and corporate income taxes, has been a very hotly debated topic. For once, I find both parties in near agreement on this controversial issue. The difference is the fiscal impact on the state at this time.

The Majority Report provides for conformity with the federal tax code as of January 31, 1983, and requires that all taxpayers add back a portion of the accelerated cost recovery or the accelerated depreciation deductions and the reason for this is to avoid the loss of state revenue that would result without the add back.

The Minority Report provides for an add back only for corporations and doesn't address Subchapter S Corporations or individuals. The impact of not including Subchapter S and individuals is about \$1.1 or \$1.2 million. It is my hope that we will accept the Majority "Ought to Pass" Report today so we can go on to the other matters before us.

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

Mr. DAY: Mr. Speaker, Ladies and Gentlemen of the House: You have heard an accurate description of the Majority and Minority Reports and I stand here urging you to think in terms of the smaller businesses and individuals who must recover some of the costs of their equipment and material to do their jobs and employ people so they can get a depreciation on their equipment, etc.

As Representative Higgins said, in the case of the Majority Report, it is a total add back; in the case of the Minority Report, it is a limited add back to take care of those smaller groups of people who do need that capital to conduct their business.

I hope that you will vote against the Majority Report and I would request a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those 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 Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: The issue of tax conformity is not a new one to many of us who have served for more than one term in this body.

The bill before us today is a minor part of the total dollar amount that it would cost the state in lost revenues to conform our tax code with the federal tax code. In fact, if we wanted to go that full step, the total cost would be over \$8 million. About \$7 million of that would attribute itself to lost revenue because of accelerated depreciation laws which, if they were adopted at the state level, would accrue to corporations.

The Republican version, plus one member of the majority party, eliminates any tax breaks, if you will, because of ACR, Accelerated Cost

Recovery, from their report. The difference, then, between the two is pure and simple — do you favor giving tax cuts to small businesses and individuals? If we do not do this, those small businesses, Subchapter S Corporations, which generally are small businesses, individuals and partnerships are going to be paying more in taxes.

I am surprised to some extent to see that the gentleman from Portland, Mr. Andrews, is not on the Minority Report in this case, because last night I heard him say about how small businesses in this state were struggling to get by and the Democrat version of the budget that was passed was an attempt to help them make it. They have had hard times and they needed tax relief and this was going to give it to them, and we should do something to help them. Here is a chance to do one thing more.

We are not talking about those big, bad corporations, the multi-million dollar ones that make all kinds of money and employ all kinds of people, we took care of them last night, those big businesses that when municipalities or the Little League Teams or something needs a few extra bucks, they go to them and they write them out a check for \$5,000 or \$10,000 — those big corporations are all bad and ugly and we ought to forget about them. I know L. L. Bean is terrible, absolutely the worst corporation in the state, but they gave a half a million bucks to the Maine Medical Center. I know in the district that the gentleman from Westbrook represents that the S. D. Warren Company does a lot for that community, not only Westbrook but the whole area. If they need a few extra bucks they go and talk to them and they do what they can to help them, but we have eliminated them from consideration, we don't want to talk about them, they are terrible, they are just incomprehensible, that we could do anything to help them, we took care of them last night.

The two issues here that separate us are — do you want to do something for the small businessmen, for the Mom and Pop store, or do you want to forget about them and make them pay more in taxes? That is just what is going to happen, because under the provision of the Majority Report, we are not going to allow them to take full depreciation on their assets. They can only take a proportion of depreciation on their assets and that is a tax increase and the reason that there is a loss of revenue to the State of Maine is because under the new federal code you can take depreciation quicker and earlier but it doesn't say that you can take more depreciation, it is just quicker.

While there is a loss of revenue to the state in this fiscal year, in the end there is no loss of revenue to the State of Maine because those businesses or individuals who happen to own something that is depreciable cannot take more depreciation than they paid for the asset.

I know it is a rather mundane topic and one that is confusing to many of you, it is to me, but the issue is clear here, do we want to pass on some benefits to just those individuals personally, on their personal income tax that might help those small businesses get along? We hear a lot of talk about the little guy — gee, we have got to help the little guy. Here is a good chance, ladies and gentlemen, to help that little guy.

There are 450,000 individual taxpayer returns that are filed in this state and I want to know how we are going to audit those returns if we don't maintain conformity. You may be having an add back provision so that the cost or the loss of revenue to the state is nothing but in order to enforce that you have got to hire some people to make sure that they are doing it, because we are no longer going to be able to piggy-back our returns on the federal returns and depend on federal auditors to do our work for us. The people we are talking about here are the Mom and Pop stores, the partnerships, the man and woman who purchased a two-family house and they are depreciating half of

it because they can't afford to own their own single family house, so they buy a two family, the law allows them to depreciate the other half of it. You are telling them that they can't take full advantage of the tax laws, and that is wrong, that is the little guy, it is not the big corporations, it is the little guy.

The Republican version of this bill says that we are going to give them total tax conformity and yes it is going to cost one and a quarter million dollars in the first year, but in the long run it is worth it because we don't have to worry about enforcement. In the long run we are going to get that money back anyway, it is just the up front cost of the quicker provisions in the law. It is a tax increase, pure and simple, and if someone here want to tell me that that is different, I would like to hear it because it is not. We are taking advantage of the people out there who are trying to get by, struggling to get by, we heard last night, and here is a chance to put our money where our mouth is.

The SPEAKER: The Chair recognizes the gentleman from Shapleigh, Mr. Ridley.

Mr. RIDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address this subject because I have had personal contact with it and I agree with my good friend, Mr. Higgins, in the far corner that this accelerated depreciation that we had years past and that is proposed here is aimed at one thing — it's to stimulate the economy. Having been a businessman in the machinery business, I found it many times very advantageous to go in under this because it does give you a chance to depreciate your machinery and in many instances it has been the deciding factor as to whether I bought new machinery or not.

I would hope that you would go along with the Minority Report.

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

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: I think a very loud and clear message was sent to the business community of this state last night that we are for small business. The way I see our corporate income tax, having been passed last night, we are working for the small businessmen, the Mom and Pop, the individuals.

We do favor tax reform and we have taken that step. The disagreement is on accelerated cost recovery, that is the issue of disagreement that we have between the two parties. The Congress has been trying to sell all these tax breaks as something to encourage further investment in the United States. I don't see it. It isn't working.

I find the tax cuts on the federal level to be the principal reason for this state collecting only 46.33 percent of the estimates we put together two years ago on the corporate tax level. I do concede that business may not be prospering as much as it should and perhaps these were over-estimates, but when we're not even collecting 50 percent of what we anticipated, there has got to be a reason, and I truly believe, based on my conversations and the information I've received from the Bureau of Taxation, it is due to these tax breaks on the federal level.

The principal arguments for business wanting conformity was that they would not have to keep two sets of books. Under this proposal, they are not going to have to keep two sets of books, and for that reason, we're improving the enforcement mechanisms of the Bureau of Taxation. We're not going to have to hire additional people. It's at the bottom of the form, the add back — it's pretty simple. If they don't add it back, we know they haven't fulfilled their tax obligation to the state, and the state can send their auditors in at that point in time.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I cannot let the remarks of the gentleman from Portland go unans-

wered. We aren't talking about corporations here, and I get some disgusted every time we talk about this issue when all I hear from the gentleman is the fact that the corporations aren't paying their fair share. That has nothing to do with this bill whatsoever. Both reports from the Committee have excluded tax conformity from corporations. They're going to add it back. They're going to pay \$7.2 million more in taxes under this proposal than if we totally conformed our tax laws. Both parties have agreed to that.

So let's not confuse the issue. The difference between these two bills is whether you believe small Sub-chapter S corporations and individuals ought to be able to take advantage of federally — mandated or allowable increased depreciation, quicker depreciation, not more but quicker — that's the issue.

Now, as far as the corporate tax receipts being down, that has nothing to do with this bill whatsoever and it probably has something to do with the fact that the bureau of the budget or somebody, for some reason, determined that the corporate taxes in the State of Maine have been producing about \$35 million a year for the last six or eight years. All of a sudden they raised their estimates last year to \$53 million. That makes no sense to me whatsoever, so that's part of the reason why corporate tax revenues are down, because they had a ridiculous amount of money estimated, in my opinion.

Secondly, of course corporate income tax revenues are down because corporations in Maine aren't making any money. And as far as the implication that the economy is not turning around and that these tax breaks, terrible as they are, aren't working, I don't think the gentleman from Portland is reading the newspaper or listening to the TV or the radio, because business is rebounding.

I have to respond to that. It has nothing to do with this bill, but I have to say that because the implication is that it does — it has nothing to do with this whatsoever.

Last night we went on record, or some of you went on record, as supporting a major tax increase, and the statement was that by golly, we helped the little guy last night, and somehow this bill that the gentleman from Portland is promoting today is going to help that little guy more — it is not, it isn't going to help him one iota.

Last night you may have patted him on the back, but this morning you're stabbing him in the stomach, because this does not help the small guy at all. It's a tax increase, it's a tax increase, it's a tax increase.

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

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

The SPEAKER: The gentlewoman may pose her question.

Mrs. MITCHELL: Mr. Speaker, I would like to inquire of the gentleman from Scarborough how he anticipates paying for the bill. There's a fiscal note on this bill. I don't believe, even if we had passed the Republican budget last night, that his cigarette tax would have covered this loss of revenue.

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

Mr. HIGGINS: Mr. Speaker and Ladies and Gentlemen of the House: I'd be delighted to answer the question of the good gentlelady from Vassalboro, and very simply, the Republican version of the budget did have sufficient money in it to pay for the tax conformity that we're talking about today. Unfortunately, the majority party in the House chose not to include that money in their budget.

There is still about \$1.9 million, \$2 million left, as I understand, available after they pass

their budget to do something with, and I would suggest that this might be an area in which we might explore.

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

Mr. MCCOLLISTER: Mr. Speaker and Ladies and Gentlemen of the House: I think we should look at the facts in the case, not at the rhetoric. Most of us have worked our taxes for this year, and we find that when we figure our depreciation, we're much better off. But the state is not better off, because the federal government, in order to fund its tax cuts that it passed down, has sent the bill back to the states. But the state, this legislature, has seen fit to "not" pass these tax cuts back down to the towns. We are sending money back to the towns for property relief.

Consequently, the state must recoup some of the money which the federal government has said they're not going to collect through depreciation. This bill does not completely do away with the tax cuts in depreciation, it just returns part of it. We in the state are saying we cannot afford the full cut which the federal government has granted. We just can't afford it. So we're going to offer you just a little less in depreciation than the federal government says.

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

Mr. BROWN: Mr. Speaker, I'd like to pose a question through the Chair, if I may, to the gentleman from Canton. I may have misunderstood you — did you say that as a result of the federal tax cuts, less money was being returned to the towns from the federal government?

The SPEAKER: The gentleman from Livermore Falls, Mr. Brown, has posed a question through the Chair. The Chair recognizes the gentleman from Canton, Mr. McCollister.

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: I believe I said, that because of the federal tax cuts, the federal government was cutting its programs to the state, the money that is going back to the states to fund programs is being cut. The state — this legislature — has determined that we are not going to pass those cuts on back down to the towns. We're increasing the money we're sending to the towns, exactly the opposite from what the federal government is doing to the state.

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

Mr. TUTTLE: Mr. Speaker, Men and Women of the House: I'll be very brief. I, like Mr. Ridley, hope that you will accept the Minority "Ought to Pass" Report. I think in lieu of the action of this body last night, not to do that would be hypocritical.

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

Mr. DAY: Mr. Speaker and Ladies and Gentlemen of the House: I couldn't help but want to stand up and respond to Mr. McCollister from Canton, because what he was saying was that he doesn't agree with the basic tenets of one of the patron saints of the Democratic Party, Thomas Jefferson.

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

Mr. ANDREWS: Mr. Speaker, Men and Women of the House: I just had to offer a brief comment in response to the good gentleman from Scarborough's comments on this bill, and it is rather shocking to me after last night's lecture that we received about the message that we're sending to large corporations across this country, the ominous message that we're sending to big business in the State of Maine, and how suddenly, after telling us that we're sending the wrong message, we're giving the wrong signal, and how bad it's going to be for the State of Maine, the Republican Party is asking that we give the exact same signal when it comes to the issue of conformity.

After the presentation of Mr. Higgins last night about this message, I was wondering if perhaps Great Northern Paper was going to pull up all its trees and move down to Texas. But in reality, the Taxation Committee worked long and hard on the question of tax policy for this state, and long and hard on the question of how we were going to relate to our federal tax policy and how in the long run we were going to make a consistent and clear tax policy for the businesses of the State of Maine. So what we did was, we introduced a package, a package that was adopted last night in which we reduced the rate for 80 percent of the corporations in the State of Maine, gave them a tax reduction.

There's nothing we can do as far as the federal government's tax policy. I don't happen to agree with many features of President Reagan's tax policy, but I really don't have much to say about that in Washington. But what I do have something to say about is how that tax policy becomes translated here in the State of Maine. And in my view, the best, most consistent way that we can take the bull by the horns and have a consistent tax policy in the State of Maine is to pass on a consistent tax conformity policy, including with regard to ACRS, and then with regard to our own rates, take a look at those corporations, those small corporations in which we want to do them some good, facing the economic times that they're facing.

So, I hope that we look at our tax policy in this House as we are trying to do in the Taxation Committee, and take a look at both pieces of the pie, and understand that the issue and the decision that we have made on tax conformity relate to all the decisions that we have made in the Taxation Committee. When it all comes down to a final analysis, I have talked with businesses in my own district and explained to them what we've done, and I think that we're passing a very strong and a very positive, consistent, easily-administrated tax policy for the State of Maine, and I urge you to vote for the Majority Report on this issue.

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

Mr. HIGGINS: Mr. Speaker and Ladies and Gentlemen of the House: I will be brief, believe me but I feel very strongly about this issue. I have to respond only to the concern or what appears to be — or at least as far as some may be believing that I am inconsistent. I may be inconsistent on this issue in not supporting full tax conformity for corporations, and the reason that I'm inconsistent is simply this — I happen to be a realist as well. The money simply is not there, was not there, will not be there for tax conformity for corporations because the cost is \$7.2 million — that's the bottom line.

So I looked at the problem of how can we best address tax conformity with the least amount of fiscal damage to the State of Maine, and I came up with a proposal that I thought was reasonable, palatable, did not devastate the financial revenues of this state. And that was a proposal to have an add-back provision for corporations in which they wouldn't have to keep two sets of books, but they would not be able to take the benefits of accelerated cost recovery as quickly as they could on the federal level.

I don't like that at all, because that's a tax increase to them, as I indicated to you earlier, but, given the financial condition of the state, I felt it was the only way to go.

Now, as far as individuals go, it only makes sense to me that, administratively, it would make it much simpler if all individuals were able to take full advantage of conformity, based on the fact that they are going to have to be audited or looked at certainly more than anybody else. Corporations — there are ten or twelve thousand of them — a lot of them don't

make money, for whatever reason, they would not have to be audited. It would be much simpler to audit eight or ten thousand returns than it would 450,000 returns.

I felt that we ought to speak loud and clear in favor of that little guy, and that we ought to say to them "You ought to be able to take advantage of accelerated cost recovery." We're not talking about a million dollars worth of depreciation. Some individual isn't going to be able to take advantage of that. We're talking about the little guy, who perhaps owns a pick-up truck with a plow on it and in the winter he plows driveways at \$15 apiece, or the guy or woman, as I mentioned earlier, that owns a two-family house, who can't afford a single family house. And they want to be able to depreciate that — they can afford it because they can depreciate it a little quicker on their returns.

