

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

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FOURTH CONFIRMATION SESSION

(FIRST CONFIRMATION SESSION – SECOND REGULAR SESSION)

May 31, 1984

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FIFTH CONFIRMATION SESSION

(SECOND CONFIRMATION SESSION – SECOND REGULAR SESSION)

July 11, 1984

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THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

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HOUSE

Friday, March 2, 1984

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

Prayer by Father Paul Cote, Catholic Chaplain, Colby College, Waterville.

The Journal of Wednesday, February 29, 1984, was read and approved.

Papers from the Senate

The following Communication:
THE SENATE OF MAINE
Augusta

February 29, 1984

The Honorable John L. Martin
Speaker of the House
111th Legislature
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Public Utilities, the Governor's nomination of David H. Moskovitz of Whitefield as a Commissioner of the Public Utilities Commission.

Mr. Moskovitz is replacing Ralph Gelder.

Sincerely,
S/JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act Relating to Changes in the Composition and Functioning of the Harness Racing Commission" (S. P. 801) (L. D. 2149)

Bill "An Act Concerning Brucellosis in Livestock" (Emergency) (S. P. 802) (L. D. 2150)

Came from the Senate, referred to the Committee on Agriculture and Ordered Printed.

Were referred to the Committee on Agriculture in concurrence.

Bill "An Act to Increase the Fee for the Alcohol Education Program Conducted by the Department of Human Services" (S. P. 799) (L. D. 2140)

Came from the Senate, referred to the Joint Select Committee on Alcoholism Services and Ordered Printed.

Was referred to the Joint Select Committee on Alcoholism Services in concurrence.

Bill "An Act Making Appropriations and Allocations for the Expenditures of State Government for the Fiscal Year ending June 30, 1984" (Emergency) (S. P. 795) (L. D. 2131)

Came from the Senate, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Was referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act to Allow Elderly Persons to have Pets in Public Housing" (S. P. 797) (L. D. 2132)

Came from the Senate, referred to the Committee on Health and Institutional Services and Ordered Printed.

Was referred to the Committee on Health and Institutional Services in concurrence.

Bill "An Act Relating to Major Policy-Influencing Positions in the Department of Human Services, Department of Mental Health and Mental Retardation, Department of Corrections and the Public Utilities Commission" (S. P. 800) (L. D. 2141)

Came from the Senate, referred to the Committee on State Government and Ordered Printed.

Was referred to the Committee on State Government in concurrence.

Reports of Committees

Unanimous Leave to Withdraw

Report of the Committee on Energy and Natural Resources reporting "Leave to Withdraw" on Bill "An Act to Appropriate Funds for

the Removal of Certain Hazardous Waste from the McKin Site in Gray, Maine" (S. P. 614) (L. D. 1750)

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

Communications

The following Communication: (S. P. 807)
THE SENATE OF MAINE
Augusta

February 28, 1984

Joy J. O'Brien
Secretary of the Senate
State House
Augusta, Maine 04333

Dear Madam Secretary:

Pursuant to my authority under Title 1, MRSA Chapter 25, sub-section 1002, I am today reappointing Douglas I. Hodgkin of Lewiston to the Commission on Governmental Ethics and Election Practices.

Sincerely,
S/SAMUEL W. COLLINS, Jr.
Senate Minority Leader

Came from the Senate, read and ordered placed on file.

Was read and ordered placed on file in concurrence.

The following Communication:
State of Maine
SENATE CHAMBER
Augusta, Maine

February 7, 1984

Dear Members of the Legislature:

Enclosed is a copy of the most recent report of Maine's Low-Level Radioactive Waste Siting Commission. The Commission previously reported to the Governor and the Legislature in June of 1982 and updated that report in December of 1982.

The findings and recommendations of the Commission are presented to you under the requirement of law for periodic report, (38 MRSA, Chapter 14-A, Subsection III) and because the Commission believes major policy decisions are most appropriately made by the Legislature. We hope you will approve of our findings and recommendations.

The Commission was formed by Maine Statute to recommend public policy for Maine under the federal mandate of the Low-Level Radioactive Waste Policy Act of 1980.

We had hoped to offer you both specific and final recommendations now, but national policy is in a state of flux. The Nuclear Regulatory Commission is investigating alternatives to shallow land burial facilities for low-level nuclear waste and the N.R.C. is in the process of developing amendments to its regulations which may be more appropriate for above ground engineering facilities. And those most involved in the low-level nuclear waste issue in Massachusetts and New York are considering recommending amending the existing Northeast Compact to make it more palatable both to the large states and small volume states such as Maine.

Consequently, the Commission believes it is premature to make a final specific single recommendation which could exclude us from eligibility from a solution most desirable to most Maine citizens.

Please contact me or the other members of the Commission if you have any questions or if we can be of assistance to you or your constituents. More copies of either the entire report or only the recommendations which are contained on yellow pages are available.

Sincerely,
S/Sen. JUDY KANY
Chair, Low-Level
Waste Commission

Was read and with accompanying report or ordered placed on file.

The following Communication:

11-County SDA
100 Hospital Street
State House
Station #55

Augusta, Maine 04333

Stephen R. Crockett, Chairman
Private Industry Council
George R. Ezzy, Director
11-County SDA

Enclosed is the proposed Job Training Plan for the 11-County SDA. As required by Section 105 of the Act, we are sending this Plan out for your review and comment.

The 11-County SDA Private Industry Council will be meeting on March 22, 1984, to review this Plan and any comments received. Final submission of the Plan to the State will occur on April 6, 1984.

If you have any comments on the Plan or recommendations you would like to make to the Private Industry Council, please submit them in writing to Paul Cyr, Planner, Manager, 11-County SDA, 100 Hospital Street, State House Station #55, Augusta, Maine 04333 by March 19, 1984.

Was read and with accompanying report ordered placed on file.

**Petitions, Bills and Resolves
Requiring Reference**

The following Bills were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Appropriations and Financial Affairs

Bill "An Act to Provide Operating Funds for the Spruce Budworm Management Program and to Assure an Accurate Accounting of its Costs" (H. P. 1636) (Presented by Representative Rolde of York) (Cosponsors: Representative Hall of Sangerville and Senators Diamond of Cumberland and Kany of Kennebec) (Submitted by the Department of Conservation pursuant to Joint Rule 24)

Ordered Printed.

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act Concerning Reciprocity Relating to Hunting Permits and Guides" (H. P. 1629) (Presented by Representative McHenry of Madawaska) (Cosponsors: Representatives MacEachern of Lincoln, Smith of Island Falls and Senator Usher of Cumberland) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.

Sent up for concurrence.

Later Today Assigned

Bill "An Act Concerning Access to Medical Care for Persons Without Adequate Health Insurance" (Emergency) (H. P. 1630) (Presented by Representative Connolly of Portland) (Cosponsors: Speaker Martin of Eagle Lake and Senator Najarian of Cumberland) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Committee on Reference of Bills suggested the Committee on Health and Institutional Services.

On motion of Representative Mitchell of Vassalboro, tabled pending reference and later today assigned.

Later Today Assigned

Bill "An Act to Create a State Funded Jobs Program" (Emergency) (H. P. 1631) (Presented by Representative Connolly of Portland) (Cosponsor: Senator Clark of Cumberland) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Committee on Reference of Bills suggested the Joint Select Committee on Job Training.

