

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)

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THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

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HOUSE

Tuesday, March 13, 1984

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

Prayer by Reverend Richard Hasty, First Parish Church of Portland.

The Journal of Monday, March 12, 1984, was read and approved.

Papers from the Senate

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,035,000 for Construction and Renovation of Correctional Facilities" (S. P. 827) (L. D. 2213)

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.

RESOLVE, Designating a Mountain in Andover North Surplus Township as Grady's Mountain" (S. P. 828) (L. D. 2214)

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

Was referred to the Committee on Local and County Government in concurrence.

Bill "An Act Authorizing the Maine Turnpike Authority to Permit the Erection of Kiosks at Rest Areas on the Maine Turnpike" (S. P. 829) (L. D. 2215)

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

Was referred to the Committee on Transportation in concurrence.

Reports of Committees**Unanimous Leave to Withdraw**

Report of the Committee on Aging, Retirement and Veterans reporting "Leave to Withdraw" on Bill "An Act to Establish Wage-based Cost-of-living Adjustments for Retired State Employees, Teachers and Beneficiaries" (S. P. 701) (L. D. 1939)

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

Ought to Pass in New Draft

Report of the Committee on Judiciary on Bill "An Act to Replace References to Regional Presiding Justice with Chief Justice of the Superior Court" (S. P. 660) (L. D. 1850) reporting "Ought to Pass" in New Draft (S. P. 812) (L. D. 2162).

Came from the Senate, with the report read and accepted and the New Draft passed to be engrossed as amended by Senate Amendment "A" (S-307).

Report was read and accepted, the New Draft given its first reading, Senate Amendment "A" read and adopted and the New Draft assigned for its second reading later in today's session.

Ought to Pass in New Draft

Report of the Committee on Legal Affairs on Bill "An Act to Amend the Law Relating to Wine Franchises" (S. P. 714) (L. D. 1960) reporting "Ought to Pass" in New Draft (S. P. 825) (L. D. 2204).

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

Report was read and accepted, the New Draft given its first reading and assigned for its second reading later in today's session.

Petitions, Bills and Resolves**Requiring Reference**

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

Later Today Assigned

RESOLVE, Reimbursing Jeffrey Bellmore of Waldoboro for Damages Caused by the Actions of a State Ward (H. P. 1681) (Presented by Representative Curtis of Waldoboro) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Committee on Reference of Bills suggested the Committee on Appropriations and Financial Affairs.

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

Later Today Assigned

Bill "An Act to Require that Meetings of Governing Bodies of Nonprofit Hospitals be Open to the Public" (H. P. 1682) (Presented by Representative Melendy of Rockland) (Cosponsors: Representative Manning of Portland and Senator Carpenter of Aroostook) (Submitted by the Department of Human Services pursuant to Joint Rule 24)

Committee on Reference of Bills suggested the Committee on Business Legislation.

On motion of Mr. Kelleher of Bangor, tabled pending reference and later today assigned.

Judiciary

Bill "An Act to Protect Tenants from Lack of Heat" (H. P. 1683) (Presented by Representative Handy of Lewiston) (Cosponsors: Representatives Nadeau of Lewiston and Bost of Orono)

Ordered Printed.

Sent up for concurrence.

Study Report**Committee on Education**

Representative Locke from the Committee on Education to which was referred by the Legislative Council the Study Relative to the Report by NBHE: "Threat to Excellence" have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act Concerning Higher Education" (H. P. 1684) (L. D. 2221) 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 Education, ordered printed and sent up for concurrence.

