

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eleventh  
Legislature***

OF THE

**STATE OF MAINE**

**SECOND REGULAR SESSION**

**January 4, 1984 to April 25, 1984**

**INDEX**

**FOURTH CONFIRMATION SESSION**

**(FIRST CONFIRMATION SESSION – SECOND REGULAR SESSION)**

**May 31, 1984**

**INDEX**

**FIFTH CONFIRMATION SESSION**

**(SECOND CONFIRMATION SESSION – SECOND REGULAR SESSION)**

**July 11, 1984**

**INDEX**

**THIRD SPECIAL SESSION**

**September 4, 1984 to September 11, 1984**

**INDEX**

**HOUSE**

Thursday, March 29, 1984

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

Prayer by Father John D. Civiello, St. Ann's Catholic Church, Indian Island.

The Journal of Tuesday, March 27, 1984, was read and approved.

**Papers from the Senate**

The following Communication:

The Senate of Maine  
Augusta

March 27, 1984

Honorable Edwin H. Pert  
Clerk of the House  
111th Legislature  
Augusta, Maine 04333  
Dear Clerk Pert:

In reference to the action of the Senate on Thursday, March 22, 1984, whereby it Insisted and Joined in a Committee of Conference on Bill, "An Act Concerning Menhaden Fishing in Casco Bay" (H. P. 928) (L. D. 1207):

The Chair appointed as conferees on the part of the Senate:

The Senator from

York - Senator Dutremble  
Cumberland - Senator Najarian  
Knox - Senator Collins

Sincerely,

S/JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency) (S. P. 877) (L. D. 2382)

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

Was referred to the Committee on Judiciary in concurrence.

Bill "An Act to Authorize the Department of Business, Occupational and Professional Regulation to Hire Legal Counsel" (S. P. 876) (L. D. 2381)

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

(The Committee on Reference of Bills had suggested reference to the Committee on State Government)

Under suspension of the rules and without reference to a Committee, the bill was read once and assigned for second reading later in the day.

**Unanimous Leave to Withdraw**

Report of the Joint Select Committee on Alcoholism Services reporting "Leave to Withdraw" on Bill "An Act to Increase the Fee for the Alcohol Education Program Conducted by the Department of Human Services" (S. P. 799) (L. D. 2140)

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 Provide for the Services of Bailiffs and other Court and Jury Officers" (S. P. 655) (L. D. 1846) reporting "Ought to Pass" in New Draft (S. P. 874) (L. D. 2373).

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.

**Ought to Pass in New Draft/New Title**

Report of the Committee on Energy and Natural Resources on Bill "An Act Providing for the Abandonment of the State-owned Dam on Dead River, Androscoggin County" (S. P. 804) (L. D. 2152) reporting "Ought to Pass" in New Draft under New Title RESOLVE, Requiring the De-

partment of Agriculture, Food and Rural Resources to Review and Report on the State-owned Dam on Dead River, Androscoggin County (Emergency) (S. P. 875) (L. D. 2374).

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.

**Divided Report**

Majority Report of the Committee on Energy and Natural Resources reporting "Ought to Pass" on RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands (S. P. 810) (L. D. 2168)

Signed:

Senators:

KANY of Kennebec  
McBREAIRTY of Aroostook  
PEARSON of Penobscot

Representatives:

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

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

Signed:

Representative:

KIESMAN of Fryeburg

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

Reports were read.

Representative Hall of Sangerville moved that the Majority "Ought to Pass" Report be accepted in concurrence.

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

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: I hate to start this session off this morning by taking up some time but I think there is an issue here that the legislature should be made aware of.

I am not going to ask anybody to vote against this bill but it is an issue which I wish to bring before you.

This is a bill to authorize the exchange of certain public lands in the State of Maine. These public lands are the public reserve lands that came about as a result of the Separation Articles from the State of Massachusetts when we became a state and other actions by the Maine Legislature that took place when the townships were established.

In 1973 when the Public Lands Law was passed, we established a Bureau of Public Lands and directed them to manage these reserve lands for multiple use and sound business practices. These lands were found in many small parcels throughout the state, and it was determined that it was desirable to consolidate these lands into large parcels where they could be effectively managed for multiple use, both for timber management and recreation. There was a court decision which authorized these consolidations.

There has been a task force established to negotiate and recommend these consolidations by exchanges with private landowners. That task force is made up by an attorney in the Forestry Department, the Commissioner of Conservation and the Director of the State Planning Office. This task force negotiates exchanges with landowners, they hold public hearings, they make the decisions and they prepare comprehensive legislation to bring before this body and the other body for approval.

I singled out this particular swap merely to make the point that the public is not necessarily well represented in these negotiations. I am concerned that the personal perspective of three people may get superimposed over the interest of the citizens of the State of Maine. It appears

to me that there may be subjective values that get juggled around to justify preconceived decisions to acquire specific parcels of land. A case in point is Gero Island in Chesuncook Lake.

Gero Island is currently in 50 percent ownership with a private landowner, the Dyer interests, and partially in full ownership by the State of Maine. It is an island of 3,185 acres in the lake formed by Ripogenus Dam. The state owns 2,198 acres and the Dyer heirs own 960, which is their part of a 50 percent common ownership. It is a heavily forested island, has four primitive campsites on it. This forest land on this island cannot be currently managed because it is locked in by the lake, there is no land access. There was an attempt some years back to cut some of the timber off of there as good forest management practices, but about 400 cord of wood is now laying on that island rotting because they couldn't get it off. There seems to be no contractors interested in cutting on this island.

It has been decided that the state should own this island completely and efforts were made in that direction. To sweeten the pot to make it appear that this was really in the state's interest, a value of \$8.84 a foot of shoreline was applied to it, or \$4.42 for that portion owned by the Dyer heirs. If we can't manage that island for timber production, which is the major thing on the island, it is a question of how good a deal that was.

The Bureau of Public Lands proposes a land bridge from the mainland to the island. They estimate it will cost \$125,000, but from my conversations with construction people that work in the northern part of the state, they say that is an extremely conservative estimate, it is probably closer to a quarter of a million. I might add that that causeway or land bridge is strongly opposed by the environmental organizations of the state. If you can't build a causeway so you can manage the timber, then what kind of a deal is it?

In the discussions of the trades there have been some concessions already proposed which disturb me. The concessions are that if the swap takes place and if the causeway is built, if the opposition will allow it to be built, they will already agree at this point in time that when the wood has been taken off the island they will deactivate the bridge so that the citizens of the State of Maine cannot gain access to that island, a 3,000 acres island, for recreational purposes unless they go by canoe. That is to protect these four primitive campsites on the west side of the island.

These are the kinds of decisions that are being made by a three-person task force.

There is one answer to the problems that I see with this, or other is two answers, one is a substantially greater involvement by members of the legislature in looking at these land swaps and representing the people of the State of Maine. Knowing the workloads first hand imposed on legislators, then there is a second alternative that I think should be very seriously considered in the next legislative session and I will put it to you for consideration.

We have seen fit in land use control to establish various civilian boards to manage land use operations in the State of Maine. We have the Board of Environmental Protection which makes the major decisions on land uses in the State of Maine, and that is a civilian board. We have the Land Use Regulation Commission which does the same thing in the unorganized territories, and that, too, is a civilian board. I would suggest for your consideration, for the consideration of this body, that there be a lot of consideration given to establishing a civilian advisory board or participation board to participate in the negotiations for these land exchanges as more take place. At the present time, about one fourth of the exchange has been made and most of these exchanges have been with the smaller land-holding companies of the state. They haven't got up against the big boys yet.

I suggest to you that we need some involvement, some citizen participation, to give gui-

dance in these swaps in the future and I hope you will think about this so that something can be done at a future date.

Thereupon, the Majority "Ought to Pass" Report was accepted in concurrence, the Resolve read once and assigned for second reading later in today's session.

### Divided Report

Majority Report of the Committee on Health and Institutional Services reporting "Ought Not to Pass" on Bill "An Act to Allow Elderly Persons to have Pets in Public Housing" (S. P. 797) (L. D. 2132)

Signed:

Representatives:

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

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-325) on same Bill.

Signed:

Senators:

BUSTIN of Kennebec  
 GILL of Cumberland  
 CARPENTER of Aroostook

Came from the Senate with the Minority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-325) and Senate Amendment "A" (S-342)

Reports were read.

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

Mrs. NELSON: Mr. Speaker, I move that we accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The gentlewoman from Portland, Mrs. Nelson, moves that the Majority "Ought Not to Pass" Report be accepted in non-concurrence.

The gentlewoman may proceed.

Mrs. NELSON: Mr. Speaker, Men and Women of the House: The question of whether the elderly and handicapped will be allowed to have pets in their publicly-owned or managed apartments is not the question before us. The question, a more difficult question than it may first appear, has already been resolved, and as you might expect, by the federal government.

Congress passed a statute last year requiring public housing agencies and managers to accept pets in elderly and handicapped apartments. The federal law is already in effect and has been since last November 30. And although HUD regulations won't be out until later this year, no later than November 30, 1984, a recent HUD memo informed public housing agencies that they didn't have to wait until then to implement the law.

The issue today is not on the merit of whether dogs or cats or rabbits or birds ought to live in public housing along with people; the issues today are the redundancy and the potential conflict of passing a state law in an area already addressed in federal law. If L. D. 2132 were identical to the federal section, 227, subsection 80-D, of the United States Housing Act, then maybe it wouldn't matter, but they are not identical at all.

Originally, the bill's sponsor was concerned about a prohibition on pets at a privately operated but publicly financed housing project. But the bill has been amended by its supporters on our committee to exclude such housing projects by adopting an amendment offered by the Private Landlords Association. When that amendment was adopted, it removed any reason for having the bill at all, except as a hollow gesture to the bill's sponsor.

The problem is that the federal law and this bill are quite different. For example, the federal

law says public landlords shall adopt pet keeping and pet care rules in consultation with tenants. The bill before us does not require such consultation.

The federal law says pet owners may be held financially responsible for damage to the property of others; this bill offers eviction of the pet and ultimately the tenant as its only specific remedy. That puts public housing directors in an impossible situation.

The federal law permits public housing directors, in consultation with tenants, to place restrictions on the type, size and number of pets allowed; the bill specifies only the number of pets as a permissible restriction.

Moreover, under this bill public housing agency must allow any domesticated dog, cat, bird or aquarium, thereby prohibiting any restriction except the number of these pets. This is radically different and at odds with the federal law.

Supporters of the bill, they point to the including but not limited to language in the bill as permitting public landlords more latitude, but that is vague, it is a meaningless phrase which may give them too much power to be arbitrary or too little guidance to be helpful.

If the answer to such possible conflicts is that federal law supercedes state law in this area, as we have been advised by some that it does, then passage of this bill becomes even more pointless. This bill, although well conceived for all the right reasons, for all the right persons, sponsored by a fine and noble and honorable person, is totally unnecessary and potentially confusing. I urge you to vote with the majority "ought not to pass."

Thereupon, the Majority "Ought Not to Pass" Report was accepted in non-concurrence and sent up for concurrence.

### Non-Concurrent Matter

Joint Resolution relative to Economic Development Research in Maine (H. P. 1791) which was read and adopted in the House on March 27, 1984.

Came from the Senate read and adopted as amended by Senate Amendment "A" (S-344) in non-concurrence.

House voted to Recede and Concur.

### Non-Concurrent Matter

Bill "An Act to Provide for Equal Treatment of Special Fuel Used for Heating Purposes" (S. P. 747) (L. D. 2050) (C. "A" S-311) which was passed to be enacted in the House on March 22, 1984.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-311) as amended by Senate Amendment "A" (S-337) thereto in non-concurrence.

House voted to Recede and Concur.

### Non-Concurrent Matter

Bill "An Act to Clarify the Licensing Authority of the Board of Registration in Medicine" (H. P. 1665) (L. D. 2197) (S. "A" S-309 to H. "A" H-512; H. "B" H-535) which was passed to be enacted in the House on March 22, 1984.

Came from the Senate passed to be engrossed as amended by House Amendment "A" (H-512) as amended by Senate Amendment "B" (S-341) thereto and House Amendment "B" (H-535) in non-concurrence.

House voted to Recede and Concur.

### Non-Concurrent Matter

Bill "An Act to Authorize County Commissioners to Establish Separate Voting Places in Unorganized Townships" (S. P. 858) (L. D. 2331) which was passed to be engrossed as amended by House Amendment "A" (H-573) in the House on March 22, 1984.

Came from the Senate passed to be engrossed as amended by House Amendment "A" (H-573) and Senate Amendment "B" (S-339) in non-concurrence.

House voted to Recede and Concur.

### Non-Concurrent Matter

Bill "An Act to Place Limitations on the Contributions which Candidates may Receive from Political Action Committees" (H. P. 1785) (L. D. 2351) on which the Study Report relative to Campaign Finance was read and accepted and the Bill referred to the Committee on Election Laws in the House on March 27, 1984.

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

Representative Handy moved that the House adhere.

The SPEAKER: The Chair recognizes the gentlewoman from Woolwich, Mrs. Cahill.

Mrs. CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: The Study Committee on Election Laws studied this legislation to great extent this past summer and the majority of the committee agreed that there was no evidence of undue PAC wants on legislative races in Maine.

We also came up with the agreement, the majority agreement, that if this bill was passed it would become effective right in the middle of legislative races this year and it raises some question if we would be able to implement it.

Based on these facts, I move that we recede and concur.

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

Mr. HANDY: Mr. Speaker, Ladies and Gentlemen of the House: Mrs. Cahill is incorrect as far as this bill taking effect this year. The fact of the matter is, this bill would take effect next year.

As the legislature has made a practice of voting pay raises for the next legislature and not for the current one, this is exactly the position we are in here. This legislature would act on a bill that would take effect in the elections for the 113th Legislature and not the next one coming in.

I would ask that you oppose the motion to recede and concur so that we may adhere, refer this bill to committee and have a hearing, and furthermore I would like to submit that we do not have to wait until there is a problem in this state as there is nationwide with the influence PAC's and special interest money in this state. We should take a positive step in this state to place some reasonable limits that are fair both to the PAC and to the candidates who are running for office.

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

Mrs. WENTWORTH: Mr. Speaker and Members of the House: I would like to concur with Representative Cahill. Not only did the study group turn this down, the entire committee turned it down. I would also ask you to vote to recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Nadeau.

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I felt it was incumbent upon me simply to explain the committee position and also to commend the minority of the committee that reported this bill out for their intentions.

Basically, the committee's feeling was that this issue was not necessarily a driving one at this particular time, that this late in the session it ought not to be dealt with and because of the lack of, I guess, involvement or influence on legislative races at this particular time in history, that it didn't necessarily have to be dealt with right away. So I feel that the bulk of the committee felt that although looking into this issue certainly has merit, it could be done in the next regular session.

I give that to you basically to explain what the majority of the committee felt and why the report came out this way.

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

Mr. MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: I would certainly hope that this body would have the integrity to send this bill to hearing. It is a moral issue. I think that there should be nothing that we should fear. We should at least bring this to hearing.

This is not a bill which was let in in the last few weeks. This is a bill that the committee had been working on over the summer, it was studied, there was a legitimate minority report and it would be an outrage for this body not to let this bill up for public hearing. The only reason I could think of that it would not be let in for public hearing is that the people are afraid to confront the issue.

I would like to take issue with the gentleman from Lewiston. I am disappointed that he would stand up today and recommend that the bill not be referred to committee, especially using the argument that we can handle this next year. I put a bill in last year, Mr. Nadeau, and upon your advisement allowed it to be withdrawn because it was going to be studied this summer and handled this year. Now, I want this bill referred to committee so it can have a hearing. It is fine if you don't support the bill, I will respect you for that, but I demand that this bill be referred to committee so that the public can testify on behalf of this vital issue, campaign finance reform. The promise last year was that we would get to look at this this year and I want that bill in committee.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Nadeau.

Mr. NADEAU: Mr. Speaker, I don't believe the gentleman from Auburn, Mr. Michael, was listening. What I said was, the committee position, what the committee reported after studying the issue, three members of the committee referred or reported out this bill for the purpose of going back for a public hearing on the specific issue of these limitations on PAC contributions. What I said was that the committee position, on a 10 to 3 report, was that this bill ought not to be considered this session. Some members of the committee voted against the bill on the basis of its merit and on the basis of its content, so essentially the committee had looked at this issue for quite some time and the majority of the committee simply felt otherwise. That is all I am saying, ladies and gentlemen. So the issue itself has been aired quite extensively, and the posture of this bill as it stands right now gives us an opportunity to air it both before the House and the Senate. I don't think we are trying to break any kind of faith.

As Mr. Michael did say, his bill dealt with this area last session. It was suggested in committee that we study it over the summer, we did. We studied a number of items, this among them.

What I said earlier, in reference to the comments of the gentleman from Auburn, Mr. Michael, was that the committee, on a 10 to 3 vote, decided not to go with it. That is what I am saying and I certainly am not trying to skirt the process.

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

Mr. MATTHEWS: Mr. Speaker and Members of the House: I will be very brief. I would urge the members to send this bill to committee for public hearing. And I too would take exception with the gentleman from Lewiston, my good friend and colleague. I think that one only has to look at what has happened over the last few years nationwide, not only in national elections but in state elections, and I think that the people across this country and across the State of Maine are calling for tighter restrictions on election laws, and certainly that deals with contributions.

Sure, it takes courage, this legislature has been a courageous one, and give the people of the State of Maine a chance to air their viewpoints on it also.

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

Mrs. WENTWORTH: Mr. Speaker, I would ask for a roll call.

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 Cahill of Woolwich that the House recede and concur. All those in

favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 410

YEA—Allen, Anderson, Armstrong, Bell, Benoit, Bonney, Bott, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Cashman, Clark, Conary, Conners, Cote, Cox, Crowley, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Greenlaw, Gwadosky, Hickey, Higgins, L.M.; Holloway, Ingraham, Jackson, Kane, Kelly, Kiesman, Kilcoyne, LaPlante, Lebowitz, Lehoux, Lisnik, MacBride, Macomber, Martin, H.C.; Masterman, Matthews, K.L.; Maybury, McColister, McPherson, Michaud, Murphy, T.W.; Nadeau, Paradis, E.J.; Paradis, P.E.; Parent, Perkins, Pines, Racine, Randall, Reeves, J.W.; Roberts, Robinson, Roderick, Salsbury, Scarpino, Sherburne, Sproul, Stover, Strout, Swazey, Telow, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

NAY—Ainsworth, Andrews, Beaulieu, Bost, Brannigan, Brodeur, Carrier, Carroll, D.P.; Carroll, G.A.; Carter, Chonko, Cooper, Crouse, Diamond, Erwin, Gauvreau, Hall, Handy, Hayden, Higgins, H.C.; Hobbins, Jacques, Jalbert, Joseph, Joyce, Kelleher, Ketover, Locke, MacEachern, Mahany, Manning, Martin, A.C.; Masterton, Matthews, Z.E.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michael, Mills, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nelson, Norton, Perry, Pouliot, Reeves, P.; Richard, Ridley, Rolde, Rotondi, Seavey, Smith, C.B.; Soucy, Soule, Stevens, Stevenson, Tammara, Theriault, Tuttle, Vose, The Speaker.

ABSENT—Baker, Connolly, Livesay, Murphy, E.M.; Paul, Small, Smith, C.W.; Thompson.

78 having voted in the affirmative and 65 in the negative, with 8 being absent, the motion did prevail.

#### Non-Current Matter

RESOLVE, to Establish a Select Committee Concerning Forest Practices in the State (Emergency) (H. P. 1776) (L. D. 2354) which was referred to the Committee on Energy and Natural Resources in the House on March 22, 1984.

Came from the Senate under suspension of the rules and without reference to a committee, the Bill read twice and passed to be engrossed as amended by Senate Amendment "A" (S-343) in non-concurrence.