Under this provision that the two gentlemen from Portland are promoting, you can't take all the depreciation that you currently can under law, and if you'll allow me a minute, I'll try to explain it.

Under current law, if you buy a piece of equipment and, for example, that piece of equipment costs \$10,000, and the current law allows you to take a deduction for \$2,000 a year for five years, you deduct that from your income tax, \$2,000 a year for five years is \$10,000.

Now, under the new provisions of the federal tax code, which allow accelerated cost recovery, accelerated depreciation, you might be able to take, say, \$3,000 in the first year, \$2,000 in the second year, and \$1,000 in each of the succeeding years. The difference here is that in the first year you can take a thousand dollars more depreciation than you could under the old law, and that's why this bill costs \$1 million in the first year.

But, at the other end of the scale, toward the end of the life of the asset, under the new provisions of the code, you're paying less depreciation than under the old. All right? You're still taking that same \$10,000 depreciation, but you can get some of it up front quicker.

Now under the proposal of the Majority Report, we're going to impose on them an add-back provision, which says that you have to add a percentage of that back and settle with 15 percent — I don't have the exact figures in front of me, but there are four different percentages depending on the life of the asset. But if it were, say, ten percent, then in the first year you can't take that \$3,000 deduction, you can only take ninety percent of it. And over the life of the asset, you can only take ninety percent of the total cost of that asset. So at the end of the life of the asset, while you may have been able to recoup some of it quicker, at the end you're only going to be able to take a \$9,000 deduction on a \$10,000 cost of an asset.

That \$1,000, that you don't take as a deduction is a tax increase. It may not come immediately, but at the end of the asset, it's a tax increase for those people because they cannot take full advantage.

Now, if you want to talk about the little guy, and you want to talk about helping those small businesses out there that are floundering, are being strangled, then here's a chance to do it. Here's a chance to say to them, "Yes, we think that you out there, who own a two-family house or own a snowplow, or own a roto-tiller that roto-till gardens on weekends, you ought to be able to take full advantage of that and we're not going to tax you any more just because the state is down and out."

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

Mr. HIGGINS: Mr. Speaker. Mr. Speaker, Men and Women of the House: In no way can I agree with the scenario that the gentleman has put together about this being a tax increase. By the Constitution of Maine, we cannot delegate our power to tax, and there are no requirements

that this state blindly follow the Congress in whatever tax policy they may set. It takes a positive action of this body to decide whether to conform with the actions taken by the federal government in their tax policy. I guess the basic disagreement here today is whether we accept accelerated cost recovery or not as a good tax policy for the State of Maine, personally, I do not. Therefore, we are proposing an add-back for not only corporations but the Subchapter S Corporations, the partnerships and limited partnerships, and sole proprietor and individual ownerships. That is the basic issue here, and I think that is the difference between our two proposals. It is my hope that you will not accept the accelerated cost recovery and the impact that it is having on the fiscal condition of this state.

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

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: Could I pose a question through the Chair?

The SPEAKER: The gentleman may pose his question.

Mr. RACINE: Could somebody explain to me why we have to make these changes in the tax code, and what is the purpose behind this? The system seems to be working pretty well. Why change it?

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

Mr. HIGGINS: Mr. Speaker and Members of the House: As I was attempting to just explain, the Congress takes action in setting tax policy on the federal level — that is, that's collected by the Internal Revenue Service. It takes positive action of this body, positive action on whether we concur or don't concur. If this body takes no action whatsoever, we will not accept the accelerated cost recovery or any other provisions passed by the Congress. By taking positive action, we are totally accepting or partially accepting the tax policies passed by the Congress.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Higgins, that the House accept the Majority "Ought to Pass" Report. All 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.; Carter, Cashman, Chonko, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Diamond, Erwin, Gauvreau, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Jalbert, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehouc, Lisnik, Locke, MacEachern, Macomber, Manning, Martin, A.C.; Martin, H.C.; Matthews, Z.E.; Mayo, McColister, McGowan, McHenry, McSweeney, Melendy, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, Norton, Paradis, P.E.; Perry, Pouliot, Richard, Rolde, Rotondi, Stevens, Swazey, Tammaro, Thompson, Vose, The Speaker.

NAY—Anderson, Armstrong, Bell, Bonney, Bott, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carrier, Carroll, G.A.; Clark, Conary, Connors, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Greenlaw, Gwadosky, Higgins, L.M.; Holloway, Ingraham, Kiesman, Lebowitz, Lewis, Livesay, MacBride, Masterman, Masterton, Maybury, McPherson, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Parent, Paul, Perkins, Pines, Racine, Randall, Reeves, J.W.; Ridley, Roberts, Roderick, Salsbury, Scarpino, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stevenson, Stover, Strout, Telow, Theriault, Tuttle, Walker, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Dudley, Jackson, Mahany, Matthews, K.L.; Michaud, Murray, Reeves, P.; Seavey, Soule, Webster.

Yes, 72; No, 69; Absent, 10.

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

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

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

An Act to Provide for the Negotiation of Union Security Provisions (S. P. 267) (L. D. 812)

Tabled — May 17, 1983 by Representative Mitchell of Vassalboro.

Pending — Passage to be Enacted.

On motion of Mrs. Mitchell of Vassalboro, the Bill was recommitted to the Committee on Labor in non-concurrence and sent up for concurrence.

Bills Recalled from the Governor (Pursuant to Joint Order —House Paper 1249)

An Act to Limit the Storage of Spent Fuel at Nuclear Reactor Facilities (H. P. 314) (L. D. 373) (C. "A" H-186)

— In House, Passed to be Enacted on May 12.

— In Senate, Passed to be Enacted on May 12.

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

On further motion of the same gentlewoman, the Bill was recommitted to the Committee on Energy and Natural Resources in non-concurrence and sent up for concurrence.

An Act to Amend the Law Relating to Tax Increment Financing (H. P. 1039) (L. D. 1364)

— In House, Passed to be Enacted on June 10.

— In Senate, Passed to be Enacted on June 10.

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

On further motion of the same gentlewoman, the Bill was recommitted to the Committee on Taxation in non-concurrence and sent up for concurrence.

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

(Off Record Remarks)

House at Ease

The House was called to order by the Speaker.

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

Bill "An Act to Revise the Markup Percentage for Maine Produced Products Under the Liquor Laws" (H. P. 1355) (Presented by Representative Nadeau of Lewiston) (Cosponsors: Senator Charette of Androscoggin, Representatives Handy of Lewiston and Dillenback of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Committee on Legal Affairs was suggested.

Under suspension of the rules, the Bill was read twice, passed to be engrossed without reference to any committee and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Orders

On motion of Representative Thompson of South Portland, the following Joint Order: (H. P. 1356)

ORDERED, the Senate concurring, that Bill, "AN ACT to Revise the Truancy Laws," H. P.

877, L. D. 1131, be recalled from the Governor's desk to the House.

The Order was read and passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

House at Ease

Called to order by the Speaker.

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

The following Joint Resolution: (S. P. 634) Joint Resolution Requesting Action to Prevent Further Accumulation or Storage of Spent Nuclear Fuel Within the State Beyond the Amount Presently Licensed

WHEREAS, the state's only nuclear power plant, Maine Yankee Atomic Power Company, has been using its temporary storage pool and facilities to store all the spent nuclear fuel it has generated since beginning operation; and

WHEREAS, that facility was originally designed and intended only for temporary storage prior to transferring spent fuel for reprocessing or permanent storage; and

WHEREAS, the company has filed an application with the Nuclear Regulatory Commission for a license amendment, which has received all but final approval by the licensing board, to allow the plant to continue to store on-site at its nuclear power facility all additional spent nuclear fuel that will be produced during the operational life of that plant; and

WHEREAS, that application requests permission to store approximately 8 times the amount of spent nuclear fuel for which the spent fuel storage area was originally designed, and proposes to use a storage technology, known as "pin compaction," that has never before been applied for or used; and

WHEREAS, though the purpose of that application is to insure continued economic operation of that nuclear power plant, the expansion plans demonstrate little regard or consideration for either a permanent storage solution or for the life, health, safety and welfare of the people of this State; and

WHEREAS, the State may be foreclosed from requiring the Nuclear Regulatory Commission to consider or provide for the consequences of this on-site storage beyond the date of the expiration of the company's operating license; and

WHEREAS, a decision by the Nuclear Regulatory Commission to approve the license amendment may, at the least, result in significant limitations on or seriously aggravate the difficulties in finding a permanent storage solution; and

WHEREAS, the Federal Government, by the United States Nuclear Waste Policy Act of 1982, Public Law 97-425, has recently reaffirmed its primary responsibility for proper and permanent disposal of spent nuclear fuel and other high-level radioactive wastes in a safe, timely, reliable and economic manner, and has established a program for developing methods of managing and disposing of these wastes; and

WHEREAS, the foregoing constitutes a situation where there may be created a serious threat to the health, safety and welfare of the citizens of the State and a major disruption in the proper planning for an orderly and proper development of appropriate programs for methods of permanently managing and disposing of spent nuclear fuel; now, therefore, be it

RESOLVED: That We, the Members of the Senate and the House of Representatives of the First Regular Session of the 111th Legislature, now assembled, most respectfully urge and request that the Governor, the Attorney General and all appropriate state agencies, take all possible actions to prohibit or prevent further accumulation or storage of spent nuclear fuel within the State beyond the amount presently

licensed, and that:

1. The State, through the Attorney General, shall continue to vigorously prosecute the state's participation, before the Nuclear Regulatory Commission, in the current license amendment proceeding of Maine Yankee Atomic Power Company to expand its spent fuel storage capacity in Wiscasset, Maine;

2. The Governor shall inform the President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the House of Representatives, each member of the state's Congressional delegation and each member of the United States Nuclear Regulatory Commission, of the extreme concern and strong opposition of the citizens of this State to any further accumulation or storage of spent nuclear fuel within the State; and

3. The Governor and the Attorney General shall keep the Legislature informed on the actions they take to carry out the purposes of this resolution; and be it further

RESOLVED: That copies of this resolution be sent forthwith to the Honorable Joseph E. Brennan, the Honorable James E. Tierney and the appropriate state agencies as notice of this urgent request.

Came from the Senate read and adopted.

In the House, under suspension of the rules, the Resolution was read.

Mrs. Chonko of Topsham requested a roll call vote.

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

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

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

Mr. HIGGINS: Mr. Speaker, I would pose the same question that I did last evening whether or not this is properly before the body. I would just mention the fact, if I might, that we previously had a resolution from the Senate dealing with Bath Iron Works where I posed a question through the Chair and you ruled that it did take suspension of the rules to have it.

The SPEAKER: The Chair would answer in the affirmative, and the rules were suspended on this one this evening prior to the request for the roll call.

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

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: I understand about the way resolutions go through the House here, practically no one reads them. Somebody presumes to make a statement of the opinion of this body and for the people of the State of Maine, and I question the statements and the presumptions that have been made in this resolution, two in particular. If you have read it, maybe you have picked them out, but if you haven't, I would like to address them.

In one of the "whereas" it states, and I will read it in part, speaking of the application of Maine Yankee for an extension of capacity in their spent fuel pool, it says: "though the purpose of that application is to insure continued economic operation of that nuclear power plant, the expansion plans demonstrate little regard or consideration for either a permanent storage solution or for the life, health, safety and welfare of the people of this State." I think that is highly inaccurate. The application before the NRC has the extensive requirement for consideration of the safety and welfare and health of the people of the State of Maine. The State of Maine is a party in that application they have standing and are appearing to represent the state in that application. The Nuclear Regulatory Commission requires considerations of that and I think that is an inaccurate statement in the resolution.

Number two, in the "Resolve" section, sub 2, it says: "RESOLVED: That the Governor shall inform the President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the House of Representatives, each member of the state's Congressional delegation and each member of the Nuclear Regulatory Commission, of the extreme concern and strong opposition of the citizens of this State to any further accumulation or storage of spent nuclear fuel within the State." I feel that is inaccurate on its face in that the people of the State of Maine have twice voted in referendum to keep Maine Yankee open. I do not feel that the people of the State of Maine, as it says, that the citizens of this state have expressed extreme concern and strong opposition — I don't think that is accurate. I think that is the minority of the people of the State of Maine; therefore, I think that is an inaccurate statement.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I didn't expect to be speaking on this same issue again, I thought we covered it very thoroughly last time. I hope you will go along with this resolution.

As we said before, there are many people in the State of Maine who do have extreme concerns about the continued increases in on-site storage at Maine Yankee, and apparently the federal government chooses to disregard our concerns, so we would like to send a very strong and clear message, and I don't think it is fair to compare the fact that citizens voted to keep Maine Yankee open for purely economic reasons, and I am as convinced today as I was then that that was the reason they voted to keep it open, and compare that with the fact that they continue to increase the amount of spent fuel stored on a site that simply was not built to have that happen. I think we owe it to the people of the State of Maine to send the federal government a very clear and strongly worded message that we are concerned and we think they should start doing something about it.

I hope you will go along today and pass this resolution and send it on its way.

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

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry to take time here this evening, but I just have to answer that. It is not accurate that the federal government is not cognizant of the requirement to provide permanent storage for spent fuel. It is in place. It sets up a time schedule. The Nuclear Waste Policy Act was enacted in 1983 and during 1983 the DOE must designate five sites for site characterization studies; in 1985, they must recommend three of those sites to the President. In the middle of 1987, the first repository site must be chosen, it must be approved by 1989 and to become operational in 1998. So the federal government is aware, it is not something they are not aware of. They have been aware of it for some time but they did not choose to act on it until this year, but the schedule has been established, so they are aware of it.

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

Mr. JACQUES: Mr. Speaker and Members of the House: And now we get the rest of the story. It still doesn't solve the problem of Maine Yankee. Maine Yankee was built for a certain amount of on-site storage and we are very soon reaching that capacity. The federal government can take all the time they want, but we are still going to have a problem at Maine Yankee and we are still not going to be able to address that if they follow this time schedule. That is why it is very important for the health, protection, safety and welfare of the people of the State of Maine that we send this message. I hope you will help us do it.

The SPEAKER: A roll call has been ordered. The pending question is on the adoption of the Joint Resolution in concurrence. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Baker, Beaulieu, Benoit, Bost, Bott, Brannigan, Brodeur, Carrier, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cooper, Cox, Crouse, Crowley, Daggett, Diamond, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Holloway, Jacques, Joyce, Kelly, Kilcoyne, Lisnik, Locke, MacEachern, Manning, Martin, H.C.; Matthews, Z.E.; Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, Perry, Pouliot, Richard, Ridley, Rolde, Smith, C.B.; Soule, Stevens, Swazey, Tammara, Theriault, Thompson, Tuttle, Vose, The Speaker.

NAY—Anderson, Armstrong, Bell, Bonney, Brown, K.L.; Cahill, Callahan, Conary, Cote, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Greenlaw, Higgins, L.M.; Ingraham, Joseph, Kiesman, Lebowitz, Lehoux, Lewis, Livesay, MacBride, Masterman, Masterton, Maybury, Michaud, Murphy, E.M.; Murphy, T.W.; Norton, Paradis, E.J.; Paul, Perkins, Pines, Racine, Randall, Reeves, J.W.; Roberts, Roderick, Salsbury, Scarpino, Sherburne, Small, Smith, C.W.; Soucy, Sproul, Stevenson, Stover, Telow, Walker, Webster, Wentworth, Willey, Zirkilton.