On motion of Representative Carter of Winslow, tabled pending reference and later today assigned.

Judiciary

Bill "An Act to Promote Family Permanency" (H. P. 1637) (Presented by Representative Thompson of South Portland) (Cosponsors: Representatives Foster of Ellsworth and Nelson of Portland) (Submitted by the Department of Human Services pursuant to Joint Rule 24)

Ordered Printed
Sent up for concurrence.

Marine Resources

Bill "An Act to Extend the Deadlines for the Filing of the Sardine Processing Wastewater Study" (Emergency) (H. P. 1633) (L. D. 2156) (Presented by Representative Crowley of Stockton Springs) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed
Sent up for concurrence. (Later Reconsidered)

Taxation

Bill "An Act to Update and Clarify Certain Provisions of the Mining Excise Tax" (H. P. 1638) (Presented by Speaker Martin of Eagle Lake) (Cosponsors: Representatives Ingraham of Houlton, Kane of South Portland and Senator Twitchell of Oxford)

Ordered Printed
Sent up for concurrence.

Reported Pursuant to the Statutes

Representative Rolde from the Committee on Audit and Program Review, pursuant to the Maine Revised Statutes Annotated, Title 3, Chapter 23 ask leave to submit its findings and report that the accompanying Bill "An Act to Increase Legislative Oversight of the Fiscal Affairs of the Department of Inland Fisheries and Wildlife" (Emergency) (H. P. 1628) (L. D. 2143) be referred to this Committee for public hearing and printed pursuant to Joint Rule 18.

Report was read.

Under suspension of the rules, the Bill was read twice.

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

Mr. KELLEHER: Mr. Speaker, I am raising a point of inquiry. The first question is, is this the bailout bill that we have heard about?

The SPEAKER: The Chair would answer in the negative.

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

Mr. DIAMOND: Mr. Speaker and Members of the House: Very briefly I would like to explain to you what this piece of legislation does in case there is any confusion over what it does and what it doesn't do. This simply would implement some of the recommendations of the Committee on Audit and Program Review, and those recommendations are outlined on Pages 3 and 4 of the Bill, L. D. 2143. It provides for a line item budget, something that has been of great concern and something that the Committee has recommended.

It also provides for full reimbursement from the General Fund to the Department of Inland Fisheries and Wildlife for expenses incurred in their search and rescue operation. It also allows for the Commissioner to lease and sell unneeded property, and it also removes language that automatically allocates various revenues in the department.

It is a matter that deals with the accountability question that many members have raised, and it is not, as was indicated earlier, a so-called bailout measure. I ask for your support of it today.

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

Mr. KELLEHER: Mr. Speaker and Members of the House: My colleague from Bangor raised an interesting point when he said that there was going to be funding for the outside activities that the department does in regards to rescue.

My question is, how much General Fund money are you committing in your comments from this House this morning?

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

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

Mrs. ALLEN: Mr. Speaker, Men and Women of the House: It is the intent of the Audit and Program Review Committee, along with those subcommittee members from the Fisheries and Wildlife Committee who participated in that review, that the Department of Inland Fisheries and Wildlife be reimbursed from the General Fund for the full amount of search and rescue that it performs for the citizens of this state.

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

Mr. KELLEHER: Mr. Speaker, I will ask my colleague from Bangor or the gentlelady, how much money are you talking about?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, has posed an additional question through the Chair to anyone who may care to answer.

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

Mr. DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: The estimate is \$70,000.

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

By unanimous consent, ordered sent forthwith to the Senate.

Study Report

Committee on Business Legislation

Representative MacBride from the Committee on Business Legislation to which was referred by the Legislative Council the Study Relative to Motor Vehicle Insurance have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Increase the Minimum Limits for Uninsured Motorists' Coverage in Automobile Insurance Policies" (H. P. 1635) (L. D. 2158) be referred to this Committee for public hearing and printed pursuant to Joint Rule 19.

Report was read and accepted, and the bill referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

ORDERS

Tabled and Assigned

On motion of Representative Higgins of Scarborough, the following Joint Order: (H. P. 1632)

ORDERED, the Senate concurring, that the Joint Rules be amended by adding new Joint Rules 40 to 42 to read:

LEGISLATIVE CONDUCT

40. Legislative Conduct. Legislative office is a trust to be performed with integrity in the public interest. By personal example and by admonition to colleagues whose behavior may threaten the honor of the lawmaking body, each legislator shall steadfastly guard the responsibility of his office. No Legislator may engage in conduct that is likely to bring shame or disrepute on the lawmaking body.

41. Committees on Legislative Ethics. A Committee on Legislative Ethics shall be created in each body to consist of 7 members. The Speaker of the House shall appoint 4 members of the House committee and the President of the Senate shall appoint 4 members of the Senate committee. The Minority Floor Leader of the House shall appoint 3 members of the House committee and the Minority Floor Leader of the Senate shall appoint 3 members of the Senate committee. Members shall serve for the duration of the biennium. The Speaker of the House and the

President of the Senate shall appoint the chairman of their respective committees.

42. Penalties for Criminal Conduct and for Breach of legislative Conduct.

1. Penalties in general. A member of the House or Senate determined to have violated any code of conduct required by the Joint Rules, or to have committed any criminal act relating to the member's responsibility as a public officer, may be censured, reprimanded, placed on probation or expelled.

2. Determination. The determination of whether or not the member committed a violation of a legislative code of conduct or committed any criminal act relating to the member's responsibility as a public officer, in such a way as to bring shame or disrepute on the body of which the member is a member, and the appropriate disciplinary action that should be taken shall be decided by a 2/3 vote of the members of the body of which the member is a member, upon recommendation of the Committee on Legislative Ethics of that body.

Any member who is under investigation by the committee may, upon a 2/3 vote of the members of the body of which the member is a member, be suspended, without pay, from all privileges of membership of the body, pending final action. If no final disciplinary action is taken against the member, he shall be paid all back pay and other benefits retroactive to the date of the suspension.

The committee, before making any determinations or recommendations, shall conduct a hearing, after notifying the member alleged to have violated Joint Rule 40 and granting him an opportunity to appear at the hearing. The member who is under investigation shall have a right to testify on his own behalf, cross-examine the witnesses against him and compel the attendance and testimony of witnesses on his own behalf before the committee makes a recommendation to its respective body. The committee shall make its recommendation within 10 days of the hearing and the body to which the committee reports shall take final action within 10 days of the receipt of the committee recommendation.

The Order was read.

On motion of Representative Mitchell of Vassalboro, tabled pending passage and assigned for Monday, March 5, 1984.

House Reports of Committees Unanimous Leave to Withdraw

Representative Hall from the Committee on Energy and Natural Resources on Bill "An Act to Limit the Storage of Spent Fuel at Nuclear Reactor Facilities" (H. P. 314) (L. D. 373) 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 Martin from the Committee on Business Legislation on Bill "An Act Providing for the Termination of Stale or Abandoned Securities Registrations" (Emergency) (H. P. 1420) (L. D. 1865) reporting "Ought to Pass" in New Draft (Emergency) (H. P. 1634) (L. D. 2157)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Monday, March 5, 1984.