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

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

The SPEAKER: The Chair would advise the gentleman that the motion to indefinitely postpone is not in order.

Theurupon, the House voted to recede and concur.

#### Non-Concurrent Matter

##### Later Today Assigned

Bill "An Act to Provide a Transition Period for Certain Educational Equivalence Provisions in the Psychological License Law" (H. P. 1786) (L. D. 2362) which was referred to the Committee on Business Legislation in the House on March 27, 1984.

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

On motion of Representative Nelson of Portland, tabled and later today assigned pending further consideration.

#### Non-Concurrent Matter

Bill "An Act to Establish an Excise Tax on Nuclear Fuel Assemblies" (H. P. 1771) (L. D. 2339) which was referred to the Committee on Taxation in the House on March 22, 1984.

Came from the Senate indefinitely postponed in non-concurrence.

The House voted to recede and concur.

#### Communications

The following Communication: (H. P. 1805)  
STATE OF MAINE

House of Representatives

House Minority Office  
Augusta, Maine 04333

March 27, 1984

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

In accordance with 1 MRSA Section 1002, subsection 1-B, I have the honor of presenting to the House of Representatives the name of Robert Marden of Waterville for renomination to the Commission on Governmental Ethics and Election Practices.

The Commission has had the benefit of Mr. Marden's ability and experience these past two years, and I believe he will continue to serve in an outstanding manner. Therefore, I respectfully request that the House confirm this nomination.

Sincerely,  
S/LINWOOD M. HIGGINS  
Republican Floor Leader

Was read and ordered placed on file and sent up for concurrence.

The SPEAKER: Pursuant to 1 MRSA, Section 1002, Subsection 1-B, this nomination requires the affirmative vote of two thirds of the members present and voting. All those in favor of confirmation will vote yes; those opposed will vote no.

A vote of the House was taken.

111 having voted in the affirmative and none in the negative, the nomination was confirmed. Sent to the Senate.

#### Petitions, Bills and Resolves

##### Requiring Reference

##### Reported Pursuant to the Statutes

Representative Carroll pursuant to Public Law 1983, Chapter 94 asks leave to report the accompanying Bill "An Act to Establish a Regional Fuel Tax Agreement" (H. P. 1799) (L. D. 2380) be referred to the Joint Standing Committee on Transportation for Public Hearing and printed pursuant to Joint Rule 18.

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

#### House Reports of Committees

##### Unanimous Leave to Withdraw

Representative MacEachern from the Committee on Fisheries and Wildlife on Bill "An Act Concerning Reciprocity Relating to Hunting Permits and Guides" (H. P. 1629) (L. D. 2164) reporting "Leave to Withdraw"

Representative Ridley from the Committee on Energy and Natural Resources on Bill "An Act to Provide for a Surety Bond for Soil Analysts" (H. P. 1678) (L. D. 2224) reporting "Leave to Withdraw"

Representative Carter from the Committee on Appropriations and Financial Affairs on Bill "An Act to Raise the Annual Public Utilities Commission Regulatory Fund Assessments to \$1,660,000 for Fiscal Year 1985" (Emergency) (H. P. 1458) (L. D. 1910) 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 Brannigan from the Committee on Business Legislation on Bill "An Act to Increase Capital and Surplus Requirements of Insurers in Order to Hold a Certificate of Authority to Write Insurance" (H. P. 1615) (L. D. 2137) reporting "Ought to Pass" in New Draft (H. P. 1803) (L. D. 2377)

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

##### Ought to Pass in New Draft

Representative Michaud from the Committee on Energy and Natural Resources on Bill "An Act to Amend Certain Provisions of the Department of Environmental Protection Statutes" (H. P. 1530) (L. D. 2014) reporting "Ought to Pass"

in New Draft (H. P. 1806) (L. D. 2385)

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

### Consent Calendar First Day

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

(S. P. 844) (L. D. 2291) RESOLVE, Authorizing and Directing the Department of Transportation to Continue to Study and Report on the condition of State and Local Bridges on the Local and Collector Systems and to Recommend Strategies for Improving their Overall Condition (Emergency) Committee on Transportation reporting "Ought to Pass"

(S. P. 762) (L. D. 2070) Bill "An Act to Amend the Maine Consumer Credit Code" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-336)

(H. P. 1718) (L. D. 2277) Bill "An Act Regarding the Effective Date of Interest Charges on Overdue Contributions to the Unemployment Compensation Fund" Committee on Labor reporting "Ought to Pass"

(H. P. 1742) (L. D. 2296) Bill "An Act Making Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years Ending June 30, 1984, and June 30, 1985" (Emergency) Committee on Appropriations and Financial Affairs 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.

### Passed to Be Engrossed As Amended

Bill "An Act to Recognize National Women's History Week" (H. P. 1597) (L. D. 2119) (C. "A" H-548)

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

### Passed to Be Enacted

An Act to Improve Cash Flow in the Department of Inland Fisheries and Wildlife (H. P. 1759) (L. D. 2321)

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

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to anyone who may care to answer. I would be very much interested in knowing how much of a loss in revenues will occur if this bill is enacted.

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

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: It is pretty hard to determine that because we don't know how many licenses will be bought during 1984, so it is pretty hard to determine how much will be lost on the 1985 licenses.

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

Mr. CARTER: Mr. Speaker and Members of the House: Then based on the answer I received, I can presume that this is a revenue loss to a department that is already strapped with lack of revenues.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: This is not a revenue loss, this is just an ability for someone to purchase a license in 1984 fiscal year at the old price, thereby giving us cash flow money up front in the fall of this year instead of buying it in 1985 at the new

price. The department is going to be getting the money, they just won't be getting quite as much. They are not going to lose any money, they just won't be getting that increase if the House decides to pass a fee increase this year.

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

An Act Relating to the Definition of School Year for the Purpose of Defining School Eligibility (S. P. 859) (L. D. 2332)

An Act Concerning the Open Burning of Leaves and Brush (H. P. 1422) (L. D. 1867) (H. "A" H-555 to S. "A" S-302; H. "A" H-508)

An Act to Assure Greater Independence to the Certificate of Need Advisory Committee and for Other Purposes (H. P. 1481) (L. D. 1944) (C. "A" H-539)

An Act to Clarify Utility Financing of Energy Conservation (H. P. 1760) (L. D. 2323)

An Act Creating the Wiscasset Water District (H. P. 1764) (L. D. 2326)

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.

### Enactor Later Today Assigned

An Act to License Occupational Therapists (S. P. 837) (L. D. 2243) (S. "A" S-331)

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

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

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

### Unanimous Leave to Withdraw

Representative Ainsworth from the Committee on Aging, Retirement and Veterans on Bill "An Act to Clarify Disability Retirement Provisions" (H. P. 1751) (L. D. 2361) reporting "Leave to Withdraw"

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

### Divided Report

Seven Members of the Committee on Appropriations and Financial Affairs on Bill "An Act to Reimburse the Department of Inland Fisheries and Wildlife for Duties Performed which are Mandatory Nonfish and Nongame Related" (Emergency) (H. P. 1758) (L. D. 2320) report in Report "A" that the same "Ought to Pass" as amended by Committee Amendment "A" (H-605)

Signed:

Sensors:

BROWN of Washington

PERKINS of Hancock

Representatives:

JALBERT of Lewiston

ARMSTRONG of Wilton

BELL of Paris

MASTERTON of Cape Elizabeth

SMITH of Mars Hill

Three Members of the same Committee on same Bill report in Report "B" that the same "Ought to Pass" as amended by Committee Amendment "B" (H-606)

Signed:

Senator:

NAJARIAN of Cumberland

Representatives:

CHONKO of Topsham

LISNIK of Presque Isle

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

Signed:

Representatives:

CARTER of Winslow

KELLEHER of Bangor

CONNOLLY of Portland

Reports were read.

The SPEAKER: The Chair recognizes the gen-

tleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, I move we accept Report C.

The SPEAKER: The gentleman from Winslow, Mr. Carter, moves that we accept Report C.

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

Mr. JACQUES: Mr. Speaker, I request a roll call. 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 Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I would hope you would not go along with the motion before you to accept the "Ought Not to Pass" Report C. We have two other reports coming along here and I would hope that we would dispose of this motion at this point so another report can be considered.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I have served a few years on the Appropriations Committee—this, incidentally, is my seventh term—and I have never faced an issue as emotional as this issue is. We have spent the last two days trying to wrestle with this problem trying to find justification to hand over some general fund money to the Department of Fisheries and Wildlife.

In all the research that I have done, in all the debate that we have encountered, we simply cannot justify handing over general fund money just for the sake of a group of people, special interest people, bent on steamrolling a bill through these chambers to say we have got the power. It is not going to solve one single thing for the department. They still are going to be faced with a cash flow problem. This is nothing but a bandaid type approach. Everybody refuses to face the real issue, and the real issue is very simple, I suspect it is so simple that people refuse to see it. They can't see the forest for the trees. All you have to do is just simply undecimate.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: This is a red herring that has been dragged over us for years and years. The other day I thought we drew and quartered that amendment and put it to bed for good, but apparently there are those who can't see the woods for the forest on the other side of the fence.

I just feel that we should defeat this motion and go on and do something that is good for the Department of Fisheries and Wildlife.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mrs. Erwin.

Mrs. ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: In response to the gentleman from Winslow, Mr. Carter, that we are steamrolling this, I really don't think that is the case. We have worked long and hard to come out with something for this department which sorely needs it.

In 1943, a bill was passed, Chapter 255, called "An Act Relating to Search for Lost Persons." Up until that time, sheriffs of the county or his chief deputy were responsible for search and rescue and the treasurer of that county received the funds. This bill said that the expenses of the commissioner of Inland Fisheries and Wildlife, in attempting to find lost persons, shall be charged to the General Fund. That was 1943. I have figures from Legislative Finance showing the expenses for search and rescue since 1960, 23 years after that bill was passed. The total cost of search and rescue was \$598,780. There was one year when they paid nothing, there were several years when they paid \$1,500, one year when they paid \$8,500, one year when they paid \$15,000, which was a record. And since 1971 to date, they have paid \$10,000 each year. Last year the bill was \$88,000-plus, and we got \$10,000.

We have mandated in the statutes that the



General Fund pay for this, and I would like you to know that it is not just for hunters and fishermen. Whenever the commissioner receives notification that any person has gone into the woodlands or onto the inland waters of the state on a hunting, fishing or other trips and has become lost, stranded or drowned, the commissioner shall exercise the authority to take reasonable steps to insure the safe and timely recovery of that person. You can't be any clearer than that. The General Fund owes the department money.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: This issue has been around a long time, as others have said, and that is the way it should be.

Representative Carter from Winslow this morning restated again that there seems to be hysteria insofar as what the obligations are to the Department of Inland Fisheries and Wildlife, and it is like juggernaut sailing down through this House and the other body.

Every one of us have wrestled with the arguments pro and con for Fish and Game, and like hunters and fishermen, every one of us are experts. I don't fault your expertise and please don't fault mine.

When this situation first came into light it was because the Department of Inland Fish and Game had some financial problems. The Governor, through the advice of the Fish and Game Commissioner, to offset revenue losses and to meet expenditures with the revenues they had, eliminated a number of jobs. Every one of us understands and agrees with that point, what happened down there financially. And listen, if the revenues in the State of Maine fall off in the General Fund and our revenues cannot meet the expenditures that we have, the Governor has to do the same thing, this governor and other governors, and they have done just that, but we have got a little different situation here because we have got a department that has funded itself on its own for years. It is incapable of operating under its present budgetary guidelines, so we had a financial problem that has been wrestled with by Representative MacEachern's committee, the Performance Audit Committee, the Appropriations Committee and every one of us collectively as members of this body.

There have been a lot of questions raised on what the General Fund owes. There have been questions raised on how the department should be managed, and there have been questions raised at least as far as there are three separate reports out of Appropriations on how things are going to be paid.

I have a list here of a variety of programs that the Fish and Game Department assists other departments in. It was put together, and I thank the gentlelady from Rumford for doing it, outlining a lot of existing laws and agencies that the Fish and Game Department has relationships with. We went through that list yesterday, the committee did, we went through it not only with the members of the Appropriations Committee but we went through it with representatives from the Fish and Game Department, and when we finalized that list, and it was interesting, it was an education for all of us, there was a natural obligation and relationship to these existing laws in the department for the benefit of the department.

At one point in the discussion, we were told that if we went for a certain amount of money out of the General Fund just in search and rescue, you can forget about this. That raises a question with me. If these 15 items were so important at nine o'clock in the morning downstairs in the Appropriations Room and at 10:15 there seemed to be a move to go for General Fund money and to forget this list, what does that tell you or I as legislators?

Search and rescue has been a question that has been raised ever since I have been on that committee, and others have been there a lot

longer, and the only time the Appropriations Committee has met any financial assistance for search and rescue was when it was proven to the committee that bills were owed.

We have got three reports here this morning. There is no question in my mind what is going to happen to the report that Mr. Carter and Mr. Connolly and I are on; however, it is going to be very interesting when we get to the other reports and some of us have a chance to question, legitimately question on the floor members of our own committee on how they arrived at their decision. And believe me, there are going to be some questions asked. I love to field them and I love to answer them.

To summarize what the three of us could find there down on the Appropriations Committee in regard to what is owed to the Fish and Game Department from the General Fund, it really amounts to no money at all, not at all.

We have got a management problem down there not because of the commissioner, not at all, we have got a management problem because of the cash flow of money and this House, for whatever reason, has refused to address it, and believe me, those that will be back in the next session are going to be confronted with the same cash flow problem.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: With some trepidation I rise. I feel I am somewhat like an innocent bystander who has been walking down the street and gotten into a gang fight.

Basically, because my committee, the Audit and Program and Review Committee, was scheduled to look at the Fish and Game Department long before the problems that have burst upon us were there, I would like to state that there are two issues here—there is the issue of cash flow. I would agree with the gentleman from Winslow, Mr. Carter, that this particular bill does not solve the problem of cash flow. There was also a second issue that our committee examined, and that was the question of equity. We looked at the question of whether the Fish and Game Department should be reimbursed from the General Fund long before we had this crisis, and our committee recommended that it should. This was before the crisis hit. I have often thought that if I had put an amendment on the bill the other day that said that the Fish and Game Department would only deal with matters belonging to the Fish and Game Department, there would be a question as to what that would cost other departments of state, so I want you to consider that in your vote.

The Chair laid before the House the following Special Order of the Day:

Bill "An Act Concerning the Funding of the Department of Inland Fisheries and Wildlife (Emergency)" (H. P. 1769) (L. D. 2336)

In House, House Amendments "E" (H-557), "F" (H-581), "H" (599) and "J" (H-602) read and adopted on March 27, 1984.

Tabled - March 27, 1984, by Representative Mitchell of Vassalboro, and specially assigned for 10:00 a.m.

Pending - Passage to be Engrossed.

On motion of Representative Mitchell of Vassalboro, retabled and later today assigned pending passage to be engrossed, and by unanimous consent made a special order of the day assigned for 10:30 a.m.

The SPEAKER: The Chair now returns you to the matter we were debating prior to the tabling motion, L. D. 2320.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: We can argue the management of the department, but I don't believe that is the issue here today. We only have one issue before us—do we owe this bill?

The statute directs payment from the General

Fund. If you agree with the law, then let's honor that law. If you don't, then let's change the law and then we won't go through this hassle year after year.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: The other day the gentleman from Bangor made reference to I think it was either playing fair or fair play. Today, he makes reference to hysteria, and I would caution the members of this House that for the last month we have been very much like a visitor through the Maine woods—an eye to the compass, we haven't panicked, there have been dead falls placed before us, there have been snares placed before us, but we have kept our eye to the compass.

Today, we have three reports that are placed before us. I would ask the members of the House to be patient and move through these first two reports and move to Report A. There is light from the clearing ahead and I hope that we could arrive at that point today.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I want to thank the gentleman from Rumford, Representative Erwin, for reminding us that we owe the Fish and Wildlife fund some General Fund monies. I would also like to thank the good gentleman from Performance Audit, Representative Rolde, for pointing out that there is equity involved in this issue; I couldn't agree more, I am in one hundred percent agreement.

The General Fund spends for environmental protection \$683,000; water quality, \$1 million; land use, \$400—\$2 million of General Fund money directly related to this resource that we are debating here. Ladies and gentlemen of this House, if you don't listen to me, you might say a few years down the road "The man was before his time but he was right."

We certainly are dealing with a resource, a resource that is being ravished by special interest groups in this state. I took the time to do a little research, I have a list here of these resources from white-tail deer to the muskrat, from the yellow perch to the Atlantic salmon. Did Performance Audit consider the value of this resource when they speak of equity? I put a very conservative figure on the value of these different species in the food chain that we are talking about. It might surprise you people to know that it only adds up to nineteen and a quarter million dollars a year. Throw on another \$2 million for environmental protection, or up to \$21 million. Now, how much do the sports people of this state spend? How much can they spend? Every time the license fees go up, revenues drop because fewer people purchase licenses. It has reached the point where they can't afford it.

Forty-five years ago when I was trapping, there were all kinds of animals, the pressures were not there, but today the pressure is unbelievable. But not to stray from my point, here we have an industry that returns \$9 million to support a department that is charged with management but cannot manage simply because they are caught in a budget system that prevents them from managing. They are in a vicious circle. If they have to close a season on a particular species, they cannot because they are going to lose revenues, it is that simple, ladies and gentlemen. It is not very difficult to understand. Nevertheless, the sportsmen contribute \$9 million.

I also have some figures that state that this department generates \$120 million a year in sales in the State of Maine. I want to be fair and equitable, so I went to the other side of the coin. I made two assumptions. I am going to give the objection the benefit of the doubt and I am going to slap a 5 percent sales tax on the entire \$120 million—\$6 million comes back to the General Fund.

I will make another assumption. I will take 50 percent of that \$120 million in sales and I will say that is for wages in the state, and I will apply

another factor which should generate income tax, .026 cents on a dollar, a total of \$3.6 million. Here we are, the state is receiving \$9 million on assumption, and I hate to make assumptions because if you break the word "assumed" into three words you will know what I mean. We are receiving approximately \$9.6 million in return for a resource that is worth at this point at least \$22 million.

Now I ask you, ladies and gentlemen of the House, who owes who? I will tell you what we do owe, we owe our children and our children's children the same right and the same privileges, the same resources, perhaps shrunken but they should nevertheless be available, that I had 45 years ago. You can only do that by allowing that department to do its job that it is charged with by law, and that is to manage, not systematically harvesting a resource so it can meet its payroll. There is a heck of a difference.

Speaking about laws, a law passed in 1943, let me remind the gentlelady from Rumford and the members of this House that there is nothing sacred in the budget, absolutely nothing. You cannot bind any future legislators beyond the session that you are in. Every session, as long as I have been on that committee, when the subject of search and rescue comes up it has never been documented. This year is the first time that they have been able to document that \$20,000 of non-licensees was spent to find them when they got lost, \$20,000 and we contribute \$10,000. We have no way of knowing what it is going to be when we start. But that is peanuts when you compare the difference between what is returned to the General Fund for the value of the harvest that is taken out of this state, a resource that belongs to not the special interest groups, ladies and gentlemen, it belongs to everyone in the State of Maine whether they hunt or fish or just go backpacking or canoeing or camping or trail hiking or cross-country skiing, it doesn't make a tinker's damn, they are all entitled to the same right and they are paying more than their fair share.

You cannot increase the license fees anymore, it has reached the end of the rope.