ABSENT—Andrews, Brown, A.K.; Brown, D.N.; Connors, Curtis, Dudley, Jackson, Jalbert, Kane, Kelleher, Ketover, LaPlante, Macomber, Mahany, Martin, A.C.; Matthews, K.L.; McPherson, Murray, Paradis, P.E.; Parent, Reeves, P.; Rotondi, Seavey, Strout, Weymouth.

Yes, 70; No, 56; Absent, 25.

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

Non-Concurrent Matter

Bill "An Act to Provide for Reapportionment of County Commissioner Districts" (H. P. 689) (L. D. 869) which was passed to be engrossed as amended by House Amendment "A" (H-411) as amended by House Amendment "B" (H-426) thereto in the House on June 22, 1983.

Came from the Senate passed to be engrossed as amended by House Amendment "A" (H-411) as amended by Senate Amendment "A" (S-257) thereto in non-concurrence.

In the House: On motion of Mr. Diamond of Bangor, the House voted to recede.

On motion of Mr. Diamond of Bangor, House Amendment "B" to House Amendment "A" (H-426) was indefinitely postponed.

Senate Amendment "A" to House Amendment "A" (S-257) was read by the Clerk, and on motion of the same gentleman, the amendment was indefinitely postponed in non-concurrence.

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

House Amendment "C" to House Amendment "A" (H-432) was read by the Clerk.

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

Mr. DIAMOND: Mr. Speaker and Members of the House: This is a further amendment and modification to the bill dealing with the reapportionment of County Commissioner Districts. There have been some problems with the language and this amendment now before us is something that both ends of this particular row agree on. I hope you will support the amendment.

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

Mr. LIVESAY: Mr. Speaker, I don't know whether I have been updated on this or not, so if Representative Diamond could go into a little more elaborate discussion, I would be appreciative.

ciative.

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

Mr. DIAMOND: Mr. Speaker and Members of the House: In the provision dealing with the funding of the reapportionment commission, the last amendment that was attached that was presented by the gentleman from Scarborough dealt with funding of the commission and its work. Unfortunately, there was some confusion and it appeared that the money that would be expended by the state for the operation of this commission would be paid to the respective parties involved, the political parties, and not to the members of the commission who represent that party. So this clarifies that and makes it clear that the legislature will make the funding recommendation and authorization when it is in session, and it further goes on to say that the Legislative Council will make that recommendation if the legislature is not in session.

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

Mr. LIVESAY: Mr. Speaker and Members of the House: In all the papers that have been dropped on my desk, it would probably take me half an hour to find that amendment. If it is not too long, I would appreciate it if Representative Diamond would just read it for me.

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

Mr. DIAMOND: Mr. Speaker and Members of the House: In my best "Zirkilton" voice, I will attempt to do so.

"Funding. Equal amounts of money shall be made available through the commission to the 2 major parties represented on the commission for the purpose of this apportionment. In addition, sufficient funds shall be made available to the chairman of the commission. The commission shall recommend to the Legislature if that body is in session, otherwise to the Legislative Council, an appropriation sufficient to cover the cost of reapportionment."

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

Mr. LIVESAY: Mr. Speaker, that was a great job. Thank you very much.

The SPEAKER: The Chair recognizes the gentleman from Wells, Mrs. Wentworth.

Mrs. WENTWORTH: Mr. Speaker, I would like to pose a question. I would like to know who constitutes this commission?

The SPEAKER: The gentleman from Wells, Mrs. Wentworth, has posed a question through the Chair to anyone who may care to answer.

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

Mr. DIAMOND: Mr. Speaker, in response to the question, the commission will be the same commission that was charged with reapportioning the legislative districts for the state, and it is so stipulated in the bill itself.

Whereupon, Mrs. Wentworth of Wells requested a roll call vote.

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

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

The SPEAKER: The pending question is on the adoption of House Amendment "C" to House Amendment "A". All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Anderson, Armstrong, Baker, Beaulieu, Bell, Benoit, Bonney, Bost, Bott, Brannigan, Brodeur, Brown, K.L.; Cahill, Carrier, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Conary, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Davis, Diamond, Dillenback, Drinkwater, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Holloway, Jacques, Joyce, Kelly, Kilcoyne, Lisnik, Locke, MacEachern, Manning, Martin, H.C.; Matthews, Z.E.; Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, Perry, Pouliot, Richard, Ridley, Rolde, Smith, C.B.; Soule, Stevens, Swazey, Tammara, Theriault, Thompson, Tuttle, Vose, The Speaker.

reau, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Holloway, Jacques, Joseph, Joyce, Kelly, Kiesman, Kilcoyne, Lehoux, Lisnik, Livesay, Locke, MacBride, MacEachern, Manning, Martin, H.C.; Masterton, Matthews, Z.E.; McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, T.W.; Nadeau, Nelson, Norton, Paradis, E.J.; Paul, Perkins, Perry, Pines, Pouliot, Racine, Randall, Richard, Ridley, Roberts, Scarpino, Small, Smith, C.B.; Soucy, Sproul, Stevens, Stevenson, Stover, Swazey, Tammara, Telow, Theriault, Thompson, Tuttle, Vose, Walker, Willey, Zirnklton.

NAY—Callahan, Dexter, Foster, Greenlaw, Ingraham, Lebowitz, Lewis, Masterman, Maybury, Mayo, Murphy, E.M.; Reeves, J.W.; Roderick, Salisbury, Sherburne, Smith, C.W.; Webster, Wentworth.

ABSENT—Andrews, Brown, A.K.; Brown, D.N.; Connors, Connolly, Curtis, Day, Dudley, Hobbins, Jackson, Jalbert, Kane, Kelleher, Ketover, LaPlante, Macomber, Mahany, Martin, A.C.; Matthews, K.L.; McPherson, Murray, Paradis, P.E.; Parent, Reeves, P.; Rolde, Rotondi, Seavey, Soule, Strout, Weymouth, The Speaker. Yes, 102; No, 18; Absent, 31.

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

Thereupon, House Amendment "A" as amended by House Amendment "C" thereto was adopted.

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

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

The following Communication:
Committee on Aging, Retirement and Veterans
The Honorable John L. Martin
Speaker of the House
State House
Augusta, Maine 04333
Dear Speaker Martin:

The Committee on Aging, Retirement and Veterans is pleased to report that it has completed all business placed before it by the First Regular Session of the 111th Legislature.

Total number of bills received	29
Unanimous reports	26
Leave to Withdraw	10
Ought Not to Pass	2
Ought to Pass	8
Ought to Pass as Amended	3
Ought to Pass New Draft	2
Referred to another Committee	1
Divided Reports	2
Carry Over Bill	1

Respectfully submitted,
S/DANIEL B. HICKEY
House Chairman

The Communication was read and ordered placed on file.

The following Communication:
Committee on Appropriations and Financial Affairs

June 23, 1983

The Honorable John Martin
Speaker of the House
State House
Augusta, Maine
Dear Speaker Martin:

The Committee on Appropriations and Financial Affairs is pleased to report that it has completed all business placed before it by the First Regular Session of the 111th Legislature.

Total number of bills received	92
Unanimous reports	85
Ought to Pass	9
Ought to Pass as Amended	18
Ought to Pass in New Draft	11
Ought Not to Pass	13

Leave to Withdraw	28
Referred to Another Committee	6
Divided Reports	3
Carried Over to 2nd Regular Session	4

Respectfully submitted,
S/DONALD V. CARTER
House Chairman

The Communication was read and ordered placed on file.

The following Communication:
Committee on Health and Institutional Services
June 23, 1983

The Honorable John L. Martin
Speaker of the House
111th Legislature
Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Health and Institutional Services during the first regular session of the 111th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	69
Unanimous reports	56
Leave to Withdraw	28
Ought to Pass	2
Ought Not to Pass	1
Ought to Pass as Amended	13
Ought to Pass in New Draft	12
Divided Reports	13

Respectfully submitted,
S/BEVERLY M. BUSTIN
Senate Chair

S/MERLE NELSON
House Chair

The Communication was read and ordered placed on file.

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

The following Communication:
Committee on Taxation

The Honorable John L. Martin
Speaker of the House
State House
Augusta, Maine
Dear Mr. Speaker:

The Joint Standing Committee on Taxation is pleased to report that it has completed all business placed before it by the First Regular Session of the 111th Maine Legislature.

Total number of bills received	125
Unanimous reports	106
Ought to Pass	1
Ought to Pass as Amended	6
Ought to Pass in New Draft	11
Ought Not to Pass	9
Leave to Withdraw	79
Divided reports	17
Carry-over bills	2

Respectfully submitted,
S/H. CRAIG HIGGINS
House Chairman

The Communication was read and ordered placed on file.

The following Communication:
State of Maine
House of Representatives
Speaker's Office
Augusta, Maine 04333

June 24, 1983

Honorable Edwin H. Pert
Clerk of the House
State House
Augusta, Maine 04333
Dear Clerk Pert:

I am pleased to authorize and direct you to serve on a full-time basis when the 111th Legislature is not in regular or special session, as provided in Section 42 of Title 3 of the Maine Revised Statutes Annotated.

Sincerely,
S/JOHN L. MARTIN
Speaker of the House

The Communication was read and ordered

placed on file.

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

Non-Concurrent Matters

An Act Concerning the Agricultural Use of Sludge (Emergency) (H. P. 1248) (L. D. 1662) which was Passed to be Enacted in the House on May 26, 1983.

Came from the Senate Passed to be Engrossed as amended by Senate Amendment "A" (S-249) in non-concurrence.

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

RESOLVE, to Establish a Maine Commission to Examine the Availability, Quality and Delivery of Services Provided to Children with Special Needs (Emergency) (H. P. 1251) (L. D. 1664) which was Passed to be Enacted in the House on June 16, 1983. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (H-388))

Came from the Senate Passed to be Engrossed as amended by Committee Amendment "A" (H-388) and Senate Amendment "A" (S-250) in non-concurrence.

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

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

Later Today Assigned

An Act to Amend the Statutes Regarding Corrections (H. P. 1339) (L. D. 1779) (S. "A" S-224 and S. "C" S-226)

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

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

Mr. BRODEUR: Mr. Speaker and Members of the House: This is the bill that we talked on briefly this morning relating to Corrections and we didn't have the opportunity to present our amendments, but I would like to speak a little bit about what this bill, L. D. 1779, does in general and some specific objections that I do have to it, so I would ask that somebody table it until later in today's session.

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

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

Non-Concurrent Matters

An Act to Provide a Statewide Office of School Volunteer Programs (H. P. 386) (L. D. 469) which was Passed to be Enacted in the House on March 10, 1983. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (H-33))

Came from the Senate Passed to be Engrossed as amended by Committee Amendment "A" (H-33) and Senate Amendment "A" (S-230) in non-concurrence.

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

RESOLVE, Directing the Department of Marine Resources to Erect a Fishway on the Orange River in Whiting, Washington County (H. P. 420) (L. D. 503) which was Finally Passed in the House on March 30, 1983.

Came from the Senate Passed to be Engrossed as amended by Senate Amendment "A" (S-258) in non-concurrence.

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

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

Non-Concurrent Matters

An Act to Promote Work-site High Blood

Pressure Programs for Maine Workers (S. P. 284) (L. D. 872) which was Passed to be Enacted in the House on May 9, 1983. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (S-78))

Came from the Senate Passed to be Engrossed as amended by Committee Amendment "A" (S-78) and Senate Amendment "A" (S-230) in non-concurrence.

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

An Act to Extend and Amend the Statute entitled Purchase of Foodstuffs from Maine Concerns (H. P. 710) (L. D. 901) which was Passed to be Enacted in the House on May 25, 1983 (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (H-254))

Came from the Senate Passed to be Engrossed as amended by Committee Amendment "A" (H-254) and Senate Amendment "A" (S-231) in non-concurrence.

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

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

Non-Concurrent Matters

An Act Appropriating Funds for Independent Living Services for the Disabled (S. P. 316) (L. D. 952) which was Passed to be Enacted in the House on June 9, 1983. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (S-150) as amended by House Amendment "A" (H-336) thereto)

Came from the Senate Passed to be Engrossed as amended by Committee Amendment "A" (S-150) as amended by House Amendment "A" (H-336) thereto and Senate Amendment "A" (S-232) in non-concurrence.

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

An Act to Extend Consumers Freedom of Choice Regarding Insured Mental Health Services (H. P. 743) (L. D. 955) which was Passed to be Enacted in the House on May 17, 1983. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (H-190), Senate Amendment "A" (S-96), and Senate Amendment "B" (S-112))

Came from the Senate Passed to be Engrossed as amended by Committee Amendment "A" (H-190) Senate Amendment "A" (S-96), and Senate Amendment "B" (S-112) and Senate Amendment "C" (S-233) in non-concurrence.

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

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

Non-Concurrent Matters

An Act to Address School Failure in Kindergarten and Early Elementary Grades (H. P. 1066) (L. D. 1404) which was passed to be Enacted in the House on May 17, 1983. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (H-221))

Came from the Senate Passed to be Engrossed as amended by Committee Amendment "A" (H-221) and Senate Amendment "A" (S-238) in non-concurrence.

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

An Act to Equitably Share the Cost of Police Training (H. P. 1075) (L. D. 1407) which was Passed to be Enacted in the House on April 14, 1983.

Came from the Senate Passed to be Engrossed as amended by Senate Amendment "A" (S-239) in non-concurrence.

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

The following papers appearing on Supplement No. 12 were taken up out of order by unanimous consent:

Non-Concurrent Matters

An Act Concerning State Assistance to Areas Affected by Non-English Speaking Immigrants and Refugees (S. P. 532) (L. D. 1555) which was Passed to be Enacted in the House on May 12, 1983.

Came from the Senate Passed to be Engrossed as amended by Senate Amendment "A" (S-242) in non-concurrence.

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

An Act to Amend the Adult Protective Services Act (S. P. 536) (L. D. 1562) which was Passed to be Enacted in the House on May 13, 1983.

Came from the Senate Passed to be Engrossed as amended by Senate Amendment "B" (S-260) in non-concurrence.

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

The following papers appearing on Supplement No. 13 were taken up out of order by unanimous consent:

Non-Concurrent Matters

An Act to Rejuvenate the Fishing Industry in Maine (S. P. 575) (L. D. 1652) which was Passed to be Enacted in the House on May 26, 1983.

Came from the Senate Passed to be Engrossed as amended by Senate Amendment "A" (S-247) in non-concurrence.

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

An Act to Insure State Enforcement of Equal Opportunity in State-supported Educational Programs (H. P. 1241) (L. D. 1653) which was Passed to be Enacted in the House on May 26, 1983.

Came from the Senate Passed to be Engrossed as amended by Senate Amendment "A" (S-248) in non-concurrence.

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

The following papers appearing on Supplement No. 14 were taken up out of order by unanimous consent:

Non-Concurrent Matters

An Act to Assure Public Awareness of Nuclear Civil Protection Plans for Maine (H. P. 1266) (L. D. 1677) which was Passed to be Enacted in the House on May 31, 1983. (Having previously been Passed to be Engrossed as amended by Senate Amendment "A" (S-152))

Came from the Senate Passed to be Engrossed as amended by Senate Amendment "A" (S-152) and Senate Amendment "B" (S-251) in non-concurrence.

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

An Act to Create a Maine Sentencing Guidelines Commission (H. P. 1270) (L. D. 1684) which was Passed to be Enacted in the House on June 6, 1983. (Having previously been Passed to be Engrossed as amended by House Amendment "A" (H-316))

Came from the Senate Passed to be Engrossed as amended by House Amendment "A" (H-316) and Senate Amendment "A" (S-252) in non-concurrence.

