

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)

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HOUSE

Monday, March 12, 1984

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

Prayer by Reverend A. Raymond Smith, St. Barnabas Chapel, Augusta.

The members stood for the Pledge of Allegiance.

The Journal of Friday, March 9, 1984, was read and approved.

Papers from the Senate

Bill "An Act to Amend the Certified Seed Potato Law" (S. P. 820) (L. D. 2200)

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

Was referred to the Committee on Agriculture in concurrence.

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$6,000,000 for the Design, Construction and Furnishing of Court Facilities" (S. P. 821) (L. D. 2201)

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 Concerning the Tri-state Lotto Compact" (S. P. 823) (L. D. 2203)

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

Was referred to the Committee on Legal Affairs in concurrence.

Bill "An Act Authorizing the Public Advocate to Intervene in Health Insurance Proceedings before the Superintendent of Insurance and in the Proceedings of the Health Care Finance Commission" (S. P. 822) (L. D. 2202)

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 Repeal and Replace the Regional Refuse Disposal District Enabling Act" (Emergency) (S. P. 721) (L. D. 1993)

Report of the Committee on Public Utilities reporting "Leave to Withdraw" on Bill "An Act to Authorize the Public Utilities Commission to Institute Performance Standards for Electric Generating Stations" (S. P. 749) (L. D. 2053)

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

Divided Report

Majority Report of the Committee on Transportation reporting "Ought to Pass" on Bill "An Act to Provide for Certain License Requirements for School Bus Drivers" (S. P. 704) (L. D. 1951)

Signed:

Sensors:

DANTON of York
EMERSON of Penobscot
DIAMOND of Cumberland

Representatives:

CAHILL of Woolwich
MACOMBER of South Portland
REEVES of Pittston
THERIAULT of Fort Kent
CARROLL of Limerick
CALLAHAN of Mechanic Falls
McPHERSON of Eliot

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

Signed:

Representatives:

MOHOLLAND of Princeton
STROUT of Corinth

Came from the Senate with the Majority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed.

Reports were read.

On motion of Representative Carroll of Limerick, the Majority "Ought to Pass" Report was accepted in concurrence, the Bill read once and assigned for second reading tomorrow.

Communications

The following Communication: (S. P. 824)

111th Legislature

March 8, 1984

The Honorable Edgar E. Erwin

The Honorable John M. Michael

Chairpersons, Committee on Agriculture
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Charles E. Moreshead of Augusta for appointment to the Maine Harness Racing Commission.

Pursuant to Title 8 MRSA Section 261, this nomination will require review by the Joint Standing Committee on Agriculture and confirmation by the Senate.

Sincerely,

S/GERARD P. CONLEY

President of the Senate

S/JOHN L. MARTIN

Speaker of the House

Came from the Senate, Read and Referred to the Committee on Agriculture.

Was Read and Referred to the Committee on Agriculture in concurrence.

**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 Committee:

Energy and Natural Resources

Bill "An Act to Provide for a Surety Bond for Soil Analysts" (H. P. 1678) (Presented by Representative Holloway of Edgecomb) (Cosponsor: Senator Sewall of Lincoln) (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 the Citizens' Civil Emergency Commission" (Emergency) (H. P. 1679) (Presented by Representative Andrews of Portland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Committee on Reference of Bills suggested the Committee on State Government.

On motion of Representative Diamond of Bangor, tabled pending reference and later today assigned.

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

Representative Vose from the Committee on Public Utilities on Bill "An Act to Amend the Electric Rate Reform Act Regarding Electric Utility Financing or Subsidization of Capital Improvements Undertaken by Ratepayers" (H. P. 1438) (L. D. 1883) reporting "Leave to Withdraw"

Representative Carroll from the Committee on Transportation on Bill "An Act Designating Certain Highways as State Highways" (H. P. 1386) (L. D. 1811) reporting "Leave to Withdraw"

Representative Hickey from the Committee on Aging, Retirement and Veterans on Bill "An Act Relating to Retirement Compensation for Judges" (H. P. 1428) (L. D. 1873) reporting "Leave to Withdraw"

Representative Tuttle from the Committee

on Aging, Retirement and Veterans on RESOLVE, to Provide a Retirement Benefit to Mrs. Bernice B. Martel of Sanford. (H. P. 1568) (L. D. 2078) reporting "Leave to Withdraw"

Were 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 Soule from the Committee on Judiciary on Bill "An Act to Amend Calculation of Period of Imprisonment" (Emergency) (H. P. 1539) (L. D. 2024) reporting "Ought to Pass" in New Draft (Emergency) (H. P. 1680) (L. D. 2216)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Tuesday, March 13, 1984.

**Divided Report
Recommended to Committee
on Business Legislation**

Majority Report of the Committee on Business Legislation reporting "Ought Not to Pass" on Bill "An Act to Provide for Competitive Equality Between Financial Entities" (H. P. 1461) (L. D. 1913)

Signed:

Sensors:

SEWALL of Lincoln
CLARK of Cumberland

Representatives:

TELOW of Lewiston
CONARY of Oakland
RACINE of Biddeford
MacBRIDE of Presque Isle
MARTIN of Van Buren

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (H. P. 1677) (L. D. 2206) on same Bill.

Signed:

Sensor:

CHARETTE of Androscoggin

Representatives:

BRANNIGAN of Portland
MURRAY of Bangor
STEVENS of Bangor
POULIOT of Lewiston
PERKINS of Brooksville

Reports were read.

On motion of Representative Stevens of Bangor, the Bill was recommended to the Committee on Business Legislation.

**Consent Calendar
First Day**

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

(H. P. 1561) (L. D. 2063) Bill "An Act Concerning Tax Exempt Status of Property owned by the Farmington Village Corporation" Committee on Taxation reporting "Ought to Pass".

(H. P. 1591) (L. D. 2101) Bill "An Act to Exempt Nonprofit Emergency Feeding Organizations from the Sales Tax" Committee on Taxation reporting "Ought to Pass".