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

Representative Cooper from the Committee on State Government on Bill "An Act to Create the Independent Office of Hearing Examiners" (H. P. 1437) (L. D. 1882) reporting "Leave to Withdraw"

Representative Dillenback from the Committee on State Government on Bill "An Act to Authorize Approval by the Governor of Levels of Compensation for Independent Agencies" (H. P. 1495) (L. D. 1970) reporting "Leave to Withdraw"

Representative Salsbury from the Committee on State Government on RESOLVE, Authorizing the Bureau of Public Lands to Convey the State's Title to Certain Land in Grand Falls to the Grand Falls Historical Society (H. P. 1611) (L. D. 2133) reporting "Leave to Withdraw"

Representative Nelson from the Committee on Health and Institutional Services on Bill "An Act Concerning Charges for Copies of Personal Hospital Records" (H. P. 1416) (L. D. 1862) reporting "Leave to Withdraw"

Representative Tammaro from the Committee on Labor on Bill "An Act to Establish a Maine Labor Relations Law" (H. P. 1385) (L. D. 1810) reporting "Leave to Withdraw"

Representative Weymouth from the Committee on Public Utilities on Bill "An Act to Exempt Small Telephone Companies from Rate Regulation by the Public Utilities Commission" (H. P. 1511) (L. D. 1986) reporting "Leave to Withdraw"

Were placed in the Legislative Files without

further action pursuant to Joint Rule 15 and sent up for concurrence.

Divided Report

Majority Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act to Require All Drivers Under the Age of 20 Years to Complete an Approved Defensive Driving Course" (H. P. 1582) (L. D. 2096)

Signed:

Representatives:

STROUT of Corinth
MOHOLLAND of Princeton
MACOMBER of South Portland
CARROLL of Limerick
McPHERSON of Eliot
CAHILL of Woolwich
CALLAHAN of Mechanic Falls
THERIAULT of Fort Kent

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

Signed:

Sensors:

DIAMOND of Cumberland
DANTON of York
EMERSON of Penobscot
Representatives:
REEVES of Pittston
NADEAU of Lewiston

Reports were read.

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

Mr. CARROLL: Mr. Speaker, I move the acceptance of the Majority "Ought Not to Pass" Report.

The SPEAKER: The gentleman from Limerick, Mr. Carroll, moves that the House accept the Majority "Ought Not to Pass" Report.

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

Mr. BOST: Mr. Speaker, Men and Women of the House: I would hope that you would not accept the motion before you and I would also ask at this time for a division.

Let me briefly outline the intent of the legislation and my strong feeling for the need for it. The bill, as it now stands, would simply require all new drivers under the age of 20, within one year of the issuance of their initial license, to complete an approved defensive driving course.

Due to what remains a very serious problem, that of the teenage drunk driver, I believe that this would be a very positive step. Incorporated into the standard defensive driving course would be an additional emphasis on substance abuse as it relates to driving an automobile.

The defensive driving course is not designed to replace driver education but to augment it, somewhat analogous to the difference between an under graduate and a graduate degree. One equips you with the mechanics like parallel parking, one equips you with the knowledge and the awareness to avoid serious everyday driving dangers. The course, by its very nature, focuses on those who have had some experience on the highway and it would undoubtedly have a trickle up effect enabling those who will soon enter the 20 to 25 age group, which has a high percentage of OUI arrests and accidents also to have a better chance, I believe, to avoid having such problems.

The intent of this bill, because I believe we are obviously not getting to the root of the problems simply by creating more stringent penalties after the fact, .02 law, roadblocks, raising the drinking age, is that we must emphasize preventative education of a very practical nature and provide the proper tools such as defensive driving with an emphasis on substance abuse.

There are additionally a couple of smaller bonuses associated with this measure, one being that five points will be added to your license after completion of the course and also anticipated lower insurance rates once the course has been taken. For the numerous benefits that I see this bill offering, a \$15.00 fee

seems very small.

The bill is supported by the Department of Public Safety and the Secretary of State's Office and also by the Student Council Association of Maine, all of whom testified at the hearing.

Finally, there are a couple of concerns which I would like very much to address through two amendments I would offer at the Second Reading, so I would hope that you would not vote to accept the Majority "Ought Not to Pass" Report so that I might offer those amendments.

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

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

The SPEAKER: The gentleman may pose his question.

Mr. SOUCY: Mr. Speaker, Ladies and Gentlemen of the House: What would it cost an individual to take this course? I have a 19 year old son and if this bill passes, what is it going to cost me?