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

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

Non-Concurrent Matters

An Act to Provide Equitable Health Care for

Alcoholism and Drug Dependency Treatment (H. P. 1293) (L. D. 1714) which was Passed to be Enacted in the House on June 9, 1983. (Having previously been Passed to be Engrossed as amended by House Amendment "A" (H-358))

Came from the Senate Passed to be Engrossed as amended by House Amendment "A" (H-358) and Senate Amendment "A" (S-253) in non-concurrence.

In the House:

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

Mr. DAY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to the Chairman of the Appropriations Committee. Reading this, there is \$197,000 appropriated to pay for group insurance for state employees out of the alcoholism prevention education and research fund. That breaks down to \$13 per employee. I was under the impression that that fund, that \$2.4 million, was for research, not to pay insurance bills for a select group of employees. Now, the state employees are around 15,000 total employees in the state are well over 400,000 and we did exempt those businesses under 20 employees, but it still leaves probably in the order of 300,000 or so other employees who are not going to be paid out of this special fund, and my question is, why are we taking these research education funds to pay somebody's group insurance plan, and we were told that this wasn't going to cost anything.

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

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: The reason that there was a fiscal note put on this bill is because the opponents of the bill, the major opponents of the bill, Blue Cross-Blue Shield, provide health insurance to the state. I would also add that they do that, there was no competitive bidding on their contract. This is the figure that they say it is going to cost. The money that is being used to fund this is from the trust fund within the alcohol premium fund. We estimate that if this bill is passed, the state will save between \$500,000 to \$942,000. That money can be repaid from these savings, but we were in an awkward situation because the finance office is taking the word of the people that are most opposed to the bill. They have done this in every state where this bill has been passed. In most states, there have been no costs but there is no way to tell that at this particular time, that is why this is funded the way it was.

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

Mr. DAY: Mr. Speaker, this is one reason why I was concerned about the mandatory thing. I am really upset that we are taking money from the so-called premium law that I helped pass because I thought it was needed to help everybody in the state and not to help pay for a payroll cost that the state should assume out of a fund that is supposed to take care of people all over the state, people in the state of Maine in general. It looks to me like it is an improper use of the money for which we passed the premium law. I would just like to suggest that this amendment be indefinitely postponed and we have a roll call on it.

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

Mr. SCARPINO: Mr. Speaker, I would like to address a question through the Chair to anyone who may care to answer. Assuming that the funds are taken out of the special fund for alcoholism treatment, is there any mechanism that would guarantee, supposing, as was said, there will be a savings, is there any mechanism in this amendment or any other amendment that would guarantee those funds being returned to the alcoholism treatment fund?

The SPEAKER: The gentleman from St. George, Mr. Scarpino, has posed a question through the Chair to anyone who may care to respond.

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

Mr. ROLDE: Mr. Speaker, to answer the good gentleman's question directly, as I understand the amendment, there is nothing specific in there that states that. However, let me explain what we are talking about, the premium trust fund. This is a fund that was set aside within the premium money. And let me explain to the gentleman from Westbrook, we are not paying this just willy-nilly; this is what Blue Cross-Blue Shield says it will cost to treat alcoholism among state employees. We still disagree with that amount. We don't think it is going to cost that much, and the amendment does say that any funds that are not expended will lapse back into the alcohol prevention fund.

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

Mr. DAY: Mr. Speaker, I realize that any monies left over will lapse, but suppose you blow it all, then there won't be any to lapse.

I do not think that if we are going to provide this kind of EAP, or whatever you want to call it, treatment for our employees that we should take it out of the fund that we voted for to do research and education and so forth for the whole state and not favor one group, and that is why I do not really believe that this is a proper use of the money that we passed two years ago, and I guess I said "suggest" a roll call — I request a roll call.

Mr. Higgins of Scarborough moved that the House adhere and requested a roll call vote.

Whereupon, Mr. Rolde of York moved that the House recede and concur.

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

Mr. SCARPINO: Mr. Speaker, Ladies and Gentlemen of the House: As most of you probably know, I was one of the few people on my side of the aisle that felt very strongly in favor of this bill in its original form, and I still am in favor of the bill in its original form. However, there is no way that I can possibly support this amendment.

It is quite simply that the treatment fund was there to provide education and treatment for people who already have or are suffering from the disease of alcoholism and drug dependency. It was not passed, the original intent of it was not and its current intent is not, to provide insurance policies or insurance payments for state employees. While I still as strongly as possible support the original concept of the alcohol insurance bill, there is no way that I can lend my support to this amendment because I feel that it goes against the grain of both what the insurance bill was designed for and what the premium funds were designed for, and I urge your opposition to the motion to recede and concur.

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

Mrs. MELENDY: Mr. Speaker, Ladies and Gentlemen of the House: When I listened to Mr. Day saying that he supported this alcoholism bill, the premium to help out alcoholism, I am a little bit concerned that he is not reading into what we are trying to pass here tonight. Tonight, as we look at this, he is looking at just the figure that will cover the state employees if this is the money that has to come out of that, but what about all those other people that are only being helped superficially with the amounts that come out of the premium that will be helped directly through their insurance programs. I would say, let us follow Mr. Rolde's light and let's vote this through to keep our good program and to encourage and increase this program on alcoholism.

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

Mr. ARMSTRONG: Mr. Speaker, I would like

to pose a question through the Chair to Mr. Rolde.

If my personal insurance premiums, I have Blue Cross and Blue Shield, go up, can I send a bill to you or to the Alcohol Premium Fund for the additional amount?

The SPEAKER: The gentleman from Wilton, Mr. Armstrong, has posed a question through the Chair to the gentleman from York, Mr. Rolde, who may respond if he so desires.

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

Mr. SCARPINO: Mr. Speaker, Ladies and Gentlemen of the House: What I would like to say is this, in reference to Mrs. Melendy's statement, \$197,472 will be taken from direct education or treatment from alcoholics in the state right now. I am not aware whether Mrs. Melendy is aware of how much of that treatment fund has come to Knox County and to CAS, in particular, and Skyward — if they decided to take that money directly out of CAS, there are one or two few people that might miss some treatment would be every client that goes to CAS in Knox County.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Let me explain where these funds come from. They do not come from funds that are currently available to spend on alcoholism. They come from a trust fund that is in the premium bill that under the original law could not be spent until eight years from now. You will notice in the amendment that one section is repealed and that repeal takes out that section that establishes that premium trust fund which cannot be spent now and could not be spent for another five to six years from now. So when the gentleman from St. George says that this is money being taken away from current alcoholism programs, that is not correct.

We are putting this money in to deal with those people who are trying to kill the bill and this money can be restored in the next session through the Allocation Act, if the savings that we believe is going to be there will come to the state, and those savings have been estimated as high as \$942,000. That is what we are paying now for free standing units and for out-patient care which Blue Cross - Blue Shield will not cover. They will only cover the most expensive treatment and that is the reason for this bill.

As the gentleman from Rockland, Mrs. Melendy said, this bill is going to help many, many people who have the problem of the illness of alcoholism.

I hate to have to do this this way but I didn't put that figure on, the people who are trying to kill this bill put that figure on.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: That figure, as Representative Rolde says, is not cut in stone. In my opinion, the Blues are going to ask for this amount next year, I say send the whole thing out to bid. In my opinion, there is no cost at all. Unfortunately, I couldn't make that point clear enough so people would go along with my thinking.

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

Mr. SOUCY: Mr. Speaker, I would like to pose a question through the Chair. We have been talking about some trust funds but I haven't heard the amount of money in this trust fund. I would like to know that amount.

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

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: The amount of money in the trust fund was \$215,000.

Mr. Higgins of Scarborough requested a roll call.

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

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

The SPEAKER: The pending question before the House is on the motion of the gentleman from York, Mr. Rolde, 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, Bott, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cooper, Cote, Crouse, Crowley, Daggett, Diamond, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Joseph, Joyce, Kane, Kelly, Kilcoyne, Lehoux, Lisnik, Locke, Manning, Martin, H.C.; Masterman, Matthews, Z.E.; Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, Norton, Paradis, P.E.; Perkins, Perry, Randall, Richard, Rolde, Smith, C.B.; Soucy, Stevens, Swazey, Tammaro, Theriault, Thompson, Tuttle, Vose, The Speaker.

NAY—Anderson, Armstrong, Bell, Bonney, Brown, K.L.; Cahill, Callahan, Carrier, Conary, Cox, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Kiesman, Lebowitz, Lewis, Livesay, MacBride, MacEachern, Masterton, Maybury, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Paul, Pines, Pouliot, Racine, Reeves, J.W.; Ridley, Roberts, Roderick, Salsbury, Scarpino, Sherburne, Small, Smith, C.W.; Soule, Sproul, Stevenson, Stover, Telow, Walker, Webster, Wentworth, Willey, Zirkilton.

ABSENT—Brown, A.K.; Brown, D.N.; Connors, Curtis, Dudley, Jackson, Jalbert, Kelleher, Ketover, LaPlante, Macomber, Mahany, Martin, A.C.; Matthews, K.L.; McPherson, Murray, Parent, Reeves, P.; Rotondi, Seavey, Strout, Weymouth.

Yes, 75; No, 54; Absent, 22.

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

An Act to Establish the Maine Environmental Protection Fund (H. P. 1327) (L. D. 1762) which was Passed to be Enacted in the House on June 16, 1983.

Came from the Senate Passed to be Engrossed as amended by Senate Amendment "A" (S-255) in non-concurrence.

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

The following items appearing on Supplement No. 16 were taken up out of order by unanimous consent:

Non-Concurrent Matters

An Act to Provide Equitable Mental Health Insurance (S. P. 596) (L. D. 1718) which was Passed to be Enacted in the House on June 10, 1983. (Having previously been Passed to be Engrossed as amended by House Amendment "A" (H-342) and Senate Amendment "A" (S-170))

Came from the Senate Passed to be Engrossed as amended by House Amendment "A" (H-342) and Senate Amendment "A" (S-170) and Senate Amendment "B" (S-254) in non-concurrence.

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

An Act to Change the Treatment of Certain Sales under the Sales Tax Law (S. P. 627) (L. D.

1766) which was Passed to be Enacted in the House on June 16, 1983.

Came from the Senate Passed to be Engrossed as amended by Senate Amendment "B" (S-259) in non-concurrence.

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

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

Non-Concurrent Matter

RESOLVE, Approving the 1983 Draft and Arrangement of the Constitution of Maine Made by the Chief Justice of the Supreme Judicial Court and Providing for its Publication and Distribution (S. P. 180) (L. D. 547) which was Finally Passed in the House on April 29, 1983. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (S-64))

Came from the Senate Passed to be Engrossed as amended by Committee Amendment "A" (S-64) as amended by Senate Amendment "A" (S-229) thereto in non-concurrence.

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

An Act Relating to the Education of Dependent Children (H. P. 879) (L. D. 1133) which was Passed to be Enacted in the House on June 9, 1983. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (H-338))

Came from the Senate Passed to be Engrossed as amended by Committee Amendment "A" (H-338) as amended by Senate Amendment "A" (S-234) thereto in non-concurrence.

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

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

Non-Concurrent Matters

An Act to Provide an Income Tax Checkoff for Voluntary Support of Nongame Wildlife Management (S. P. 380) (L. D. 1151) which was Passed to be Enacted in the House on March 24, 1983. (Having previously been Passed to be Engrossed as amended by House Amendment "A" (H-74))

Came from the Senate Passed to be Engrossed as amended by House Amendment "A" (H-74) as amended by Senate Amendment "A" (S-235) thereto in non-concurrence.

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

An Act to Reform the Workers' Compensation System (Emergency) (H. P. 1019) (L. D. 1322) which was Passed to be Enacted in the House on May 12, 1983. (Having previously been Passed to be Engrossed as amended by House Amendment "A" (H-226) and Committee Amendment "B" (H-217))

Came from the Senate Passed to be Engrossed as amended by House Amendment "A" (H-226) and Committee Amendment "B" (H-217) as amended by Senate Amendment "A" (S-237) thereto in non-concurrence.

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

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

Non-Concurrent Matters

An Act to Require the Department of Human Services to Conduct Demonstrations of Adult Day Care and Other Services through Long-term Care Facilities (S. P. 499) (L. D. 1511) which was Passed to be Enacted in the House on May 27, 1983. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (S-139))

Came from the Senate Passed to be Engrossed as amended by Committee Amendment "A" (S-139) as amended by Senate Amendment "A" (S-241) thereto in non-concurrence.

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

An Act to Establish a Commission to Review and Evaluate the University of Maine System (S. P. 537) (L. D. 1566) which was Passed to be Enacted in the House on June 10, 1983. (Having previously been Passed to be Engrossed as amended by House Amendment "A" (H-335))

Came from the Senate Passed to be Engrossed as amended by House Amendment "A" (H-335) as amended by Senate Amendment "A" (S-244) thereto in non-concurrence.

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

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

Non-Concurrent Matters

An Act to Protect the Public from Unsafe Pesticide Use (S. P. 553) (L. D. 1602) which was Passed to be Enacted in the House on May 20, 1983. (Having previously been Passed to be Engrossed as amended by House Amendment "A" (H-245))

Came from the Senate Passed to be Engrossed as amended by House Amendment "A" (H-245) as amended by Senate Amendment "A" (S-245) thereto in non-concurrence.

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

An Act to Provide Immediate Authorization and Funding to Clean Up Hazardous Waste Dump at Buckfield (Emergency) (S. P. 571) (L. D. 1649) which was Passed to be Enacted in the House on June 9, 1983. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (S-177))

Came from the Senate Passed to be Engrossed as amended by Committee Amendment "A" (S-177) as amended by Senate Amendment "A" (S-246) thereto in non-concurrence.

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

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

Passed to Be Enacted Emergency Measure

An Act to Reform the Workers' Compensation System (H. P. 1019) (L. D. 1322) (S. "A" S-237 to C. "B" H-217 and H. "A" H-226)

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 necessary being necessary, a total was taken. 108 voted in favor of same and five against and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act to Address School Failure in Kindergarten and Early Elementary Grades (H. P. 1066) (L. D. 1404) (C. "A" H-221 and C. "A" S-238)

Finally Passed

RESOLVE, to Establish a Maine Commission to Examine the Availability, Quality and Delivery of Services Provided to Children with Special Needs (H. P. 1251) (L. D. 1664) (C. "A" H-388 and S. "A" S-250)

An Act to Assure Public Awareness of Nuclear Civil Protection Plans for Maine (H. P. 1266) (L. D. 1677) (S. "B" 251 to S. "A" S-152)

An Act to Create a Maine Sentencing Guidelines Commission (H. P. 1270) (L. D. 1684) (S. "A" S-252 and H. "A" H-316)

An Act to Provide Equitable Health Care for

Alcoholism and Drug Dependency Treatment (H. P. 1293) (L. D. 1714) (S. "A" S-253 and H. "A" H-358)

An Act to Provide Equitable Mental Health Insurance (S. P. 596) (L. D. 1718) (H. "A" H-342; S. "A" S-170 and S. "B" S-254)

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

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

Passed to Be Enacted

An Act to Provide a Statewide Office of School Volunteer Programs (H. P. 386) (L. D. 469) (S. "A" S-230 to C. "A" H-33)

An Act to Promote Work-site High Blood Pressure Programs for Maine Workers (S. P. 284) (L. D. 872) (S. "A" S-230 to C. "A" S-78)

An Act to Extend and Amend the Statute entitled Purchase of Foodstuffs from Maine Concerns (H. P. 710) (L. D. 901) (S. "A" S-231 to C. "A" H-254)

An Act Appropriating Funds for Independent Living Services for the Disabled (S. P. 316) (L. D. 952) (H. "A" H-336 to C. "A" S-150 and S. "A" S-232)

An Act to Extend Consumers Freedom of Choice Regarding Insured Mental Health Services (H. P. 743) (L. D. 955) (C. "A" H-190; S. "A" S-96; S. "B" S-112 and S. "C" S-233)

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

The following item appearing on Supplement No. 23 was taken up out of order by unanimous consent:

On motion of Representative Mitchell of Vassalboro, the following Joint Order: (H. P. 1357)

ORDERED, the Senate concurring, that the following specified matters be held over to the next special or regular session of the 111th Legislature:

Committee

Energy and Natural Resources — S. P. 614; L. D. 1750.