Passed to Be Engrossed

Representative Wentworth from the Committee on Local and County Government on Bill "An Act to Authorize a Self-liquidating Bond Issue for York County to Construct an Addition to the York County Jail" (Emergency) (H. P. 1509) (L. D. 1984) reporting "Ought to

Pass" in New Draft under New Title Bill "An Act Authorizing York County to Spend Supplus Funds for an Addition to the York County Jail" (Emergency) (H. P. 1639) (L. D. 2161).

Report was read and accepted and the New Draft given its first reading.

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

By unanimous consent, ordered sent forthwith to the Senate.

Divided Report Tabled and Assigned

Majority Report of the Committee on Energy and Natural Resources on Bill "An Act Concerning the Open Burning of Leaves and Brush" (H. P. 1422) (L. D. 1867) reporting "Ought to Pass" in New Draft (H. P. 1625) (L. D. 2142)
Signed:

Senators:

KANY of Kennebec
PEARSON of Penobscot

Representatives:

HALL of Sangerville
JACQUES of Waterville
McGOWAN of Pittsfield
KIESMAN of Fryeburg
MITCHELL of Freeport
BROWN of Livermore Falls
MICHAUD of Millinocket
MICHAEL of Auburn

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

Signed:

Senator:

McBREAIRTY of Aroostook

Representatives:

RIDLEY of Shapleigh
DEXTER of Kingfield

Reports were read.

On motion of Representative Hall of Sangerville, tabled pending acceptance of either report and specially assigned for Tuesday, March 6, 1984.

Consent Calendar First Day

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

(H. P. 1541) (L. D. 2028) RESOLVE, Establishing a Food Policy for Maine—Committee on Agriculture reporting "Ought to Pass".

There being no objections, the above item was ordered to appear on the Consent Calendar of Monday, March 5, 1984 under the listing of Second Day.

Consent Calendar Second Day

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

(S. P. 709) (L. D. 1955) Bill "An Act to Amend Certain Rules of the Emergency Medical Services" (C. "A" S-290)

On request of Mr. Kiesman of Fryeburg, was removed from the Consent Calendar.

Whereupon, the Committee Report was accepted and the Bill read once.

Committee Amendment "A" (S-290) was read by the Clerk.

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

House Amendment "A" (H-491) to Committee Amendment "A" was read by the Clerk.

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

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to explain what House Amendment "A" is and for that matter what Committee Amendment "A" is.

Nearly every year the Bureau of Medical Services promulgates changes in the rules that deal with ambulance and rescue operations in the State of Maine. Last year they promulgated

rules and some of these rules were not too well advised. Probably part of that came about because of the changes in personnel that were taking place over in the Department of Human Services—we were getting a new Deputy Commissioner over there, we were getting a new head of the medical bureau and rules were promulgated that caused some difficulties in certain parts of the state.

There was a bill put in which was 1955 and it addressed one of these rules, but as the new rules became more apparent within the state, other difficulties came to light that affected certain parts of the state, primarily the rural areas where there were all volunteer services. What this amendment does is it puts a hold on two of those rules and I am convinced from meetings that we have had, and when I say we, I am speaking of members in both the House and Senate that have had considerable experience in the EMS programs—we met with the Department of Human Services and the EMS Bureau and as a result of those meetings, we are convinced that there will be changes in these rules the next time they do promulgate rules.

Rulemaking is an expensive process, they just have gone through it and they do not want to go through it for another year or so, so it is necessary that we take this action and I would hope that the next time rules are promulgated, if these situations are corrected and I am convinced that they will be, then there should be a bill put in to take these off the statutes, so I do hope you will support this movement.

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

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

The Bill was assigned for Second Reading, Monday, March 5, 1984.

Passed to Be Enacted Emergency Measure

An Act to Include the Towns of Gilead and Upton within Vocational Region 9, Northern Oxford County (H. P. 1421) (L. D. 1866) (C. "A" H-475)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 112 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Enable the City of Portland to Charge Reasonable Interest on Delinquent Sewer Accounts (H. P. 1532) (L. D. 2009) (C. "A" H-472)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 111 voted in favor of the same and 1 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 Require the State of Maine to Pay Late Fees on Overdue Payments (H. P. 1411) (L. D. 1833) (H. "A" H-486 to C. "A" H-468)

An Act to Amend the Maine Consumer Credit Code to Exempt Financing of Educational Expenses (H. P. 1460) (L. D. 1912) (C. "A" H-476)

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

An Act to Authorize a School Administrative District to Reconsider the Use of the Alternative Voting Procedure for the Adoption of its School Budget (H. P. 1507) (L. D. 1982) (C. "A"

H-477)

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

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

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

Could I have an explanation on this bill and why it is needed?

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

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

Mrs. LOCKE: Mr. Speaker, Men and Women of the House: I would be happy to explain. Several years ago the legislature passed a bill which established a procedure where people in school administrative districts could vote on their budgets in a referendum type procedure in their towns, and like many things that we pass having to do with school administrative districts, we did not pass a procedure whereby that district could get out of that procedure. This bill establishes a way to do that by allowing the school boards and the school governing boards to present to the voters every three years in a referendum a question as to whether or not they want to retain it.

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

Tabled and Assigned

An Act to Amend the Law Regarding Premium Discounts for Workers' Compensation Insurance of Small Businesses (H. P. 1519) (L. D. 2001)

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

On motion of Mr. Brannigan of Portland, tabled pending passage to be enacted and specially assigned for Tuesday, March 6, 1984.

An Act to Exclude Business Insurance Transactions from the Insurance Premium Finance Company Act (H. P. 1527) (L. D. 2007)

An Act to Clarify the Adoption of Emergency Regulations (H. P. 1592) (L. D. 2102)

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

Finally Passed

RESOLVE, Authorizing the Commissioner of Marine Resources to Lease Land and Buildings in West Boothbay Harbor (H. P. 1405) (L. D. 1827) (C. "A" H-473)

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

On motion of Mr. Crowley of Stockton Springs, the House reconsidered its action of earlier in the day whereby Bill "An Act to Extend the Deadlines for the Filing of the Sardine Processing Wastewater Study" (Emergency) (H. P. 1633) (L. D. 2156) was referred to the Committee on Marine Resources.

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.

(Off Record Remarks)

On motion of Representative Brown of Livermore Falls,

Recessed until twelve o'clock noon.

After Recess

The House was called to order by the Speaker.

Orders of the Day

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

HOUSE DIVIDED REPORT—Majority (11) "Ought Not to Pass"—Minority (2) "Ought to Pass"—Committee on Marine Resources on Bill "An Act to Close Fishing by Means of Dragging in the Long Cove Area in the Town of St. George" (H. P. 1493) (L. D. 1968)

Tabled—February 28, 1984 by Representative Scarpino of St. George.

Pending—Motion of Representative Crowley of Stockton Springs to Accept the Majority "Ought Not to Pass" Report.

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

Mr. SCARPINO: Mr. Speaker, Men and Women of the House: Because of the hour, I don't want to drag this out too long. I just feel, however, that a statement should be made.

What this bill is is the first inkling of what will appear in later years to be the major conflict within the marine industry, and that is the rising conflict between traditional fisheries and aquaculture.