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

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

Mr. HANDY: Mr. Speaker, Men and Women of the House: To answer the gentleman's question, there is a \$15.00 fee for the course and the course goes far and beyond that of a driver education course that an individual may take through a high school program. As Representative Bost indicated, it augments that course and addresses some areas such as how to use evasive techniques in avoiding accidents and delves more deeply into defensive driving, also with regard to OUI, it goes into that area more deeply.

I would hope that you would oppose the motion before you and support the "Ought to Pass" Report.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the gentleman from Limerick, Mr. Carroll, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Sent up for concurrence.

Consent Calendar First Day

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

(H. P. 1598) (L. D. 2120) Bill "An Act to Authorize Leasing of Certain State-owned Land"—Committee On State Government reporting "Ought to Pass".

(S. P. 788) (L. D. 2114) Bill "An Act to Authorize Washington County to Raise \$1,400,000 for Renovations and Additions to the Washington County Jail"—Committee On Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-305)

(S. P. 771) (L. D. 2092) Bill "An Act to Amend the Trustee Appointment Process of the Cumberland County Recreation Center to Make it Conform More Closely to New Legislative Redistricting"—Committee On Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-304)

(S. P. 744) (L. D. 2047) Bill "An Act to Clarify the Authority of the Representative of the State Registrar of Vital Statistics"—Committee On Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (S-301)

(H. P. 1595) (L. D. 2105) Bill "An Act to Amend the Charter of the Kingfield Water Company to Increase the Number of Trustees from 3 to 5" (Emergency) — Committee On

Public Utilities reporting "Ought to Pass".

There being no objections, the above items were ordered to appear on the Consent Calendar of later in today's session under the listing of Second Day.

Consent Calendar Second Day

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

(H. P. 1561) (L. D. 2063) Bill "An Act Concerning Tax Exempt Status of Property owned by the Farmington Village Corporation"

(H. P. 1591) (L. D. 2101) Bill "An Act to Exempt Nonprofit Emergency Feeding Organizations from the Sales Tax"

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

(S. P. 767) (L. D. 2080) Bill "An Act to Authorize the Sale of Certain State-owned Land"

(S. P. 691) (L. D. 1923) RESOLVE, to Name the Bridge in Hinkleley for George Walter Hinkleley

(S. P. 693) (L. D. 1925) Bill "An Act Concerning the Speed Limit for School Buses"

(S. P. 684) (L. D. 1891) Bill "An Act to Identify Polychlorinated Biphenyls as Hazardous Waste" (C. "A" S-300)

(H. P. 1475) (L. D. 1936) Bill "An Act Concerning the Stopping of Trucks at Roadside Weighing Points"

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were Passed to be Engrossed or Passed to be Engrossed as Amended in concurrence and the House Papers were Passed to be Engrossed and sent up for concurrence.

Passed to Be Engrossed

Bill "An Act to Provide for Certain License Requirements for School Bus Drivers" (S. P. 704) (L. D. 1951)

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

Second Reader Later Today Assigned

Bill "An Act to Amend Calculation of Period of Imprisonment" (Emergency) (H. P. 1680) (L. D. 2216)

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

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

Bill "An Act Concerning the Open Burning of Leaves and Brush" (H. P. 1422) (L. D. 1867)

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

Mr. Dexter of Kingfield offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-508) was read by the Clerk.

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

Mr. DEXTER: Mr. Speaker, Men and Women of the House: In the interest of fair play, I offer this amendment. What it does is it allows local control. If a municipality wishes to prohibit burning, this does allow it.

Thereupon, House Amendment "A" was adopted.

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

Passed to Be Enacted Emergency Measure

An Act Providing for the Termination of Stale or Abandoned Securities Registrations (H. P. 1634) (L. D. 2157)

Was reported by the Committee on En-

grossed 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 3 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Finally Passed Emergency Measure

RESOLVE, Establishing a Food Policy for Maine (H. P. 1541) (L. D. 2028)

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. 106 voted in favor of the same and 6 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 Concerning the Use or Disposition of Fort Gorges in Casco Bay (H. P. 1520) (L. D. 2002) (S. "B" S-294)

An Act Concerning Municipal Snowmobile Registration (S. P. 687) (L. D. 1894)

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

Orders of the Day

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

HOUSE DIVIDED REPORT—Majority (9) "Ought to Pass" as amended by Committee Amendment "A" (H-504) — Minority (4) "Ought Not to Pass" — Committee on Marine Resources on Bill "An Act Concerning Menhaden Fishing in Casco Bay" (H. P. 928) (L. D. 1207)

Tabled—March 9, 1984 by Representative Melendy of Rockland.