(S. P. 740) (L. D. 2043) Bill "An Act to Define Primary Excess Insurer Pursuant to Self-insurance under the Maine Workers' Compensation Act" Committee on Business Legislation reporting "Ought to Pass".

(S. P. 767) (L. D. 2080) Bill "An Act to Authorize the Sale of Certain State-owned Land" Committee on State Government reporting "Ought to Pass".

(S. P. 691) (L. D. 1923) RESOLVE, to Name the Bridge in Hinkley for George Walter Hinkley. Committee on Transportation reporting "Ought to Pass".

(S. P. 693) (L. D. 1925) Bill "An Act Concerning the Speed Limit for School Buses" Committee on Transportation reporting "Ought to Pass".

(S. P. 684) (L. D. 1891) Bill "An Act to Identify Polychlorinated Biphenyls as Hazardous Waste" Committee on Energy and Natural Resources reporting "Ought to Pass" as Amended

by Committee Amendment "A" (S-300)

(H. P. 1475) (L. D. 1936) Bill "An Act Concerning the Stopping of Trucks at Roadside Weighing Points" Committee on Transportation reporting "Ought to Pass".

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, March 13, 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:

(H. P. 1567) (L. D. 2076) Bill "An Act to Amend the Medical Radiation Health and Safety Act"

No objections having been noted at the end of the Second Legislative Day, the House Paper was Passed to be Engrossed and sent up for concurrence.

Second Reader Later Today Assigned

Bill "An Act to Clarify the Licensing Authority of the Board of Registration in Medicine" (H. P. 1665) (L. D. 2197)

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

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

Mrs. NELSON: Mr. Speaker, I have an amendment prepared and it is not on our desks yet. I hope by the time the session is over the amendment will be ready to be presented.

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

Second Reader Tabled and Assigned

Bill "An Act Concerning Hazardous Materials Control" (H. P. 1666) (L. D. 2198)

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

On motion of Representative Carroll of Limerick, tabled pending passage to be engrossed and tomorrow assigned.

Passed to be Engrossed

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1984 (Emergency) (H. P. 1676) (L. D. 2205)

Were reported by the Committee on Bills in the Second Reading, read the second time, Passed to be Engrossed, and sent up for concurrence.

Orders of the Day

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

Bill "An Act Concerning the Open Burning of Leaves and Brush" (H. P. 1625) (L. D. 2142)

Tabled—March 8, 1984 by Representative Ridley of Shapleigh.

Pending—Motion of Representative Dexter of Kingfield to Reconsider acceptance of the Majority "Ought to Pass" in New Draft (H. P. 1625) (L. D. 2142) 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).

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

Mr. McGOWAN: Mr. Speaker and Members of the House: I urge this House not to vote to reconsider this bill. This bill was a 10 to 3 vote from the Committee on Energy and Natural Resources, and whether or not you understand the present law concerning the burning of leaves and trash, I hope that when this debate is over you will have a good understanding of it and I hope that I may shed some light on that.

Presently, there are 36 towns in the State of Maine who cannot burn trash or leaves, and

that is because they have municipally collected garbage. That really isn't much of a reason not to allow a town to burn leaves. Representative Jacques of Waterville felt in the committee that it was discriminatory that Waterville could burn leaves and Winslow could not burn leaves.

It was my feeling and the feeling of members of the committee that we should make it illegal for anybody in the State of Maine to burn leaves unless they adopt, through their municipal governments, an ordinance saying that they can burn leaves.

This may seem like an incidental item to many of you, but in effect it is very, very important, because some towns may be in violation of the state's air quality laws and by burning leaves may jeopardize an industry coming into that town. So this bill, as it stands in a majority report from the Committee on Energy and Natural Resources, lets those towns make that choice. If they want to burn leaves, then they may make that choice to burn them. It clears up a discriminatory law that is presently on the books, and I urge you not to reconsider the committee report.

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

Mr. RIDLEY: Mr. Speaker and Members of the House: I would hope you would go along with this vote to reconsider and I would like to explain a couple of reasons why.

Number one is, normally you pass an ordinance to prohibit something, not to allow something. If we don't vote to reconsider this, it is going to go back and put, really, 36 towns in the towns that aren't able to burn and the rest of them will be. So I would like to reconsider it so we can go with the minority report which states that all of the towns in the state will be able to burn and those towns that don't want any burning, let them pass an ordinance to prohibit it. The way it is now it just seems to be backwards.

They pass ordinances so you can't build your cottage too close to the lake, they have noise ordinances that they have passed so nobody can make an excess amount of noise, and I think it is another case where we are trying to make the rules and regulations and sticking our nose into the town's business. I think if the town wants them to burn or doesn't want them to burn, let them pass an ordinance that would prohibit it.

I find it very, very difficult—we worked until after six o'clock the other night on a bill to allow them to burn wood in state facilities. They were going to have 15 40-foot trailers a day coming in to burn in a boiler to generate steam and electricity. They will allow this, and those same people that will stand up and say no, you can't burn a bushel basket or two full of leaves once in the fall, but yet they are going to allow all this burning and it just doesn't make sense to me.

I hope you will vote to reconsider this.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: Whenever I get up to speak on any issue coming from the Committee on Energy and Natural Resources, I usually get up and rant and rave about Mr. Hall and make all kinds of statements about him and, frankly, I think he really looks forward to it, but today I can't do that. The only one I can rant and rave about is myself, and I am doing that quite nicely. I think what happened to me on this issue, I think smoke from Mr. Racine's leaves got in my eyes because I think I was asleep all through this process because I missed it from point A to point B.

First of all, I signed the wrong report, so it shouldn't be 10 to 3, it should be 9 to 4. Secondly, when the issue came up last week, I again missed the opportunity to stand up and make my opposition known at that time. I guess I must have been thinking about some

soil test that I have to do on some swampland up in Eagle Lake, so my mind was completely cluttered on the issue.