I would just like to say this for you to be aware of it, and those of us that are here next time will see more bills involving this. We have a set of aquaculture regulations that allow an industry to change entire echo systems without an environmental impact statement prior to the lease letting. It allows that leases can be challenged for environmental damage, but it doesn't require baseline studies before the lease is let. And the leasing process allows the lease holders to go under the public sphere and take a free marketable resource and reserve it for themselves on a lease hold of up to 200 contiguous acres and not allow any other independent fisherman to avail himself of that resource.

This bill was the first one that dealt with this conflict. Accordingly, I would urge your support of the Minority "Ought to Pass" Report and would request a roll call.

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

Mr. CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: The claims on this bill that the lobster landings have lessened due to dragging for mussels in Long Cove is unsubstantiated. Actually, the November and December lobster landing increased from 1.1 million pounds to 1.3 million pounds during this period in 1982 to 1983, an increase of some 19.4 percent over 1981. So there wasn't a lessening of lobsters landed in Knox County during that period.

The Department of Marine Resources and the Department of Environmental Protection had their scientists examine the Long Cove sea bottom and found no damage from mussel dragging operations and wastewater discharge for the mussel processing plant in Long Cove. We feel this bill would not be a good fisheries management bill. There apparently is no reasonable basis for these sea bottom claims, so the committee, 11 to 1, hopes you will support an "Ought to Pass" motion.

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

Mr. SCARPINO: Mr. Speaker, Men and Women of the House: Just a few points. The statistics stated by my House Chairman are illustrative of the point that there was no baseline studies involved and that there is no real statistics. The statistics he mentioned involved Knox County as a whole, an area in which over five million pounds of lobsters were landed this year. The estimates for the normal landing in the Long cove area are about 100,000 pounds a year, so in that statistic any major change, be it a major increase or a major decrease within the Long Cove area, would not show up in those statistics.

As far as the Department of Marine Resources and the Department of Environmental Protection in their survey, they did do

an underwater survey of the area. What they found was an echo system that was primarily made up of green crabs and mussels. It made no mention of the fact that prior to the beginning of the aquaculture operation there, at which point over 500,000 pounds of processed by-products, silts and juvenile small mussels and broken dead mussels were dumped into this cove, that it was one of the prime lobster areas in the state. In fact, for a period it was closed as a hatchery. There is no evidence currently of lobsters at this time.

Both claims on both sides, to be quite frank about it, can't be substantiated because, quite simply, there is no requirement in the current lease application procedures for either baseline studies or environmental impact statements.

One of the comments that was made throughout the hearing was that this bill would set precedence throughout the state. I, myself, feel that it is time a precedent should be set on this. There is no precedent. If we don't set it here and now, we will be forced to set it later on. What we do need is a precedent in order to get guidelines for dealing with the potential conflicts between aquaculture and traditional fisheries.

A roll call has been requested on the motion to accept the Majority "Ought Not to Pass" Report.

More than one fifth of the members present expressed a desire for a roll call, which was ordered.

The SPEAKER: The pending question is on the motion of Representative Crowley of Stockton Springs that the Majority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 367

YEA—Ainsworth, Allen, Armstrong, Beaulieu, Bost, Brannigan, Brodeur, Brown, A.K.; Carroll, D.P.; Carroll, G.A.; Carter, Chonko, Clark, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Dillenback, Drinkwater, Erwin, Greenlaw, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jackson, Jacques, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Locke, MacEachern, Macomber, Mahany, Martin, H.C.; Matthews, Z.E.; Mayo, McGowan, McHenry, McSweeney, Michaud, Mills, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nelson, Paul, Perkins, Perry, Pines, Pouliot, Racine, Richard, Ridley, Roberts, Rotondi, Salsbury, Seavey, Smith, C.B.; Soucy, Stevens, Stevenson, Stover, Strout, Tammaro, Theriault, Tuttle, Vose, Wentworth.

NAY—Anderson, Bell, Bonney, Bott, Brown, D.N., Cahill, Callahan, Connors, Davis, Day, Dexter, Foster, Higgins, L.M.; Ingraham, Kiesman, Livesay, Masterman, Matthews, K.L.; Maybury, McCollister, McPherson, Murphy, E.M.; Murphy, T.W.; Norton, Paradis, E.J.; Parent, Randall, Reeves, J.W.; Roderick, Scarpino, Sherburne, Smith, C.W.; Sproul, Telow, Walker, Webster, Weymouth, Zirkilton.

ABSENT—Andrews, Baker, Benoit, Carrier, Cashman, Conary, Curtis, Dudley, Gauvreau, Holloway, Jalbert, Lebowitz, Lisnik, MacBride, Manning, Martin, A.C.; Masterton, Melendy, Michael, Nadeau, Paradis, P.E.; Reeves, P.; Robinson, Rolde, Small, Soule, Swazey, Thompson, Willey, The Speaker.

83 having voted in the affirmative and 38 in the negative, the motion did prevail.

Sent up for concurrence.

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

Bill "An Act Concerning Local Leeway Under The School Finance Law" (H. P. 1565) (L. D. 2074)

Tabled—February 29, 1984 by Representative Locke of Sebec.

Pending—Passage to be Engrossed.

Representative Locke of Sebec offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-492) was read by

the Clerk.

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

Mrs. LOCKE: Mr. Speaker and members of the House: This Amendment simply adds a fiscal note to the bill.

Thereupon, House Amendment "A" was adopted.

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

On motion of Representative Diamond of Bangor, the following matter was removed from the Unassigned Table:

Bill "An Act Relating to Signs for Farm Market Sales" (S. P. 768) (L. D. 2082) which was tabled unassigned pending reference. (In Senate, Referred to the Committee on Agriculture) (Committee on Reference of Bills had suggested the Committee on Business Legislation)

On motion of Representative Brannigan of Portland, the Bill was referred to the Committee on Business Legislation in non-concurrence and sent up for concurrence.

The following paper was taken up out of order by unanimous consent:

Emergency Measure

An Act to Extend the Deadlines for the Filing of the Sardine Processing Wastewater Study (H. P. 1633) (L. D. 2156)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 having voted in the affirmative and none in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

The following paper was taken up out of order by unanimous consent:

Bill "An Act to Clarify and Make Consistent the Rules of Construction Regarding Gender used in the Maine Revised Statutes Annotated" (Emergency) (S. P. 808) (L. D. 2159)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

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

The following paper was taken up out of order by unanimous consent:

(On motion of Representative Paul of Sanford, the following Joint Order: (H. P. 1640)

WHEREAS, The Department of Inland Fisheries and Wildlife is facing an immediate financial crisis; and

WHEREAS, unless the department receives additional revenues by March 2, 1984, the Commissioner of Inland Fisheries and Wildlife must institute layoffs; and

WHEREAS, the department is charged by law with the responsibility of managing the fish and wildlife resources of the State; and

WHEREAS, the department is prohibited by the Constitution of Maine from deficit spending; and

WHEREAS, fish and wildlife resources will be adversely affected by the proposed layoff; and

WHEREAS, this negative impact on the resources is contrary to the state's responsibility for managing the resource; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Fisheries and Wildlife report out an emergency bill to the House to allocate necessary General Fund funds to avert the announced layoff of department personnel.