State Government — S. P. 530; — L. D. 1553.
Taxation — H. P. 1039; L. D. 1364; H. P. 1188; L. D. 1584.

The Joint Order was read and passed and sent up for concurrence.

The following items appearing on Supplement No. 24 were taken up out of order by unanimous consent:

Passed to Be Enacted Emergency Measure

An Act Concerning the Agricultural Use of Sludge (H. P. 1248) (L. D. 1662) (S. "A" S-249)

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 necessary being necessary, a total was taken. 103 voted in favor of same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act to Insure State Enforcement of Equal Opportunity in State-supported Educational Programs (H. P. 1241) (L. D. 1653) (S. "A" S-248)

An Act to Establish the Maine Environmental Protection Fund (H. P. 1327) (L. D. 1762) (S. "A" S-255)

An Act to Change the Treatment of Certain Sales under the Sales Tax Law (S. P. 627) (L. D. 1766) (S. "B" S-259)

An Act to Amend the Adult Protective Services Act (S. P. 536) (L. D. 1562) (S. "A" S-243)

An Act to Rejuvenate the Fishing Industry in

Maine (S. P. 575) (L. D. 1652) (S. "A" S-247)

An Act to Equitably Share the Cost of Police Training (H. P. 1075) (L. D. 1407) (S. "A" S-239)

An Act Concerning State Assistance to Areas Affected by Non-English Speaking Immigrants and Refugees (S. P. 532) (L. D. 1555) (S. "A" S-242)

An Act Relating to the Education of Dependent Children (H. P. 879) (L. D. 1133) (S. "A" S-234 to C. "A" H-338)

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

The following items appearing on Supplement No. 25 were taken up out of order by unanimous consent:

Passed to Be Enacted Emergency Measure

An Act to Provide Immediate Authorization and Funding to Clean Up Hazardous Waste Dump at Buckfield (S. P. 571) (L. D. 1649) (S. "A" S-246 to C. "A" S-177)

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 necessary being necessary, a total was taken. 108 voted in favor of same and none against and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act to Establish a Commission to Review and Evaluate the University of Maine System (S. P. 537) (L. D. 1566) (S. "A" S-244 to H. "A" H-335)

An Act to Protect the Public from Unsafe Pesticide Use (S. P. 553) (L. D. 1602) (S. "A" S-245 to H. "A" H-245)

An Act to Require the Department of Human Services to Conduct Demonstrations of Adult Day Care and Other Services through Long-term Care Facilities (S. P. 499) (L. D. 1511) (S. "A" S-241 to C. "A" S-139)

An Act to Provide an Income Tax Checkoff for Voluntary Support of Nongame Wildlife Management (S. P. 380) (L. D. 1151) (S. "A" S-235 to H. "A" H-74)

Finally Passed

RESOLVE, Approving the 1983 Draft and Arrangement of the Constitution of Maine Made by the Chief Justice of the Supreme Judicial Court and Providing for its Publication and Distribution (S. P. 180) (L. D. 547) (S. "A" S-229 to C. "A" S-64)

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

The following items appearing on Supplement No. 26 were taken up out of order by unanimous consent:

Non-Concurrent Matters

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Extend the Tenure for Sheriffs from Two years to Four years. (S. P. 111) (L. D. 263) which Failed of Final Passage in the House on February 22, 1983.

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

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

An Act to Provide for an Analysis of the Future of Maine's Forest Resources (H. P. 460) (L. D. 562) which was Passed to be Enacted in the House on June 14, 1983. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (H-351) as amended by Senate Amendment "A" (S-194) thereto)

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed in

non-concurrence.

In the House:

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

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

The SPEAKER: The gentlewoman from Bethel, Miss Brown, moves that the House adhere.

The gentlewoman may proceed.

Miss BROWN: Mr. Speaker, Ladies and Gentlemen of the House: To refresh your memory, this is a bill that Representative Hall and I sponsored. It is to provide an analysis for the future of Maine's forest resources. Already the research has been done, there has been over 2500 plots used to collect and compile data from the Maine forests and I felt this data will show a number of important changes that have taken place with the initial survey a number of years ago.

Maine is over 90 percent forested and the impact that this has on our economy is vitally important to the state.

I have received a tremendous amount of support from the administration and from a lot of people that have worked on this bill and I hope you support me on the adhere motion.

Mrs. Mitchell of Vassalboro moves that the House recede and concur.

The SPEAKER: The gentlewoman from Vassalboro, Mrs. Mitchell moves that the House recede and concur.

Miss Brown of Bethel 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 Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: Just a point of information — there are funds in the Part II that cover this study.

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

Miss BROWN: Mr. Speaker, Members of the House: There may be funds from the Part II Budget to cover this study but this bill establishes the structure in which the study can be set up and coordinated. A great number of people have worked on this bill for over a year. I requested earlier that the appropriation figure be withdrawn from this legislation and didn't receive any cooperation on it and that is why I proceeded with it funded as it was. There was the amendment that was requested from the Speaker of the House that placed the financial statement on the bill. The way the bill was originally written, it was financially going to pay for itself.

The SPEAKER: The pending question before the House is on the motion of the gentlewoman from Vassalboro, Mrs. Mitchell, 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, Carrier, Carroll, D.P.; Carroll, G.A.; Carter, Chonko, Clark, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Erwin, Gauthreau, Gwadosky, Hall, Handy, Hickey, Higgins, H.C.; Hobbins, Jacques, Joseph, Joyce, Kane, Kelly, Kilcoyne, Lehoux, Lisnik, Locke, MacEachern, Manning, Martin, H.C.; Masterman, Matthews, Z.E.; Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Mitchell, E.H.; Moholland, Nadeau, Nelson, Paradis, P.E.; Perry, Pouliot, Racine, Reeves, J.W.; Richard, Ridley, Roberts, Rolde, Smith, C.B.; Soucy, Soule, Stevens, Swazey, Tammara, Theriault, Thompson, Vose, Wentworth, The Speaker.

NAY—Anderson, Armstrong, Bell, Bonney, Bott, Brown, K.L.; Cahill, Callahan, Cashman, Conary, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Kiesman, Lebowitz, Lewis, Livesay, MacBride, Masterton, Maybury, Michael, Mitchell, J.; Murphy, E.M.; Murphy, T.W.; Norton, Paradis, E.J.; Paul, Perkins, Pines, Randall, Roderick, Salsbury, Scarpino, Sherburne, Small, Smith, C.W.; Sproul, Stevenson, Stover, Telow, Tuttle, Walker, Webster, Willey, Zirkilton.

ABSENT—Brown, A.K.; Brown, D.N.; Connors, Curtis, Dudley, Hayden, Jackson, Kelleher, Ketover, LaPlante, Macomber, Mahany, Martin, A.C.; Matthews, K.L.; McPherson, Murray, Parent, Reeves, P.; Rotondi, Seavey, Strout, Weymouth.

Yes, 76; No, 52; Absent, 23.

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

The following items appearing on Supplement No. 27 were taken up out of order by unanimous consent:

Non-Concurrent Matters

An Act to Provide for a Reduced Fee for Lobster Fishing Licenses for Persons 70 years of Age and Older (H. P. 662) (L. D. 825) which was Passed to be Enacted in the House on March 3, 1983.

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

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

An Act to Equalize Health Insurance Benefits for Retired State Employees (S. P. 323) (L. D. 968) which was Passed to be Enacted in the House on April 8, 1983. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (S-41))

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

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

The following items appearing on Supplement No. 28 were taken up out of order by unanimous consent:

Non-Concurrent Matters

An Act to Amend the Provisions of the Medical Eye Care Program (S. P. 376) (L. D. 1123) which was Passed to be Enacted in the House on March 21, 1983.

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

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

An Act to Expand the Tourism Promotion Program (Emergency) (S. P. 451) (L. D. 1372) which was Passed to be Enacted in the House on May 25, 1983. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (S-116))

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

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

The following items appearing on Supplement No. 29 were taken up out of order by unanimous consent:

Non-Concurrent Matters

An Act to Reform the School Finance Act (H. P. 1197) (L. D. 1588) which was Passed to be Enacted in the House on June 6, 1983. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" H-312)

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed in

companying Papers Indefinitely Postponed in non-concurrence.

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

An Act to Establish a Job Development Training Fund Within the State Development Office (H. P. 1294) (L. D. 1715) which was Passed to be Enacted in the House on June 3, 1983.

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

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

The following items appearing on Supplement No. 30 were taken up out of order by unanimous consent:

Non-Concurrent Matters

An Act to Appropriate Funds for the Removal of Certain Hazardous Waste from the McKin Site in Gray, Maine (Emergency) (S. P. 614) (L. D. 1750) which was Passed to be Enacted in the House on June 14, 1983.

Came from the Senate with the Bill and Accompanying Papers Recommended to the Committee on Energy and Natural Resources in non-concurrence.

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

An Act to Establish Funding for Programs of Preventive Intervention and Family Support (H. P. 1268) (L. D. 1682) which was passed to be enacted in the House on June 1, 1983.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-261) in non-concurrence.

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

Mr. Dexter of Kingfield moved that the House reconsider its action of earlier in the day whereby An Act to Change the Treatment of Certain Sales under the Sales Tax Law (S. P. 627) (L. D. 1766) was passed to be enacted.

Mr. DEXTER: Mr. Speaker, Men and Women of the House: What we have done is to delete the chainsaw provision on the trade-in credit. This is something that I have fought for seven years. Now seven years ago, we put together a tax package for trade-in credits of skidders, etc. and the gentleman from Eagle Lake and I both thought this was in here seven years ago and being kind of naive here my first year, I didn't follow it through the way I should have and it got left out. This was put together in a tax package from the Taxation Committee, unanimous, and it went down to Appropriations. Now Senate Amendment "B" deletes the chainsaw trade-in credit. If this is what this body wishes to do, to hurt the hardest working people and the poorest people in the State of Maine and take away a few dollars from them, so be it but I hope you will reconsider.

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

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: I must say that I have to concur with the gentleman from Kingfield, Mr. Dexter, in that those people involved in the woods products industry and the harvesting of our lumber in the state are probably some of the hardest working people and indeed are the backbone of this state. However, due to the fiscal impact that this particular section of the casual sales tax bill had, the price tag was not one that the Appropriations Committee apparently felt they could fund at this time, and I hope that you would not reconsider adoption of this amendment.

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

Mrs. INGRAHAM: Mr. Speaker, I would like to pose a question through the Chair. Would the Chairman of the Taxation Committee, Mr. Higgins, please tell us what the fiscal note is?

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

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

Mr. HIGGINS: Mr. Speaker, Members of the House: I am somewhat embarrassed, my L. D. are no longer here as many of yours aren't. If I could have a moment, I am sure I could find it.

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

Mr. DEXTER: Mr. Speaker, Men and Women of the House: I am not embarrassed, it is the great sum of \$41,000.

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 am a little bit confused as to exactly what we are dealing with, because on Supplement 24, which I believe is the one that was passed, is Senate Amendment "A" instead of Senate Amendment "B" and we have been speaking about Senate Amendment "B" so I think we should decide what Senate Amendment we are dealing with.

On Supplement 16 it was Senate Amendment "B" but on Supplement 24 which was passed is Senate Amendment "A."

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

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: In looking at the amendment, it is my understanding the first year appropriation has been further reduced to \$17,520 and the second year it was reduced to \$46,000. The original bill that came out of Taxation Committee had a price tag of nearly a quarter of a million dollars so as you can see, a number of articles have been deleted in addition to chainsaws.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Masterman.

Mr. MASTERMAN: Mr. Speaker, Men and Women of the House: There is another part of this bill that hasn't been mentioned too, and I think anyone here that is in the trucking business would be interested in this one. This also has that \$500 credit for a trade-in; for instance, if Mr. Moholland put in a new motor and he had to pay \$3,000, he would have a credit of \$500. We didn't see fit to go down to minimal amount, but there would be credit for \$500, and I believe that is in here too in this amount of money.

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

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: Indeed, my colleague on the other side of the aisle is quite right, those would be very nice things to do but I am somewhat surprised in a time of fiscal austerity they want to give further sales tax exemptions. I think it was a decision that, yes, some of these sales tax exemptions were worthwhile, they didn't cost a great deal of money but under the circumstances, it is inappropriate to try to give a sales tax exemption the size that you have requested.

I would ask for a roll call on the motion to reconsider and ask you to vote against reconsideration.

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 a favor of a roll call will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question before the House is on the motion of the gentleman from Kingfield, Mr. Dexter, that the House reconsider its action whereby this Bill was

passed to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Allen, Anderson, Armstrong, Bell, Bonney, Bost, Bott, Brown, K.L.; Cahill, Callahan, Carrier, Conary, Cooper, Cox, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Greenlaw, Gwadosky, Hayden, Higgins, L.M.; Holloway, Ingraham, Jacques, Kelly, Kiesman, Lebowitz, Lewis, Livesay, MacBride, MacEachern, Martin, H.C.; Masterman, Masterton, Matthews, Z.E.; Maybury, Mayo, McCollister, McGowan, McHenry, McPherson, Michael, Michaud, Murphy, E.M.; Murphy, T.W.; Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Paul, Perkins, Perry, Pines, Randall, Richard, Ridley, Roderick, Salsbury, Scarpino, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Soule, Sproul, Stevens, Stevenson, Stover, Tammara, Telow, Theriault, Tuttle, Walker, Webster, Wentworth, Willey, Zirkilton.

NAY—Ainsworth, Andrews, Baker, Beaulieu, Benoit, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cote, Crouse, Crowley, Daggett, Diamond, Erwin, Gauvreau, Hall, Handy, Hickey, Higgins, H.C.; Hobbins, Joseph, Joyce, Kane, Kilcoyne, Lehoux, Lisnik, Locke, Manning, McSweeney, Melendy, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Pouliot, Racine, Roberts, Rolde, Swazey, Thompson, Vose, The Speaker.

ABSENT—Brown, A.K.; Brown, D.N.; Conners, Curtis, Dudley, Jackson, Jalbert, Kelleher, Ketover, LaPlante, MacComber, Mahany, Martin, A.C.; Matthews, K.L.; Murray, Parent, Reeves, J.W.; Reeves, P.; Rotondi, Seavey, Strout, Weymouth.

Yes, 81; No, 48; Absent, 22.

The SPEAKER: Eighty-one having voted in the affirmative and forty-eight in the negative, with twenty-two being absent, the motion does prevail.

On motion of Mr. Martin of Eagle Lake, the Bill and all its papers were indefinitely postponed.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I am not sure that I caught the motion that the gentleman made.

The SPEAKER: The motion was to indefinitely postpone.

Mr. HIGGINS: The bill?

The SPEAKER: The Chair would answer in the affirmative.

Mr. HIGGINS: Mr. Speaker, having voted on the prevailing side, I now move that the House reconsider its action whereby it indefinitely postponed this bill and all its accompanying papers.