Mr. Ridley is absolutely right. The issue really is one of do we want towns to pass ordinances to say that you can't do something or that you can do something? You know, it is easy for large cities or even large municipalities to pass ordinances because they do it almost weekly, so it is easy for them to pass ordinances to say that you can burn leaves. But in the case of small towns, small municipalities, it is very difficult because not only do they have to go through the mechanics of putting together an ordinance saying that you can do something, they also have to make sure that they file that with the Department of Environmental Protection, have to make sure that it is proper in every form, and I think that is wrong.

The basic difference between the two reports, the majority report says that the towns must write an ordinance to permit you to burn leaves, the minority report says that the town would write an ordinance to prohibit you from burning leaves. Therefore, if you don't want leaves to be burned in the community, it seems to me that the municipality should write the ordinance saying that you should not burn leaves rather than the other way around. So Mr. Ridley is absolutely correct, and I would hope that you would support the motion for reconsideration.

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

Mr. DEXTER: Mr. Speaker and Members of the House: This is one more attempt to take away local control, don't forget that.

Also, in the majority report, your unorganized townships and your plantations cannot pass ordinances to allow burning under Title 38, Chapter 582, they simply cannot. So if you would reconsider and accept the minority report, with a few amendments we could correct the situation, and I ask for a roll call.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: This bill has taken up more time than the chemical ID bill which has been ultra-controversial. We have taken it back into the committee, we have done this and that and everything else.

Basically, it doesn't make that much difference which comes first, the horse or the cart, in regard to the difference between Representative Ridley and the rest of us on the committee were concerned.

I think what we are dealing with here is a little different and I would hope you would have the patience to listen to an old guy like me try to explain it to you.

In many instances, we have put industry through a tremendous hoop, and if they step out of line they can't say they are burning a little small pile of leaves clean down to here because we know what they are burning, and they are subject to pretty stringent standards about how much junk they can put into the air. I guess the problem we found is, how much more are you going to allow?

Actually, I love the smell of burning leaves and I could care less about Sangerville because we don't have that problem at present with the air standards, but in other places in the state they do.

Leaves are something that don't burn that good and people love to smell them, but where does the smoke go? It goes up in the air and according to the way the standards of the state are tested in regard to the ambient air quality, it basically could be bad for the industry that day.

I don't believe anybody on the committee denies burning leaves, for crying out loud, that is not that big an issue, but the issue is, basically, are you going to take that much more away from industry? I don't think we ought to do that.

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

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: Saturday I went to town meeting. We passed our town business. If this bill goes into effect, we will have to hold a special town meeting before we can clean our leaves up this fall.

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

Mr. MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: To clarify a point brought about by Representative McCollister, we are allowing towns a year so that they will have time to put it on next year's ordinances at the town meetings, the smaller towns.

And to take issue with a point Representative Dexter of Kingfield made, this bill, as it is, is the ultimate step in local control. This lets the town decide whether or not it wants to burn, because the problem exists where the state may comply with the federal government. Should we open the door and let everybody burn, the way Representative Ridley and Representative Dexter would like to have it done, then we may jeopardize several communities' air quality standards.

What we are doing is, we are saying that you may come before your town government and have a meeting and have a hearing and decide whether or not you want to burn in that municipality. This is the ultimate step in local control, and I would urge you to support the Majority "Ought to Pass" Report.

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

Mr. RIDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I don't like to dispute my good friend from Sangerville, Mr. Hall, but when he says "How much more are we going to take away from industry" and then Mr. McGowan says "this is the ultimate," I just have to say, how much more are we going to take away from the individual towns? When he says this is the ultimate, yes, it is, because what we are asking for is for the town, if they don't want leaves burned, then they will pass an ordinance so indicating, and if their town is in jeopardy because of burning a couple of bushel baskets full of leaves in the fall of the year, then I think they are in real serious trouble because all they have got to do is have one person decide they are going to burn wood and they are going to be in trouble.

By the same token, I could take these leaves, haul them into my cellar and stuff them into my furnace and burn them and there would be nothing wrong with that. Or I think I could probably stuff them into a stove out in the backyard and there wouldn't be anything wrong.

Why not do it the way we always pass ordinances, if we don't want you doing something, let the town pass an ordinance indicating and leave the rest of us alone.

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

Mrs. WENTWORTH: Mr. Speaker and Members of the House: Mr. Ridley is entirely right. It is my understanding now that a town may do anything that is not specifically forbidden to do in the statutes. This would be just working backwards.

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

Mr. HALL: Mr. Speaker and Members of the House: I don't think it makes much difference what the towns or any of us like or dislike because this is a federal regulation we are dealing with. You have got to be careful because if you aren't, some of the towns that have been burning in their dumps are going to be notified that they are in violation even though the state has passed something to protect them, and then everybody is going to pay, I don't mind telling you that.

The SPEAKER: The Chair recognizes the gentleman from Monmouth, Mr. Davis.

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to clarify one point. I would address a question, if I may, to Representative Hall. Is it or is it not the federal law that we are not allowed to have open burning of any kind?

The SPEAKER: The gentleman from Monmouth, Mr. Davis, has posed a question through the Chair to the gentleman from Sangerville, Mr. Hall, who may respond if he so desires, and the Chair recognizes that gentleman.

Mr. HALL: Mr. Speaker, that is correct.

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

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I'm caught between the devil and the deep blue sea on this particular bill because I am the original sponsor of this bill and I hate to get up and recommend that we follow one report because we may end up with nothing.

However, the reason that this bill was put in was that last fall I found out that we had passed a law last year prohibiting the burning of leaves in municipalities where trash collection was being supported by the property tax. And when I looked into this, I found out that there were only 36 towns or municipalities within the state where individuals could not burn leaves, trash or tree cutting or brush. I thought that this was very discriminatory because the size of the town meant nothing. As an example, you have some towns where no burning is authorized with a population of 970, like Steuben; Harrington has a population of 859; Levant has a population of 1,117. However, where you don't have a tax-supported trash collection service, you may burn leaves like in Presque Isle which has a population of 11,000; Caribou has a population of 9,000; Limestone, 8,000, and I could go on and on and on. I felt that this was very discriminatory.