The Order was read.

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

Mr. PAUL: Mr. Speaker and Members of the House: Obviously, it is the eleventh hour, actually it's about the twelfth hour, and I felt pretty strongly that I should at least make an attempt to do what the people in my district have been telling me for a long time, and that is that the State fish and wildlife resources belong to all the people of the State of Maine, and that traditionally the department has been funded principally from the revenue of hunters and fishermen. Through this whole issue, I have talked to a lot of people, I have gone to a lot of meetings, and I have yet to find one person out there in our constituency that has told me they are against the use of General Fund money for the department. The only people who have told me that they have reservations are many of the people right here in this legislature. And believe me, I am sincere in my attempt and I am trying to understand that there are other competing measures and that there are other priorities in other people's minds. I also know that we are on the verge of having a department that will be dismantled stick by stick, stone by stone, and I feel that this legislature, in consideration of what the fisheries and wildlife resources of the State of Maine mean to all the people, should stand up and say that we recognize that there is a financial crisis here, it is an obligation of the State of Maine. The Fish and Game Department is a division of state government and it ought to be treated like one.

If we don't act today on this order, a good number of positions will be affected by layoff. Once the people are affected by layoffs, once they pick up roots and move their families and the like, we can't change that.

I am hoping that if it is the will of the legislature to support the department, support everything it stands for, that we could have the Committee on Fisheries and Wildlife report out a bill with a hard number in it, then have the bill referred to our Appropriations Committee and they, in their diligence, could consider the measure. I would hope that you could see fit to support General Fund money for the Department of Fisheries and Wildlife.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: While I agree with some of the things that the good gentleman from Sanford has just said and I feel that money should be forthcoming from the General Fund to the Department, I also don't feel that the Fisheries and Wildlife Committee is the place for the bill to come from. Traditionally, the Appropriations Committee has handled this type of thing and I think they are the ones that should handle it.

The committee has been told by knowledgeable people who have studied this situation that there will be no shortfall within the department until around September, and I would hope that some action would be taken through the normal process in the legislature before that time.

For these reasons, I would move the indefinite postponement of this Order.

The SPEAKER: The Gentleman from Lincoln, Mr. MacEachern, moves that this Order be indefinitely postponed.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: It is not very often that I disagree with my good friend, Representative Paul. I think he has brought up a problem, one that is going to have to be faced sooner or later by the legislature.

I have told many people off the floor what I think the solution is to the Fish and Game Department. I think the only solution and the one that is going to have to be taken before they can solve their problem, is to correct a cash flow problem, which they are going to have to deal with year after year after year.

In the past, they used to have a \$3 million

surplus, or what I choose to call a slush fund, and so long as they had that amount of cash to rely on, they could deal with their cash flow problem. Let me point out to you what I mean.

Reference has been made that they will not experience any problems until September of 1984. That is true; that is when their first cash flow deficit will rear its ugly head. The month of September 1984 they are going to be short \$324,071. The month of October they are going to be short \$863,625. In the month of November they are going to be short \$529,606. They will survive until April of 1985, when they are going to experience a \$53,000 shortfall and \$96,000 in May. This is going to recur year after year because of the nature of the structure of the revenue producing factors of the department, and until you undedicate the revenue and take advantage of the General Fund to operate, they will experience these shortfalls.

I agree with my good friend from Lincoln, Representative MacEachern, that this order should be indefinitely postponed and I hope you will support the motion.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I commend my good friend from Sanford, Mr. Paul, not because of his order, I disagree with him, but I agree with some of the remarks that he made here today. He is making an honest attempt to try to protect, at least temporarily, 25 positions in the Fish and Game Department. We have got a bill that we are going to be discussing later today that addresses part of it.

It is rather interesting, if you have read the various reports, and I am sure all of you have, the positions of committees, people in this House, the public outside, on what the short term and the long term answer is to the problems in Fish and Game.

The Appropriations Committee instructed its financial staff to meet with the Fish and Game Department and they came in with a whole different set of figures. The Fish and Game Committee, meeting with the Fish and Game Department, has again conflicting figures. The Performance Audit Committee has met with the department and studied it in depth, I understand from certain members of that committee, and they have a different answer.

But you know what it all boils down to? It boils down to the very thing that Representative Paul is talking about, not necessarily going into the General Fund to relieve the problems that are down in the Fish and Game Department but buying a little time.

This House, this afternoon, if it wants to legitimately protect not just the biologists that are sitting up here in this House—it's amazing, you would think we were their only constituents—not them and not just the Fish and Game Department and Mr. Manuel down in Hallowell, if we want to do something constructive here today, you know what we can do, we ought to kill this order, we ought to kill the other order, I guess it is going to be introduced, we ought to take the bill that comes over from the Senate, not kill it, Mr. Hall, but take a good objective look at it and say, what do they need in the Fish and Game Department?

Representative MacEachern and his committee have been hollering about accountability and line item accountability. Well, that bill does it. And you know what else we should do? Nothing! All we should do is add one other amendment that says they will buy 25 cars instead of 50, or trucks or whatever they are, buy the time for Mr. MacEachern and his committee, not the Appropriations Committee but his committee, not the Performance Audit but his committee, to end the nonsense that has been going on publicly for the past three months. We can do it. We can not only save their jobs up there, and they are legitimate, we can look at the other 12 people. Who is hollering for them

in here today?

We ought to kill your order, Mr. Paul. I hope Mr. Connors doesn't offer his, but if he does, in the same spirit torpedo his, take the bill that came over from the Senate and do exactly that, pass the line item budget, give the men and women on that committee 30 days, we are going to be here until the 13th of April, we'll take care of the jobs, we'll have accountability and hopefully we'll have a solvent department.

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

Mr. PAUL: Mr. Speaker and Members of the House: Very briefly. I would like to respond to my good friend, Mr. Kelleher.

You say sure, let the other body's bill come over here and accept that. Well, there is only one problem with the other body's bill—there is no money involved. All that bill does is say we will freeze 10 positions, so it throws it back into the department's lap once again, again putting no money where the money is needed.

What I am trying to do is make an honest attempt to put the money up front to preserve those positions, to put a freeze, to then put us in a position where we will, the committee, I am sure, will continue to work on this problem. But today is the last day for these jobs that will be lost if we fail to enact this order.

Another point was made that it was just saving the biologists. Well, there aren't only biologists involved here. As you know, there are several clerical positions. I would point out that there are five secretarial positions which are responsible for manning each one of the five district offices. If we fail to act here today, those secretarial positions will be gone. What happens in effect is that you will have the highly trained, highly paid, highly qualified wardens and biologists sitting behind a desk answering the telephone, and I would submit to you that that is not what their job is. I think they belong in the field protecting the resources.

Mr. Speaker, I request a roll call.

A roll call was requested on the motion to indefinitely postpone.

More than one fifth of the members present expressed a desire for a roll call, which was ordered.