The SPEAKER: The gentleman from Scarborough, Mr. Higgins, moves that the House reconsider its action whereby the bill and all its accompanying papers were indefinitely postponed.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I didn't intend to get caught up in debate over this issue because I am not all that particularly familiar, but it just seems to me that the action we have just observed here is clearly not indicative of what the House wanted to do. I think it is obvious that the gentleman from Kingfield, Mr. Dexter, wanted an attempt to attach an amendment to this bill dealing with chainsaws. I am not sure what the cost of the amendment is but it seems to me that the way in which one might proceed would be to table this bill until tomorrow, I hate to say it, or until later today, and let the gentleman offer his amendment to the bill and let the House vote on it. I think it is clearly not within the realm of the possibility of the actions that I have just seen.

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

House at Ease

The House was called to order by the Speaker.

By unanimous consent, House Rule 22 was suspended for the purpose of conducting business after 9:00 p.m.

The Chair laid before the House the following matter: An Act to Change the Treatment of Certain Sales under the Sales Tax Law (S. P. 627) (L. D. 1766) which was tabled earlier and later today assigned pending the motion to reconsider whereby the Bill was indefinitely postponed.

Thereupon, the House reconsidered its action whereby this Bill was indefinitely postponed in non-concurrence.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make a couple of points if I could. It has been purported that somehow I have changed my mind on this particular bill and that I am somehow trying to be an insurgent, and the fact that I voted in leadership to fund this bill as it presently sits before us and therefore the fact that I voted with my dear friend from Kingfield, Mr. Dexter, on an earlier motion somehow betrays the confidence or betrays an obligation that I made. I simply want to make it known to members of the House that if they would check the records of the legislative council of the leadership meeting, I supported the bill as written, not amended, as it lay on the Senate Appropriations Table, when the first vote was taken of the members of leadership and that motion failed 4 to 6 on a party line vote, but I supported the bill as written, as on the Table, as did all the members of the Taxation Committee when they reported the bill out of committee. It failed 4 to 6, whereupon someone else made the motion that we accept an amended version of this bill at a reduced amount, to which I voted yes and it was unanimous.

So, yes, I did vote for a reduced amount but more importantly I supported the bill as written, including the chainsaws and whatever else was in this bill that has been amended out.

I am a little upset by the way things have transpired here tonight and I have always made it clear that I feel that this House and the other body, the membership, has the right to pass or kill a bill on their own. If I am a member of leadership and I vote to kill a bill that is on the Appropriations Table and you have got the votes to override me, then you do it, that is your responsibility, your obligation, as legislators. I will take my lumps with the best of them; if I am wrong, I am wrong. But if the gentleman from Kingfield, Mr. Dexter, has got the votes to override me, then he darn well can do it and I accept it.

The power in this House is with 151 people, and if you don't think so, you are sadly mistaken. I will suggest again — it appeared from a previous vote that members of this body want to allow the gentleman to offer an amendment, and let's do it. We have got the time, there are bills here that we receded and concurred on and enacted five minutes later. If that is the case, we have got the time to let that gentleman offer an amendment tomorrow to take care of the problem.

I hadn't intended to get involved in this debate, it is not my bill, I don't care at all about it, but I am not going to let someone impugn my integrity and I am not going to let somebody stand up and say that we don't have the power to do what the people elected us to do. If you think so, then you had better go back home and ask them.

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

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: I will try and respond calmly and rationally and intelligently. It is

very difficult from the atmosphere that surrounds the last remarks of the gentleman. I now know why it has been so difficult to deal with Republican leadership. I don't know who speaks for their caucus.

Yes, the people in our caucus give us advice but at some point somebody has to sit down and say, "This, to the best of my knowledge, represents the wishes of the Democratic caucus." Otherwise, we would all sit down in here and do the table, legislative council and all of those things. Frankly, you know and I know that is an impossibility.

I think the gentleman from Scarborough has advocated his responsibilities as a Republican floor leader. You are right, the issue at this point, is not chainsaws, the issue is the legislative process. The gentleman from Scarborough voted against all revenue raising measures with the exception of his cigarette tax and his budget that he put together. He voted against the package which generated enough revenues to fund the bills which are now before us. Democrats did not sit down alone at the Appropriations Table. Democratic and Republican leadership, and we thought Representative Higgins was speaking for the Republican caucus, sat down at the Table and, yes, he won some, and let's not hear the number story, he lost some, we all did, but that is behind us now, and to say that you can override him, how can you override somebody who is leading the charge to destroy the process? You are voting "with" your colleagues to undo what had been agreed to at the Table; otherwise, frankly, you wasted my afternoon sitting in that hot Legislative Council chamber when we had votes in a give and take fashion based on recommendations from both Appropriation Committee members from both parties based on committees as they gave us their list of priorities for funding, the things that they thought were important. It seems to me that until you relearn that process, it is going to be very difficult to know how to operate with you in that corner. Unless you plan to raise a new tax or unless you plan to redo that whole table, then I suggest that you go forward with what has been decided and that you do live up to your commitments because, Mr. Higgins, up until this very minute I thought you had committed yourself to vote with the votes taken at that table this afternoon. I think you owe the House an apology if that is not true.

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

Mr. MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday, today, it is has been very hot. This is the second evening in a row that I have had to listen to personal attacks upon my party leader. During this last week, I think as a caucus, even though we are small in numbers, we have never been prouder of our leadership down in the corner, and I know it is very difficult for members of the other party to realize that we are a very small band of independent folk. We are provided very good leadership but we remain very much committed to what is in the best interest of our constituents and we do not follow blindly.

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

Mrs. MITCHELL: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Kennebunk, Mr. Murphy.

Mr. MURPHY: I notice that you voted to reconsider — could you please tell me how you plan to fund the tax break for chainsaws?

The SPEAKER: The gentlewoman from Vassalboro, Mrs. Mitchell, has posed a question through the Chair to the gentleman from Kennebunk, Mr. Murphy, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. MURPHY: Mr. Speaker, Members of the House: I voted, I think as we have through this entire session, as a courtesy to my colleague, for him to have the opportunity to present his

amendment and to have that discussion.

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 say that after the last few speeches in here and some of the other actions we have just seen, it is pretty apparent that it isn't just the temperature that is hot in here — people are getting very frayed around the edges.

I find it easy to understand how Mr. Murphy can be proud of his party and his leadership and that party's platform, I don't have any problem with that at all, but I was a member of Taxation who supported Representative Dexter's idea on chainsaws. I supported other things too. We went through ethanol studies from here to kingdom come in this body and this body and the other body recommended it, it went to Appropriations and it is dead. The ethanol study is dead; Mr. Dexter's chainsaw is dead and some other things. But I do agree, generally speaking, with the gentleman from Kennebunk, Mr. Murphy, on reconsideration, but it is after nine o'clock on the last night of the session. I told Mr. Dexter afterward that though I sympathized with his issue and voted with him right along on the issue, it is just not the time to reconsider and start up a whole new debate after it has been kicked around in committee, on the floor, in Legislative Council, Appropriations — the issue has been decided for this session, I think. And I hope that Mr. Dexter understands that when we do vote, I will not vote to reconsider this issue but I will do anything I can to help him out the next time.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: There is no way that I am going to apologize for my actions. I will apologize when I have done something that is incorrect or wrong but I have not done that. If the good majority floor leader of this House, in an attempt to try to distort or diminish the effect of the gentleman from Kingfield, has to stoop to the tactics of trying to impugn my integrity, then this House has reached an all time low. We are here to do the people's business, each of us here is elected with constituencies and I still go back to what I said — I may be the leader of the party on the floor of this House, but if you have got the votes to override me as that leader, then you darn well do it and I respect that ability. If I feel strongly, I will vote against it, I will work against it, I will do whatever I can, but as I said, I supported that bill as written, including Mr. Dexter's amendment, and I still do.

As far as the vote and the time that we have spent this afternoon going through the table in there, it was hot and if the gentlelady feels like she wasted some time, I came out of there feeling like I wasted some time too, because if you looked through the votes, most of the votes were either unanimous or 6 to 4 or 4 to 6 or there was maybe one or two 5 to 5 or 9 to 1 or something like that, but it was clear who was in charge. I don't have any problem with that. The majority party was elected, they have six votes on the council and they have the ability to fund programs that they want to fund, but I am not giving up my right to sit in this corner and push this button along with the other 150 of you here just because of a decision that was reached by the Legislative Council, or leadership in this case. I am not apologizing, no way.

The whole atmosphere — tonight clearly indicates it even more than last night — is that some people can't stand to lose, they can't be right all the time. If this body has the power within it to override the leadership, then do it. I don't have any problem with that. I may not like it but I have members of my caucus that don't vote with me on every issue, you can ask them that. Yes, I may ask them to switch but that isn't any different than individual legisla-

tors here. Any one of you that has a bill, you go and talk to your friends and ask them if they would switch, I do the same. I am not giving up that authority when I take on the job of leadership and I am not going to go out and twist arms one way or the other on a bill like this when a friend of mine wants to offer an amendment that I supported initially. You are not going to make me apologize or feel guilty for what I have done because what I have done I was elected to do and you were elected to do.

As I said before, if you have to stoop low enough to try and make me feel guilty or rally the troops to your cause because the good gentleman from Dexter got the votes, don't blame me because I wasn't out there lobbying for him, he did it on his own. Let's face it, the guy's got some friends in the House and he was right and what is wrong with that?

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

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: First of all, yes we are all Eddie Dexter's friends and I don't want that to become the issue. Obviously, Eddie Dexter could win any contest in here hands down, that is not the issue. I am sorry if the gentleman feels that he has been insulted; I simply was very confused at his understanding of the process. I will never be confused again, I have a perfectly clear picture now.

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

Mr. HIGGINS: Mr. Speaker, I move that this item lie on the table one day.

Mr. SPEAKER: The gentleman from Scarborough, Mr. Higgins, moves that this item be tabled one legislative day.

Mr. Diamond of Bangor requested a roll call.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. 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 and voting 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 Scarborough, Mr. Higgins, that this item be tabled one legislative day. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Anderson, Armstrong, Bell, Bonney, Bott, Brown, K.L.; Cahill, Callahan, Conary, Davis, Day, Dexter, Dillenback, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Kiesman, Lebowitz, Lewis, Livesay, MacBride, Masterman, Masterton, Maybury, McPherson, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Perkins, Pines, Randall, Roderick, Salsbury, Scarpino, Sherburne, Small, Smith, C.W.; Sproul, Stevenson, Stover, Telow, Walker, Webster, Wentworth, Willey, Zirkilton.

NAY—Ainsworth, Allen, Andrews, Baker, Beaulieu, Benoit, Bost, Brannigan, Brodeur, Carrier, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Joseph, Joyce, Kane, Kelly, Kilcoyne, Lehoux, Lisnik, Locke, MacEachern, Manning, Martin, H.C.; Matthews, Z.E.; Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, Norton, Paradis, P.E.; Paul, Perry, Pouliot, Racine, Richard, Ridley, Roberts, Rolde, Smith, C.B.; Soucy, Soule, Stevens, Swazey, Tammaro, Thompson, Tuttle, Vose, The Speaker.

ABSENT—Brown, A.K.; Brown, D.N.; Connors, Curtis, Drinkwater, Dudley, Jackson, Jalbert, Kelleher, Ketover, LaPlante, Macomber, Mahany, Martin, A.C.; Matthews, K.L.; Murray, Parent, Reeves, J.W.; Reeves, P.; Rotondi, Seavey, Strout, Theriault, Weymouth.

Yes, 48; No, 79; Absent, 24.

The SPEAKER: Forty-eight having voted in the affirmative and seventy-nine in the negative with twenty-four being absent, the motion does not prevail.

The pending question before the House is on enactment.

Mr. Webster of Farmington requested a roll call.

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

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

The SPEAKER: The pending question is on passage to be enacted. 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, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hayden, Higgins, H.C.; Hobbins, Jacques, Joseph, Joyce, Kane, Kelly, Kilcoyne, Lehoux, Lisnik, Locke, MacEachern, Manning, Martin, H.C.; Matthews, Z.E.; Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, Norton, Paradis, P.E.; Paul, Perry, Pouliot, Racine, Richard, Ridley, Roberts, Rolde, Smith, C.B.; Soucy, Soule, Stevens, Swazey, Tammaro, Telow, Thompson, Tuttle, Vose, The Speaker.

NAY—Anderson, Armstrong, Bell, Bonney, Bott, Brown, K.L.; Cahill, Callahan, Conary, Davis, Day, Dexter, Dillenback, Foster, Greenlaw, Hickey, Higgins, L.M.; Holloway, Ingraham, Kiesman, Lebowitz, Lewis, Livesay, MacBride, Masterman, Masterton, Maybury, McPherson, Murphy, T.W.; Paradis, E.J.; Perkins, Pines, Randall, Roderick, Salsbury, Scarpino, Sherburne, Small, Smith, C.W.; Sproul, Stevenson, Stover, Walker, Webster, Wentworth, Willey, Zirkilton.

ABSENT—Brown, A.K.; Brown, D.N.; Connors, Curtis, Drinkwater, Dudley, Jackson, Jalbert, Kelleher, Ketover, LaPlante, Macomber, Mahany, Martin, A.C.; Matthews, K.L.; Murphy, E.M.; Murray, Parent, Reeves, J.W.; Reeves, P.; Rotondi, Seavey, Strout, Theriault, Weymouth.

Yes, 79; No, 47; Absent, 25.

The SPEAKER: Seventy-nine having voted in the affirmative and forty-seven in the negative, with twenty-five being absent, the Bill is passed to be enacted.

Signed by the Speaker, and sent to the Senate.

The following items appearing on Supplement No. 32 were taken up out of order by unanimous consent:

Non-Concurrent Matters

An Act Concerning Local Leeway Under the School Finance Law (S. P. 264) (L. D. 773) which was Passed to be Enacted in the House on February 28, 1983.

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

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

An Act Making Appropriations and Allocations for the Expenditures of State Government to Insure that Maine Courts are Accessible to the Handicapped (H. P. 753) (L. D. 984) which was Passed to be Enacted in the House on May 27, 1983.

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

In the House: The House voted to recede and

concur.

The following item appearing on Supplement No. 33 was taken up out of order by unanimous consent:

Non-Concurrent Matter

An Act to Clarify the Use of Vocational-Technical Institutes' Facilities by Others (H. P. 771) (L. D. 1001) which was Passed to be Enacted in the House on April 6, 1983.

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

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

The following items appearing on Supplement No. 34 were taken up out of order by unanimous consent:

Passed to Be Enacted

An Act to Revise the Markup Percentage for Maine Produced Products Under the Liquor Laws (H. P. 1355) (L. D. 1791)

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

Mrs. Cahill of Woolwich 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 and having expressed a desire for a roll call, a roll call was ordered.

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

ROLL CALL

YEA—Ainsworth, Allen, Anderson, Andrews, Baker, Beaulieu, Benoit, Bonney, Bost, Brannigan, Carrier, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Dillenback, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Hobbins, Jacques, Joseph, Joyce, Kane, Kelly, Kilcoyne, Lebowitz, Lehoux, Lewis, Lisnik, Locke, MacEachern, Manning, Martin, H.C.; Masterton, Matthews, Z.E.; Maybury, Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, E.M.; Nadeau, Nelson, Norton, Paradis, P.E.; Perry, Pines, Pouliot, Racine, Randall, Richard, Ridley, Roberts, Roderick, Rolde, Salsbury, Soucy, Soule, Sproul, Stevens, Swazey, Tammaro, Telow, Thompson, Tuttle, Vose, Wentworth, Zirkilton, The Speaker.