The question came up—is it permissible to burn within the state? The answer was no. If that is the case, then why do we allow burning of leaves, burning of blueberry fields, potato fields, solid fuels for training purposes, the burning of buildings where the fire department will get their training? If we are concerned about pollution, we should go after that type of burning, but when you are discussing the burning of a little pile of leaves in the fall and you say that this may affect the incoming of an industry, I think we are going a little too far. Let's be realistic about this.

If we are concerned about pollution, let us prohibit the burning of leaves throughout the state, not only where you have a tax-supported trash collection service. What difference does it make if you pay through the property tax or if you pay directly? It makes no bit of difference, it does not, so let's be realistic. If it is prohibited and we want to stop it, let's stop it throughout the state, but let's not kid ourselves that a little pile of leaves will stop an industry from coming into the state.

Let's take as an example a town where there is no burning authorized, like the city of Biddeford which has a population of 19,000 people. You mean to tell me that if we allow the burning of leaves that this will prevent an industry from coming in? When I use the name of these cities, I don't want to sound derogatory or I am picking on certain legislative districts, it just happens that the population is there. Let's take some others, the City of Gorham as an example, has a population of 10,000, but their trash collection service is not paid out of the property tax; yet, they can burn providing they meet all the requirements, whether they obtain a burning permit or not. Let's not kid ourselves.

I am not going to recommend which report you go to because with both of them you can burn, but I think we should pass this one way or the other.

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

Mr. KIESMAN: Mr. Speaker and Members of

the House: I had hoped I wouldn't have to get up on this but I think there does need to be some clarification because it has not really been explained yet; it should have been by now.

The Federal Clean Air Act says there will be no open burning. The State of Maine, has in its wisdom, seen fit to pass statutes that do allow certain open burning in violation of the federal law. The intention of that when it was passed, and I had a part in it, was to take the heat off the individuals and allow some of the things to go on that we have always done in the past. One of them was the open burning dumps. We put on a requirement that no town over a thousand could have an open burning dump, that is strictly in violation of federal law but we did it anyway. The feds have seen fit in the past to look the other way, they didn't want to have to enforce it.

What happened last year, we had a bill in here that created a lot of smoke, if you will pardon the pun, and the feds are now looking at it and we were told by a representative of the federal EPA that they might be down to Maine and enforce that against some municipality one of these days if there was enough fuss raised by some of the environmental organizations.

At the same time we did that on the burning of leaves and brush trimmings around the house. The way we did that was to say that if you had no other way of disposing of them, any other logical way of disposing of them, such as a municipally tax-supported trash pickup, then you could burn. We had this bill come in that says this is grossly unfair. We looked for a way to take care of the fairness problem. We talked with people from the federal EPA because they were here. They indicated to us that if the law that we passed to take care of the unfairness part of it did not on its face make it more open, open it up more, they would probably continue to look the other way. That was just an opinion of the person that was there.

What we have done is give the indication that the towns, if they have to make a considered decision, many of them would not allow open burning, would not allow burning of leaves and trash. This puts it right up to the town and makes them consider the issue—do you want this?

We have had people come into our committee in the past that have said, we would like to get that banned in our town but we are not able to get the job done, we can't get the forum for it. You ask them why they don't put it on the town warrant to get it before the town meeting and they say, we can't seem to get it on there. That may be because they don't know how. In any case, this will put it on the town meeting order and they will get a chance to debate the issue and make a conscious decision, do they want open burning or do they not. At the same time, this will give it a semblance of propriety and it will probably keep the feds off of our backs some more. I think you ought to know that.

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

Mr. BROWN: Mr. Speaker and Members of the House: Briefly, just for clarification, no matter how you vote on this issue, you are permitting the burning of leaves.

The report that passed would require the municipality to write an ordinance permitting you to burn leaves. We want to reconsider that so that if a community desires to do so, they could write an ordinance that prohibits the burning of leaves. I just wanted to clarify that so we could get back to the issue.

The SPEAKER: The Chair recognizes the gentleman from Thomaston, Mr. Mayo.

Mr. MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to point out that there is one clause in this bill that is before us now and that we are going to be asked to reconsider that takes away that right from seven locations in this state. One of those locations happens to be my hometown. If this bill passes,

the Town of Thomaston will not be allowed under any circumstances to burn leaves. The City of Bangor, Brewer, the City of Augusta, the Town of Lincoln and the Town of Baileyville are also in that category. I just wanted to point that out. When you say it is going back to local control, that is not completely true, there are areas that will not be allowed to make that decision.

A roll call has been requested.

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 Dexter of Kingfield, that the House reconsider its action whereby the Majority "Ought to Pass" Report was accepted. All those in favor of reconsideration will vote yes; those opposed will vote no.

Roll Call No. 373

YEA—Ainsworth, Allen, Anderson, Armstrong, Beaulieu, Bell, Benoit, Bonney, Bott, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carrier, Carroll, G.A.; Carter, Chonko, Clark, Conary, Connors, Cote, Crouse, Curtis, Daggett, Davis, Dexter, Dillenback, Drinkwater, Erwin, Foster, Gauvreau, Greenlaw, Gwadosky, Handy, Holloway, Ingraham, Jackson, Jacques, Joseph, Ketover, Lebowitz, Lisnik, Locke, MacBride, MacEachern, Mahany, Martin, A.C.; Martin, H.C.; Masterman, Matthews, Z.E.; Maybury, Mayo, McPherson, Melendy, Mills, Moholland, Murphy, E.M.; Norton, Paradis, E.J.; Parent, Paul, Perkins, Perry, Pines, Pouliot, Racine, Randall, Reeves, J.W.; Reeves, P.; Richard, Ridley, Roberts, Robinson, Roderick, Rolde, Rotondi, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stevens, Stevenson, Stover, Swazey, Tammara, Telow, Theriault, Vose, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

NAY—Andrews, Baker, Brodeur, Carroll, D.P.; Cashman, Connolly, Cooper, Cox, Crowley, Day, Dudley, Hall, Hickey, Higgins, H.C.; Joyce, Kane, Kelleher, Kelly, Kiesman, Kilcoyne, LaPlante, Lehoux, Macomber, Manning, Masterton, McCollister, McGowan, McHenry, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau.