The SPEAKER: The pending question is on the motion of Mr. MacEachern of Lincoln that this Joint Order be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 368

YEA—Ainsworth, Allen, Andrews, Armstrong, Baker, Beaulieu, Bonney, Brannigan, Brodeur, Brown, A.K.; Brown, D.N.; Carter, Chonko, Clark, Connolly, Cooper, Cote, Crouse, Crowley, Diamond, Dillenback, Erwin, Gwadnosky, Hall, Handy, Hayden, Higgins, H.C.; Hobbins, Jacques, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kiesman, LaPlante, Lehoux, Locke, MacEachern, Macomber, Manning, Martin, H.C.; Matthews, Z.E.; Maybury, Mayo, McGowan, McHenry, Melendy, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nelson, Norton, Paradis, P.E.; Perry, Pouliot, Racine, Richard, Ridley, Roberts, C.B.; Smith, C.W.; Soucy, Stevens, Tamarro, Theriault, Vose.

NAY—Anderson, Bell, Bost, Cahill, Callahan, Carroll, D.P.; Carroll, G.A.; Connors, Cox, Daggett, Davis, Day, Dexter, Drinkwater, Foster, Greenlaw, Hickey, Higgins, L.M.; Ingraham, Jackson, Kilcoyne, Livesay, Mahany, Masterman, Matthews, K.L.; McCollister, McPherson, McSweeney, Mills, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Parent, Paul, Perkins, Pines, Randall, Reeves, J.W.; Reeves, P.; Roderick, Rotondi, Salisbury, Scarpino, Seavey, Sherburne, Smith, C.B.; Sproul, Stevenson, Stover, Strout, Telow, Tuttle, Walker, Webster, Wentworth, Weymouth, Zirkilton.

ABSENT—Benoit, Bott, Carrier, Cashman, Conary, Curtis, Dudley, Gauvreau, Holloway, Jalbert, Lebowitz, Lisnik, MacBride, Martin, A.

C.; Masterton, Michael, Nadeau, Robinson, Rolde, Small, Soule, Swazey, Thompson, Willey, The Speaker.

69 having voted in the affirmative and 57 in the negative, the motion to indefinitely postpone did prevail.

The following paper was taken up out of order by unanimous consent:

Non-Concurrent Matter

Bill "An Act to Increase Legislative Oversight of the Fiscal Affairs of the Department of Inland Fisheries and Wildlife" (Emergency) (H. P. 1628) (L. D. 2143) which was Passed to be En-grossed in the House on March 2, 1984.

Came from the Senate, Passed to be En-grossed as amended by Senate Amendments "A" (S-296) and "B" (S-297) in non-concurrence.

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

Mr. MacEACHERN: Mr. Speaker, I move that the House recede and concur.

The SPEAKER: The gentleman from Lincoln, Mr. MacEachern, moves that the House recede and concur.

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

Mr. RACINE: Mr. Speaker, I would like to pose a question through the Chair. Would somebody please explain what Senate Amendment "A" is and what it does?

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

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: Senate Amendment "A" prevents the layoff of six Biologists II and four hatchery worker positions.

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

Mr. RACINE: Mr. Speaker, I would like to pose a question through the Chair. Do we have the authority to pass such an order or an amendment, rather? Can we dictate as to which positions may be saved or not? I was under the impression that we did not, based on what I have heard.

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 Lincoln, Mr. MacEachern.

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: The answer is yes.

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

Mr. McCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair. Does this permit any of the layoffs to proceed? I am concerned about those lower hourly paid personnel.

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

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: The answer to that one is yes too. This singles out these ten positions from the twenty-five that were proposed and the reason that these were singled out is the fact that these particular positions are in the area of the department where they raise trout, salmon and togue, and we felt as a committee that that portion of the department would be pretty much hamstrung if we allowed these layoffs to continue.

The other people that were laid off was one civil engineer within the planning division whose position has pretty nearly run out. He was hired at the time when we had the bond money to dispose of and he was needed then

but he is not needed now. Secondly, he is right on the verge of leaving the state—he has found another position.

Some of the other positions were clerk typists who were hired back when we were a little more flush than we are now and what their position was was to work in each of the five divisions and most of their work was done in typing reports for the wardens and acted as dispatchers, but we did not feel that that was really an essential part of the department so we did not include them. There were some other positions in the hatcheries but it was felt by the committee that they could be gotten along without. Those people have been terminated.

I do not know if I have covered them all or not but that is about—the way that we arrived at it was who was needed the most in the department.

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

Mr. RIDLEY: Mr. Speaker, I would like to pose a question through the Chair. If we pass this bill before us, is there enough funds presently in the department to take care of it?

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

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: We have been assured by our Legislative Finance people that the department would not be in trouble until around September. Personally, I hope that this legislature will do something to rectify that before we adjourn.

Incidentally, this is not the last day, we have 22 more days to work on this and I am sure we can do something.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: In the vein of the remarks made just a moment ago by the fellow from Lincoln in regards to the question by one of the gentleman down front, isn't it amazing that we are going to mandate that they keep ten or twelve and we are going to let the others go? And we are going to be here until the 13th of April and we are going to let the others go? And they haven't got a financial problem really, a bad financial problem until September and we are going to let the others go? And if they bought a few less trucks down there, they would not have to let anybody go.

As I said earlier in my remarks regarding Mr. Paul's amendment, if we bought a little time, if we table this bill just for ten minutes, I would get an amendment over here and we wouldn't have to let anybody go. We could tell them how many trucks or cars they could buy and they would not have to let anybody go and Mr. MacEachern and the men and women on the Fisheries and Wildlife Committee could straighten that out down there. Now, if you want to table this just ten minutes, I will get the nicest little amendment that you people ever saw and we would not just take care of the ten or twelve sitting upstairs, we would take care of all of those people.

I understand Mr. Conners had an amendment floating around here and he ought to back it up and offer it and then we could buy some time for those other people and the Fisheries and Wildlife Committee could straighten that mess out.

Mr. Speaker, I would like to pose a question through the Chair. Is there such an amendment floating around here that would not lay off all those people and we could buy a little time to take care of this mess that is downstairs?

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

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: While I am not the person who has had the amendment drafted, the gentleman is correct, there is an amendment here and if the gentleman would like to accept that or at least consider the amendment, then I would suggest that he make the motion to recede and we could go from there, I am sure.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: In the Spirit of compromise and I know, I sincerely know, that this House wants to do what is right and there is such an amendment around, and I hope the gentleman would be willing to offer it, I move that the House recede.

Whereupon, on motion of Mr. Kelleher of Bangor, the House voted to recede.

Senate Amendment "A" (S-296) was read by the Clerk.

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

Mr. KELLEHER: Mr. Speaker, if I understand parliamentary procedure, if there is an amendment floating around, should it be offered at this time?

The SPEAKER: The Chair would answer that if the amendment is contrary to the present amendment, this amendment would need to be disposed of first.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I move that this amendment be indefinitely postponed.

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

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

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

If this body were to dispose of Senate Amendment "A" completely, in other words, kill it, what would be the outcome should either of two things happen—one, the gentleman from Franklin, Mr. Conners, offers his amendment and is defeated by this body, would the House then be in a position to accept Senate Amendment "A," when it comes back in non-concurrence?

The SPEAKER: The Chair would answer in the affirmative to both questions.

The gentleman may continue.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: My understanding is that if the gentleman from Franklin, Mr. Conners, offers his amendment and it is defeated, then this body would then be able to accept Senate Amendment "A" at a later date but forthwith?