NAY—Armstrong, Bell, Bott, Brodeur, Brown, K.L.; Cahill, Callahan, Clark, Conary, Davis, Day, Dexter, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Kiesman, Livesay, MacBride, Masterman, Michaud, Murphy, T.W.; Paradis, E.J.; Paul, Perkins, Scarpino, Sherburne, Small, Smith, C.B.; Smith, C.W.; Stevenson, Stover, Walker, Webster, Willey.

ABSENT—Brown, A.K.; Brown, D.N.; Connors, Curtis, Drinkwater, Dudley, Higgins, H.C.; Jackson, Jalbert, Kelleher, Ketover, LaPlante, Macomber, Mahany, Martin, A.C.; Matthews, K.L.; McPherson, Murray, Parent, Reeves, J.W.; Reeves, P.; Rotondi, Seavey, Strout, Theriault, Weymouth.

Yes, 89; No, 36; Absent, 26.

The SPEAKER: Eighty-nine having voted in the affirmative and thirty-six in the negative, with twenty-six being absent, this Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

An Act to Increase the Per Diem for County Commissioners Who Hire a Full-time County Administrator (H. P. 1351) (L. D. 1786)

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

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

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

Members of the House: As I look at this bill, it increases the per diem allowance for county commissioners from \$25 to \$75 per meeting. If you will recall, not too long ago there was a bill that came into county budgets where the good Representative from Augusta that submitted an amendment to authorize payment of county budget members to \$50 a meeting, and at that time I thought that \$50 was excessive. Today we have a bill in front of us where we are increasing the per diem rate from \$25 to \$75, and if \$50 was excessive to me, \$75 is more excessive than \$50, so I would make a motion that we indefinitely postpone this bill and all its accompanying papers and I would ask for the yeas and nays.

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

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

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: Because of the previous debate, I want to assure everyone that this bill has absolutely nothing to do with the Appropriations Table.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I believe the gentleman from Biddeford is not well informed on this bill. What the bill does, it is already in the law — presently the law says that if you hire an administrator, then the county commissioners must forego their salaries and be paid \$25 a day. There are quite a few counties that hire administrators and they call them secretaries or clerks and they still get their salaries, so what we are saying is, give them \$75 and be up front about it. We also rewrote the language to make sure that if they do not hire an administrator, no employee will do the administrative duties which are the responsibility of the county commissioners, and that is the bill. I sure hope you do not indefinitely postpone it.

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

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

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

Mr. SOUCY: Mr. Speaker, I would like to pose a question through the Chair. Is there any cap on this as far as salaries? Could a county commissioner have 100 meetings and be paid \$7500 a year along with an administrator? Or is there a limitation?

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

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: There is no limitation but as far as I know, if you hire a full-time administrator, it is because the county commissioners do not want to meet. Those that do not meet will not be paid and as far as I know, if you have a full-time administrator it would be quite senseless for the county commissioners to meet let's say for more than two or three times a month in my estimation. If they did, I would think the public would be made aware of it if they would abuse those.

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

Mr. PAUL: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for getting into this debate. I hadn't planned on it but there were a few comments I did want to make on it.

Having been involved in my county for the past number of years as budget chairman and seeing the demands on the services of the commissioners and what have you over the years, the commissioners in my county have constantly been asking us to hire an administrator to help relieve the duties of the commissioners because they are doing a lot more work and I feel that the administrative position is justified.

The problem I have with this bill is that the whole idea or purpose of hiring an administrator is to relieve the commissioners of the workload, so this proposal intends to increase the pay for the commissioners after they hire an administrator to reduce their own workload. I have serious reservations about it and I am concerned there is no cap on it and we may be in a situation where the commissioners will be meeting on Saturdays and Sundays. As I understand it, they are also going to be eligible to go for meals and mileage expenses, so I hope you do indefinitely postpone this bill.

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

Mrs. INGRAHAM: Mr. Speaker, I would like to pose a question through the Chair. In the instance in Aroostook County where one of our county commissioners is unemployed other than the county commissioner position; therefore, he can devote almost every day to working as a county commissioner, does this entitle him to \$75 for 365 days of the year?

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

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: Maybe I should not go with instinct but I believe that normal county commissioners get elected and I have a hard time believing that they would meet — one person especially and call that a meeting — what I believe is, a meeting is when they set up a meeting for the public to do public business and they do meet three, usually, sometimes two, but it is to meet and do the business of the county and when you have a full-time administrator, you do not have to meet as often because you are giving away some of your duties. That is why I really believe in my county, where my commissioner to be under this, let's say he meets four times a month presently in Aroostook, that means that for every meeting he attends he gets \$178 according to the salary. Divide that by 48, he gets \$178 for a meeting. In my county there was a commissioner that maybe attended six meetings in a year, so that is quite a good deal of money. If it is abused, we can always fix it anyway.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: I think maybe we need to go back and take a look at the present law. Present law says that the salaries shall be fixed. If they hire a full-time administrator the law says they must go to a per diem, which is set in the present law at \$25 per meeting, which is public notice, publicly scheduled and attended, a formal meeting of the commissioners. You know, your constituents know, that what happens is that you hire a full-time administrator in name but you hire someone who carries out those duties so the commissioners continue to draw their full-time salary while there is a full-time employee carrying out the responsibility of that office, they have it both ways. And the county commissioners will come back and argue for the per diem is only \$25. We can't afford to go from a \$5,000 or \$6,000 a year annual salary down to twice monthly at \$25 per diem, so we have a situation continue of part-time commissioners drawing full-time salaries while there is a full-time administrator there being paid flaunting the law.

So what this bill proposes is to return some honesty to county government, saying that if you were up front and you give title and responsibilities to an individual to carry out your duties and you pay that individual accordingly, you will not be paid that salary. As the good Chairman has said, it comes out in his county to \$178 a meeting, and I think in the workshops of the committee, they estimated that it would be anywhere from a 30 to 50 percent salary cut or that they would receive 30 to 50 percent of what they used to receive before. So if you believe in accountability in county government, and if you believe people should be paid fairly for the work they do and that they shouldn't find ways of circumventing the law, then this should be a bill that you would support.

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

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: In response to Representative Murphy, I think that if we do have some counties where people hire full-time administrators and classify them as clerks, I feel that we as a legislature are not performing our duties. We should be aware of what is going on in our counties and if that is the situation, then we should take some corrective action to ensure that this is not being done in the counties.

Secondly, the legislators from the county where an individual is getting paid \$178 per meeting should reduce the salary of their county commissioners. That has nothing to do with this bill. I still think that \$75 per meeting is excessive and the property tax is supporting county budgets and we are right back to where we were before, so I certainly hope that you will support my motion to indefinitely postpone.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: This bill does exactly what Representative Racine from Biddeford has stated. It clarifies the language to make sure that our county commissioners understand that we will not stand for them hiring clerks underhandedly and calling them their administrators and calling them clerks and secretaries. The language is being clarified in the bill, so if you want to clarify it, I can't see how you can oppose it.

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

Mr. WALKER: Mr. Speaker, Ladies and Gentlemen of the House: I am sure most of your counties are like Somerset. Our commissioners meet twice a month, that means \$150 a month if they had an administrator, which comes to \$1800 a year. Is there a county in the State of Maine where the county commissioners have a salary of \$1800 a year or less? I would ask you that?

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I cannot answer the good gentleman's question; however, I can tell him that I know of many towns where there are councilors and selectmen who work for much less money. Myself, personally, we get \$10 a month regardless of how many meetings we attend and some of those meetings last as long as five and six hours.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Biddeford, Mr. Racine, that this Bill and all its accompanying papers be indefinitely postponed in non-concurrence. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Allen, Anderson, Armstrong, Bell, Benoit, Brown, K.L.; Cahill, Callahan, Carrier, Carroll, G.A.; Carter, Conary, Cooper, Cote, Erwin, Gwadosky, Handy, Jacques, Kiesman, Kilcoyne, Lehoux, Lewis, MacEachern, Mat-

thews, Z.E.; McCollister, Michael, Mitchell, J.; Norton, Paradis, E.J.; Paradis, P.E.; Paul, Perkins, Pouliot, Racine, Richard, Ridley, Roberts, Roderick, Rolde, Salsbury, Scarpino, Sherburne, Soucy, Stover, Swazey, Telow, Willey.

NAY—Ainsworth, Andrews, Baker, Beaulieu, Bonney, Bost, Bott, Brannigan, Brodeur, Carroll, D.P.; Cashman, Chonko, Clark, Cox, Crouse, Crowley, Daggett, Davis, Day, Dexter, Diamond, Dillenback, Foster, Gauvreau, Greenlaw, Hall, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Ingraham, Joseph, Joyce, Kane, Kelly, Lebowitz, Lisnik, Livesay, Locke, MacBride, Manning, Martin, H.C.; Masterman, Masterton, Maybury, Mayo, McGowan, McHenry, McPherson, McSweeney, Melendy, Michaud, Mitchell, E.H.; Moholland, Murphy, E.M.; Murphy, T.W.; Nadeau, Nelson, Perry, Pines, Randall, Small, Smith, C.B.; Smith, C.W.; Soule, Sproul, Stevens, Stevenson, Tammaro, Theriault, Tuttle, Vose, Walker, Webster, Wentworth, Zirnkilton, The Speaker.

ABSENT—Brown, A.K.; Brown, D.N.; Connors, Connolly, Curtis, Drinkwater, Dudley, Hayden, Jackson, Jalbert, Kelleher, Ketover, LaPlante, Macomber, Mahany, Martin, A.C.; Matthews, K.L.; Murray, Parent, Reeves, J.W.; Reeves, P.; Rotondi, Seavey, Strout, Thompson, Weymouth.

Yes, 47; No, 78; Absent, 26.

The **SPEAKER**: Forty-seven having voted in the affirmative and seventy-eight in the negative, with twenty-six absent, the motion does not prevail.

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

The following paper appearing on Supplement No. 35 was taken up out of order by unanimous consent:

Non-Concurrent Matter

An Act to Encourage Prompt Resolution of Public Employee Labor Disputes (H. P. 1267) (L. D. 1678) (Conf. Com. "A" H-427) which failed of passage to be enacted in the House on June 23, 1983.

Came from the Senate passed to be enacted 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 ask for a roll call.

The **SPEAKER**: The gentlewoman from Portland, Mrs. Beaulieu, moves that the House recede and concur and further asks for a roll call.

The Chair recognizes the gentlewoman from Auburn, Miss Lewis.

Miss **LEWIS**: Mr. Speaker, Ladies and Gentlemen of the House: Just to remind you what this bill is, this is binding arbitration, let's hope for the very last time. This morning we killed this bill, we ought to kill this bill again tonight. If we want to talk about property tax relief, and I guess we like to talk about that a lot around here, this bill will have just the opposite effect.

I urge you to vote no on the motion to recede and concur.

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

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

The **SPEAKER**: The pending question before the House is on the motion of the gentlewoman from Portland, Mrs. Beaulieu, that the House recede and concur.

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

Mrs. **NELSON**: Mr. Speaker, I request permission to pair my vote with the gentleman

from Bangor, Mr. Murray. If Mr. Murray were present and voting, he would be voting yes; I would be voting no.

The **SPEAKER**: The Chair recognizes the gentleman from Gardiner, Mr. Kilcoyne.

Mr. **KILCOYNE**: Mr. Speaker, I request permission to pair my vote with the gentleman from Bangor, Mr. Kelleher. If Mr. Kelleher were present and voting, he would be voting yes; I would be voting no.

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

Mr. **SPROUL**: Mr. Speaker, I request permission to pair my vote with the gentleman from Waldoboro, Mr. Curtis. If Mr. Curtis were present and voting, he would be voting no; I would be voting yes.

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

Mr. **RANDALL**: Mr. Speaker, I request permission to pair my vote with the gentleman from Franklin, Mr. Connors. If Mr. Connors were present and voting, he would be voting no; I would be voting yes.

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

Mr. **CARROLL**: Mr. Speaker, I request permission to pair my vote with the gentleman from Livermore Falls, Mr. Brown. If Mr. Brown were present and voting, he would be voting no; I would be voting yes.

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

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

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

Mr. **PARADIS**: Mr. Speaker, I request permission to pair my vote with the gentleman from Corinth, Mr. Strout. If Mr. Strout were present and voting, he would be voting no; I would be voting yes.

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

Mr. **GWADOSKY**: Mr. Speaker, I request permission to pair my vote with the gentlewoman from Sabattus, Miss LaPlante. If Miss LaPlante were present and voting, she would be voting yes; I would be voting no.

The **SPEAKER**: The pending question before the House 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, Cashman, Chonko, Clark, Connolly, Cote, Cox, Crouse, Crowley, Diamond, Erwin, Gauvreau, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Joseph, Joyce, Kane, Kelly, Lisnik, Locke, MacEachern, Martin, H.C.; Matthews, Z.E.; Mayo, McCollister, McHenry, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Nadeau, Paul, Perry, Richard, Rolde, Stevens, Tammaro, Thompson, Tuttle, Vose, The Speaker.

NAY—Anderson, Armstrong, Bell, Bonney, Bott, Brown, K.L.; Cahill, Callahan, Carrier, Carroll, G.A.; Carter, Conary, Cooper, Daggett, Davis, Day, Dexter, Dillenback, Foster, Greenlaw, Hall, Higgins, L.M.; Holloway, Ingraham, Kiesman, Lebowitz, Lehoux, Lewis, Livesay, MacBride, Manning, Masterman, Masterton, Maybury, McGowan, McPherson, Melendy, Moholland, Murphy, E.M.; Murphy, T.W.; Norton, Paradis, E.J.; Perkins, Pines, Pouliot, Racine, Ridley, Roberts, Roderick, Salsbury, Scarpino, Sherburne, Small, Smith, C.W.; Soucy, Soule, Stevenson, Stover, Swazey, Telow, Walker, Webster, Wentworth, Willey, Zirnkilton.

ABSENT—Brown, A.K.; Drinkwater, Dudley, Jackson, Jalbert, Ketover, Macomber, Mahany, Martin, A.C.; Matthews, K.L.; Parent, Reeves,

J.W.; Rotondi, Seavey, Theriault, Weymouth.

PAIRED—Nelson-Murray; Kilcoyne-Kelleher; Sproul-Curtis; Randall-Connors; D. Carroll-D. Brown; C.B. Smith-P. Reeves; P. Paradis-Strout; Gwadosky-LaPlante.

Yes, 54; No, 65; Absent, 16; Paired, 16.

The **SPEAKER**: Fifty-four having voted in the affirmative and sixty-five in the negative, with sixteen being absent and sixteen paired, the motion does not prevail.

Thereupon, the House voted to adhere.

The Chair laid before the House the following matter:

An Act to Amend the Statutes Regarding Corrections (H. P. 1339) (L. D. 1779) (S. "A" S-224 and S. "C" S-226) which was tabled and later today assigned pending passage to be enacted.

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

Mr. **BRODEUR**: Mr. Speaker, Members of the House: I hate to delay this at this late hour but I think there are some points that I feel I have to make on this very important bill.

As I said this morning, this bill gives the Commissioner of Corrections a great deal of flexibility in how to run our correctional institutions. Also as I said earlier, this bill comes from the transition committee which was set up by Public Law, Chapter 493, which was passed by this Maine Legislature.