Let me tell you something about my past history. I don't generally do this, I don't think any of you have ever heard me say this on the floor of the House. I was privileged—I suppose you could call it privileged—to serve almost eight years in Europe after World War II, and I hunted and fished until my heart was content. Do you want to know who I hunted and fished with? The privileged class, the well-heeled people, doctors, lawyers, engineers, governors. Do you want to know why? The common, ordinary people could not hunt, could not fish, but the resource was so abundant it boggles the imagination. I hunted in the Crown Prince's private hunting preserve in the Alps, 25,000 hectare, spent beautiful weeks in the Alps, one week in this chalet, next week in another chalet. The game boggles the imagination. I shot chamois, I shot European stag, I shot wild boars, I can go on and on, but the common, ordinary people could not hunt or fish because all the hunting rights are leased by the privileged class and this is what is going to happen in this state. It is slowly becoming that way because you have a department that cannot manage and the resource continues to shrink.

Those of you who think I am before my time, I would like to call your attention to a book that was published in 1958, it is entitled "Maine's Life Blood," written by Jerome G. Daviau of Waterville. This book, ladies and gentlemen, is unbelievable. This man has never been taken to court. He discusses special interest groups. I used to think there was only two, the utilities and the woodlot owners, the paper companies, but I have since found out that there are a lot more than two.

The sportsmen's groups that have been walking through these hallways for the past week have a greater special interest, I am led to believe, than the utilities or the paper companies. Now don't get me wrong, I suppose I am just as guilty as they are because I used to belong to a

sportsmen's group, several of them as a matter of fact. I was secretary for one for 12 years and when I quit the group disbanded.

You know, we are dealing with something that is very emotional, everybody is an expert. Anybody who has ever held a license to hunt or fish is an expert. The fact remains that the resource that we are talking about is dwindling, and I would be willing to bet any one of you in this House that there is a gentleman sitting in this House with us who might be able to add a couple of chapters to this book. Don't misunderstand me, I am not his press agent, but I have read this book and he was told, a man before his time, we can't do this, we can't do that.

What we have done in essence is we have allowed the utilities to build dams across rivers to generate electricity which is sorely needed, I agree, we have got to have electricity but, ladies and gentlemen, there is more than one way to generate electricity. You don't just simply build a dam across a stream or river and obstruct everything else. If we could send a man to the moon, we surely can design a generator that can allow the passage of fish through it and survive. We can also design a dam that is not just going to stop all the silt and crap that comes down the river, but we haven't done it yet. What do we do instead? We allow the utility companies to put up flashboards, four foot flashboards on a dam. I want you to notice when you go by a dam, you can see them today, the flashboards have not held.

The fish that spawn in the fall when the water was four feet higher, the spawn is now gone because the water drops four feet when the flashboards rupture. They replace those boards in the spring and the spring spawning fish spawn again on the shores of the rivers and streams, in come the high waters and out go the flashboards again. It is a continuous annual cycle. Any wonder that we don't have any fish in the streams and rivers?

But the utilities were smart. They say, if you allow us to build dams, we will allow you to build fish hatcheries—big deal! We have got fish hatcheries.

How many of you in this House can replace mother nature? This is what we are trying to do, this is what the department has been trying to do, replace mother nature, and for what reason? So they can meet their payroll. We have had 'put and take' trout, we have tried to raise exotic birds that don't belong here. Now that we have checkoff non-game privileges on the income tax, the department, God love 'em, they are still trying to raise revenue. They are going to bring back the purging falcon. The purging falcon is a hunter, he is going to compete with the sportsmen. But you know, it is also going to bring revenues to the department because you are going to have to be licensed.

They are also trying to bring back the loons, another competitor. The loon is very popular now since Golden Pond, a beautiful bird, sounds terrific in a canoe with a dear friend, the sun going down and you hear the call of the loon, exotic, breathtaking, but the loon also competes for the trout.

When they appeared before our committee, I asked them, I said, have you people ever heard of the seagull? They acknowledged that they had. Would you acknowledge that it is posing a problem in this state? They are a federally protected bird, they are overrunning the state, a bird you never used to see except when you went down to the ocean. Now you see them perching on homes way the heck up in Somerset County. They are overrunning the state.

I am not a biologist, I am not an expert, never claimed to be, but common sense tells me that there ought to be some bird in the chain that could control this other bird that is now a nuisance and a pest. I asked and there is. The black backed gull will take care of the seagull population. That is just plain common sense but the department doesn't have that privilege of using common sense, apparently, because of the way

the budget is structured. They are caught in that vicious cycle and everybody is putting their heads in the sand like an ostrich and saying "not so."

If you undedicate this account, you solve the cash flow problem, you don't need a 24 percent increase in license fees over the next two years to bring in \$3.5 million—maybe—and the department can function as charged.

I mentioned another special interest group and I didn't continue on that point, but let me get to the point of what used to be the paper companies but it is not really, it is all the woodlot owners. In Europe you cannot cut a tree unless you plant two in its place. In the State of Maine we don't have to do that, we have got all kinds of trees. The state is overrun by trees, so what do we do, we strip cut, not just the paper companies, the woodlot owners do the same thing.

Now, I don't advocate mandating that we replace one tree with two, but I do recommend a strong educational program to inform the woodlot owners of this state that they should make every effort to replace the trees that are cut to provide the cover for this resource which is shrinking because of lack of such.

I hate to mandate things. Those of you who know me will agree with me. I don't believe in mandation. This country wasn't built on mandation. In Europe they mandate everything, and slowly but surely we are beginning to accept their way of life.

I have said more than I intended to. I have one more group that I am going to pick on, but I am going to reserve that privilege until later. I hope you will follow my light and vote with the minority report.

The SPEAKER: The Chair recognizes the gentlewoman from Rumford, Mrs. Erwin.

Mrs. ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I was beginning to think that the good gentleman from Winslow was going to take all the time to the time certain. I can assure you, I will be very brief.

I do not pretend to be an expert. I think the good gentleman, when he mentioned that he used to trap out in the woods, is still in the woods because he is beating a dead horse to death. The vote was 114 to 22 on undedicating. Evidently, he did not get the message. He mentioned that this year was the first time that his committee had documentation on search and rescue; I agree with him, that is true. I appeared before that committee and gave him that documentation, but I do not agree that the special interest group should continue to pay for all search and rescue when the statute says the General Fund will pay for it.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I, too, am going to try to be fairly brief. To get back to the subject at hand, a lot that Mr. Carter has told you is exactly right and I am glad to see that somebody is finally beginning to listen to a few of us that aren't experts but have been expressing some concerns over the last six years.

Last year I asked for some accountability from the Fish and Wildlife Department, and if you will go back and look in the record, you will see that much of what I said has come to pass. I am not claiming to be very bright but I think all you have to do is sit back and look at the general trend of what has been going on.

What I would like to get back to is that the decision you have to make here on this particular motion, do you feel that the Fish and Wildlife Department is entitled to some form of reimbursement from the General Fund? The reason is, and I have heard this phrase used many times, for the overall good of all the people in the state of Maine.

Before this session is over, you will be dealing with a new form of fire suppression tax. I have heard it argued that it ought to all come out of the General Fund, partly out of the General Fund, and why? Because the forest fire suppression tax benefits everyone in the State of Maine, even



the guy in Portland who probably has two trees in a square mile would benefit from it.

You have also dealt with spruce budworm here before and it has been argued that that money should come out of the General Fund to help fund the spruce budworm spraying. Why? Because spruce budworm control benefits all the people in the State of Maine. Tell that to my little old ladies who live in Elm Towers in Waterville, that their tax money should go to protecting some paper company's land from being ravished by spruce budworm. See what reaction you will get there. But the argument has been that it benefits everyone in the State of Maine.

I think Mr. Carter was very daring in putting a price on the resource in the State of Maine at \$22 million. I would be very hesitant to put a \$22 million price on even the lowest species of animal or bird or flower or fish that we have in this state, because I am of the humble opinion that they are really priceless. If you don't think so, just look back at some of the creatures we used to have on this planet that are gone now and ask yourself how much were they worth and how much are they worth today.

I have no axe to grind, I have no battle to win or lose personally. What I have is a deep concern as one of those common folk that Mr. Carter referred to who would like to continue to hunt and fish in the State of Maine, and catching a fish or shooting a deer is not even the major part of hunting and fishing. Anybody who makes that a part of their hunting and fishing is not a sportsman, ladies and gentlemen of the House, he is a game hog. I used to be a game hog but, fortunately, as I grew older and got a little smarter in some things, some of the things that my grandfather told me came to pass and I am no longer a game hog. I consider myself a sportsman.

What we have to decide here is, do we want to give the species in the State of Maine, and I mean all the species, protection? Do we want to give them the benefit of the doubt? And I am not talking about going back and looking at what we did wrong because we did plenty wrong, all of the departments have done plenty wrong, but hopefully we learn from our mistakes.

What we did last year or this year, hopefully, of putting a line item budget in the Fish and Wildlife Department, whether you want to believe it or not, will probably do more to get some accountability and fiscal responsibility than anything that we have hashed over, bantered, talked about, argued about, cried about, moaned and groaned about in the last 25 years in this body. But we haven't had a chance to put the thing in process, we haven't had a chance to see how it works out. I think it is going to work out well.

We will have another particular document coming up when the time certain comes, which is three minutes, that will address many different things, and when that time comes, I will get up and try to explain some of those things to you. But they have to go hand in hand, and the General Fund appropriation is part of the whole package. There aren't going to be any winners and there aren't going to be any losers in this House, there aren't going to be any battered eagles, there aren't going to be any pumped up eagles, because if things don't go right, if we don't solve this problem today or tomorrow, nobody is going to win.

Representative Hall's grandchildren are going to lose. If I ever have, God help me, grandchildren, they are going to lose because there is going to be nothing left.

Mr. Carter went into a long dissertation about the many causes of some of the problems we have, and he is right, but we can't address those problems in this L. D. But I am sure if he and I are around next time, we can do many things to start to address some of those problems. There are many factors that have contributed to the decline and demise of species in the State of Maine, and it isn't always because we didn't have the cash to do what we wanted to do.

The question you have to ask yourself is, do

you feel that there is some justification at this particular time for some General Fund money to go into solving our problem?

Mr. Carter talked about being able to do your job, getting out from the bounds of dedicated revenue and be able to do your job. You know, there is a channel in a lake near home that is about three quarters of a mile across that I can swim very easily, but can you imagine, ladies and gentlemen, me trying to swim that channel with the good gentleman from Princeton, Mr. Moholland, on my shoulders? There are many different things that you can do if you are allowed to do it, but you have to remove some of the shackles and the weight that you have to carry to do that job. What we are trying to do is remove just a few of those shackles so maybe we can do a little at doing that job.

I hope you will vote against this report so we can discuss some of the options in the other two reports. I want to thank you for your time, I know it is boring to a lot of you, I know it is not high on your priority list, but at least we have accomplished something, that everybody has taken time to at least stop and smell the roses and ask the famous question—where's the beef?

The Chair laid before the House the following Special Order of the Day:

Bill "An Act Concerning the Funding of the Department of Inland Fisheries and Wildlife (Emergency) (H. P. 1769) (L. D. 2336)

In House, House Amendments "E" (H-577), "F" (H-581), "H" (599) and "J" (H-602) read and adopted on March 27, 1984.

Tabled—March 29, 1984, by Representative Mitchell of Vassalboro, and specially assigned for 10:30 a.m.

Pending—Passage to be Engrossed.

Representative Mitchell of Vassalboro moved that this be retabled and later today assigned pending passage to be engrossed, and made a special order of the day assigned for 11:00 a.m.

Whereupon, Representative Dudley of Enfield requested a division.

The SPEAKER: The pending question is on the motion of the gentlewoman from Vassalboro, Mrs. Mitchell, that this matter be tabled and made a special order of the day assigned for 11:00 a.m. pending passage to be engrossed. All those in favor will vote yes; those opposed will vote no.

101 having voted in the affirmative and 13 having voted in the negative, the motion did prevail.

The SPEAKER: The Chair now returns you to L. D. 2320, Bill, "An Act to Reimburse the Department of Inland Fisheries and Wildlife for Duties Performed which are Mandatory Nonfish and Nongame Related. The pending question is on acceptance of the "Ought Not to Pass" Report C. A roll call has been ordered. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 411

YEA—Ainsworth, Andrews, Benoit, Bost, Brodeur, Carrier, Carter, Connolly, Crowley, Hall, Handy, Hayden, Kane, Kelleher, Mitchell, J.; Perkins, Pouliot, Soucy, Soule.

NAY—Allen, Anderson, Armstrong, Beaulieu, Bell, Bonney, Bott, Brannigan, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carroll, D.P.; Carroll, G.A.; Cashman, Chonko, Clark, Conary, Connors, Cooper, Cote, Crouse, Curtis, Daggett, Davis, Day, Dexter, Diamond, Dillenback, Drinkwater, Dudley, Erwin, Foster, Gauvreau, Greenlaw, Gwadodsky, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Ingraham, Jackson, Jacques, Jalbert, Joseph, Joyce, Kelly, Ketover, Kiesman, Kilcoyne, LaPlante, Lebowitz, Lehoux, Lisnik, Locke, MacBride, MacEachern, Macomber, Mahany, Manning, Martin, A.C.; Martin, H.C.; Masterman, Masterton, Matthews, K.L.; Matthews, Z.E.; Maybury, Mayo, McCollister, McGowan, McHenry, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, E.H.; Moholland, Murphy, T.W.; Murray, Nadeau, Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Parent, Perry, Pines, 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.; Sproul, Stevens, Stevenson, Stover, Strout, Swazey, Tammaro, Telow, Theriault, Tuttle, Vose, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Baker, Cox, Livesay, Michael, Murphy, E.M.; Paul, Thompson, The Speaker.

19 having voted in the affirmative and 124 in the negative, with 8 being absent, the motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Lisnik.

Mr. LISNIK: Mr. Speaker, Ladies and Gentlemen of the House: I would move the adoption of Report B and would speak briefly to my motion.

The SPEAKER: The gentleman from Presque Isle, Mr. Lisnik, moves that the "Ought to Pass" Report B be accepted.

The gentleman may proceed.

Mr. LISNIK: Mr. Speaker, Ladies and Gentlemen of the House: The Appropriations Committee has spent a lot of effort trying to come up with a figure that we could justify on the floor. That is a standard that Representative Kelleher set for us as he dragged us into the back room of the Appropriations Committee the other day, as he does from time to time, and said that he was not going to vote for anything up here that he couldn't justify and I think he is absolutely right. He said that we should not be stampeded into voting for anything that we couldn't document.

We went through the list of the so-called non-fish and nongame items that has already been discussed and I came to the conclusion as we went through that that given the time constraints that we were working under and the fact that the department had admitted in almost every instance that they had a role to play in these items, it would be just impossible to properly separate them in a rational, reasonable way and to put some arbitrary figure that we couldn't justify.

The one thing that everyone seemed to have at least some agreement on was the search and rescue. Many of us were laboring under the assumption that the only thing we properly had to pay for was the search and rescue that came while a person who was fishing got lost or a person who was hunting got lost. The law has been read and I would just simply reemphasize that portion of the law that said that "whenever the Commissioner receives notification that any person has gone into the woodlands or onto the inland waters of the state on a hunting, fishing or other trip and has become lost" and down below in Paragraph B, "the expenses of the Department in search and rescue efforts should be paid for out of the General Fund"—this is the law on the books.

In light of that, I proposed the state fulfill its obligation to the department with a commitment that it continue to fund search and rescue in the future. That is what this figure represents, past search and rescue efforts that we did not fulfill our obligation on up to this point. As far as I am concerned, that wipes the slate clean, period.

I understand that this is a long outstanding obligation, but where I come from a debt is a debt, a deal is a deal, and the law is the law. I believe that this is proper, I believe it is defensible and I would hope that you would support my motion.

The SPEAKER: The Chair recognizes the gentlewoman from Paris, Miss Bell.

Miss BELL: Mr. Speaker, Men and Women of the House: I would like to thank members of this body for being very patient this morning because I realize this issue has been before us for a long time this session.

Before you there are two reports and I would like to spend a little bit of time so that you are clear about the difference between the two reports.

Before Appropriations we had a hearing on Monday as well as two committees who have spent a very large amount of time on this issue.

It seems to us on the Majority Report that there are three issues at hand. One, is it appropriate to receive General Fund monies? Two, can we justify the amount that we are asking for? Three, should we contribute General Fund money on an ongoing basis or the degree?

Traditionally, sportsmen and women of this state have supported the department and the services that they provide. The responsibilities of the department have greatly broadened in the past 15 years. The department now shares the responsibilities of implementing several broad environmental laws which have as their main purpose the promotion of "health, safety, and general welfare of all Maine citizens." A list of these laws include: Shoreland Zoning, Land Use Regulation Commission, Site Location of Development, Coastal Wetland Act, the Great Pond Act, the Joint Enforcement Agreement and Maine Water Quality Laws.

In the face of the increased responsibility, the department's revenue base has not kept pace. In fact, it appears that the traditional funding from license sales can no longer be broadened to cover those costs.

Last session, we spent a great deal of time talking about the River's Bill. There was a significant appropriation on that bill. Today we are faced with removing the people who are charged with protecting that resource from enforcing that law. This House has just voted and indicated that they feel that General Fund money is appropriate.

The second issue was one of justifying our figures. Representative Lisnik has just talked to you about Report B, in justifying the \$358,000. In Report A, we are recognizing that commitment, that there is a debt there, that we, the General Fund, owe those monies over the past year, but in addition, we are saying that there is a need for an ongoing commitment from the General Fund. In Report A you will see a 20 percent figure.

Earlier, Representative Carter talked about a variety of functions that that department provides. He also indicated, as did Representative Lisnik, in Appropriations yesterday we went down through that list, the department agreeing that many of those functions the resource benefits from. We are saying that 80 percent of the time that is true. The resource benefits from those environmental laws that that department is charged with enforcing. But we are saying that 20 percent of the time, there are broader services extended to a broader group of people in this state from bird watchers to non-consumptive users of that resource and that we have an obligation to back up those responsibilities.

There is another issue here and that is economic development. In my four years in the Maine Legislature we have heard repeatedly that economic development is extremely important to the state. The Fisheries and Wildlife resource, that resource which is very difficult to put a value on, brings into this state \$120 million conservatively a year. We are talking about protecting that resource. It seems only fair to us that 20 percent, if we take the total expenses that that department pays in FY 1983, if we take 20 percent of what it costs to implement those laws, we are adding it to the money that we owe the department for search and rescue.

So in Report A there are three things we are saying: One, we have past debt that we think we should repay; two, we feel that we have an ongoing commitment to Fisheries and Wildlife to pick up 20 percent of the cost of enforcing those environmental laws and that we should maintain our commitment to search and rescue, that we should recognize that law on the books and fully fund it.

I would urge you to defeat Report B and then move on to accept Report A.

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

Mr. KELLEHER: Mr. Speaker, I would like to pose a question through the Chair to Representative Bell, the same question that I raised to her

in the Appropriations Committee yesterday and got no answer. What documentation do you have that you and those who signed out that report can come up with a 20 percent figure? I asked you yesterday and you were mute so today I would like to have you at least share it with us, how you came up with the 20 percent figure.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, has posed a question through the Chair to the gentlewoman from Paris, Miss Bell, who may respond if she so desires.

The Chair recognizes that gentlewoman.

Miss BELL: Mr. Speaker, Members of the House: Thank you Representative Kelleher, I would be glad to. In the original L. D. that we see before us coming out of the Committee on Fisheries and Wildlife was a request for \$461,000. We received some charts which outline the various environmental laws, an estimate of the man hours and approximate costs of how much it costs the department to implement those laws. What they did in arriving at \$461,000 was to take the two fiscal years, add them together and divide by two to get an average, and Representative Erwin could give you the full figures. In FY-83, we were talking about \$553,000. Audit and Review also reviewed these figures and made a case for an ongoing commitment to this department.