The SPEAKER: The body could do so immediately thereafter.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I don't know what is going on here but we have gone around and around and up and down and across on this issue for about two weeks and we finally came up with something that was apparently palatable to most people concerned. There has been an awful lot of work done on this and this looks to me like somebody is trying to torpedo the whole thing.

I would like to have a roll call when the vote is taken.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I have no intentions and did not have any intentions before I came in here to torpedo this bill but in the light of the arguments that were presented here today, I think we can do another alternative to what you have already suggested and

buy your committee some time, take care of all the jobs down there on a temporary basis and that is all. I do not think that this House, in total, has any feeling to torpedo your efforts but I think we have a better method of dealing with it, I sincerely do.

I would hope that we would indefinitely postpone the Senate Amendment, let Mr. Connors present his amendment. We already understand through the Speaker the mechanics of how things work, we also know what the meaning of non-concurrence is between two bodies, so this is not the final day in the life of this amendment or the final hour for that matter. But I do believe we can reach the ultimate goal that we want to, and that is to give you some time to take care of all the jobs there, at least until the committee gets completed with it or the end of the fiscal year in June of 1984...

I would urge that if Mr. Connors does have an opportunity to present his amendment that we support it.

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

Mrs. ALLEN: Mr. Speaker, Men and Women of the House: For the last few days, I have been repeatedly told that I am only a Freshman and that was the excuse for my ignorance. I am glad to hear Representative MacEachern from Lincoln admit that he is a bit confused by the proceedings. I do not feel so badly in also admitting that I, too, am confused by the proceedings.

Ladies and gentlemen of this House, the Audit Program and Review Committee thoroughly, I feel, looked into the workings of the Inland Fisheries and Wildlife Department and made several recommendations. A bit of a problem arose when the Commissioner of Inland Fisheries and Wildlife disagreed with us as to our procedures and, hence, the Committee on Inland Fisheries and Wildlife found itself charged by this legislature, by order of this legislature, to come up with a financial solution to that problem. For the past two weeks, they have intensively negotiated, discussed, talked with, listened to the alternatives. Some support came forth from the Audit Program and Review Committee in that we drafted, earlier than we had planned to, a bill that would provide them with line-item budget.

Representative Kelleher speaks of buying time — ladies and gentlemen, you will be buying that committee time if you accept the bill as it has come from the Senate, because what you will enable the committee to do is review the positions, the clerks' positions that people have expressed concern over and I, too, am concerned about all of those positions, not just the ten that are before us in Senate Amendment "A", all of those positions. The committee is concerned. The committee boiled it down to ten resource managers. They did that last night, they concluded at 7:00 p.m. They have had a lot of discussions and input. We are trying to save the resource managers, the people who on Monday will begin a bumping procedure that will adversely affect the natural resource of this state.

I would never argue with anyone that those clerks or dispatchers or whatever you would like to call them that are used by the wardens or the warden pilots are not essential to that department; it is my personal belief that they are. I don't think that those positions are lost forever, but I think those most vital to the resource are the ten that are before you now with Senate Amendment "A"; those are the most crucial.

You are with this bill, in this form, buying the committees some time to deal with all of the layoffs. I would urge you to vote against indefinite postponement of this amendment.

The SPEAKER: Pursuant to House Rule 2, the Chair would explain to members of the House where we are.

The pending motion is the motion of the gentleman from Bangor, Mr. Kelleher, to indefi-

nately postpone Senate Amendment "A". The Chair responded in the affirmative to the questions of the gentleman from Scarborough, Mr. Higgins, that if Senate Amendment "A" is defeated, that an amendment to be offered by the gentleman from Franklin, Mr. Connors, would be in order. If that amendment were to be adopted, it would be going to the other body in non-concurrence. That body could either recede and concur with the actions of this body or it could adhere to its original position, the posture in which the bill is before us now, and we would then be in a position to recede and concur.

If, in fact, the amendment to be offered by the gentleman from Franklin, Mr. Connors, were to be defeated and this amendment had been indefinitely postponed, the motion to reconsider whereby Senate Amendment "A" had been defeated could be reconsidered and thereby going back to the original position of the other body.

Further, the Chair would point out that in either case, based on the length of the debate, it has been pre-engrossed in so many ways that it doesn't matter.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: There have been three joint committees involved in this bill over the past two or three weeks—Fisheries and Wildlife, Audit and Program Review and, to some extent, Appropriations. We have wracked our brain trying to figure out the best course of action to take on the suspensions.

We have a lot of empathy for the people who have been discharged, for the clerk-typists and the wardens, pilots and the whole crew, and if we were enjoying better times now, like we used to, I would be the first one to fight against these dismissals, but I feel that it is essential at this point to carry them out. And the reason we singled out the biologists was because they are essential to the department.

I think that the prime interest of the Fisheries and Wildlife Committee should be the preservation and the proliferation of the different species that they control, and I think that is what we are considering at this point. We do have a lot of consideration for the people involved, but we are dealing with positions and not individuals. We realize it affects individuals, but the positions are what we are dealing with.

I think that we have got a good bill here that will at least temporarily give us a chance to reassess ourselves. If we pass it, I am sure that anybody who is affected by these layoffs will be back with the department before the summer is over. But at this point we have to consider the financial angle as well as the resource, but we did consider the resource first.

I wish you would vote not to indefinitely postpone this amendment so that we can let the bill go along and become law.

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

Mr. DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: There are a couple points I would like to make in reference to this particular item, points I think we should all consider.

It is more than just a debate over whether or not the number of positions we maintain is 10, 20, 25, whatever, it goes beyond that. The committee was given a responsibility, one that they took very seriously, that there were certain programs that they had to protect in light of the Governor's decision and the Commissioner's decision regarding the layoffs. They looked at those departments, they looked at the programs and they determined that there were 10 positions that could not be cut in their opinion. That is the question, not whether or not we can go all the way with what we would like, but whether or not we are going to recognize the fact that there has, indeed, been a decision made by the Executive Department and

that there are certain programs that the policy committee involved with Fisheries and Wildlife is looking at. They feel that the bottom line is protecting those 10 positions, recognizing what action has been taken preceding theirs, and I think it is important to respect the committee, respect the process and support the motion, I believe, of the gentleman from Lincoln, Mr. MacEachern.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I respect my floor leaders, I respect the committee system, and I also respect my right as an individual to get up here and speak and offer my wisdom, no matter how little it may seem to others, for the benefit of this House.

We can do exactly what has to be done in terms of buying some time for this department without one single layoff, and the Maynard Connors' amendment is the best answer that I have seen here today in doing just that.

We all understand the legislative process, how bills are going back and forth, and this isn't going to be the end of the ship if in fact the Senate disagrees with us or should we disagree with them.

I wholeheartedly urge that you do indefinitely postpone the Senate Amendment, that we listen to the Connors amendment, and send it down to the Senate to see if they are willing to accept it as we have in good faith.

A roll call has been requested on the motion to indefinitely postpone Senate Amendment "A".

More than one fifth of the members expressed a desire for a roll call, which was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that Senate Amendment "A" (S-296) be indefinitely postponed in non-concurrence. All those in favor will vote yes; those opposed will vote no.