In the charge of the committee in Paragraph 3, Section 5 of the Chapter 493 which was passed by the Legislature reads: "The legislation prepared by the Department shall address but not be limited to the following issues: the establishment of an integrated diagnostic and classification system; an integrated industries and jobs program; the classification status of all the employees of the department; educational programs for all facilities operated by the department; correctional services to female offenders who are sentenced to the custody of the department; services and programs for juveniles and children, including prevention services; commitment of all prisoners to the custody of the department and arrangements for long-term planning for capital plans and programs of the department; correctional community service programs for juvenile and adult offenders within the state."

There are two areas of the charge which was not or ever fully addressed by this transition committee, and although I am not saying that the transition committee did a bad job, I am saying that their work was incomplete. The two areas are dealing with integrated industries and jobs programs and prevention programs for juveniles and children, including prevention services. These two areas were not dealt with fully. It is not that the transition committee who looked at the areas, very close areas, they knew that there was a problem, I think it was acknowledged by all those people who were involved, but where this was in the bill, it was not even addressed as a potential future issue or potential future plan which the legislature has to deal with. Rather, the bill deals mostly with looking at the corrections from the crisis situation which does exist and dealing with those crisis-oriented problems rather than what I felt ought to have been done to prevent the crisis.

With this bill as we have it before us, there are three particular areas why I oppose the bill. The first area is we are giving the Commissioner, any commissioner, not just the present one, the power to set standards for jails and I would have wanted that if the standards were to be lowered, that would have the prior approval of the legislature; however, I didn't have any chance to present that as an amendment but I think that that is an important issue.

With the present commissioner, the present commissioner does not have the intent to lower standards in jail, as he told me, where it relates to life and safety standards. I am con-

vinced that he will continue to do that; however, I am fearful that a future commissioner could lower standards and I am concerned about that.

In Section 17 of the bill, there is a section deleting present law which allows the superintendent of an institution to keep a person in segregation after a physician's advice, but even in a situation where a physician states that it is harmful to the mental or physical health of a person, in Section 17 that statement saying that the segregation shall be discontinued if the physician states that it is harmful to the mental or physical health of the person, that deletes that section. I am concerned that although I don't believe there is any intent to damage the mental or physical health of the person, I am concerned that this allows this to happen and if that were allowed to happen, it could be cruel and unusual punishment.

The third section which I was opposed to was a section of the bill which allowed the commissioner to transfer an inmate to a federal facility only with the approval of the facility. The bill before you deletes the section which has conditions upon which that should be transferred. I have a strong feeling that in this state a commissioner should not release custody of an inmate to out of state because we in the state will have no control over the conditions of that inmate. We don't have any control over how those facilities are run. So I was hoping that Section 3062, Subparagraph 1-A would have remained as was passed in L. D. 832.

I was hoping to make a change that would keep two of the conditions where an inmate would be a serious detriment to the well being of the prison and where a person wilfully and persistently refused to obey prison rules would be conditions under which this could happen and I was hoping that we could add a condition and if the person could receive more appropriate medical care or treatment or rehabilitative services and deleting the section which would have said the person is considered an incorrigible prisoner.

The strongest feelings that I have for this bill is not for what is in it, except for those three sections that I mentioned, but for what is not in it. The section for the charge given to the transition committee dealing with the integrated industries and jobs program and programs for juveniles and children, including preventative services, is a charge that we, the legislature, gave to that transition committee and was ignored, not completely ignored, but not addressed the way it ought to be in this bill. I think this is a charge that we the legislature need to follow up on and to implement, because otherwise our correctional institutions will not be correctional institutions but just be institutions where we do not have the correctional facilities, the rehabilitation facilities, that we should have. I feel that especially after what I read about the prison suits where Judge Gignoux stated that although most of the charges of the suits by the inmates to the court were dismissed, the Judge clearly stated that the only reason he saw that these conditions were no longer in violation of the Constitution was because of the inmates' suit, which led the department to make needed corrections at least to minimally grant the people their rights with two exceptions, and I would hope that we would follow up and accept the judge's conditions.

Those are the comments that I have to make on this bill. I would ask for a division and hopefully we will be able to address the issue of corrections in the future. This bill, although it makes so many progressive small steps, it has not addressed two of the major steps that should be made.

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

Mr. CONNOLLY: Mr. Speaker, Members of the House: There is nothing like talking to a full

House. I know when we have been beaten. The Department of Health and Institutional Services Committee are going to prevail on this issue.

I think the remarks that the Representative from Auburn, Representative Brodeur, made are right on target. I just think it is important for this House to understand, amongst many things, what this bill does.

It has the potential to force either this session of the legislature next year or future sessions of the legislature to a minimum of \$250,000 for additional facilities. It has the potential for allowing juvenile offenders to be placed, even though there are guidelines that are very tight, it has the potential for allowing children to be put into Thomaston. It takes away certain due process rights of people who are in prison and the pitch that I had made to the committee and to the House Chairman of the Committee earlier on, was that since the provisions of this bill didn't go into effect until January of 1984 and this bill being the major substantive bill that it is, that perhaps it should be held over, but the Chairwoman and the committee, in their wisdom, made the decision that they wanted to run the bill this time. I disagreed with that, we tried to fight it, I hoist a white flag, but I do think there are a number of issues that are going to come back before the legislature to be corrected as a result of the enactment of this bill.

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

Mr. MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I know that this is a hot night but I think I have to say something seeing that I was the Representative from this body on the transition committee.

The transition committee met long and hard, many hours last fall, many hours that I took off on my own time to come up here, didn't get paid for it, no per diem or anything, so I just want to get that straightened right out.

Early in the year we passed a sunset review committee, passed an amendment to their section that deals with the juvenile service unit and that juvenile service unit takes into account after-care, prevention or intake and probation. I think we have addressed that somewhat into what Mr. Brodeur was talking about about the juveniles. If it does not work, I am sure that the sunset review committee will be looking at that again.

Dealing with the industries program, as you remember, we had a bill in here, an emergency piece of legislation, that said that we should try to get other people to buy the industries programs, their materials, so we could get it outside of the prison and into many of your retail establishments of the state. That bill went through here as an emergency about a month or so ago and that was one of the recommendations done by a consultant, paid by federal monies, a consultant who did about a \$10,000 survey for about \$2,500.

Also in this bill right now we are setting up an industries program at the Windham Correctional Unit, so I think that also helps to get people aware that we are trying to get industry programs both at Windham going and trying to get a program at Thomaston funded at a much greater level than it has been. If you remember, the one at Windham, they could not sell their materials only at the prison and the materials were just being backed up. This way here, they will be able to work longer, which is something that I am sure most of us want to see. We want to see these people working longer because it is much better for them to be doing something than to be sitting idle in the prison cells. I think we have addressed that. If we haven't addressed everything, I am sure there will be people in this body next session who will be coming back with other amendments.

Mr. Brodeur of Auburn requested a division on enactment.

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

A vote of the House was taken.

73 having voted in the affirmative and 16 in the negative, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following papers appearing on Supplement No. 36 were taken up out of order by unanimous consent:

Non-Concurrent Matters

An Act to Improve Access to Small Claims Court (H. P. 480) (L. D. 577) which was Passed to be Enacted in the House on May 26, 1983. (Having previously been Passed to be Engrossed as amended by House Amendment "A" (H-227) and House Amendment "B" (H-273))

Came from the Senate passed to be engrossed as amended by House Amendment "A" (H-227) and House Amendment "B" (H-273) and Senate Amendment "A" (S-262) in non-concurrence.

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

An Act to Establish a Special Acquisitions Fund at the State Library (S. P. 573) (L. D. 1651) which was Passed to be Enacted in the House on June 1, 1983. (Having previously been Passed to be Engrossed as amended by Senate Amendment "A" (S-148))

Came from the Senate Passed to be Engrossed as amended by Senate Amendment "A" (S-148) as amended by Senate Amendment "A" (S-263) thereto in non-concurrence.

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

The following papers appearing on Supplement No. 37 were taken up out of order by unanimous consent:

Non-Concurrent Matters

An Act to Provide Cost-of-living Adjustments to Retired State Employees, Teachers and Beneficiaries (H. P. 1142) (L. D. 1507) which was Passed to be Enacted in the House on May 5, 1983. (Having previously been Passed to be Engrossed as amended by House Amendment "A" (H-169))

Came from the Senate Passed to be Engrossed as amended by House Amendment "A" (H-169) as amended by Senate Amendment "A" (S-265) thereto in non-concurrence.

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

An Act Relating to Ethanol Production in the State (H. P. 1282) (L. D. 1699) which was Passed to be Enacted in the House on June 14, 1983. (Having previously been Passed to be Engrossed as amended by Senate Amendment "A" (S-185) and Committee Amendment "A" (H-337))

Came from the Senate Passed to be Engrossed as amended by Senate Amendment "A" (S-185), Senate Amendment "B" (S-264), and Committee Amendment "A" (H-337) in non-concurrence.

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

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

Bill, "An Act to Clarify the Negotiability of Pay Rates Under the State Employees Labor Relations Act" (S. P. 170) (L. D. 525)

Tabled — April 7, 1983 by Representative Mitchell of Vassalboro.

Pending — Passage to be Engrossed.

On motion of Mrs. Mitchell of Vassalboro, the Bill recommitted to the Committee on Labor in non-concurrence and sent up for concurrence.

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

House Divided Report — Majority (9) "Ought

Not to Pass" — Minority (4) "Ought to Pass" as amended by Committee Amendment "A" (H-297) — Committee on Business Legislation on Bill "An Act to Authorize the Public Advocate to Intervene in Workers' Compensation Rate Filings" (H. P. 1000) (L. D. 1308)

Tabled — May 26, 1983 by Representative Mitchell of Vassalboro.

Pending — Motion of Representative Brannigan of Portland to accept the Minority "Ought to Pass" as amended Report.

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

Mrs. MITCHELL: Mr. Speaker, reluctantly I move indefinite postponement of this Bill and all its accompanying papers.

The SPEAKER: The gentlewoman from Vassalboro, Mrs. Mitchell, moves that this bill and all its accompanying papers be indefinitely postponed.

The gentleman may proceed.

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: We have assigned a study to the Committee on State Government to do a proper review of the role of the public advocate. For that reason, I think it would be premature to pass a bill of this nature and I would encourage the vote for indefinite postponement.

Thereupon, the Bill was indefinitely postponed and sent up for concurrence.

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

An Act Relating to Authority of the Land Use Regulation Commission over Organized Municipalities (S. P. 302) (L. D. 916) (S. "A" S-110)

Tabled — May 19, 1983 by Representative Diamond of Bangor.

Pending — Passage to be Enacted.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I move indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The gentleman from Sangerville, Mr. Hall, moves that this bill and all its accompanying papers be indefinitely postponed.

The gentleman may proceed.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: This bill is one that was in committee, one that was passed through the Senate and an amendment was put on to try to short circuit the commission in regard to the organized townships that came about in unorganized territories. Over the last four to eight years, there have been many towns organized in these areas and at the present there has been no problem that has been brought about by the state having some responsibility over letting them out without having an improvement plan. I would hope that we would keep the state in that position so that they would continue to support this effort for awhile yet.

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

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to explain to you what this is. Some years ago, several years ago, we passed a bill that required that when a plantation or an unorganized township organized and became a town and had a land use regulation commission planning ordinance in effect, the LURC would still exercise zoning control over that town for four years. The purpose of the four year requirement, to keep them under LURC surveillance of their planning and zoning ordinance, was that there were a lot of plantations organizing to get out from under the Forestry District and many of them were doing so in a rather haphazard manner merely to get out of the Forestry District.

As you know, over the last several years we have reduced the number of towns getting out of the Forestry District to a great degree. As a

result, it was deemed appropriate that we start treating these new towns like any other town. Every town in the unorganized territory has a zoning plan in the Land Use Control Plan. It is put in place by LURC and is a required item. Once they become a town, it seemed appropriate that they should run their own show just like any other organized town. This L. D. as amended, 916, specifies that if the town or plantation puts in place an ordinance or a zoning plan and a land use plan as strict as that that was in place when they were under LURC, that they would not be under the surveillance of LURC any longer. This is not a haphazard situation as it was and they shouldn't be treated as second-class citizens once they become towns.

I would request a roll call.

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 Chair recognizes the gentleman from Eastport, Mr. Vose.

Mr. VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I haven't seen this bill for quite some time but I think that is the one I cosponsored with Senator McBreairey. I think it was a good bill and I think Representative Kiesman is right on.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: No one said this bill wasn't good, but what you must remember is that the state made an obligation to these unorganized territories, to all the people in there and they offered their services to help them form a comprehensive plan. Sometimes there are only six, seven or eight or nine people, I have three of them in my district, and oftentimes they will just get the plan ready and organize a township for some particular reason and in the next day or so they will move out, they will stop the plan. I would prefer to see them go for three or four years like when we changed this law in our committee four years ago and it has worked well. As my good friend Representative Kiesman has said many times, "If it ain't broken, don't fix it."

The SPEAKER: The pending question before the House is on the motion of the gentleman from Sangerville, Mr. Hall, that this Bill and all its accompanying papers be indefinitely postponed in non-concurrence. 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, Cooper, Cote, Cox, Crouse, Diamond, Erwin, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Jacques, Joseph, Joyce, Kane, Kelly, Kilcoyne, Lehoux, Lisnik, Locke, MacEachern, Macomber, Manning, Martin, H.C.; Mayo, McCollister, McGowan, McHenry, Melendy, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Norton, Paul, Perry, Pouliot, Racine, Richard, Ridley, Roberts, Rolde, Soule, Stevens, Stover, Swazey, Tammara, Telow, Thompson, Tuttle, The Speaker.

NAY—Anderson, Bell, Bonney, Bott, Brown, K.L.; Cahill, Callahan, Conary, Crowley, Davis, Day, Dillenback, Foster, Gauvreau, Greenlaw, Higgins, L.M.; Hobbins, Holloway, Ingraham, Kiesman, Lebowitz, Lewis, Livesay, MacBride, Masterman, Masterton, Maybury, McPherson, Michaud, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Perkins, Pines, Randall, Roderick, Salsbury, Scarpino, Sherburne, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stevenson, Theriault, Vose,

Walker, Webster, Wentworth, Willey, Zirkilton.

ABSENT—Armstrong, Brown, A.K.; Brown, D.N.; Carrier, Conners, Curtis, Daggett, Dexter, Drinkwater, Dudley, Jackson, Jalbert, Kelleher, Ketover, LaPlante, Mahany, Martin, A.C.; Matthews, K.L.; Matthews, Z.E.; McSweeney, Murray, Nelson, Paradis, P.E.; Parent, Reeves, J.W.; Reeves, P.; Rotondi, Seavey, Small, Strout, Weymouth.

Yes, 69; No, 51; Absent, 31.

The SPEAKER: Sixty-nine having voted in the affirmative and fifty-one in the negative, with thirty-one being absent, the motion does prevail.

Sent up for concurrence.

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

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

Tabled — May 27, 1983 by Representative Mitchell of Vassalboro.

Pending — Passage to be Enacted.

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

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: I move this bill be indefinitely postponed.

The SPEAKER: The gentleman from Canton, Mr. McCollister, moves that this bill be indefinitely postponed.

The gentleman may proceed.

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: I am the sponsor of this bill, the Milk Labeling Bill. I have been convinced, as Mr. Hall said, if it isn't broken, don't fix it. I also agree now with the arguments that were presented by the opponents of this bill that very easily can labeling the milk as being packaged in Maine be confused with Maine milk.

Thereupon, the Bill was indefinitely postponed in non-concurrence and sent up for concurrence.

By unanimous consent, all matters acted upon were ordered sent forthwith to the Senate or Engrossing.

On motion of Mr. Carroll of Limerick,
Adjourned until ten o'clock tomorrow morning.