Pending—Motion of Representative Crowley of Stockton Springs to Accept the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-504) Report of the Committee on Marine Resources.

Thereupon, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-504) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

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

An Act to Amend the Charter of the Van Buren Light and Power District (Emergency) (H. P. 1562) (L. D. 2064)

Tabled—March 9, 1984 by Representative Vose of Eastport.

Pending—Passage to be Enacted.

On motion of Representative Vose of Eastport, under suspension of the rules the House reconsidered its action whereby the Bill was passed to be engrossed.

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

House Amendment "A" (H-509) was read by the Clerk and adopted.

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

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

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

Tabled—March 12, 1984 by Representative Carroll of Limerick

On motion of Representative Carroll of Limerick, tabled pending passage to be engrossed and assigned for Thursday, March 15.

On motion of Representative Ketover of Portland, the House reconsidered its action of earlier in the day whereby Bill "An Act to

Concerning Tax Exempt Status of Property owned by the Farmington Village Corporation" (H. P. 1561) (L. D. 2063) was passed to be engrossed pursuant to Consent Calendar rules.

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

Representative Nelson of Portland was granted unanimous consent to address the House.

Mrs. NELSON: Mr. Speaker, Men and Women of the House: This is regarding an item on the calendar that was "leave to withdraw," L. D. 1862. It was my belief and the members of our committee that if the sponsors wish to take a "leave to withdraw," we could simply set it aside and speak to that motion at the time it hit the floor of the House. Evidently we were mistaken; therefore, I think it is wise for all of us to understand that if you wish to speak to your bill and it is not in a proper position out of committee, you should not accept a "leave to withdraw" but take your licks with "ought not to pass." However, the Speaker has allowed me to speak to you on the record regarding this bill which was withdrawn from the Committee on Health and Institutional Services, and it was done so because we received a letter and I wish to read that letter on the record on the bill which dealt with receiving medical records.

I read into the record a letter from Ted Hussey, Senior Vice-President of the Maine Hospital Association. "I wish to reaffirm the commitment contained in my earlier correspondence as well as that stated by the President of the Maine Medical Records Association in her letter of February 27, 1984, to complete the development of guidelines that hospitals may use to establish reasonable charges for reproducing medical records. You will have our report by July 1, 1984."

The Chair laid before the House the following matter:

RESOLVE, Reimbursing Jeffrey Bellmore of Waldoboro for Damages Caused by the Actions of a State Ward (H. P. 1681) which was tabled earlier in the day and later today assigned pending reference. (Committee on Reference of Bills had suggested the Committee on Appropriations and Financial Affairs)

On motion of Mr. Carter of Winslow, was referred to the Committee on Legal Affairs, Ordered Printed and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Require that Meetings of Governing Bodies of Non-profit Hospitals be Open to the Public" (H. P. 1682) which was tabled earlier in the day and later today assigned pending reference. (Committee on Reference of Bills had suggested the Committee on Business Legislation)

On motion of Mr. Brannigan of Portland, was referred to the Committee on Health and Institutional Services, Ordered Printed and sent up for concurrence.

(Off Record Remarks)

By unanimous consent, unless previous notice was given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk was authorized today to send to the Senate, 30 minutes after the House recessed for lunch and also thirty minutes after the House adjourned for the day, all matters passed to be engrossed in concurrence and all matters that required Senate concurrence; and that after such matters had been so sent to the Senate by the Clerk, no motion to reconsider would be allowed.

On motion of Representative Roberts of Buxton,

Recessed until four o'clock in the afternoon.

After Recess

4:00 p.m.

The House was called to order by the Speaker.