Roll Call No. 369

YEA—Ainsworth, Anderson, Andrews, Armstrong, Beaulieu, Bonney, Bost, Brodeur, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carroll, D.P.; Carroll, G.A.; Carter, Chonko, Connors, Connolly, Dagget, Davis, Day, Dexter, Dillenback, Drinkwater, Greenlaw, Handy, Hayden, Hickey, Higgins, L.M.; Ingraham, Jackson, Joyce, Kelleher, Kelly, Ketover, Kilcoyne, Lehoux, Livesay, Macomber, Martin, H.C.; Masterman, Matthews, K.L.; Matthews, Z.E.; Maybury, Mayo, McCollister, McPherson, McSweeney, Michael, Michael, Mitchell, J.; Murphy, E.M.; Murphy, T.W.; Murray, Norton, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Perkins, Perry, Pines, Pouliot, Randall, Reeves, J.W.; Richard, Ridley, Roderick, Rotondi, Salsbury, Scarpino, Seavey, Sherburne, Smith, C.W.; Sproul, Stevens, Stevenson, Stover, Strout, Tammara, Telow, Theriault, Tuttle, Walker, Webster, Wentworth, Weymouth, Zirkilton.

NAY—Allen, Baker, Bell, Brannigan, Clark, Cooper, Cote, Cox, Crouse, Crowley, Diamond, Erwin, Foster, Gwadnosky, Hall, Higgins, H.C.; Hobbins, Jacques, Joseph, Kane, Kiesman, LaPlante, Locke, MacEachern, Mahany, Manning, McGowan, McHenry, Melendy, Mills, Mitchell, E.H.; Moholland, Nelson, Racine, Reeves, P.; Roberts, Smith, C.B.; Soucy, Vose.

ABSENT—Benoit, Bott, Carrier, Cashman, Conary, Curtis, Dudley, Gauvreau, Holloway, Jalbert, Lebowitz, Lisnik, MacBride, Martin, A.C.; Masterton, Nadeau, Robinson, Rolde, Small, Soule, Swazey, Thompson, Willey, Mr. Speaker.

88 having voted in the affirmative and 39 in the negative, the motion did prevail.

Senate Amendment "B" (S-297) was read by the Clerk and adopted in concurrence.

Representative Connors of Franklin offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-494) was read by

the Clerk and adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

The following paper was taken up out of order by unanimous consent:

Non Concurrent Matter

Bill "An Act to Increase Legislative Oversight of the Fiscal Affairs of the Department of Inland Fisheries and Wildlife" (Emergency) (H. P. 1628) (L. D. 2143) which was passed to be engrossed as amended by Senate Amendment "B" (S-297) and House Amendment "B" (H-494) in the House on March 2, 1984.

Came from the Senate with that Body having adhered to its former action whereby the Bill was passed to be engrossed as amended by Senate Amendments "A" (S-296) and "B" (S-297) in non-concurrence.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I move that we recede and concur.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Obviously, we are in a parliamentary posture where we have to support the motion of the gentleman from Lincoln, Mr. MacEachern.

I just want to say that I think this House acted very responsibly here this afternoon in what we originally did. And although we have no control over the other body, unfortunately, I think that this House, through a great deal of debate, and it was hard for some of us arguing on one side, as I know it was for others arguing on the other side, but we did the right thing. We are in a parliamentary position now where we have got no other alternative but to support the motion of the good gentleman from Lincoln.

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

Mr. MURPHY: Mr. Speaker, could I pose a question through the Chair to the Chairman of the Fisheries and Wildlife Committee? In looking at Senate Amendment "A", the Statement of Fact makes reference to six biologists' positions and four hatchery workers. The Statement of Fact isn't law but the reference up above says March 1. By our action today, will this action include the announcement made by the Commissioner yesterday rescinding the decision in terms of the rearing stations, the employees that would be kept?

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding that that does include the ones because the commissioner agreed to do that himself, to keep the hatchery open and maintain those two personnel that run it.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: So the record will be very clear, unless someone is interpreting it differently, that by our action here this evening both bodies would be retaining the six biologist positions, the four hatchery positions and, in addition, the positions announced by the Commissioner yesterday.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: That's my understanding, that that would be true.

Thereupon, on motion of Mr. MacEachern of Lincoln, the House voted to recede and concur.

The following paper was taken up out of order by unanimous consent:

**Passed to Be Enacted
Emergency Measure**

An Act to Increase Legislative Oversight of the Fiscal Affairs of the Department of Inland Fisheries and Wildlife (H. P. 1628) (L. D. 2143) (S. "A" S-296 and S. "B" S-297)

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

Representative Mitchell of Vassalboro requested a roll call vote on passage to be enacted.

More than one fifth of the members present expressed a desire for a roll call, which was ordered.

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

Roll Call No. 370

YEA—Ainsworth, Allen, Anderson, Andrews, Armstrong, Baker, Beaulieu, Bell, Bonney, Brannigan, Brodeur, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carroll, D.P.; Carroll, G.A.; Carter, Chonko, Clark, Conners, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Davis, Day, Dexter, Diamond, Dillenback, Drinkwater, Erwin, Greenlaw, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Ingraham, Jackson, Jacques, Joseph, Joyce, Kane, Kelleher, Ketover, Kiesman, Kilcoyne, LaPlante, Lehoux, Locke, MacEachern, Macomber, Mahany, Manning, Martin, H.C.; Masterman, Matthews, K.L.; Matthews, Z.E.; Maybury, Mayo, McCollister, McGowan, McHenry, McPherson, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Perry, Pines, Pouliot, Racine, Randall, Reeves, J.W.; Richard, Ridley, Roberts, Roderick, Rotondi, Salisbury, Scarpino, Seavey, Sherburne, Smith, C.B.; Soucy, Sproul, Stevens, Stevenson, Stover, Strout, Tammaro, Telow, Theriault, Tuttle, Vose, Walker, Webster, Wentworth, Weymouth, Zirkilton, Mr. Speaker.

NAY—Kelly, Smith, C.W.

ABSENT—Benoit, Bost, Bott, Carrier, Cashman, Conary, Connolly, Curtis, Dudley, Foster, Gauvreau, Gwadosky, Holloway, Jalbert, Lebowitz, Lisnik, Livesay, MacBride, Martin, A. C.; Masterton, Perkins, Reeves, P.; Robinson, Rolde, Small, Soule, Swazey, Thompson, Willey.

120 having voted in the affirmative and 2 in the negative, the Bill was passed to be enacted.

Signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

The Chair laid before the House the following matter:

Bill "An Act to Create a State Funded Jobs Program" (Emergency) (H. P. 1631) which was tabled and later today assigned pending reference. (Committee on Reference of Bills suggested the Joint Select Committee on Jobs Training)

On motion of Representative Carter of Winslow, the Bill was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act Concerning Access to Medical Care for Persons Without Adequate Health Insurance" (Emergency) (H. P. 1630) which was tabled and later today assigned pending reference. (Committee on Reference of Bills had suggested the Committee on Health and Insti-

tutional Services.

On motion of Representative Carter of Winslow, the Bill was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

(Off Record Remarks)

On motion of Representative Smith of Island Falls,

Adjourned until Monday, March 5, 1984, at eleven o'clock in the morning.