You sat, Representative Kelleher, in Appropriations yesterday, and there was challenging to the 1983 expenses. We recognize that and we are not saying that we should reimburse from the General Fund the full cost of those expenses. Keep in mind what we are talking about for expenses are the dog leash law, the litter law and we go down through a whole list of them. We are saying that 80 percent of these laws help the resource in the State of Maine, the fish, the birds, the deer, etc.

The 20 percent figure is somewhat of an arbitrary figure but there is a precedent for that. If we look at the State Police and the Department of Transportation, the State Police receive 25 percent of their budget from the General Fund; 75 percent comes from Transportation budget and the argument there is that the State Police provide services to the broader public; 75 percent of the time, which is a liberal number, is road related. What we are saying here is that that department provides services for the broader good of this state.

We are saying that 80 percent of those laws benefit the resource that we are talking about here today. We are saying that 20 percent, which is a very conservative figure, we wanted to err on the side of being conservative, is a fair number to ask on an ongoing basis.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: In going over the variety of associated laws dealing with the Fish and Game Department with other agencies, the question was put yesterday to the department, should any of these laws remove the department from participating? The answer was no and it was the right answer, obviously. None of us in the committee fought with that, but some members of the committee were charging for this whole issue at one point and then they arbitrarily decided that they would go for a fixed amount of money and come in with a 20 percent commitment. I submit that the gentlelady didn't answer my question at all, she just talked around it. They couldn't answer it downstairs yesterday and they are not answering it upstairs here today. They are just talking around it.

Before this bill goes on its way, I would like to see the gentlelady and her members of the committee document the 20 percent. It might be more. As Representative Lisnik says, we want to pay our fair share, and we should pay it but not in the generalities that Representative Bell was talking about. They couldn't answer it downstairs yesterday and they are talking around it this morning.

The SPEAKER: The Chair recognizes the gen-

tleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would like to acknowledge the fact that the steam roller is rolling and has an able driver with the gentlelady from Rumford, Representative Erwin, at the controls. Having said that, I would now like to pose a question through the Chair to Representative Bell.

The gentlelady has indicated that this is an economic issue, I couldn't agree more. According to my computations which I alluded to earlier, the resource in question, a conservative estimate, really conservative, you have heard people say that are really priceless, but I set a figure on them, \$21,250,000. The returns—I made a very liberal allowance—to the General Fund is \$9.6 million. The contribution from the sports people is \$9 million, so the department can run a systematic program of harvesting to meet their payroll. That amounts to \$18.6 million. You do simple math and that leaves almost \$2,250,000 left unaccounted for. Does the gentlelady from Paris intend to submit a bill that will require the Department of Inland Fisheries and Wildlife to reimburse the General Fund for this amount?

The SPEAKER: The gentleman from Winslow, Mr. Carter, has posed a question through the Chair to the gentlelady from Paris, Miss Bell, who may respond if she so desires.

The Chair recognizes that gentlewoman.

Miss BELL: Mr. Speaker, Men and Women of the House: Thank you Representative Carter. To be quite honest, I could not follow your figures but I think the point is, other than the numbers, the \$2.5 million, I am not just sure what you are asking, I would say that we are coming to a crossroads in this state. Last year we had a fee increase before us. This body and the other body could not support that increase and I would submit that the general population out there was at a crossroads too.

I was born in Aroostook County, brought up in Aroostook County, and my family has fished and hunted and enjoyed this resource all their lives and all my life.

Many of the people who work in that department I went to school with and went to the University of Maine with and they have continued to stay in this state and are very committed to protecting and managing this resource.

Many of the people that I represent have come to a point where this sport is very expensive. Fee increases in this state have continued to increase making it almost impossible or coming to a point where people have to make a decision whether they can participate or not.

This body and the other body and the people of Maine have said that environmental laws are important, that the Rivers Bill is important, that the resource is important. We have the Sportsmen's Alliance of Maine, we have the Maine Audubon Society, we have the Natural Resources Council and they all support those laws. Is it fair to ask a small group of people who are interested in specific services around this resource to pay for those broader goals that we are trying to achieve by those environmental laws?

Representative Kelleher said the question was posed, should we do away with any of the laws that are on the books? The answer was no, and I don't think this body would go along with that either. The question is, is it a fair deal for those people who have been paying traditionally in this state to protect that resource and go beyond? I will leave that up to the members of this body.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: Apparently I wasn't clear in my question. I would like permission to restate my question?

The SPEAKER: The gentleman may pose his question.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: Representative Bell, you brought up the issue of economic activity, I hap-

pen to be President of the Local Economic Development in my community and I couldn't agree with you more. Let me restate my question very simply—the conservative estimate of the value of the resources being depleted every year is \$21.25 million. Incidentally, this belongs to all the people of the state, \$21.25 million. The returns, \$9 million of which is used to run the department to bring in those revenues, the revenues amount to \$9.6 million; assuming sales tax and income tax, a total of \$18.6 million. That leaves a gap of \$2,650,000 between what is being taken out as a resource and what is coming back in a haphazard fashion. My question was, do you intend to put in a bill, since we are talking about fair share and equity and who owes who, to recoup the \$2,750,000?

The SPEAKER: The Chair recognizes the gentlewoman from Paris, Miss Bell.

Miss BELL: Mr. Speaker, Men and Women of the House: No, I don't.

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

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I just have one very brief question. I am a little confused about what sort of a commitment the House is being asked to make here and I wanted to know whether it is the intent of the supporters of Reports A and B on the committee to run this through the House and through the other body and then put it on the Senate Appropriation Table? Or is it the intent to run it through here and then upon enactment in the other body to just bypass the Appropriations Table and enact it? Are we promising a pig in a poke to the interested parties here or are we really going to take the other route and spend either between a third and half of a million dollars without reference to the other things on the Appropriations Table? It has happened before.

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

The chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, Members of the House: As a ranking member of the Appropriations Committee and a former chairman, I doubt very much if that would spend too much time on the Appropriations Table. It would go from the other body right to the Governor's table. We have too much on the table already, we have the budget itself and I think it would go directly to the Governor's table.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: In answering the gentleman from South Portland's question, it is our understanding that this will go on the Appropriations Table like every other bill is going on the Appropriations Table.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, Members of the House: You can't gamble on the floor of the House but you can outside and you know the way I feel and if anybody feels differently, just see me after we adjourn this afternoon, I will tell you where that bill is going. It is going to go 7 to 6 or 8 to 6 or maybe more right to the Governor to do what he wants to with it, sign it or veto it. It is not going to rest on that Appropriations Table. With due respect to the best friend I have got in the House, I mean that.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I, too, will be brief. I hesitate to get involved in this debate and I am not going to other than to explain the procedure that I think ought to be taken on this. I do so from a non-partisan standpoint but one that I feel very comfortable with and one that I think this House ought to take.

If the House is successful in defeating the motion in front of us and accepting Report A, it is

my intent, at least, to offer an amendment to the other bill that is due up for discussion at some point during the day which incorporates this bill in with the other bill so that we have a package that includes a fee increase, a way of determining the retirement problem that has been addressed by both committees and the Governor and also has the General Fund money in it.

There have been numerous people that have come to me and to you as well probably from both sides of the aisle that feel that this needs to be addressed in a comprehensive package. I agree with that philosophy, it is the only way that it is going to pass in both branches, that is my opinion anyway. A number of people have come to me and said, I am not going to vote for a fee increase unless there is General Fund money and I have had a lot of people say they are not going to vote for General Fund money unless there is a fee increase. I think it is the way it should be handled and that is the way I see it proceeding along the way. Whether or not it sets on the Appropriations Table, hopefully my feeling is the same as the gentleman from Lewiston, I am not on the Appropriations Committee so I can't address that.

My feeling is that we need one bill that addresses all the concerns of the department, the concerns that we all have as individual legislators and that it is something that we can point to and say it is a compromise, it is a comprehensive solution to the problem and therefore it goes to the Governor and his decision will rest on the entire package or none at all. That is my opinion.

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

Mr. KELLEHER: Mr. Speaker, I would like to pose a question through the Chair. Do I understand the floor leader correctly and my friend, and he is my friend from Lewiston, that they believe that the best route for this bill to take is not to go on the Table like any other money bill but to proceed to the Governor's Office?

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

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

Mr. JALBERT: Mr. Speaker, Members of the House: Other bills have gone by the Appropriations Table directly to the Governor's Table, I see no difference with this bill only that it is more important. This concerns the whole department; it has the whole State of Maine talking among themselves. They don't talk about the legislature but one thing they do know, they know we are in the legislature. I found that out at seven o'clock this morning at breakfast, they know we are in the legislature and they are talking about this thing here. For anybody here who thinks for a moment that the fishermen and the hunters are just in the rural areas, forget it, because there is one urban area that has been getting quite a few calls. I know there are quite a few fishermen, outdoors, indoors and otherwise, that are involved in this bill and are interested in this bill.

I have an amendment that I could put in. I want to get to Report A, the one thing that has a chance to pass or not to pass and it will never rest one second on that Appropriations Table. We have to vote on that, don't forget that.

Looking at this report here, those people who voted for this report will vote not to have that on the Table. One person can't put that thing on the Table, it has to be done by the committee and just look at the report, that should tell you the story. I think before it is all over, we might pick up a little steam. You always do you know, you get after one one day, then get on somebody else the next day. I don't intend to take anymore time.

I agree thoroughly that both bills should be together. We are debating both bills and we have poor Representative Mitchell getting up every half hour, let's get on with it. Let's get rid of Report B, we are going to anyway, so let's get

on with it.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Lisnik.

Mr. LISNIK: Mr. Speaker, Ladies and Gentlemen of the House: I hope that this scenario doesn't come to pass. I think this is a good report. I think "this" is the report that has a chance to pass despite the majority on the other report. I can't imagine one reason in the world why they wouldn't accept this if it is the report that this body goes with.

I would request a roll call, Mr. Speaker.

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 Chair laid before the House the following Special Order of the Day:

Bill "An Act Concerning the Funding of the Department of Inland Fisheries and Wildlife (Emergency) (H. P. 1769) (L. D. 2336)

In House, House Amendments "E" (H-577), "F" (H-581), "H" (599) and "J" (H-602) read and adopted on March 27, 1984.

Tabled - March 29, 1984, by Representative Mitchell of Vassalboro, and specially assigned for 11:00 a.m.

Pending - Passage to be Engrossed.

On motion of Representative Diamond of Bangor, retabled and later today assigned pending passage to be engrossed, and by unanimous consent made a special order of the day assigned for 11:30 a.m.

The SPEAKER: The Chair recognizes the gentlewoman from Rumnford, Mrs. Erwin.

Mrs. ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would like to thank the good gentleman from Winslow, Mr. Carter, for giving me credit for steamrolling Report C. Also, I would like to respond to what Representative Kelleher of Bangor said about his work session yesterday when he questioned representatives of the department about whether or not they would care to stop doing any of those activities that were considered nongame or non-fish and he did say no. I agree with Representative Kelleher on that, but he also added to that response, "However, I do not believe that just the hunters and fishermen should be paying for this activity."

Over the years, additional responsibilities have been placed on the department through statute. However, at that time no funds were put in for those responsibilities.

As a member of the Audit and Program Review Committee that met extensively for about eight months, I did not miss one single session including all work sessions. We worked very diligently and one of the commitments that that committee made was that they were recommending General Fund money for activities such as the ones that were in that bill that we are considering.

I would hope that you would support that.

Mr. Lisnik of Presque Isle was granted permission to speak a third time.

Mr. LISNIK: Mr. Speaker, Ladies and Gentlemen of the House: I think what you are going to do, Representative Erwin, if you open this up, you will really open up a can of worms. You are going to get into a situation where the departments are going to start billing each other back and forth for little services that are rendered. I ran across a commissioner in the hall yesterday, Representative Kane was there, and he said, "Look, we do work for the department and I am going to send them a bill." So I really think that is what you are getting into here and I am sorry that you are taking that particular tact.

There have been three committees that have worked on this and nobody has really been able to separate the items out that are nonfish and nongame related, you haven't been able to do it. You gave us two days to do it, and obviously we couldn't do it.

You have a proposal that is coming up that is giving an arbitrary figure and this is what Repre-

sentative Bell said, an arbitrary figure of 20 percent. I think there is somewhat of a case to be made here, you can study this thing next year, but what we are offering you is back pay, it is there, it is in black and white, the standard was set by Representative Kelleher—come here with something you can justify and I think that is what three of us did. It is justified. There are three more that feel just as justified in their opinion but there are seven who took our recommendation, the three on this report, to refund for back pay but then anted up a little bit to 20 percent, arbitrary. I think that this is the report to go with and I hope you support me.

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

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I suggest to my good friend and colleague, Mr. Lisnik, that the can is open and the worms are all over the floor of the House at this point.

I asked a question a few moments ago about whether or not it was the intent of the supporters of Report A and B on the Appropriations Committee to have these appropriations, a third of a million, almost half a million, bypass the Table and go straight to the Governor or whether or not they were going to have to compete with the other things we vote on in here? Mr. Jalbert said, yes, it is going to bypass; Representative Lisnik says no. As far as leadership, Representative Higgins and the minority party say yes; Representative Diamond says no.

I suggest that there is utter confusion about the proposed legislation before us and it proves one thing, that this legislature, House and/or other body, trying to set as a committee as a whole and run a department is an incredibly bad mistake. We absolutely can't do it, it is just beyond our capability.

We are sitting here now saying, well what is a third of a million, what is a half a million, what is four hundred thousand? I don't know how anybody in this body can in good conscience vote on either Report A or Report B without even knowing whether or not this is going to have to compete with other measures down at the other end of the hall. I have asked that question and I get two answers evenly divided from members of the committee and from leadership.

The SPEAKER: The Chair recognizes the gentleman from Paris, Miss Bell.

Miss BELL: Mr. Speaker, Men and Women of the House: I will be very brief. Representative Lisnik asked how the monies would be determined. If you look at Report A, Report A says that the department will submit the expenses for reasonable services in carrying out land use and environmental laws and regulations, animal control, general law enforcement and other areas as shall be determined. This will be presented before the Appropriations Committee. Twenty percent of that figure, 20 percent of that justified expense, will be picked up as an ongoing expense.

The State Police and the Department of Transportation—transportation is a dedicated fund; Fisheries and Wildlife is a dedicated fund. We have a precedent of a 25-75 split between the State Police and the Department of Transportation. Fisheries and Wildlife, we are talking about a similar split, 20 percent and 80 percent.

I don't think anybody is confused, Representative Kane, I do think people understand what the issues are, what the two reports are and if they choose to go with Report B, that is certainly up to them, but I do think they know what they are doing.

The last question is, what happens from here? In answer to Representative Kane's question, we are waiting to see what kind of support is in this body before we go further as far as this member of the Majority Report is going with. Certainly there are all kinds of different procedures and parliamentary procedures that we can continue to try to confuse this issue but I think it is very clear. General Fund is appropriate, we can justify the monies and I think we owe an ongoing com-

mitment to this department.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Notwithstanding what is going to happen in the next few minutes on this vote, I would like to ask my colleagues, all of my colleagues on that Committee of Appropriations, do you think that this should go on the table like any other bill that we have dealt with?

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

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I would agree with my very dear friend, Mr. Kelleher, if all the bills had gone on the Table but at least two have gone directly to the Governor's Office.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the good gentleman's question, there has been one Fish and Game bill that has gone down to the Governor's desk which was vetoed and I might say that there was no money in the bill, so that is a difference.

Now I would like to pose a question through the Chair to other members of the committee—do you think we should bypass the Appropriations Table on this issue where we send everything else to the Appropriations Table?

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

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

Mr. JALBERT: Mr. Speaker, Members of the House: My real answer to that is that this bill should never have come to us in the first place.

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

Mr. KELLEHER: Mr. Speaker, I would like to pose that question again to other members of the Appropriations Committee. I am going to pose it until I get an answer from each one of them. Do they think that this bill should bypass the Appropriations Table where we do not let any other bills go by the Appropriations Table?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, has posed a question through the Chair to any member of the Appropriations Committee who may care to respond.

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

Mr. CARTER: Mr. Speaker, Members of the House: I would like to state on the record that I don't intend to subvert the appropriation process. I want to make doubly sure that it goes on the Appropriations Table.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Lisnik.

Mr. LISNIK: Mr. Speaker, Ladies and Gentlemen of the House: This is going to take a little while, there are 13 members. It is my understanding, according to the procedures, that this bill, like every other bill, is going to go on the Appropriations Table, that is my understanding.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would respectfully ask that question again to the other members of the Appropriations Committee—are they prepared to bypass the Appropriations Table on this issue when they will not and I will not do it for any other issue?

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

The Chair recognizes the gentleman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: In answer to that ques-

tion, no I am completely buffaloeed by this idea. I haven't heard of it before today.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the good gentleman's answer and I would like to hear the answers from my other colleagues.

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

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I am a little buffaloeed myself this morning that the gentleman from Bangor continues to ask the same question which I thought might more appropriately have been asked in committee itself, but let me suggest one bill that I believe we have passed already this session dealing with the public advocate which I believe did not sit on the Appropriations Table because it has been funded already.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: That bill dealt with the complete agreement of the committee and the question I asked was the same question I asked downstairs and I asked right here. When that bill came out there was unanimity. I want to know where do the other members of that committee that I serve on stand on this issue in regards to that question and I asking the members of the committee, not any floor leader from either side but the committee members.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: If one member can get up six times, I can get up three.

The SPEAKER: The gentleman may respond to the question if he so desires.

Mr. JALBERT: I will. Furthermore, there is a bill that went by the Table at the session last year and it was held until the day before yesterday when we voted on it and sustained the Governor's veto. That was the Lewiston bill. I knew what would happen to it but that is what happened. I am talking about the liquor bill, the license, the Connors' bill. That was held last year until we came back here, it was tabled, it never saw the table, never went near the table, it went right to the Governor's Office, so that is not a rule at all, that is at the discretion of the majority of the committee. If the majority of the committee votes to put it on the table, there it goes; if they don't, it does not go on the table and I am saying it won't go on the table. I don't care how many members answer, whether they are members of the committee or not, you learn something everyday, that is what you are learning today.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I refuse to be intimidated by the gentleman from Bangor. I am going to speak on this because I think the question that he asked is premature and not necessarily important to the debate at this time. We are a long ways from even getting a bill engrossed or enacted, let alone whether it is put on the table.

I have stated my position very clearly but I think the issue of Fisheries and Wildlife and how that department is funded is critical or we wouldn't have been spending the last three weeks or three months or a year discussing it.

The particular philosophy or positions of the individual members of the committee at this time seem to me to be rather premature. There are 151 of us here in this House that are going to have to vote on whether we put any General Fund money in there or not, and I suggest that the determination on whether or not the bill goes on the table more justifiably belongs after there is money in the bill because we don't know



whether the House is going to accept either of those versions or the other body either.

I suggest that we get on with the vote on whether or not we want to put General Fund money in there and let the committee members make that decision later on after there is, in fact, money in the bill.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Silence is golden, even if it is fool's gold.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: In answer to my good friend, Mr. Kelleher, I will make my decision as soon as this charade is over in the House.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Lisnik.

Mr. LISNIK: Mr. Speaker, Ladies and Gentlemen of the House: Whether the department runs or not is not contingent upon this amendment. There is a bill out there that reorganizes, there is up to a million dollar loan in it and from everything that I heard, that department is going to be able to function, there is going to be a cash flow and it is not contingent upon this.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to clarify a point that I think is misinformation. It has been stated by some members of my committee that this is going to be an ongoing program. Those of you who have served on the committee for a few years know, as I have stated earlier, there is nothing sacred in the budget, absolutely nothing. You cannot bind any future legislature. There is one simple word that goes into all appropriation acts, it simply states "notwithstanding."