The following papers were taken up out of order by unanimous consent:

Ought to Pass in New Draft

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Relating to Funding of Stoneham Schools for 1984-85" (Emergency) (S. P. 755) (L. D. 2058) reporting "Ought to Pass" in New Draft (Emergency) (S. P. 826) (L. D. 2212).

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

In the House: The report was read and accepted, the bill read once and assigned for Second Reading the next legislative day.

Non-Concurrent Matter

Later Today Assigned

Bill "An Act to Amend the Charter of the Jackman Sewer District to Clarify the Limit on Indebtedness and to Clarify Certain Other Language in the Charter" (Emergency) (S. P. 681) (L. D. 1859) which was passed to be engrossed as amended by Committee Amendment "A" (S-298) and House Amendment "A" (H-502) in the House on March 9, 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 Committee Amendment "A" (S-298) in non-concurrence.

In the House: On motion of Mr. Higgins of Scarborough, tabled pending further consideration and later today assigned.

Ought to Pass

Pursuant to Title 35, Section 3227 and Title 38, section 1253 subsection 3

Representative Baker from the Committee on Public Utilities on Bill "An Act to Amend the Charters of Various Sewer and Water Districts Organized under the Private and Special Laws, including the Paris Utility District" (H. P. 1685) (L. D. 2223) asking leave to report that the same "Ought to Pass" - pursuant to Title 35, section 3227 and Title 38, section 1253, subsection 3.

The Report was read and accepted, the Bill read once and assigned for Second Reading the next legislative day.

Consent Calendar Second Day

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

(H. P. 1598) (L. D. 2120) Bill "An Act to Authorize Leasing of Certain State-owned Land"

(S. P. 788) (L. D. 2114) Bill "An Act to Authorize Washington County to Raise \$1,400,000 for Renovations and Additions to the Washington County Jail" (C. "A" S-305)

(S. P. 771) (L. D. 2092) Bill "An Act to Amend the Trustee Appointment Process of the Cumberland County Recreation Center to Make it Conform More Closely to New Legislative Restricting" (C. "A" S-304)

(S. P. 744) (L. D. 2047) Bill "An Act to Clarify the Authority of the Representative of the State Registrar of Vital Statistics" (C. "A" S-301)

(H. P. 1595) (L. D. 2105) Bill "An Act to Amend the Charter of the Kingfield Water Company to Increase the Number of Trustees from 3 to 5" (Emergency)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were passed to be engrossed as amended in non-concurrence and the House Papers passed to be engrossed and sent up for concurrence.

Passed to Be Engrossed

Bill "An Act to Amend the Law Relating to Wine Franchises" (S. P. 825) (L. D. 2204)

Was reported by the Committee on Bills in the Second Reading, read a second time, passed to be engrossed and sent up for concurrence.

As Amended

Bill "An Act Concerning Tax Exempt Status of Property owned by the Farmington Village Corporation" (H. P. 1561) (L. D. 2063)

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

Mrs. Ketover of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-514) 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.

Bill "An Act to Replace References to Regional Presiding Justice with Chief Justice of the Superior Court" (S. P. 812) (L. D. 2162) (S. "A" S-307)

Was reported by the Committee on Bills in the Second Reading, read a second time, passed to be engrossed as amended and sent up for concurrence.

Emergency Measure Failed of Enactment

An Act Concerning the Citizens' Civil Emergency Commission (H. P. 1679) (L. D. 2217)

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

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

Mr. LEHOUX: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak against passage of L. D. 2217.

I would also request a roll call.

L. D. 2217 is the forerunner of L. D. 1677 which was passed in the last session. It establishes a nine member commission charged with reviewing civil protection plans designated to deal with nuclear weapon hazards, to hold public hearings is required, monitor the development and implementation of nuclear civil protection plans, encourage public discussion of the plans and to report its findings and recommendations to the Governor, the Legislature, appropriate counties and municipalities and other interested parties.

There have been previous attempts to do the same thing. The bottom line on this thing is to ban the bomb, ban this and ban everything that is nuclear. This is only a backdoor type approach to do what they failed to do twice before.