ABSENT—Brannigan, Diamond, Hayden, Higgins, L.M.; Hobbins, Jalbert, Livesay, Paradis, P.E.; Soule, Strout, Thompson, Tuttle, Mr. Speaker.

103 having voted in the affirmative and 35 in the negative, with 13 being absent, the motion did prevail.

The SPEAKER: The pending question now before the House is acceptance of the Majority "Ought to Pass" Report.

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

Mr. BROWN: Mr. Speaker and Members of the House: I would urge you not to accept the Majority Report so that we can accept the Minority Report and permit towns to write ordinances that prohibit the burning of leaves rather than write ordinances that permit it, as we discussed earlier, and I would ask for a roll call on that motion.

A roll call has been requested.

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 the gentleman from Sangerville, Mr. Hall, that the House accept the Majority "Ought to Pass" Report. All those in favor will vote yes; those opposed will vote no.

Roll Call No. 374

YEA—Andrews, Baker, Benoit, Brodeur, Carrier, Carroll, D.P.; Carter, Cashman, Connolly, Cooper, Cox, Crowley, Day, Diamond, Gauvreau, Hall, Handy, Hickey, Higgins, H.C.; Kane, Kelleher, Kelly, Ketover, Kiesman, Kilcoyne, LaPlante, Lehoux, Macomber, Manning, Masterton, McCollister, McGowan, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Murray,

Nadeau, Nelson.

NAY—Ainsworth, Allen, Anderson, Armstrong, Beaulieu, Bell, Bonney, Bott, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carroll, G.A.; Chonko, Clark, Conary, Connors, Cote, Crouse, Curtis, Daggett, Davis, Dexter, Dillenback, Drinkwater, Dudley, Erwin, Foster, Greenlaw, Gwadosky, Holloway, Ingraham, Jackson, Jacques, Joseph, Joyce, Lebowitz, Lisnik, Locke, MacBride, MacEachern, Mahany, Martin, A.C.; Martin, H.C.; Masterman, Matthews, K.L.; Matthews, Z.E.; Maybury, Mayo, McHenry, McPherson, McSweeney, Melendy, Mills, Moholland, Murphy, E.M.; Murphy, T.W.; Norton, Paradis, E.J.; Parent, Paul, Perkins, Perry, Pines, Pouliot, Racine, Randall, Reeves, J.W.; Reeves, P.; Richard, Ridley, Roberts, Robinson, Roderick, Rolde, Rotondi, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stevens, Stevenson, Stover, Swazey, Tammara, Telow, Theriault, Vose, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Brannigan, Hayden, Higgins, L.M.; Hobbins, Jalbert, Livesay, Paradis, P.E.; Soule, Strout, Thompson, Tuttle, The Speaker.

39 having voted in the affirmative and 100 in the negative, with 12 being absent, the motion did not prevail.

On motion of Representative Brown of Livermore Falls, the Minority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

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

RESOLVE, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory (H. P. 1442) (L. D. 1887) (C. "A" H-488)

Tabled—March 9, 1984 by Representative Mitchell of Vassalboro.

Pending—Final Passage.

Thereupon, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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

Bill "An Act to Amend Certain Rules of the Emergency Medical Services" (S. P. 709) (L. D. 1955) (H. "A" H-491 to C. "A" S-290)

Tabled—March 9, 1984 by Representative Nelson of Portland.

Pending—Passage to be Engrossed.

On motion of Representative Nelson of Portland, under suspension of the rules the House reconsidered its action whereby Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

On motion of the same gentleman, under suspension of the rules the House reconsidered its action whereby House Amendment "A" to Committee Amendment "A" was adopted.

The same gentleman moved that House Amendment "A" to Committee Amendment "A" be indefinitely postponed.

The SPEAKER: The Chair recognizes the same gentleman.

Mrs. NELSON: Mr. Speaker, Ladies and Gentlemen of the House: Originally, the bill was introduced, it had five lines, it took four hours at a hearing. We are dealing with emergency medical services and the care which we might all need at any time in our lives. It is a very important, very difficult and very complex problem.

The bill was amended by the good work of the sponsors and the department and the committee, and so you have before you the committee amendment. To that committee amendment a House amendment was introduced. From the time that the House amendment was introduced until this time, new information has come forward and I, speaking for myself, believe that this amendment that we have before us now is inappropriate and should be indefinitely postponed.

I hope you will vote with me on that motion.

The SPEAKER: The Chair recognizes the gen-

tleman from Fryeburg, Mr. Kiesman.

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: We are going to discuss two issues this afternoon, one is regulations promulgated by the Office of Emergency Medical Services, and the second is the Department of Human Services' intrusion into the legislative process. I hope you will stay because there will be a test after.

There are a large number of new rules promulgated by the Office of Emergency Medical Services which took effect on the first of January.

Traditionally, there has been problems with rules that have been promulgated by that office because they have not dealt with the realities of the volunteer emergency programs that we have had here in the State of Maine. There is a philosophical difference between the Director of the Office of Emergency Medical Services and the majority of the people in the State of Maine that deal with that program whether you should force volunteers or attempt to force volunteers to do something or whether you should lead them and encourage them. The department chooses to go on the latter method of forcing them to do things they don't feel qualified or appropriate to do.

There were problems with the rules that had been promulgated by that office in the past and we, in our wisdom, established an advisory committee to assist the Director in the rule-making process. That was not successful and we were back the next year correcting some of the rules that he promulgated.

In order to get him to have a little bit better feeling for how the people of the state viewed these rules, we required him to have twelve public hearings throughout the state, two in each region, there are now six regions in the state. Obviously, that did not solve the problem as evidenced by the rules that came out on January 1st. There were a number of problems with these rules that the Emergency Medical Services volunteers and even the proprietary units in the state could not live with, the most critical being the so-called 75 percent rule that specified that if you provided a level of service at all, you must provide that 75 percent of the time. Obviously, when you are dealing with volunteer units, you cannot assure, if you only have two or three people qualified to a level of care, you cannot assure that they can be on three out of four runs.