The SPEAKER: The pending question is on the motion of the gentleman from Presque Isle, Mr. Lisnik, that the House accept Report B. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 412

YEA—Ainsworth, Allen, Andrews, Beaulieu, Bost, Brannigan, Brodeur, Carrier, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Conary, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Dudley, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Joseph, Joyce, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Mahany, Manning, Martin, H.C.; Matthews, Z.E.; Mayo, McCollister, McGowan, McHenry, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Norton, Paradis, P.E.; Perry, Pouliot, Racine, Reeves, P.; Ridley, Roberts, Rolde, Rotondi, Stevens, Tammario, Theriault, Vose, The Speaker.

NAY—Anderson, Armstrong, Bell, Benoit, Bonney, Bott, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Clark, Connors, Curtis, Davis, Day, Dexter, Dillenback, Drinkwater, Erwin, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Jalbert, Kane, Kiesman, Lebowitz, MacBride, Macomber, Martin, A.C.; Masterman, Masterton, Matthews, K.L.; Maybury, McPherson, Melendy, Mills, Murphy, T.W.; Paradis, E.J.; Parent, Paul, Perkins, Pines, Randall, Reeves, J.W.; Richard, Robinson, Roderick, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stevenson, Stover, Strout, Swazey, Telow, Tuttle, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilston.

ABSENT—Baker, Livesay, Murphy, E.M.; Soule, Thompson.

75 having voted in the affirmative and 71 in the negative, with 5 being absent, the motion did prevail.

The Bill was read once.

Committee Amendment "B" (H-606) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended by Committee Amendment "B" and

sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

#### House at Ease

Called to order by the Speaker.

The Chair laid before the House the following Special Order of the Day:

Bill "An Act Concerning the Funding of the Department of Inland Fisheries and Wildlife (Emergency)" (H. P. 1769) (L. D. 2336)

In House, House Amendments "E" (H-577), "F" (H-581), "H" (599) and "J" (H-602) read and adopted on March 27, 1984.

Tabled—March 29, 1984, by Representative Diamond of Bangor, and specially assigned for 11:30 a.m.

Pending—Passage to be Engrossed.

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

Mr. HICKEY: Mr. Speaker, I move that the House reconsider its action whereby House Amendment "J" was adopted.

The SPEAKER: The gentleman from Augusta, Mr. Hickey, moves that the House reconsider its action whereby House Amendment "J" was adopted.

The gentleman may proceed.

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: Last spring the Committee on Aging, Retirement and Veterans was asked by the Fisheries and Wildlife legislative committee to study their special plan for retirees. This was included in Governor Brennan's retirement bill this year. In reviewing their plan, we found 157 people on regular retirement plan and 116 on their special plan. Unfortunately, the special plan was costing \$600,000 more each year and the retirement funds were being paid from their dedicated revenue.

After much deliberation we had to conclude that the only logical solution was to eliminate their special plan. The committee vote was 8 to 4. It was not a pleasant decision to make but the Wildlife Committee's money shortfall, forced layoffs and continued increasing retirement costs left us little choice and I would ask for a roll call.

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 Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, I would like to pose a question through the Chair. House Amendment "J" said they would have to work for 25 years; if we don't pass House Amendment "J" we would go back to 20 years, is that right?

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

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

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: If they were under the special plan which was 20 years and 55, the plan that they would be under now would be 25 and 60.

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

Mr. MAYO: Mr. Speaker, Ladies and Gentlemen of the House: The plan that the good gentleman from Augusta, Mr. Hickey, is referring to is one of the plans that is coming out of the Aging, Retirement and Veterans Committee. There is another plan coming out of the Aging, Retirement and Veterans Committee which would do in effect exactly what the amendment we are taking off today is doing. I just wanted to point that out. It is not necessarily 25-60; it could possibly be 25-55, which is what you did the other night.

While I am on my feet, I can't resist this. As a Freshman legislator, I can't resist saying, "I told you so" but the other night you put that amendment on and we are standing right here and are going to take it off right now. I wish you

had listened to me the other night.

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

Mr. MACEachern: Mr. Speaker, Ladies and Gentlemen of the House: I just hope that you don't do this. If you take this off now, we are not sure what is going to come out of Aging, Veterans and Retirement Committee. You say that there are several plans in the offing; I have heard one, it is 30 years and age 60 and I can't imagine a man out chasing a night hunter down across a field in the middle of the night at 60 years old. I am not yet 60 but I don't want to try that.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I thought for illustration you might want to have a couple of figures. Let's assume that "J" had always been in effect, then you would have a savings of about \$467,000 today. Now let's assume that they were the same as all state employees and always had been, your savings then would have been \$572,000. There are the two figures that you are really talking about way down the road. We are talking about a difference of about \$100,000 between "J" and the one that the Aging, Retirement and Veterans Committee is coming out with, if that will do you any good.

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the gentleman from Augusta, Mr. Hickey, in his motion to reconsider.

There is one question I would ask. I feel, and maybe somebody could answer it that is in favor of House Amendment "J"—isn't it fair that we treat everybody equally in the retirement program? We understand that the Aging, Retirement and Veterans Committee has a bill coming out which deals with all of these various departments and the employees of those departments concerning the retirement and wouldn't it just be fair to put them all together instead of breaking them apart and put the Department of Inland Fisheries and Wildlife on this bill? What are we going to do with the state troopers, put them on another bill if it doesn't pass? These are the questions I ask, it is something that comes to mind. I hope somebody will respond to that.

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

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

Mr. MACEachern: Mr. Speaker, Ladies and Gentlemen of the House: To answer the question, the bill that the retirement committee is working on at the present time would remove the game wardens completely from the 20 year retirement and put them in with all the rest of the state employees. I don't know what position it is going to come out of committee in but I don't like to gamble on that. I would like to see this thing remain here and let the retirement committee make it equal by making the other enforcement agencies the same as the game wardens. I believe that the game wardens should have the same proposal as the State Police do. If they are going to raise the State Police from 20 to 25 years and set the age at 55, then I think the wardens should be there too.

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

Mrs. Mitchell: Mr. Speaker, Men and Woman of the House: If I may, I would like to state my understanding of what is happening, perhaps it will help all of us, and if I am wrong, I would like the chairs of either committee involved to tell me.

If we reconsider this amendment and take it off, the amendment which is on this bill treats game wardens like State Police, you have to be 55 before you retire. That is also an option that Representative Hickey's committee will be com-

ing back with, that is one of their proposals, but they are also going to present us with another option to treat them like all state employees; in other words, they have to be at least 60 before they retire.

So, if one is happy with the proposal here for game wardens, one would not vote to reconsider. If one wants to look at that option plus the other options of Representative Hickey's committee, then they would vote to reconsider, and if I am incorrect I would appreciate it if you would correct me.

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

Mr. WALKER: Mr. Speaker, Ladies and Gentlemen of the House: All I want to do is find out for sure that if this is recalled and cancelled that it is not going to do away with our minority report from the retirement committee which is similar, very similar, to this. I don't want to take a chance on that being killed inadvertently by a vote of this House at this point in time because we are coming out with two reports, age 60, age 55, and this is age 55 and I don't want our report killed.

The SPEAKER: The Chair would advise the gentleman from Skowhegan, Mr. Walker, and all members of the House, in reference to the question posed by the gentleman from Skowhegan, regardless of what happens to this amendment, the committee report from the Committee on Aging, Retirement and Veterans can be considered in its entirety with all reports in all matters.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: The Committee on Fisheries and Wildlife discussed the retirement issue and we decided unanimously we were not going to include it in the package. We also said we were going to stick with the package that offered no amendments. It was quite a surprise to me to see this amendment offered the other day.

I hope you will support Representative Hickey in his motion today.

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

Mr. CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: Having served at one time on the Aging, Retirement and Veterans Committee, I feel that the Inland Fisheries and Wildlife should not be dealing with the retirement problems, they should leave that to the committee that is geared to do that. They have the Board of Trustees from the retirement system, they have the whole department with their lawyers, etc., to give them support so they will know what they are doing. They have the actuary, the auditors and so forth and I don't think anyone should be playing around no more than we should play around with the Transportation Department's bill or the others that we killed the other day. I think we should leave this where it belongs, with the Committee on Aging, Retirement and Veterans.

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

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

Representative Hickey, is the intent of your motion to reconsider the retirement amendment that was put on the other day done for the purpose of taking it out of the bill altogether at this point?

The SPEAKER: The gentleman from Portland, Mrs. Beaulieu, has posed a question through the Chair to the gentleman from Augusta, Mr. Hickey, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: The reason we are interested in taking it out is that it doesn't coincide with the retirement bill that we are putting out.

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

Mrs. BEAULIEU: Mr. Speaker, I would like to pose another question through the Chair. In ef-

fect, Representative Hickey, you have no intent of offering another amendment today?

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

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

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: I have no intention. We have a divided report on our committee and I would surmise that the minority report would be favoring the present amendment.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: You know I haven't seen a time when some levy didn't come up and the gentleman from Stockton Springs, Mr. Crowley, opened a big gate to throw out a little levy. He stated that this belonged to the Committee on Aging, Retirement and Veterans. The only answer I have, Mr. Crowley, to that remark which was a fine remark is that from the performances that I have witnessed in the last two hours, you could never be more right in your life.

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

Mr. VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I haven't seen any reports yet from the Aging, Veterans and Retirement Committee. I don't know what they say, they are not before us right now and we did pass an amendment here that did something with the retirement in the Inland Fisheries and Wildlife that was supposed to save some money which is precisely what the committee intends to do, try to get the department financially solvent. We have it before us now and I think we should leave it just like it is and then "if" the reports come out and the committee wishes to change what is on this particular bill, all they have to do is put a repeal of this section of this bill within their bill and we can decide that at the time.

This is probably one of the first times since I have been down here in six years that I have ever opposed Representative Hickey and I am not opposing his concept at all, I just feel that it should be just like it is now. This is what we have before us and we will tend to their report when it comes before us.

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

Mr. SOUCY: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to support the motion of Mr. Hickey. I would also suggest that several days ago there was placed on our desks a little blue report like this. I suggest that you all read it and I say very seriously, that I am very concerned about the Maine State Retirement System. If we don't give it serious thought, we are going to be like the Social Security system was at the national level in a very, very short period of time.

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

Mr. MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I feel compelled to rise to respond to some of Mr. Soucy's comments. The present special plans that we have in existence right now are putting no upward pressure upon the retirement system's unfunded liability. That was made quite clear at our committee hearings.

The pressure that is put on the state budget is put on the General Fund, not on the retirement system. The actuaries have set up a process by which over the next 16 years the unfunded liability of the Maine State Retirement system will disappear, so I think it is inappropriate for us to start talking about these special plans bankrupting our retirement system because that is not the case.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Augusta, Mr. Hickey that the House reconsider its action whereby House Amendment "J" was adopted. Those in favor will vote yes; those opposed will vote no.

## ROLL CALL NO. 413

YEA—Ainsworth, Allen, Anderson, Andrews, Beaulieu, Bell, Benoit, Brannigan, Brodeau, Brown, A.K.; Callahan, Carroll, G.A.; Carter, Chonko, Clark, Conary, Connors, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Curtis, Daggett, Day, Dexter, Diamond, Erwin, Gauvreau, Greenlaw, Gwadosky, Hall, Handy, Hayden, Hickey, Hobbins, Ingraham, Jackson, Jacques, Jalbert, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, MacBride, Mahany, Manning, Martin, A.C.; Martin, H.C.; Masterman, Matthews, K.L.; Mayo, McCollister, McPherson, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, E.H.; Mitchell, J.; Murphy, T.W.; Murray, Nadeau, Norton, Paradis, E.J.; Paradis, P.E.; Paul, Perkins, Perry, Pines, Pouliot, Racine, Randall, Reeves, P.; Richard, Ridley, Roberts, Robinson, Roderick, Rotondi, Salisbury, Scarpino, Small, Smith, C.B.; Smith, C.W.; Soucy, Soule, Sproul, Stevens, Stover, Strout, Swazey, Tamaro, Telow, Theriault, Tuttle, Walker, Webster, Wentworth, Weymouth.

NAY—Armstrong, Bonney, Brown, D.N.; Cahill, Carrier, Carroll, D.P.; Cashman, Davis, Dillenback, Drinkwater, Dudley, Foster, Higgins, H.C.; Higgins, L.M.; Holloway, Kiesman, Lebowitz, MacEachern, Macomber, Masterton, Matthews, Z.E.; Maybury, McGowan, McHenry, Moholland, Nelson, Parent, Reeves, J.W.; Rolde, Seavey, Sherburne, Stevenson, Vose, Willey, Zirkilton.

ABSENT—Baker, Bost, Bott, Livesay, Murphy, E.M.; Thompson, The Speaker.

109 having voted in the affirmative and 35 in the negative, with 7 being absent, the motion did prevail.

On motion of Mr. Jackson of Harrison, House Amendment "J" was indefinitely postponed.

Mr. Higgins of Scarborough offered House Amendment "L" and moved its adoption.

House Amendment "L" (H-609) was read by the Clerk.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: As I indicated earlier during the debate on the previous bill, I intended to offer this amendment in hopes that we would accept Report A of the other committee so I had this amendment drafted in that version to attach it to this piece of legislation.

I realize the vote the House took earlier during the debate on the preceding bill, however, I still think it is important that we vote specifically on this particular amendment. As I said, I was hoping that we would not have to do that, I was hoping that we would have accomplished that in the earlier debate.

However, I would point out that this amendment is Report A from the previous bill considered and I offer it because I think it is important that the House take a position on whether or not, specifically now, members of this House feel that the Department of Fisheries and Wildlife should receive some reimbursement continuously for other items, other issues, that they do for state government. The other bill does not do that, it provides a grant, if you will. This amendment provides for continuous funding of the department which, on an annual basis, would be in the neighborhood of \$150,000, that is all.

The bill that we have before us now raises license fees over the next three years for those people who hunt and fish \$4 million. This amendment provides for continuous funding of \$150,000, give or take, and this legislature and the Appropriations Committee is going to have to make a determination on whether or not that \$150,000 is legitimate or not. It is not an open ended agreement, it is simply something that this legislature and the Appropriations Committee is going to have to decide on.

The committee will receive an expense sheet similar to the one that many of us from the department and the Appropriations Committee will sit down and say, are these justifiable? If



they are, prove it to us. If you prove it to us, we will give you the grand total of 20 percent of the money that you prove you spent in carrying out the duties of General Fund obligations which we are admitting should be shared by the Fisheries and Wildlife Department plus all monies extended that are justifiable now to the committee for search and rescue which is currently in the law.

My feeling is that this is not asking a great deal. \$150,000 a year versus \$4 million that we are asking the department and those people who hunt and fish to pay for to help that department get back on its feet seems minor.

I would hope that you would vote in favor of this amendment today.

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

Mrs. MITCHELL: Mr. Speaker, I move indefinite postponement of this amendment.

The SPEAKER: The gentleman from Vassalboro, Mrs. Mitchell, moves indefinite postponement of House Amendment "L."

The gentleman may proceed.

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: We have spent the entire morning debating amongst ourselves as to what amount of money that was appropriate from the General Fund. This body, by a large vote, adopted House Amendment "B" to the other bill. The other bill has been sent from this body, and we agreed as a House that we would support \$358,000 from the General Fund. This seems to me a strange attempt to get at a report that this body never dealt with and we expressed support for the other report, so I would encourage you to vote against this amendment and I am surprised to see it here in this form.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: First, two corrective statements if I might. First of all, I guess I wouldn't consider the last vote on Report A or B a significant vote. As I recall, there were only four votes difference between accepting one report and the other so I don't think that that was an overwhelming majority of the House.

Secondly, this isn't any tactic on my part, I told everybody what I was doing because I felt that Report A was the proper report, and if we had accepted that I was going to offer it; if we didn't accept it, I was going to offer it too.

I talked with Mr. MacEachern, I talked to the corner, I talked to the Speaker, this is nothing unfounded, people are aware that this was going to be offered. I am only sorry that the majority report was not accepted. I can't change that, this is the only amendment that I have available. But I do feel strongly about this particular amendment, that the continuous funding of that department is necessary from the General Fund. We ought to ante up a little bit anyway in saying that the General Fund does owe something to Fish and Game. And I will say it again, a minor amount of money to the extent of \$150,000, which is what it would be this year as an ongoing contribution, if you will, seems minor when we are asking those people who hunt and fish to come up with \$4 million.

Mr. Speaker, I would request the yeas and nays.

The SPEAKER: The yeas and nays are requested.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: The gentleman from Scarborough is absolutely correct. As we have tried to move toward that clearing in the woods that we talked about earlier, we have kept that little compass cupped in our hands, and the gentleman with House Amendment "L" has given us the opportunity to cross that last flooded river.

There has been attempts as we have moved along, trying to move toward a responsible position, to take that needle in that compass and twist it into a pretzel shape, and I think we best not forget that what we are talking about is a

debt that is owed that department. We are not talking about charity, we are not talking about a handout, this is a debt and it is a longstanding debt because of actions of this legislature and previous legislatures.

We have ordered that department to carry out certain nongame duties and they have performed those duties with which they were charged.

The gentleman earlier had told the members of this House that he felt that this General Fund money should be tied to the overall package. There was a clear indication prior to that other vote of the action of which he wanted to take.

I would urge the members of this House to accept House Amendment "L".

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 Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I am somewhat confused by this particular procedure. I guess I would pose a question through the Chair to the gentleman from Scarborough. Did I understand him correctly to say that if Report A had been accepted, he would still have offered this amendment? My understanding of Report A had the amount of money to pay back the department plus another 20 percent and I don't know what this \$150,000 represents. Why this figure? Why are they picking this figure out?

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

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I will try to explain to you, I guess, what the amendment does. If it is not clear to the gentleman from York, Mr. Rolde, perhaps I have done a disservice in trying to explain the amendment.

The amendment that you have in front of you is the same Report A that we just voted on, identical, all right? Now Report A provided for a number of items, it provided for the \$358,000—the original Report A has \$358,000 in it for back pay, if you will, for search and rescue which was agreed on in Report A and Report B as well.

Report A went one step further and said, we feel that we need to have 20 percent of the other things that the department does, like the dog leash law and the Great Ponds Act, the Site Location Law, those things were identified by Mrs. Erwin and other members of the committee, the 20 percent of those ought to be continuously funded by the General Fund plus 100 percent of search and rescue, which is the current law. The total of that comes to \$428,000, which is on this amendment. However, the 20 percent, that is of today, all right, if you start next year and you provide that formula, what it amounts to based on this year's figures, which is \$88,000 for search and rescue and then 20 percent of the other numerous other items that are listed above that on this sheet is around \$70,000 or \$72,000, that 20 percent. If you add that to the \$88,000 it comes to about \$150,000. That is the total amount of money that this amendment and Report A would raise in a single year assuming that this year were in a subsequent year.

The key here is that the Appropriations Committee and this body has to vote on what is substantial and what is justifiable expense submitted by the Fisheries and Wildlife Department. They are not just going to submit a bill and we are going to reimburse them for 20 percent of it plus all of search and rescue.

The committee is going to have the review of the bill or printout or whatever it is and they will make the recommendation as to how much of that should be included in the budget which will then be sent to Fisheries and Wildlife. That ongoing expense, I will say it again, is about \$150,000 based on this year's figures.

I hope that I have made that clear.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I guess if I have understood the gentleman's answer correctly, this is sort of second bite at the apple. I guess my question was, was he planning to offer this if Report A had passed. I guess the answer was no but he held this in reserve in case Report A did not pass, if I understand him correctly?

The SPEAKER: The gentleman from York, Mr. Rolde, has posed an additional question through the Chair to anyone who may respond if they so desire.

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

Mr. HIGGINS: Mr. Speaker, in answer to the gentleman's question, the answer is yes, I was going to offer it had Report A been adopted.