The outcome of these meetings, these public hearings, has already been told, it is going to be loaded with all the groups that are against nuclear development of any type and they are going to prove the point that — and this in my mind, the main reason for this whole exercise is to prove the point that there is no defense against nuclear weapons or nuclear accidents, etc. There are defenses for it, and if they had any experience with planning for contingency plans, they would realize this.

I also served on the City Council in Biddeford while we developed our plan. Again, we held public hearings. The people that attended the public hearings were only the ones opposed to nuclear development of any type. The others stayed home because they figured there would be no problem with this. I strongly oppose this type of hearing. It is already in the bag, there is no doubt about it, we know what the answer is going to be, there is no defense.

I tried to get on that committee and with all due respect to the House chairman of our committee, I did not get on, but the sponsor of the bill, who is also the Chairman of the Commission, he can get on. You are loading the thing so badly that there is no hope. The ultimate result is, there is no defense, ban every-

thing; therefore, with those words I am going to sit down but I definitely oppose this to the utmost.

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

Mr. PARADIS: Mr. Speaker, Members of the House: I support Mr. Lehoux's comments pretty much here. We did provide a public forum by passage of this bill last year and I believe that the committee who was charged with the responsibility for executing these public discussions has had ample time and opportunity to accomplish the intent of the legislation as we passed it.

I also believe that the scope of the intent of the bill, as was visualized by the Committee on Aging, Retirement and Veterans, has been met. I do not believe that we need further expenditures of public funds on these type of hearings. I would urge you to support the motion and not pass this bill.

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

Mr. ANDREWS: Mr. Speaker, Ladies and Gentlemen of the House: I think we are making a mountain out of a mole hill with this particular piece of legislation. We debated this bill during the last session of the legislature and we voted to establish this commission, the Citizens' Civil Emergency Commission, and we charged the commission with the task of holding these four public hearings. That has been done and accomplished and that debate has been concluded.

The problem that this bill addresses is not the original intent of the legislation that we passed last session but simply a housekeeping task. We are faced as a commission with a very practical problem. We hoped that we would have the commission on line by September of last year. That was the intent when the bill was written. Because we assumed that, we placed March 1st as the deadline for the commission to hold its hearings. Now unfortunately, the commission was never appointed until the 29th of December and we were not able to begin until three weeks after that. Since we began in January, we have met every single week so we could get this commission on line and get these hearings held.

The first hearing is being held tonight in Brunswick and the second hearing is being held on Thursday night in Portland. It will be in Presque Isle on the following Tuesday and Bangor on the following Thursday. All of these hearings have been publicized and advertised.

We have had a very good response from all positions on this issue. We have people on the commission who have been directly involved in nuclear civil defense planning and will make certain that those positions are articulated before the public and to the commission. We have a balanced commission, we have been working extremely hard, we are on line now and this bill simply — it does three things. First of all, it allows us until the end of this month to complete the hearings; secondly, it allows us to have one of our hearings in Presque Isle as opposed to Caribou, that is where you see communities near to the risk area. There was a very practical problem in that the Caribou school department did not feel that they could facilitate our commission, suggested Presque Isle, and so that is where we decided to have it. Finally, it allows the commission the option of having its report filed to the first session of the 112th Legislature as opposed to this session of this legislature.

I am hopeful that the commission, because of the dedication of the commission members and the work schedule that we placed ourselves under, will be able to file some kind of the dedication of the commission members and the work schedule that we placed ourselves under, will be able to file some kind of report before or at least if there was a special session by that time, but at least this gives us the flexibility to do an adequate job and to complete

the task that we have begun.

It is simply a housekeeping bill, it is because of the unfortunate circumstances of the late start, and it simply allows us to do the work that we have begun.

The SPEAKER: The Chair would caution members of the House, pursuant to House Rule 2 I would remind you that we are not debating merits or demerits of a Citizens' Civil Emergency Commission. The only matter before the body is to determine whether or not the hearing date will be changed from March 1 to March 30 and whether or not the report will be submitted to the First Session of the 112th rather than to the Second Session of the 111th. The commission is in fact in existence.

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 before the House is on passage to be enacted. This being an emergency measure a two-thirds vote of all the members is necessary. Those in favor will vote yes; those opposed will vote no.