A second one that was very important, very critical, was a rule that was put into effect to bundle the levels of licensure and they bundled up a licensure level, called the intermediate level, which required that if you were going to be licensed to do IV, intravenous therapy, you must also become qualified to do defibrillation, or if you were going to be licensed to do defibrillation, you must also become licensed to do IV. Now these are expensive programs to operate and they are expensive to train for and we are talking about forcing a volunteer to be qualified to do both or else he could do neither.

A third one—there were a number of others but a third one that is very important to a small number of areas of the state is a requirement on ambulances. It requires that anytime an ambulance service is sold, if they have an ambulance that does not meet the current standard, the ambulance can no longer be licensed.

You should be aware that in this bundle that I spoke of, IV is a blood replacement therapy that is used primarily for trauma. You have a vehicle accident, your leg is cut or you are bleeding, blood replacement is desirable. There are other techniques to handle the trauma and that is by mast trousers. Defibrillation is a technique to stabilize the heart rhythm after a heart attack or electric shock, they are not related, still they have been bundled together.

You might be interested to know how much the EMT people of the state are interested or think they can comply with this IV requirement, there are only 32 out of 3,000 EMT's that

are presently qualified for IV therapy. That should tell you something about whether they feel they can handle this operation.

Defibrillation is very important, it is a new technique, it has proven to be life saving and many of the EMT's want to do this type of therapy, the hospital emergency room doctors want them to and they should be able to without having to do a lot of training for a program that they cannot carry out.

At the public hearings, the majority of the people opposed the bundling of the two therapies.

As to the ambulances, standards for ambulance design is changing all the time. If you look around, as you meet ambulances you will see a number of different designs of ambulances. Section 5-1 of the rule book says that if and only if a service owns an ambulance, they can relicense it indefinitely so long as it meets safety standards. Section 5-2 says all ambulances must meet the standards, and 5-3 says that services which change hands, then all ambulances must be relicensed by the new owner.

Ambulances that are licensed today in a service that is sold tomorrow could not be operated the next day. That means that a town could lose their service and lose all of their ambulance support in one fell swoop under that procedure. It makes no sense that if you keep the ambulance under the same ownership, you can license them indefinitely, but if you sell the complete service, you could not.

In a meeting with the director, the director made a statement—he said, "I want to get all non-standard ambulances out of service as soon as possible any way that I can." The director said he "could" grant a waiver in case of hardship. In view of his prior statement, that is a questionable thing.

I think that those two items stand for themselves and I hope you will support them.

Now let me get to the other part of the debate. Under the constitutional Separation of Powers, the legislature is prevented from requiring a department's rule to come before the legislature for approval. The only way we have of dealing with those is to come in with statutory legislation to amend several rules. The bill was later reduced to one issue because admittedly the most important and critical issue was the 75 percent rule.

I have heard that the sponsors of the bill had some threats made about what would happen if they persisted with the original bill and for whatever reason it was reduced to one issue.

I went to the public hearing and requested the committee to consider some of the other two issues. The committee, in its wisdom, decided to stick with the one issue, possibly for the same reason.

I contacted the other legislators in this in the other body that are EMS qualified and have experience in the Emergency Medical Services Program; there are seven of us in total. We decided that it was appropriate to put a House Amendment on the bill. Before preparing that amendment, four of us went over and had a meeting with the Deputy Commissioner, the Chief of the Bureau of Health and the Director of the Emergency Medical Services program, asked them if there was any way they could waive, delay implementation until they went back to rulemaking or deal with it in any other manner—they decided that they could not. That left us with only one way to go.

I then talked with the Deputy Commissioner and asked if they would assist us in preparing an amendment that would be the least restrictive on the department's operation and still address the problem that we had with those two issues. They declined. The amendment was drafted, it was discussed with all of those members of the two bodies that are EMS qualified and we decided to go forward with it. Then we went back and discussed it with the Deputy Commissioner and the Deputy Commissioner said, "I cannot enthusiastically support this

amendment; however, we will not oppose it." The amendment was put on on Friday.

On Monday the bill was tabled for one day. On Tuesday it was tabled for one day and I received a note telling me that the Health and Institutional Services Committee was meeting on Thursday to discuss my amendment. When I say my amendment, I would qualify that—my name was on it but it was an amendment I think with the agreement of all those EMS qualified people in the two bodies.

It is apparent that the department requested the committee to hold up the bill. I do not know that Commissioner Petit or the Deputy Commissioner were a party to that. On Thursday when I went to the committee for this meeting to discuss the House Amendment, there were two letters being read and passed around, one from the Deputy Commissioner and one from the Director of EMS. Today I received my copy of that letter but it was discussed Thursday. The committee was generous in providing me with a copy, by the way, so I could know what the department had said.

In the letter from the Deputy Commissioner, he said, "The department cannot support Representative Kiesman's amendment. We believe that the issues involved are too complicated to be addressed by a last minute amendment." Now this is an amendment that had been in the process for over a week and he was twice approached to assist in preparing it.

The letter also said that Representative Nelson had asked me to state the department's position on Representative Kiesman's proposed amendment to your committee version of L. D. 1955 but Representative Nelson had told me that she had not asked that question.

In the EMS Director's letter he said, "I asked the committee's support in defeating this amendment."

I want to tell you that I resent the department attempting to influence committees to hold bills that are on the floor of the House. I resent the Deputy Commissioner telling a legislator that the department would not oppose legislation and then attempt to make a case against it by a letter to the committee. I resent a director writing a letter to a committee questioning the committee's support to defeat an amendment that has been properly placed before this body. That action is wrong under the Separation of Powers provided by the Constitution.