I responded to the earlier debate and I think the question came from the gentleman from South Portland, Mr. Kane, as to what procedure we were going to have and I stood up during that debate and indicated at that time that I intended to offer this amendment when this bill came up. There is nothing subliminal here at all. I just felt that the whole thing should be addressed in a single package, that the General Fund money, the fee increase, the retirement which has now been removed but at any rate, that the duck stamp and all that sort of thing belonged in one package that we could either vote for or against. I had no intentions of trying to get two bites at the apple. I didn't know how the vote was going to come down on the other one but I felt very strongly about Report A. I voted for it, I will vote for it again and I will vote for it again if it should ever come back, but I still feel that in the bigger scope of things that we need to address the issue as a package. That is why I offered the amendment now and that was why I was going to offer if Report A had been adopted on the previous bill.

I would still hope that you would support that amendment.

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

Mr. MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I rise very briefly to say that I intend to support his amendment and I would like to explain why.

On the report that we had before, Report B, there were many of us who voted against that particular amendment because we wanted to vote for Amendment "A" but if you will look at the roll call from Report B, you will now see that we voted against giving any money whatsoever to the Fisheries and Wildlife and that certainly was not our intent. So I would just like to make it plain, since we never had a chance to vote on Report A, I think this is a chance for anybody who wanted to vote for that report to do it now.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Lisnik.

Mr. LISNIK: Mr. Speaker, Ladies and Gentlemen of the House: I guess I am a little perplexed too by what is going on down here. My fear is that we are going to muddy the waters and in looking at that last roll call, I think it is pretty muddy. Mr. Murphy says, let's stay on the course and I will tell you, if this is staying on the course, we are in trouble in the State of Maine.

We had a report that has been accepted, you are going to get another shot at it, if you are worried about being on the record, it is going to be back to us eventually so I don't think there is any problem now jumping on this report and passing two reports and sending that mess to the other body. So I hope you will stay on the report with me and kill this amendment.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: I think you have an opportunity with House Amendment "L" to clear the water and send a very clear message to your constituents that when we have a debt, this Maine

Legislature is willing to stand and pay that debt, and that general public, and we are not talking out your sportsmen but the general population, has been sitting, and sitting, and watching and watching this House for the last month.

It has been interesting, there are in the eyes of the Bureau of Taxation two endangered species within this state and you can vote on your state income tax, politicians and nongame animals. If you saw the report in the paper this morning, the Maine public has been checking off the nongame section more than they have the two political parties. So here is an opportunity, your constituents ranging from environmentalists to sportsmen, have conveyed to us in the last 30 days their concern and we have reached that clearing, we have reached that moment of truth and I would ask you to support the gentleman from Scarborough.

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

Mr. ROLDE: Mr. Speaker, I would like to pose a question through the Chair. My question is, are there other funding on this bill? Would this bill, again to reiterate from the gentleman from Bangor, have to go to the Appropriations Table if this amendment is not put on?

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

Is there anyone in the House who would like to respond to the question?

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

Mr. DIAMOND: Mr. Speaker, Members of the House: Just to clear things up a little bit, there are a couple of areas that I believe the gentleman from Scarborough is trying to address. One is what Representative Rolde referred to a minute ago, that the gentleman does, indeed, want more money than we voted on earlier this day and this is another bite at the apple and I respect the gentleman for attempting to do that.

Secondly, he has a concern, he wants to put it altogether in one package as I remember him saying, that is his concern.

I would like to pose a question through the Chair to that gentleman. I would like to know whether or not he intends to offer another amendment adopting what was House Amendment "B" adopted earlier today that reflects that \$358,000 figure if, indeed, his real concern is presenting us with the one package?

The SPEAKER: The gentleman from Bangor, Mr. Diamond, has posed a question through the Chair to the gentleman from Scarborough, Mr. Higgins, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: Actually, I would have to admit that the thought hadn't crossed my mind because I didn't support Report B and that is why I didn't have the amendment originally drafted. I suspect that at some point in time there might be another member here who would offer that amendment but I didn't happen to support it so I didn't have an amendment drafted that way.

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

Mr. DIAMOND: Mr. Speaker, Members of the House: Thank you Representative Higgins. I would ask members of this body who are concerned about presenting us with one package, if that is your concern, and it is my concern as well, that you vote to indefinitely postpone this amendment and allow us to merge what we passed earlier today with this piece of legislation. I think it makes a lot of sense. It is, indeed, the right way to go and I think the gentleman and I have a disagreement over what the dollar amount is, but if the real question is getting something through that does reflect the concerns voiced this morning and if you were comfortable with that and comfortable with this approach, then I think it is the way to go.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, Men and Women

of the House: Being totally confused, may I pose a question to the Chair.

The SPEAKER: The gentleman may pose her question.

Ms. BENOIT: Mr. Speaker, have not all these amendments we have been dealing with gone on the same bill? Are we talking about two different bills, L.D.'s?

The SPEAKER: The Chair would advise the gentleman that we are talking about two separate bills.

Ms. BENOIT: Mr. Speaker, amendments aren't going to go on the Appropriations Table are they? Either the bill goes with all the amendments to the Appropriations Table or nothing goes.

The SPEAKER: The Chair would answer in the affirmative.

The pending question before the House is the motion of the gentleman from Vassalboro, Mrs. Mitchell, that House Amendment "L" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 414

YEA—Ainsworth, Allen, Andrews, Beaulieu, Benoit, Brannigan, Brodeur, Carrier, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Connolly, Cooper Cote, Cox, Crouse, Crowley, Diamond, Dudley, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Mahany, Manning, Martin, A.C.; Martin, H.C.; Matthews, Z.E.; Maybury, Mayo, McCollister, McGowan, McHenry, McSweeney, Michael, Michaud, Mills, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Norton, Paradis, P.E.; Perkins, Perry, Pouliot, Racine, Reeves, P.; Richard, Ridley, Roberts, Rolde, Rotondi, Soucy, Soule, Swazey, Tammaro, Theriault, Vose, The Speaker.

NAY—Anderson, Armstrong, Bell, Bonney, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Clark, Conary, Connors, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Erwin, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Kiesman, Lebowitz, MacBride, Macomber, Masterman, Masterton, Matthews, K.L.; McPherson, Melendy, Murphy, T.W.; Paradis, E.J.; Parent, Paul, Pines, Randall, Reeves, J.W.; Robinson, Roderick, Salisbury, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Spoul, Stevens, Stevenson, Stover, Strout, Telow, Tuttle, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilston.

ABSENT—Baker, Bost, Bott, Jalbert, Livesay, Murphy, E.M.; Smith, C.W.; Thompson.

81 having voted in the affirmative and 62 in the negative, with 8 being absent, the motion did prevail.

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

Mr. CARTER: Mr. Speaker, I move reconsideration of House Amendment "H".

The SPEAKER: The gentleman from Winslow, Mr. Carter, moves that the House reconsider its action whereby House Amendment "H" was adopted.

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

Mr. ROLDE: Mr. Speaker, I would like to pose a question through the Chair. I would like to know what House Amendment "H" is, I don't have it.

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

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: The content of House Amendment "H" dealt with Atlantic Salmon which does not belong on this bill.

Whereupon, the House reconsidered its action whereby House Amendment "H" was adopted.

Mr. Carter of Winslow offered House Amendment "A" to House Amendment "H" and move its adoption.

House Amendment "A" (H-610) to House

Amendment "H" was read by the Clerk.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I just read this amendment over and I question whether or not it is germane to the amendment that we had before.

The SPEAKER: The matter will be tabled pending a ruling by the Chair.

#### Orders of the Day

The following matters, in the consideration of which the House was engaged at the time of adjournment on Tuesday, March 27, 1984, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

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

House Divided Report—Majority (8) "Ought to Pass" in New Draft (H. P. 1782) (L. D. 2347)—Minority (5) "Ought to Pass" in New Draft under New Title Bill "An Act Amending the Forest Fire Control Laws and Change the Method of Funding Forest Fire Control Services" (Emergency) (H. P. 1581) (L. D. 2093)

Tabled—March 27, 1984 (Till Later Today) by Representative McGowan of Pittsfield.

Pending—Acceptance of either report.

On motion of Mrs. Mitchell of Vassalboro, retabled pending acceptance of either report and later today assigned.

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

House Divided Report—Majority (9) "Ought Not to Pass"—Minority (2) "Ought to Pass"—Committee of Judiciary on RESOLVE, to Reimburse David James McDaniel for Damages Suffered as a Result of Wrongful Imprisonment (H. P. 761) (L. D. 992)

Tabled—March 27, 1984 (Till Later Today) by Representative Diamond of Bangor.

Pending—Acceptance of Either Report.

On motion of Ms. Benoit of South Portland, retabled pending acceptance of either report and later today assigned.

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

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1984 (Emergency) (H. P. 1723) (L. D. 2269)

Tabled—March 27, 1984 by Representative Foster of Ellsworth.

Pending—Final Passage

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 104 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Washington County for the Year 1984 (Emergency) (H. P. 1732) (L. D. 2285)

Tabled—March 27, 1984 by Representative Higgins of Scarborough.

Pending—Final Passage.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 108 voted in favor of same and none against, and accordingly 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:

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1984 (Emergency) (H. P. 1733) (L. D. 2286)

Tabled—March 27, 1984 by Representative Small of Bath.

Pending—Final Passage.

On motion of Ms. Small of Bath, under suspension of the rules, the House reconsidered its action whereby the Resolve was passed to be engrossed.

Ms. Small of Bath offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-607) 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 fourth tabled and today assigned matter:

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

Tabled—March 27, 1984 (under suspension of the rules) by Representative Diamond of Bangor.

Pending—Reconsideration. (Returned by the Governor without his Approval).

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

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

Bill "An Act to Clarify Certain Portions of the Reapportionment Laws" (S. P. 862) (L. D. 2342)

Tabled—March 27, 1984 by Representative Mitchell of Vassalboro.

Pending—Passage to be Engrossed.

On motion of Mr. Diamond of Bangor, retabled pending passage to be engrossed and assigned for Friday, March 30th.

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

#### Reports of Committees

##### Unanimous Leave to Withdraw

Representative Carroll from the Committee on Transportation on Bill "An Act Concerning Car Auctions and the Validity of Motor Vehicle Titles" (H. P. 1690) (L. D. 2272) reporting "Leave to Withdraw"

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

#### Second Reader

##### Referred to Committee on State Government

Bill "An Act to Authorize the Department of Business, Occupational and Professional Regulation to Hire Legal Counsel" (S. P. 876) (L. D. 2381)

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

On motion of Mr. Brannigan of Portland, committed to the Committee on State Government in non-concurrence and sent up for concurrence.

##### Passed to Be Engrossed

Bill "An Act to Provide for the Services of Bailiffs and other Court and Jury Officers" (S. P. 874) (L. D. 2373)

Resolve, Requiring the Department of Agriculture, Food and Rural Resources to Review and Report on the State-owned Dam on Dead River, Androscoggin County (Emergency) (S. P. 875) (L. D. 2374)

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

##### Later Today Assigned

RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands (S. P. 810) (L. D. 2168)

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

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

#### Reports of Committees

##### Unanimous Leave to Withdraw

Representative McGowan from the Committee

on Energy and Natural Resources on Bill "An Act to Establish Minimum Energy Efficiency Standards for Major Appliances Sold in Maine" (H. P. 1671) (L. D. 2210) reporting "Leave to Withdraw"

Was 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 Agriculture on Bill "An Act Relating to the Quality of Milk" (H. P. 1654) (L. D. 2184) reporting "Ought to Pass" in New Draft (H. P. 1804) (L. D. 2378)

Signed:

Senators:

ERWIN of Oxford

HICHENS of York

WOOD of York

Representatives:

McCOLLISTER of Canton

SHERBURNE of Dexter

LOCKE of Sebec

STOVER of West Bath

MICHAEL of Auburn

PARENT of Benton

MAHANY of Easton

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

Signed:

Representatives:

SMITH of Island Falls

ANDERSON of Stockholm

CROUSE of Washburn

Reports were read.

On motion of Mr. McCollister of Canton, the Majority "Ought to Pass" Report was accepted, the New Draft read once and assigned for Second Reading later in today's session.

#### Consent Calendar

##### First Day

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

(H. P. 1710) (L. D. 2258) RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands Committee on Energy and Natural Resources reporting "Ought to Pass"

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

#### Constitutional Amendment

##### Later Today Assigned

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Enable the Legislature to Establish the Extent of Insurance of Loans to Veterans (H. P. 1703) (L. D. 2256)

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

On Motion of Mr. Gwadosky of Fairfield, tabled pending final passage and later today assigned.

##### Passed to Be Enacted

##### Emergency Measure

An Act to Increase the Enforcement and Educational Staff of the Maine Land Use Regulation Commission (S. P. 729) (L. D. 2011)

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. 105 voted in favor of the same and 26 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

##### Emergency Measure

An Act to Avoid Lapsing Certain State Appropriated Public Transportation Funds (S. P. 764) (L. D. 2072)

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. 117 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

##### Emergency Measure

An Act Making Additional Allocations for the Expenditures of State Government in Response to an increase in the United States Department of Energy's Grant Award for the Program of Weatherization Assistance for Low-income Persons for Fiscal Year Ending June 30, 1984 (S. P. 792) (L. D. 2117)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of the same and 4 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

##### Emergency Measure

An Act Making Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years Ending June 30, 1984 and 1985 (S. P. 864) (L. D. 2343)

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. 115 voted in favor of the same and 4 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

##### Emergency Measure

##### Later Today Assigned

An Act to Allow Municipalities to Use Outgoing Voter Check Lists (Emergency) (S. P. 867) (L. D. 2358)

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

On motion of Representative Nadeau of Lewiston, tabled pending passage to be enacted and later today assigned.

##### Emergency Measure

An Act to Define Eligibility for School Purposes and to Determine Financial Responsibility for the Education of State Agency Clients (H. P. 1559) (L. D. 2061) (C. "A" H-559)

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. 113 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

##### Emergency Measure

##### Later Today Assigned

An Act to Amend the Political Action Committee Registration and Reporting Law (H. P. 1651) (L. D. 2176) (C. "A" H-569)

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

On motion of Representative Diamond of Bangor, tabled pending passage to be enacted and later today assigned.

##### Finally Passed

##### Emergency Measure

RESOLVE, Authorizing the Commissioner of Mental Health and Mental Retardation to Enter into Agreements to Supply Water to Neighbors of Pineland Center Whose Wells are Contaminated (H. P. 1675) (L. D. 2220)

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. 121 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

### Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Knox County for the Year 1984 (H. P. 1781) (L. D. 2346)

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. 128 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

### Emergency Measure

RESOLVE, Providing Funding for Transitional Residential Programs for Adolescent Girls at Risk (S. P. 866) (L. D. 2357)

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. 104 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter:

An Act to Allow Municipalities to Use Outgoing Voter Checklists (Emergency) (S. P. 867) (L. D. 2358) which was tabled and later today assigned pending passage to be enacted.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter:

An Act to Amend the Political Action Committee Registration and Reporting Law (H. P. 1651) (L. D. 2176) (C. "A" H-569) which was tabled and later today assigned pending passage to be enacted.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 voted in favor of same and 3 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

### Consent Calendar Second Day

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

(H. P. 1742) (L. D. 2296) Bill "An Act Making Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years Ending June 30, 1984, and June 30, 1985" (Emergency)

(H. P. 1718) (L. D. 2277) Bill "An Act Regarding the Effective Date of Interest Charges on Overdue Contributions to the Unemployment Compensation Fund"

(S. P. 762) (L. D. 2070) Bill "An Act to Amend the Maine Consumer Credit Code" (C. "A" S-336)

(S. P. 844) (L. D. 2291) Resolve, Authorizing and Directing the Department of Transportation to Continue to Study and Report on the condition of State and Local Bridges on the Local and Collector Systems and to Recommend Strategies for Improving their Overall Condition (Emergency)

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 Increase Capital and Surplus Requirements of Insurers in Order to Hold a Certificate of Authority to Write Insurance" (H. P. 1803) (L. D. 2377)

Bill "An Act to Amend Certain Provisions of

the Department of Environmental Protection Statutes" (H. P. 1806) (L. D. 2385)

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

### Passed to Be Enacted

An Act to Establish a Training Program to Improve Water Quality (S. P. 668) (L. D. 1837) (C. "A" S-329)

An Act Relating to Counselor Positions in the Offices of the Bureau of Veterans' Services (S. P. 702) (L. D. 1940) (C. "A" S-330)

An Act Creating the Rangeley Water District (S. P. 759) (L. D. 2068) (C. "A" S-327)

An Act to Provide Set-back Requirements for Disposal by a Property Owner on His Property of Septage from His Residence (S. P. 813) (L. D. 2169) (C. "A" S-335)

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

An Act to Provide Immunity to Persons and Institutions who Act as Depositories for Wills (S. P. 834) (L. D. 2235)

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)

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.

### Enactor Later Today Assigned

An Act to Provide Voter Information on Ballot Questions (H. P. 1588) (L. D. 2095) (C. "A" H-568)

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

On motion of Representative Nadeau of Lewiston, tabled pending passage to be enacted and later today assigned.

An Act to Establish Farm Programs at Correctional Facilities (H. P. 1656) (L. D. 2186) (C. "A" H-566)

An Act to Update the Job Opportunities Act of 1981 (H. P. 1713) (L. D. 2259) (H. "A" H-551)

An Act to Prohibit any Type of Gambling Machine (H. P. 1761) (L. D. 2325) (H. "A" H-567)

An Act to Appropriate Funds for Payment of Attorney's Fees Awarded Against the State (H. P. 1762) (L. D. 2329)

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.

### Enactor Reconsidered

RESOLVE, to Inventory all State Real Property and to Create a Commission to Develop a Policy for the Disposition of State Surplus Real Property (S. P. 865) (L. D. 2349)

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

On motion of Representative Gwadosky of Fairfield, 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-608) was read by the Clerk.

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

Mr. GWADOSKY: Mr. Speaker and Members of the House: This is a technical amendment which adjusts the makeup of the commission. It also puts on the appropriation.

Thereupon, House Amendment "A" was adopted.

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

### Bill Held

Bill "An Act to Amend the Judicial Commit-

ment Statute" (Emergency) (H. P. 1800)—In House, indefinitely postponed; (Committee on Reference of Bills had suggested reference to the Committee on Health and Institutional Services. Held at the request of Representative Murray of Bangor.

On motion of Representative Murray of Bangor, the House reconsidered its action whereby the Bill was indefinitely postponed.

The Bill was referred to the Committee on Health and Institutional Services, ordered printed and sent up for concurrence.

On motion of Representative McGowan of Pittsfield, the House reconsidered its action of earlier in the day whereby Bill "An Act to Amend the Maine Consumer Credit Code" (S. P. 762) (L. D. 2070) (C. "A" S-336) was passed to be engrossed as amended pursuant to Consent Calendar Rules earlier in the day.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (S-336) was read by the Clerk and adopted and the Bill assigned for second reading later in the day.

### (Off Record Remarks)

### Bills Held

Bill "An Act to Replace the Franchise Tax on Financial Institutions" (Emergency) (H. P. 1802)—In House indefinitely postponed (Committee on Reference of Bills had suggested reference to the Committee on Taxation).

Held at the Request of Representative Kane of South Portland.

On motion of Representative Kane of South Portland, the House reconsidered its action whereby the Bill was indefinitely postponed.

Thereupon, the Bill was referred to the Committee on Taxation, ordered printed and sent up for concurrence.

Bill "An Act to Establish Age 21 as the Legal Age to Purchase or Consume Alcoholic Beverages and to Deter Drinking by Minors" (H. P. 1801) (L. D. 2376)—In House, indefinitely postponed. (Committee on Reference of Bills had suggested reference to the Committee on Legal Affairs)

Held at the request of Representative Crowley of Stockton Springs.