Roll Call No. 376

YEA—Ainsworth, Allen, Andrews, Armstrong, Beaulieu, Benoit, Bost, Brannigan, Brodeur, Cahill, Carroll, D.P.; Carroll, G.A.; Cashman, Chonko, Clark, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Curtis, Daggett, Diamond, Foster, Gauvreau, Gwadnosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Holloway, Joseph, Kane, Ketover, Kilcoyne, Lisnik, Locke, MacEachern, Manning, Martin, A.C.; Martin, H.C.; Matthews, Z.E.; Mayo, McColister, McHenry, Michael, Michaud, Mills, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Nelson, Paradis, P.E.; Perry, Rolde, Rotondi, Small, Smith, C.B.; Soucy, Soule, Stevens, Stover, Telow, Theriault, Thompson, Tuttle, Vose, The Speaker.

NAY—Anderson, Bell, Bonney, Bott, Brown, D.N.; Callahan, Carter, Conary, Connors, Davis, Day, Dexter, Dillenback, Dudley, Erwin, Greenlaw, Higgins, L.M.; Ingraham, Jackson, Jalbert, Joyce, Kiesman, Lebowitz, Lehoux, Livesay, MacBride, Macomber, Masterman, Masterton, Matthews, K.L.; Maybury, McGowan, McPherson, McSweeney, Moholland, Murphy, E.M.; Murphy, T.W.; Norton, Paradis, E.J.; Parent, Paul, Perkins, Pines, Pouliot, Racine, Randall, Reeves, J.W.; Richard, Ridley, Roberts, Robinson, Salisbury, Scarpino, Seavey, Sherburne, Smith, C.W.; Sproul, Stevenson, Swazey, Tamaro, Walker, Webster, Wentworth, Weymoult, Willey, Zirkilton.

ABSENT—Baker, Brown, A. K.; Carrier, Drinkwater, Hobbins, Jacques, Kelleher, Kelly, LaPlante, Mahany, Melendy, Reeves, P.; Roderick, Strout.

71 having voted in the affirmative and 66 in the negative, with 14 being absent, the motion did not prevail.

Sent to the Senate.

Enactor

Tabled and Assigned

An Act Relating to Penobscot Nation Trust Land Designation (H. P. 1398) (L. D. 1821) (C "A" H-498)

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

On motion of Mr. Diamond of Bangor, tabled pending passage to be enacted and assigned for Thursday, March 15, 1984.

Passed to Be Enacted

An Act Relating to the Time of Passamaquoddy Tribe Trust Land Designation (H. P. 1644) (L. D. 2163)

An Act to Amend the Law Regarding Premium Discounts for Workers' Compensation Insurance of Small Businesses (H. P. 1519) (L. D. 2001) (H. "A" H-501)

Finally Passed

RESOLVE, to Authorize the Conveyance of Certain Property to the Penobscot Nation (H. P. 1397) (L. D. 1820) (C. "A" H-499)

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

The Chair laid before the House the following matter:

Bill "An Act to Amend Calculation of Period of Imprisonment" (Emergency) (H. P. 1680) (L. D. 2216) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

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

The Chair laid before the House the following matter:

Bill "An Act to Amend the Charter of the Jackman Sewer District to Clarify the Limit on Indebtedness and to Clarify Certain Other Language in the Charter" (Emergency) (S. P. 681) (L. D. 1859) which was tabled and later today assigned pending further consideration. Was passed to be engrossed as amended by Committee Amendment "A" (S-298) and House Amendment "A" (H-502) in the House on March 9, 1984. Senate Adhered to its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-298) in non-concurrence.

The House voted to recede and concur.

Passed to Be Engrossed

Bill "An Act Concerning the Issuance of Bonds by Lincoln County" (Emergency) (H. P. 1707) (Presented by Representative Curtis of Waldoboro) (Cosponsors: Representatives Holloway of Edgecomb, Soule of Westport and Senator Sewall of Lincoln) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

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

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Mr. Bonney of Falmouth, Adjourned until Thursday, March 15, 1984, at nine o'clock in the morning.