For too long, various departments of state have believed that the legislature should not only give them the money and stay out of their way, they should have nothing to say about the operations of the departments; that is wrong, we make the policy, we give the guidance. The departments implement our policy guidance. We have a responsibility to rein them in if they go too far. We do this constitutionally under the Separation of Powers by amending the statute. That is the only legal way we can do it. In so doing, we are not intruding into the rights of the Executive Branch of government.

It is my hope that you will support this amendment for two reasons: (1) because the amendments are appropriate and are needed and (2) to send a message to the departments involved that this House will not tolerate inappropriate intrusion into this legislative process.

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

Mr. BRODEUR: Mr. Speaker, Members of the House: I would like to deal with the issue of what do we want in our emergency medical services system in the state. I think that that is the issue before us and it is a rather complicated issue. Before I present my remarks, I would like to first comment that either choice that we take is some kind of gamble in the kind of system that we have. I think you have to weigh both the risks and the results or the anticipated results in whatever kind of system that we do choose.

As a member of the committee, I have been trying to get the best information that I can get in making our decisions and sometimes having to think over their material. In terms of trying to look at the amendment from both sides of view, I think it is important that this legislature look at some of the goals and objectives that are both the department and the sponsor's of the bill and the amendment.

One of the things that we need in this state is to establish the best possible emergency medical systems that Maine could hope to achieve within a reasonable funding level.

The goal of the Director of the Emergency Medical Services system in the state is to have coverage for 54 percent of the state by a paramedic force and that most of the rest of the state would be covered by an intermediate care system which does both defibrillation and intravenous therapy. I think when you look at that, there are six levels of licensure—paramedic is the highest, intravenous and defibrillation, the intermediate level is the third highest. We are not there now. Presently 32 percent of the state is covered by either a paramedic or a cardiac tech, which is the second highest in the state, second highest level of the six.

I am going to try to give you as best as I can both sides of the gamble. If we go with Representative Kiesman's amendment—I am going to speak to one of the issues, not both of the issues—the issue of having a defibrillation therapy and intravenous therapy separate or both, we are adding to the six steps already two other steps at which people can be licensed. If our goal is to try to get people to the third level, the intermediate level, which includes both defibrillation and intravenous therapy, that could slow down the process. On the other hand, the option could be, instead of people going up a half step as they would presently do, they may go down half a step. That is the other gamble.

The gamble is, we are going to try to move up to certain levels as quickly as possible and therefore have less steps and in order to achieve that we are going to add some intermediate steps and have a system with eight levels of licensure.

The problem with having eight levels of licensure is the difficulty of achieving some kind of uniformity. It seems that from the department's position it would be harder to find teachers, harder to bring together enough students, if we have to bring them together for eight levels of licensure as opposed to six levels of licensure. That may or may not be the case.

If a technician moves from one area to another, they will have lesser chance of being licensed at the level of the local Emergency Medical Services unit ambulance service.

The biggest danger in Representative Kiesman's amendment is that we will have a harder time in moving toward the desired goals. That will be a slow process and it will be harder to maintain a system. On the other hand, people might be able to go up faster if they did it in steps.

This is a life or death issue in some cases. Let's take for example if a unit would be trained to do defibrillation and they had two patients, one that could use defibrillation and one that could use and would need intravenous therapy. If, for example, the victim would be a victim that would need defibrillation and was approached by defibrillation, the chance that that victim could be saved would be greatly increased and may make a difference whether the person lives or not. However, for the other victim, the one that would need intravenous process to survive, that person would die. The difference is, what would the human individual do or the unit of people do if they were in between? Would that unit move upwards and therefore be able to serve both people and save the two people or would that unit decide to step backwards and not save

either person? That is how I present the gamble.

In this state at present we have only 32 people, as Representative Kiesman said, in ten units that presently have an intravenous therapy addition to the third level, the lower level. Out of that, three units have defibrillation now and will be moving up to the intermediate level. Out of the seven remaining units, six of them are going up; the one that is not, all the individuals are going out because they will be serviced at a higher level in those other places.

There are three small experimental programs in the defibrillation program and these ten units and three units are the only groups at this time which would be affected out of the 216 ambulance services in the state. At this point, there would be very few people affected now.

I hope you would consider that when you do vote for or against this amendment, I think it is a gamble in either case and I think you have to use your own judgment.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: As briefly as possible, I would like to get back to the question and that is the gentleman from Fryeburg's amendment. I have been directly involved with EMS for the past ten years and while I am sympathetic and understand the position of the good gentleman from Fryeburg, I must urge you to indefinitely postpone this amendment simply because it is not at all necessary.

The licensure level is one issue altogether—there is an amendment that could be before you if we can get rid of this one to deal with that.

The issue of selling or buying of ambulances from one owner to another owner is addressed in the regulations. The department can, may, and ninety-nine and forty-four one hundred percent of the time will give a waiver if that service is necessary to a particular area. If I am going to sell an ambulance service to you and that ambulance doesn't quite meet all the specs and there is no other ambulance service, the department will waive that and they will allow you to run that ambulance until such time as you can get your ambulance up to specifications.

I would urge you today to indefinitely postpone the gentleman from Fryeburg's amendment so we can develop a much safer and more superlative emergency medical services system.

We are only talking about five vehicles statewide.

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

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: You know, I had that surprise dropped on me at the discussion on Thursday, that there are only five vehicles involved here. It was quite a surprise because very shortly before I had talked to a proprietary service in my area, not in my legislative district but in my area, he was of the opinion that he had three ambulances that were nonstandard.

Now, think of this if you will. Under the rule that presently has the blessing of EMS, if a service owns an ambulance that does not meet the current standards, they can continue to operate it forever so long as it is mechanically safe. His way of getting rid of those ambulances is to say that if that service is sold, if the whole service is sold, then those ambulances automatically are no longer licensable and the new owner must buy new ambulances. It is an amazing thing, to make the case I think it appears that since this has become an issue, the proprietary service in my area that thought he had three nonstandard ambulances was called and told that two of his ambulances did in fact now pass; that reduces the numbers. I don't know how many other services have had the same phone calls. He had three Cadillac ambulances

that he felt were nonstandard, had been told previously were nonstandard, but now all at once he gets a call and says two of those ambulances are not nonstandard that he had been thinking were nonstandard, two of them were okay, so you have really only got one.