The same gentleman moved that the House reconsidered its action whereby the Bill was indefinitely postponed.

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

Mrs. BEAULIEU: Mr. Speaker, I move we hold to our original position, which is to indefinitely postpone this bill, and I would ask for a division.

The SPEAKER: The pending question is on the motion of Representative Crowley of Stockton Springs that the House reconsider its action whereby this Bill was indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Representative Bott of Orono 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 Representative Crowley of Stockton Springs that the House reconsider its action whereby the Bill was indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

### ROLL CALL NO. 415

YEA—Allen, Anderson, Bell, Bost, Brannigan, Brodeur, Brown, A.K.; Carroll, D.P.; Carter, Conary, Cooper, Crowley, Curtis, Daggett, Diamond, Drinkwater, Dudley, Greenlaw, Gwadosky, Hall, Handy, Hickey, Higgins, L.M.; Ingraham, Jacques, Kelleher, Kelly, Ketover, LaPlante, Lisnik, MacBride, Mahany, Martin, A.C.; Masterman, Matthews, Z.E.; McHenry, McPherson, Melendy, Michael, Mitchell, E.H.; Mitchell, J.; Murphy, T.W.;

Murray, Nadeau, Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Pines, Racine, Richard, Robinson, Roderick, Rolde, Rotondi, Smith, C.B.; Smith, C.W.; Soucy, Stevens, Stevenson, Stover, Strout, Telow, Wentworth, Willey, Zirkilton, The Speaker.

NAY—Ainsworth, Beaulieu, Bott, Cahill, Callahan, Carroll, G.A.; Clark, Connolly, Cox, Crouse, Davis, Dillenback, Erwin, Foster, Gauvreau, Higgins, H.C.; Holloway, Jalbert, Joseph, Kiesman, Lebowitz, MacEachern, Martin, H.C.; Masterton, Mayo, Michaud, Mills, Moholland, Paul, Pouliot, Randall, Reeves, J.W.; Ridley, Salsbury, Sherburne, Swazey, Tammario, Theriault, Vose.

ABSENT—Andrews, Armstrong, Baker, Benoit, Bonney, Brown, D.N.; Carrier, Cashman, Chonko, Connors, Cote, Day, Dexter, Hayden, Hobbins, Jackson, Joyce, Kane, Kilcoyne, Lehoux, Livesay, Locke, Macomber, Manning, Matthews, K.L.; Maybury, McCollister, McGowan, McSweeney, Murphy, E.M., Parent, Perkins, Perry, Reeves, P.; Roberts, Scarpino, Seavey, Small, Soule, Sproul, Thompson, Tuttle, Walker, Webster, Weymouth.

67 having voted in the affirmative and 39 in the negative, with 45 being absent, the motion did prevail.

Thereupon, the Bill was referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

Reference was made to (H. P. 928) (L. D. 1207) Bill "An Act Concerning Menhaden Fishing in Casco Bay"

In reference to the action of the House on Tuesday, March 20, 1984, whereby it insisted and asked for a Committee of Conference, the Chair appointed the following members as conferees on the part of the House:

Representatives:

CROWLEY of Stockton Springs  
VOSE of Eastport  
LIVESAY of Brunswick

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 Strout of Corinth,  
Recessed until 4:00 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:

The following Communication:

THE SENATE OF MAINE  
Augusta

March 29, 1984

Edwin H. Pert  
Clerk of the House  
111th Legislature  
State House  
Augusta, Maine 04333

Dear Clerk Pert:

Please be advised that the Senate today adhered to its action whereby it accepted the Ought Not To Pass Report on Bill, "An Act to Amend the Maine Lemon Law to Include Vehicles Such as Tractor Trailers." (H. P. 1490) (L. D. 1965).

Sincerely,  
S/JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

#### Unanimous Leave to Withdraw

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Require the State to Finance a General Assistance Program for Migrant Workers" (S. P. 667) (L. D. 1836)

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 Energy and Natural Resources on Bill "An Act to Encourage the Use of Wood as a Source of Energy in State-owned Buildings" (Emergency) (S. P. 790) (L. D. 2126) reporting "Ought to Pass" in New Draft (S. P. 879) (L. D. 2383).

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.

#### Divided Report Tabled and Assigned

Majority Report of the Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-345) on Bill "An Act Encouraging an Alternative to Landfill Disposal of Solid Waste" (Emergency) (S. P. 833) (L. D. 2234)

Signed:

Senators:

KANY of Kennebec  
PEARSON of Penobscot

Representatives:

MICHAUD of East Millinocket  
MCGOWAN of Pittsfield  
JACQUES of Waterville  
KIESMAN of Fryeburg  
RIDLEY of Shapleigh  
MITCHELL of Freeport

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

Signed:

Senator:

McBREAIRTY of Aroostook

Representatives:

DEXTER of Kingfield  
BROWN of Livermore Falls

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-345).

Reports were read.

On motion of Representative Michaud of East Millinocket, tabled pending acceptance of either Report and specially assigned for Tuesday, April 3, 1984.

#### Non-Concurrent Matter

Bill "An Act Providing for Change of Venue in Criminal Cases" (S. P. 658) (L. D. 1848) which failed of passage to be engrossed in the House on March 27, 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-334) in non-concurrence.

Representative Soule of Westport moved that the House recede and concur.

Mr. REEVES: Mr. Speaker, I would ask for a division.

Whereupon, Representative Soule of Westport 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 Chair recognizes the gentleman from Westport, Mr. Soule.

Mr. SOULE: Mr. Speaker, Ladies and Gentlemen of the House: This bill was debated very briefly a day or so ago. The bill came to us in the Judiciary Committee from the judicial branch. We have been in contact with the judiciary off and on for the past four years since

I have been on the committee trying to get suggestions from them as to how we might facilitate the administration of justice, speed up trials and to make the system less costly. You have before you tonight an opportunity to carry into effect one of those suggestions.

This very simply provides that a judge can move a criminal trial from one county to another in the event that that process will speed up the judicial system. For instance, if a defendant has been charged with a crime committed in Brunswick, which is in Cumberland County, there is no earthly reason why that case, which may be pending on the dockets for months in Cumberland County, can't be moved to the next town, in Bath, and be tried there before a group of citizenry almost identical to those in the community in which that person is charged.

We have heard a lot of criticism about the courts not taking advantage of the facilities that are available. Here is an ideal opportunity to give judges a chance to move cases around to make use of the facilities that are existent and are not being used to their capacity.

The criticisms you heard of the bill the other night were economic, the fears that this bill would make for additional costs on the counties. But what is actually going to happen? The cost to the county is the maintenance of the building. The building is there and in most counties is being used for other purposes besides the courtroom. That is not going to be an additional cost. Is there going to be an additional cost for judge time? No, that is paid by the state; bailiffs, no, that is paid by the state. So I think the economic arguments just don't wash.

What we have here is an opportunity to help the judicial system, and I would hope that you would agree with my motion, recede and concur, and pass this into law.

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

Mr. DRINKWATER: Mr. Speaker, Ladies and Gentlemen of the House: I just learned a couple of points from my good friend from Westport, but I am still concerned with what it would cost to get witnesses. I understand our witnesses are paid, but I understand how hard witnesses are to come by. They don't see much if they have to do something they don't want to do, and there also would have to be transfer.

The gentleman did clear up a couple of items but there are a few things here that bother me on this. I haven't heard in any testimony nor did I hear it in committee, and I am always in committee, anything that would indicate to me that these trials wouldn't be in other than neighboring communities. Maybe they did; maybe I missed it. But if they can be anywhere in the state, then I still question it.

The SPEAKER: The Chair recognizes the gentleman from Westport, Mr. Soule.

Mr. SOULE: Mr. Speaker, Ladies and Gentlemen of the House: Just to respond briefly to the statement that these trials could be held anywhere in the state, underlying all of this issue is the basic tenet that a person has to be tried by a jury of his peers. That has been interpreted to mean in the vicinity in which the crime took place. In other words, I think the chances that a defendant who commits a crime in York County being tried in Aroostook County is just not going to happen because of that requirement that he be tried by a jury of his peers.

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

Mr. REEVES: Mr. Speaker and Members of the House: Just briefly I would like to mention the fact that change of venue in the past and present is something that is usually used by the defendant or his attorney because of severe and adverse publicity, much media coverage, with the thought in the back of their minds that it might be difficult or may be impossible to get a fair trial in that particular area. They have the option to request a change of venue.

This bill that we are voting on today, ladies and gentlemen, removes that. The defendant or



his counsel has nothing to say about it. The change of venue can be for the convenience of the court.

I would agree with the gentleman from Westport that if a crime occurred in York County, it would not be tried in Aroostook County. And as Mr. Drinkwater said, even if it is in the next county, let's take a look at Aroostook County, its neighbors are Washington and Penobscot. If a case was transferred from the Houlton Court, it is a long haul to Bangor or to Machias, and they are the closest superior courts in the counties.

I have great concern over this bill. I think it has been debated enough and it was shot down a few days ago, and I strongly urge you to vote against the motion to recede and concur.

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

Mr. MANNING: Mr. Speaker, Ladies and Gentlemen of the House: It would seem to me that one of the things we would be looking for in this piece of legislation is a quick and speedy trial. We heard the other day that this would be a cost to the county. It would seem to me there would be that much more of a cost to the county if for one reason or another a certain individual is in the county jail and has to stay in that county jail that much longer because the county courthouse is being tied up. It would seem to me that if that person is convicted, we would want that person in the maximum or minimum security units either at Windham or at Thomaston that much quicker, and if he is acquitted, then he would be out and it wouldn't be burdensome to the taxpayers of that particular county.

While somebody is in jail in the county system, don't forget, that county has to pay for all his medical benefits and if per chance something happens while that person is in there, we as county taxpayers must pay that. So it would seem to me that the quicker we got that person to trial, the cheaper it would be in the long run for the county.

I understand the problems that arise in the northern part of the state, and I think the judges would look at that, but in the southern part of the state you can move very easily around there without any problems, and I would hope that we would go along with this and give a tool to the judiciary.

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

Mr. HAYDEN: Mr. Speaker and Members of the House: I think that the gentleman from Newport raised one question that should be responded to before we vote on this bill today. That has to do with the concern which I think is an admirable one, that there may be a situation where a party to a case, a defendant in a criminal trial, say, doesn't want to change venue, and there may be difficulty in getting witnesses and there may be difficulty in presenting this trial in some other place. There is nothing in this bill or nothing in the procedure of the way a trial works where if there is a reason why that change would interfere with the rights of one party or another that they can't make that objection known to the court, and the principle still controls that a person has a right to be tried by his peers. If there is an extenuating circumstance why trial by the peers 25 miles down the road is less practical than trial by your peers here, that objection can be voiced, and if it is reasonable, a court would uphold it.

I think before we vote on this, we have one more chance to pass in favor of an idea that truthfully is beyond me why we wouldn't give a chance to.

If this bill passes, what we are doing to our judicial system is giving it a chance, a judicial system that has money needs, that made requests of us that we have felt in the past we couldn't afford. Now we are saying to that judicial system, we are going to give you a chance now to move a case that you are hearing in one county, move it to the courtroom that is empty in another county just 20 miles away, and we are going to

do that because the courtrooms in the first county are filled and there is going to be a backlog, there is going to be long delays, and the courtroom in the adjoining county is empty.

We have got to one or the other, either we have got to deal a tremendous amount of cash and make each one of those courts kingdoms that can take care of themselves, or we have got to give our courts the leeway to try to use their head to come up with common sense solutions that are going to cost less money. This is a good idea, that is what this bill does, and I would urge you to vote favorably for it just for that reason.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of Representative Soule of Westport that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 416

YEA—Ainsworth, Andrews, Benoit, Bonney, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Cooper, Cote, Cox, Crouse, Crowley, Day, Diamond, Dillenback, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Joyce, Kane, Kelleher, Kelly, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, Manning, Martin, H.C.; Masterton, Matthews, Z.E.; McGowan, Melendy, Michael, Mills, Mitchell, E.H.; Murray, Nadeau, Nelson, Norton, Paradis, P.E.; Paul, Perry, Pouliot, Racine, Richard, Soule, Stevens, Theriault, Tuttle, Walker.

NAY—Allen, Anderson, Armstrong, Beaulieu, Bell, Bost, Bott, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Chonko, Clark, Conary, Conners, Connolly, Daggett, Davis, Dexter, Drinkwater, Dudley, Erwin, Foster, Gauvreau, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Jacques, Joseph, Ketover, Kiesman, Lebowitz, MacBride, MacEachern, Macomber, Mahany, Martin, A.C.; Masterman, Matthews, K.L.; Maybury, Mayo, McCollier, McHenry, McPherson, McSweeney, Michael, Mitchell, J.; Moholland, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Parent, Perkins, Pines, Randall, Reeves, J.W.; Ridley, Roberts, Robinson, Roderick, Rotondi, Salsbury, Scarpino, Seavey, Sherburne, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stevenson, Stover, Strout, Tammaro, Telow, Vose, Webster, Wentworth, Weymouth, Willey, Zirnklton.

ABSENT—Baker, Carrier, Curtis, Jalbert, Livesay, Reeves, P.; Rolde, Small, Swazey, Thompson, The Speaker.

58 having voted in the affirmative and 82 in the negative, with 11 being absent, the motion did not prevail.

Thereupon, the House voted to adhere.

#### Non-Concurrent Matter

Bill "An Act to Permit Public Service in Lieu of Fines for Indigent Offenders Under the Drunk Driving Law" (H. P. 1427) (L. D. 1872) on which the Bill and accompanying papers were indefinitely postponed in the House on March 27, 1984.

Came from the Senate with the Majority "Ought to Pass" as amended Report of the Committee on Judiciary read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-530) in non-concurrence.

Representative Hobbins of Saco moved that the House recede and concur.

Representative Beaulieu of Portland 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 Representative Hobbins of Saco that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 417

YEA—Ainsworth, Allen, Andrews, Bell, Benoit, Bost, Bott, Brannigan, Brodeur, Cahill, Carroll, D.P.; Cashman, Chonko, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Diamond, Foster, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Holloway, Joseph,

Joyce, Kane, Kelleher, Kelly, Kiesman, Kilcoyne, LaPlante, Lehoux, Locke, Mahany, Manning, Matthews, Z.E.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michael, Mills, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Nelson, Paradis, P.E.; Paul, Pouliot, Racine, Richard, Smith, C.B.; Soule, Stevens, Stevenson, Tuttle, Vose, Zirnklton.

NAY—Anderson, Armstrong, Beaulieu, Bonney, Brown, A.K.; Brown, D.N.; Callahan, Carter, Clark, Conary, Conners, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Erwin, Greenlaw, Higgins, L.M.; Ingraham, Jackson, Jacques, Lebowitz, Lisnik, MacBride, MacEachern, Macomber, Martin, A.C.; Martin, H.C.; Masterman, Masterton, Matthews, K.L.; Maybury, McCollier, McPherson, Michaud, Moholland, Murphy, E.M.; Murphy, T.W.; Norton, Paradis, E.J.; Parent, Perkins, Perry, Pines, Randall, Reeves, J.W.; Ridley, Roberts, Robinson, Roderick, Rotondi, Salsbury, Scarpino, Seavey, Sherburne, Smith, C.W.; Soucy, Sproul, Stover, Strout, Tammaro, Telow, Theriault, Walker, Webster, Wentworth, Weymouth, Willey.

ABSENT—Baker, Carrier, Carroll, G.A.; Jalbert, Ketover, Livesay, Reeves, P.; Rolde, Small, Swazey, Thompson, The Speaker.

67 having voted in the affirmative and 72 in the negative, with 12 being absent, the motion did not prevail.

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

Mr. GAUVREAU: Mr. Speaker, I move that we insist and ask for a Committee of Conference.

The SPEAKER: The gentleman from Lewiston, Representative Gauvreau, moves that the House insist and ask for a Committee on Conference.

The gentleman may proceed.

Mr. GAUVREAU: Mr. Speaker, Men and Women of the House: There seems to be a fairly evenly divided House on this issue. My purposes in asking for a Committee of Conference would be to address the issues, the concerns, that some of you have raised regarding the issue on risk, on liability to employers, and also to address the concerns that some had that perhaps we will be granting public service work to too many individuals.

My proposal is that if we go to Committee of Conference, hopefully we can pare down the extent of the bill to meet your objections. For those reasons, I would ask that you go along with me this afternoon and insist and ask for a Committee of Conference.

Thereupon, the House voted to insist and ask for a Committee of Conference.

#### Non-Concurrent Matter

Bill "An Act to Clarify the Licensure of Administrators of Medical Care Facilities Other than Hospitals" (Emergency) (H. P. 1790) (L. D. 2365) which was referred to the Committee on Health and Institutional Services in the House on March 27, 1984.

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

The House voted to recede and concur.

#### Non-Concurrent Matter

##### Later Today Assigned

An Act to Increase the Potato Tax (H. P. 1645) (L. D. 2179) (C. "A" H-561) which was passed to be enacted in the House on March 27, 1984.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-561) as amended by Senate Amendment "A" (S-348) thereto in non-concurrence.

On motion of Representative Lisnik of Presque Isle, tabled pending further consideration and later today assigned.

#### Non-Concurrent Matter

Bill "An Act to Amend the Potato Price Stabilization Program" (H. P. 1774) (L. D. 2352) which was referred to the Committee on Agriculture in the House on March 22, 1984.



Came from the Senate, under suspension of the rules, read twice and passed to be engrossed as amended by Senate Amendment "A" (S-347) without reference to a Committee in non-concurrence.

The House voted to recede and concur.

The Chair laid before the House the following matter:

Bill "An Act Concerning the Funding of the Department of Inland Fisheries and Wildlife" (Emergency) (H. P. 1769) (L. D. 2336) (H. "E" H-577), H. "F" H-581, H. "H" H-599)

Tabled—March 29, 1984 by Speaker Martin of Eagle Lake.

Pending—Ruling of the Chair.

The SPEAKER: At this time the Chair will rule on the question posed by the gentleman from Lincoln, Mr. MacEachern, on the germaneness of House Amendment "A" to House Amendment "H". The Chair would rule that House Amendment "A" to House Amendment "H" is germane.

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

Mr. MacEachern: Mr. Speaker, I would move the indefinite postponement of this amendment.

The SPEAKER: The gentleman from Lincoln, Mr. MacEachern, moves the indefinite postponement of House Amendment "A" to House Amendment "H".

The Chair recognizes the gentlewoman from Rumford, Mrs. Erwin.

Mrs. Erwin: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would go along with the motion of the gentleman from Lincoln, Mr. MacEachern. This is just one more attempt of the chairman of the Appropriations Committee, the gentleman from Winslow, Mr. Carter, to undedicate this department. Twice we have given him a message, 114 to 22, 124 to 19. Apparently, he didn't get the message. I hope you will give him one this time.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: The good gentlewoman from Rumford hasn't been around these halls as long as I have. You know, it is not very difficult to learn what is going on in this great state of ours, and if she would only take the chip off her shoulder and listen, she might conceivably learn something and her grandchildren might benefit from it.

In all the words that I have used this morning, not once have I tried to attack anybody, any individual personally, but apparently the only way they can fight me is to attack the chairman of the Appropriations Committee. They don't speak to the issue, no, they attack the chairman of the Appropriations Committee. They can't see that if they listen to me they won't only get \$458,000 or \$328,000, whatever it is, they will get \$11 million out of the General Fund. What more do they want?

This morning you heard me say that there was another group of special interest people along with the utilities and the paper companies. I am afraid I am going to have to use a broad brush and I may touch on some that are not deserving of this criticism, but what I have to say has to be said.