This just gives you an indication of the game plan that is going on here.

What is the difference if an ambulance is safe to operate today and to continue to operate forever so long as they keep it in the same ownership, or whether they sell the whole service and try to put those ambulances back in service the next day so they can continue to serve that area? It is still the same vehicle.

This amendment was carefully drawn to take care of the situation that if an ambulance service got rid of one ambulance, sold it, traded it or whatever, they could not sell it to another ambulance service and have them put it back in use. We are only dealing with that narrow situation where a complete ambulance service is sold. That is narrowly drawn and only affects a few services but it does affect areas of this state that presently enjoy ambulance service.

As far as the director saying that he could grant a waiver, I don't have a great deal of confidence in that, ladies and gentlemen. I hope you will not indefinitely postpone this amendment and send it on its way.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: You can see why this took four hours before our committee in a hearing. It is complicated and very important.

The issues here are, I believe, relatively simple, inasmuch as who do you trust and who do you believe in. An amendment was brought forward by a member of this House in good faith. The committee, reading the amendment, believed that that amendment was appropriate and that it was important and that it was needed, and so the committee allowed that amendment to be placed onto the bill—actually it is a committee bill now.

It turned out that in the course of the time, and we all know what happens when we introduce legislation, the threat of that legislation makes departments do things that they wouldn't ordinarily want to do, and so that amendment forced the department to take another look. And in the course of the time between the amendment got placed on the committee amendment, the department decided that indeed they could do what half of that amendment wanted to do, they could do it without the legislation and they would be happy to do it; in fact, they had better do it.

We all know that you can either trust them or you are going to put an amendment on to force them to do it. That certainly is part of what this amendment does. The other part of the amendment deals with a choice, the choice that a person who is a volunteer would have had to develop their skills. They can develop their skills with defibrillation which, if I remember seeing on television, are those things that they put on your body and your body gets shocked and it forces your heart to beat again if it stops beating, and the other is intravenous feeding.

The department has said that they find in a study in all of America that the thing that saves most lives indeed is not the defibrillation but the IVs. I don't know, there are other studies that say the other thing works. So, here again, as Representative Brodeur said, you weigh one against the other.

However, that particular part of the present amendment stays complete and whole and something else that might come up should we defeat this amendment. And the hope is that since part of this amendment will already be taken care of, we should defeat this amendment in hopes of receiving, accepting and passing a new officer, which is half of this amendment and the other half that will work.

What I am asking you to do is to defeat the amendment before you so that we can then move on to the second amendment that would do half the job but the job that needs to be done.

I don't mean to make it too simple and therefore be unfair to decide, but you can see it is very complicated and we are talking about quality of care. No one wants to have that service diminished in any way because, as I said before, we all at one time or another could be that person that needs that service. So as a member of the committee that needed further information, yes, I did stop the process, yes, I answered the phone call from the department that said "will you look into it further". Yes, I did that and I did ask the department thereafter to write a letter explaining the department's position to the committee. That is a clarification of that issue.

You have before you an amendment which half of it, I believe and its sponsors believe, does not need to be there. So I ask that we defeat this amendment so that the next amendment would be appropriate and, may I add, will be the very amendment that will be accepted in the other body.

Representative Kiesman of Fryeburg requested a roll call vote.

A roll call has been requested.

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 the gentleman from Portland, Mrs. Nelson, that House Amendment "A" to Committee Amendment "A" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

Roll Call No. 375

YEA—Allen, Andrews, Baker, Beaulieu, Benoit, Bott, Brodeur, Carroll, D.P.; Cashman, Chonko, Clark, Connolly, Cooper, Cote, Cox, Crouse, Daggett, Diamond, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hickey, Higgins, H.C.; Joseph, Kane, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Matthews, Z.E.; Mayo, McCollister, McGowan, McHenry, Melendy, Michael, Mills, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Norton, Paul, Pouliot, Reeves, P.; Richard, Rotondi, Smith, C.B.; Soucy, Stevens, Tammaro, Theriault, Vose.

NAY—Anderson, Bell, Bonney, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carrier, Carroll, G.A.; Carter, Conary, Connors, Crowley, Curtis, Day, Dillenback, Drinkwater, Dudley, Foster, Greenlaw, Holloway, Ingraham, Jacques, Joyce, Kelleher, Kiesman, Lebowitz, MacBride, Masterman, Masterton, Maybury, McPherson, McSweeney, Michaud, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Parent, Perkins, Perry, Pines, Racine, Randall, Reeves, J.W.; Ridley, Roberts, Robinson, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.W.; Sproul, Stevenson, Stover, Swazey, Telow, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilston, Mr. Speaker.

ABSENT—Ainsworth, Armstrong, Bost, Branigan, Davis, Dexter, Hayden, Higgins, L.M.; Hobbins, Jackson, Jalbert, Livesay, Martin, A.C.; Martin, H.C.; Matthews, K.L.; Paradis, P.E.; Roderick, Rolde, Soule, Strout, Thompson, Tuttle.

64 having voted in the affirmative and 65 in the negative, with 22 being absent, the motion did not prevail.

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 passed to be engrossed as amended by Committee Amendment "A" (S-290) as amended by House Amendment "A" (H-491) thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act Concerning the Citizens' Civil Emergency Commission" (Emergency) (H. P. 1679) which was tabled and later today assigned pending reference. (Committee on Reference of Bills had suggested the Committee on State Government)

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

The Chair laid before the House the following matter:

Bill "An Act to Clarify the Licensing Authority of the Board of Registration in Medicine" (H. P. 1665) (L. D. 2197) which was tabled and later today assigned pending passage to be engrossed.

Representative Nelson of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-512) was read by the Clerk and adopted.

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

(Off Record Remarks)

On motion of Representative Nelson of Portland,

Adjourned until nine o'clock tomorrow morning.