The public utilities and the timber interest people don't want any competition. I want you to think about this for a minute—they don't want any competition. The utilities don't want the water having to be regulated by somebody else, they want full control and the timber people don't want people on their land, so what better way to accomplish this aim than to destroy the resource. That is just exactly what they are doing. But the sad part of it is, you know who they are using to destroy it? The Department of Fisheries and Wildlife. Because of the way they are funded, they can't manage what they are charged with by law, they can't do their job.

You know the third special interest group, the halls have been full of them all day. They have been lobbying against this bill something unbel-

lievable. What have they got to lose? They have got everything to gain and nothing to lose, but they are not getting the message. They are playing right into the hands of the special interest group, sportsmen's group they call themselves.

I told you this morning that I used to belong to one, I kept one going for 12 years, and you know, this book that I referred to this morning, Maine's Life Blood, I want you people to read it. It talks in here about the politics of Trojan horses. The man who wrote this book has never been taken to court, but you know what they tell me? When this book hit the press, hit the streets, they were buying it by the caseloads to get it off the market. It was so much in demand that a second printing was requested. Somehow the draft in the print shop in Portland accidentally caught on fire. Isn't that something, isn't that incredible? The State of Maine, the 20th Century, it accidentally caught on fire so there is no second printing—unbelievable!

Now, these Trojan horses, you know what they are? Many of them work for these special interest people, they join the association, they join the sportsmen's groups, they are the most active people, you can't imagine what they do for these groups. They are always up front, always willing to help, as long as it benefits their own interest. They subvert every group, they send them off on a wild goose chase.

I told you I was going to use a broad brush. Some sportsmen's groups have seen through this smokescreen, they are getting wise to these people. There is a club right here in this valley that are very much interested in the Kennebec River, like I am, have been for 20 years. Ladies and gentlemen of the House, I know who I am fighting, don't you forget it for one minute. You know who opposed me on the first bill I put in the Legislature in the 102nd? CMP's top lobbyist. I asked him, you don't own that dam down here, what are you doing lobbying against this dam? He said, Don, I'm doing my job.

Do you people realize the economic potential from the Kennebec River alone, just the Kennebec River? This river used to be the best Atlantic Salmon river on the east coast, the best striped bass fishing river on the east coast, full of alewives, shad, sturgeon, you name it, the river is still full of it.

Now, let me tell you how they operate if you haven't got the picture yet. Back in Governor Curtis' day he put a bill in to require the registration of firearms. I didn't agree with him so I put one in calling for the mandatory imprisonment of any person who committed a crime, a felony with a firearm. Of course, the hearing was held at the armory and I happened to be sitting next to a gentleman, he didn't know me from Adam, we started talking, he was interested in my approach because it made more sense. Then, naturally, we drifted to the fisheries and I asked him, you know, I think there is some salmon in the Kennebec River. Incidentally, this man was on the advisory council. He said, I know, heck I have been eating them for years, the boys spear them down there. This fellow is on the advisory council for fish and game. Do you wonder why I have been fighting for 20 years and why it has taken me so long to break the log jam?

Those of you who have served here before have never seen me on my feet fighting for Fisheries and Wildlife. I have fought for some bills for the Kennebec River. I put in a half dozen bills, I got money through the General Fund to build a fishway. I have outlasted five commissioners but I am succeeding, I am beating them. They want me to join sport groups—thank you, I have had enough. Nobody is going to deter me from what I want to accomplish. If I have to do it alone, I will do it and I have been doing it.

This afternoon you people have the opportunity to change the course of history. It is going to take some guts. Instead of voting for some special interest group out in the hall, vote for your grandchildren or your children, because if you don't, ladies and gentlemen of the House, there won't be anything left. That steamroller

we saw in here this morning is going to roll over everything, there won't be a fish or an animal left in the State of Maine.

I understand that I sound kind of harsh. They are well intended, I know they are, but they haven't been around as long as I have. I know what is happening in my state, my people tell me all the time.

Let me give you another example. The reason the dam doesn't have a fishway in Augusta is because the dam was delapidated and was taken over by an economic corporation back when the river was supposed to be polluted, really polluted, but the Atlantic Salmon was good enough for that fellow on the advisory council, but nevertheless it was polluted. They sold that dam for a dollar on the premise that they provide jobs. That is pretty hard to fight, you know—pikeral versus payroll, that is hard to fight, I buy that. I am not against people working, they should work, we should provide every opportunity for them to work. Anyway, let me not stray from the subject. They got an industry going, they let them have the dam for a buck on the premise that they provide jobs. They started off with 300 jobs, going great guns, three years ago they still had 300 employees.

They were buying power from CMP. Last week, you know how many people they had working there? They had five. You know what they are doing with their power? They are selling it to CMP. You know how much they realize from the sale? Over three-quarters of a million dollars last year, clear profit. Why bother with operating a plant when you can make that kind of money? This is what we are fighting, this is what you should be concerned with. If you don't see the picture now, you alone can be responsible to tell your grandchildren, gee, I had the opportunity once but I didn't have the guts.

That guy on the Appropriations Committee, he made a lot of sense but he was trying to save some money in the General Fund, he didn't want us to dip into the General Fund. I want you to remember that, ladies and gentlemen. If you can find the courage to join me, then let's send those special interest people a message that we have had it with their exploitation of our natural resources. Now don't misunderstand me, there is enough for all of us, we have to work together, not just one way.

I hope you will support this amendment.

The SPEAKER: The Chair recognizes the gentlewoman from South Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I don't know if I have ever spoken on a bill from Fisheries and Wildlife before but I have sat here for hours and listened to the good gentleman from Winslow, Mr. Carter, the gentleman from Bangor, Mr. Kelleher, the gentlewoman from Rumford, Mrs. Erwin, and many others and you know, I have really heard them each say the same thing—they all care, they all care about, as Representative Jacques said, the flowers, the animals, the fish, they all care about that, but I haven't heard an answer yet as to why this money should not be undedicated. The only answer I have gotten is that they will have to stand in line with everybody else—well, so what? What is so wrong about that? I would like an answer from someone if they can give me one as to how they will hurt by that money being undedicated.

The SPEAKER: The gentlewoman from South Portland, Ms. Benoit, has posed a question through the Chair to anyone who may respond if they so desire.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I think there have been a lot of chips flying and there probably is a few left on most everyone's shoulders but I am not going to debate this any longer, I am going to ask for a roll call.

The SPEAKER: A roll call has been requested.

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

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

tlemen of the House: I don't have the answer to Representative Benoit's question, I am sure; in fact, no one in this House or at the other end of the hall seems to have an answer for this problem that we have been trying to solve ever since I have been in here in the 110th Legislature. I am trying to figure out what the solution is to this horrendous problem because there has to be a solution. I hate to see the Inland Fisheries and Wildlife Committee struggling with this thing day after day, month after month, year after year and there is absolutely no solution to the thing.

What we are here to do today, I think, is find a solution to this problem. I think that in listening to all the arguments, I have come up with some thinking that goes along like this—we handle a \$1.5 billion budget a year. We are talking here about eleven of ten million dollars, about one-tenth of one percent of our state money. It seems absolutely incredible that we are in here struggling over this one-tenth of one percent and finding the solution to it year after year.

I am not an expert on this budgetary problem but I have looked at the annual reports from 1980, 1981, 1982, 1983 of the expenditures of the Department of Inland Fisheries and Wildlife and it has grown every single year. In fact, in the last three years, its total growth from the annual report studies has gone from \$8.9 million to \$11.7 million, it has grown 31.7 percent in these three years and they still can't live with it. I don't know the answer, they don't know the answer and lord knows, they have worked hard enough to find the answer. Evidently, the answer is not in going where we are headed right now, there must be another direction we will have to go in.

In Marine Resources we don't have these problems because they are not our business. They don't belong to us, they belong to Appropriations and we don't have to be worried about the funds, we can worry about the resource out there, and this is our job.

In Agriculture, I believe they are undedicated. They don't have these problems. Conservation, all of these other departments that are small like Inland Fisheries and Wildlife, don't seem to have these problems.

As I look at these bills that we have been wrestling with here, one seemed to be attacking the Committee on Transportation, another one the Committee on Taxation, another one the Committee on Marine Resources, another one the Committee on Aging, Retirement and Veterans, and all of them the Appropriations Committee.

Looking at the Appropriations Committee and what they have and what they have to do with, their business is handling budgets. They have a whole department on the second floor of people that are in Legislative Finance and they work with them constantly and they work with the financial departments throughout the system, so we are not going to solve this continuing problem with this bandaids approach, I don't believe. I think we have to zero in on the real problem.

As I understand this thing and look at it and keep listening, like Representative Benoit didn't get an answer to her question, I keep hearing what Representative Carter and I—I now think that he has zeroed in on the real problem and if we today pass this and undedicate this thing, this problem would be over. Inland Fisheries and Wildlife, I think, would be better off. They wouldn't have all these pressure groups trying to tell them what to do all the time. They would be able to be captain of their own ship in there and not have all these different interests fighting them. So I have arrived at the conclusion that the only way I think we can go, and the only thing that I am going to vote for, is to undedicate this thing and get on with some other business.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I am going to attempt to answer Ms. Benoit's question, at least from my standpoint. I have been around here for a long time and most of you who know me know that I am not afraid to vote for anything that I think

is right. I am not afraid of anything or anybody.

I will tell you how it would work. I see a lot of bleeding hearts around here and if you go to Appropriations, the mother's aid cases are going to get tended to first. There seems to be more of them every year. Then comes along education and they are asking for millions every year and an awfully lot of people now are education minded, especially the young people, and I guess that is a way of life today. So when you get down to the bottom of the list, way down on the bottom you are going to have a Fish and Game Department asking for a few measly thousand dollars that won't be left when they get down there. This is my opinion, I have been here a long time and this is why I can't feel at this time that I can vote for undedicating the funds.

Mr. Carter did a wonderful job in explaining and someday it may be done, but first we have got to stop somehow, and I don't know that answer either, we have got to stop more welfare cases coming in every year. We have to do something about education reaching for more money every year and when we can stop them from getting the top dollar, then there will be some left for fish and game.

I come from back in the sticks where fish and game is important to us and education, you know, to plant a potato or something is not that important, and mother's aid cases get taken care of one way or another but fish and game is important to us. What I am saying is that people in the cities don't realize that so they are going to have the vote here, they always have, the delegation from Portland outvotes Penobscot County, and the way it has been in the past, the ones who have the votes win the case. I suspect that is the way it is going to be down the line, especially since the federal court has said one man-one vote, and it is always going to be that way.

If we stay and not undedicating the funds, we know we will have a few dollars from licenses and a few things like that, and if we undedicate it, we might not even have that.

I am trying to answer a question, I know it is a round-about way but I am answering the way I see it and why I can't vote for undedicating this revenue. That is the best I can do in answering the question.

I think it is a good idea if we could cope with these other problems, but if you will look around as I have and see all these bleeding hearts and all these educators in the corridors, you commence to have fears.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: My concern comes in about the management of the forestry product that is on the Fisheries and Wildlife land. Recently, I happened to sit down in the front of the square box, the TV set in my home, and I saw where they were cutting off pine over in Standish on that game reservation or preservation. That pine is just about eight or ten inches at the butt. If you people are acquainted with forestry practices, the best land to grow pine on is sandy soil and gravelly soil, not ledges, because I own a lot of ledge and I don't grow any good pine. But over there in Standish, there was some beautiful pine growing and they decided that they needed more feed for the deer, so they cut a lot of this pine off just recently.

Old John Kelley was 80 years old when he told me—if you want to buy some good timberland, go down in Steep Falls and Standish and buy that sandy soil. That's the fastest growing pine in the State of Maine right there, and they cut it off at its best potential. You call that management?

I am not blaming the new manager for the problems, the problems that we are trying to solve today were created with the past managers and I know them well. In 1965, I stood here with a group and we ordered them to put the fishway in the Augusta dam. I think Mr. Carter is still fighting the fishway battle. I don't believe that

is in there yet. That is how that department responds to the people of the State of Maine. That is how that department responds to the wishes of the people in preserving our forest land. They cut it all off to create more feed for the deer. You don't need to cut any pine off in Standish, they are clear-cutting land over there right and left and they are scalping pine lands. There is plenty of feed for the deer but there are no deer because those wonderful educated people have preserved the coyote and that is where the deer herd have gone.

Now I will tell you where your trout has gone. They bought a lot of poisoned food for them a few years ago, one whole year's hatchery went right down the drain. That was before Glenn Manuel took over the helm. Where are the trout, folks? Where are they? There just aren't anymore, folks. Where's the deer? Where are they? They use to eat my alfalfa off and kept that piece out front mowed just like a lawnmower. We ate the twelve deer out there. You know what was out there this Fall? The coyotes were out there squirrel hunting. I call that progress in my lifetime, progress.

My grandchildren and great grandchildren will never know what a deer looks like unless they go down to York to the game farm down there and look at a deer, and that is what dedicated revenue has done to the Fisheries and Wildlife Department because they didn't have to answer to anybody.

I heard the gentleman from Waterville get up and tell us that he couldn't get a budget from that committee and nobody would tell him where the money was being spent. They never have had to answer why—why didn't they have to answer? Dedicated revenue.

You put us through the old grinder, folks, down in DOT, you scared the heck out of us, you really did, because we had dedicated revenue and you are watching us, you are watching every move and where those dollars are going. If DOT mis-manages that fund, I will ask you to take it away from them, because I think if you want your children and your grandchildren and my grandchildren, and if I have great grandchildren, to go fishing and to go hunting, you have got the key to the inner sanctum right here. You have got to undedicate because dedication has bred the problems that you have today and don't tell me that it doesn't exist.

This morning you talked about the pension plan and I went down to a hearing and there were 70 wardens down there. I know that they have a right to have a day off, no doubt about it, but I couldn't help but think, here we are in February or the first part of March, them old she coyotes are pupping and you know where those wardens should have been if there had been an ounce of discipline there? They would have been out tracking them on the snow, finding their dens and ridding the land of the menace to the deer herd. They were not there, they were over in that room, 70 of them down there. How many dens could they have found in one day if they would get out on that nice tracking snow and tracked that old mother coyote back to her den? We wouldn't have gotten rid of just one, we would have gotten rid of a whole litter, and my grandchildren and your grandchildren and your great grandchildren would have been able to see a few deer out in the fields and maybe one of them by luck might have been able to shoot it.

Tell me that I don't know what I am talking about because I know there are people who will try to ridicule any statement that goes contrary to their thinking, it has been a known fact.

I have tremendous respect for the gentleman from Camden, the retired warden who sits in this House, and I have seen him sitting in his committee and whenever he tried to speak, he was ignored. Whenever he tried to tell them about the problem, there was a lot of mumbling so he couldn't be heard. Don't tell me that it didn't happen, I saw it with my own eyes. I don't like to see a man abused by his own committee and I don't like to see what has been going on

in the Fisheries and Wildlife Department around here.

I can tell you about them turning pheasants loose and hearing a whistle and going to where the whistle was and finding a group of their friends in York County all up there shooting the pheasants that were turned loose the first day while my people were working in the woods running their business and hoping to get those pheasants on Saturday. You know how many pheasants were left by Saturday? There weren't any.

Dedicated revenue—dedicated for what? For their friends and for the wealthy? What about the working man? What about when I tried to get five days' hunting for my people, the people of Maine, the first five days? We bargained back and forth and I finally was worthy to receive one. Maynard Marsh and Bill Peppard got a plane and flew up north and asked all the sporting camps boy to come down here and get onto Governor Longley downstairs to get him to veto my bill. Those boys couldn't convince Governor Longley to veto that bill and they came back upstairs and asked for me and I went out and said, you want to see me fellas? They said, yes, we want to tell you something. They told me about the trip up north to get them to come down and have my bill vetoed. So I called those gentlemen up over in the Taj Mahal that they rent over there and I invited them to come over and meet me here, I wanted to talk with them. The two gentlemen came over and I happened to be standing right near where this group of sportsmen were from up at the other end of the state that tried to get the Governor to veto my bill and I said, did you gentlemen fly up north in the state plane? Did you go up to the sportsmen's camps and ask these people to come down and get the Governor of the State of Maine to veto my bill? Oh no, never, never! I turned to those fellows and said, you just told me that they did, and they said, they were lying to you, Carroll, they were lying to you. Ladies and gentlemen, that is the God's honest truth if I drop dead right here.

I want you to know that that department is going to answer because my people back home told me, we don't want any fishing license increases, we don't want any hunting license increases, we want that department run right. I think Mr. Manuel can do it, but he can't do it if they are knifing him behind his back and calling up people and telling them there is \$500,000 in uncollected funds out there in licenses.

I went upstairs to where they were having a hearing and I heard them testify it was \$52,000 out. Isn't it strange that the night before I was in an automobile and a man said a call from that department told him there was \$500,000 out and the next day it dropped down to \$52,000? Whose ox is being drawn? Who is knifing who?

I have a great deal of respect for Representative Carter, the gentleman next door, because I served with him here in 1965 and I have known him a long while and the gentleman has never misled me and he has never told me a fib in all those years. I think he has come on very well today, I think he has presented the facts to you today and I ask you to give him your support so my grandchildren and your grandchildren won't have to go to York to see what a deer looks like.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: It is twenty minutes past five, I will take five minutes or less. I think what I am hearing from Representative Crowley and Representative Carter and my good friend, Representative Carroll, is only a little bit of what I am hearing back home. There is a great sentiment back there for people who love the woods, love the animals that are disappearing and love the fishing and love everything about it as they use to remember it, but it is not there like it used to be.

I would like to tell you about the concerns of some of the people. You all realize that the population is changing forever and as I go through

my district at this time, since I went through it ten years ago, there is probably 20 to 25 percent more people who came from out of state, young people who have grown up with different ideas. Many of them don't like hunting for the sake of killing. They have a concern also about maintaining the department. What they see is perpetuation that feeds upon itself. In order to justify its needs, you ask for another raise in the licenses. This, my friends, is a growing concern back home. Many people feel, young or old, that have moved in here, my own people, my own family particularly, feel as though they are getting the short end of the change.

I do differ from Representative Carroll in one way because I don't think the coyotes have gotten so many deer as the poachers have, but the deer aren't there. When he mentioned three years ago or four years ago when he wanted to that bill in for five days for the hunting in this area, there was a terrible uproar from here because it would hurt the people who run the sporting camps. I ask you, is that what we have the animals, fish and things in the woods for? Is that really what we want?

You have heard many people mention their grandchildren but I guess I will have to say it again—I hope this whole thing is settled by undedicating those funds so they can do their job without the fear of having to upgrade the tax and their licenses and so forth to justify the end.

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

Mr. MATTHEWS: Mr. Speaker, Members of the House: I, too, will be very, very brief.

I rise to differ with my good colleague from Winslow, Representative Carter, and as Representative Jacques has said, some of the things that he has said here on the floor today I think are things that all of us are going to think about whether we are sportsmen or not, but I think it would be a severe mistake today for this House to vote for undedication.

There is an issue that maybe we have lost in the many hours of debate. We have reached the ninth hour, the Department of Fisheries and Wildlife is in trouble, all of us agree, and we should be dealing with that problem.

I guess I would have respected the debate on undedication a little bit more had it been earlier in this session. We are dealing with a dedicated account and I think we had better get on with our business to handle that.

One of the concerns that I would like to address and I think Representative Benoit asked a very, very good question—one of the concerns that I have and have had for a long, long time as someone who enjoys fishing and hunting is that this country and this great, great nation of ours has historically not looked at preserving the species and the wilderness and the animals as best we could have. You can look at every animal in the past that now has reached a very, very low ebb, the moose, grizzly, black bear, a lot of the animals that are now reaching a very, very low point. I think it is important that you have a Department of Fisheries and Wildlife to make sure that those animals are protected and I would be very, very concerned if we were to undedicate and put the animals and wildlife down on the Appropriations Table. Believe me, those programs that everybody has talked about today, most all of us in this House support social services and those things, but I really do believe that there is a lot to be said for keeping the Department of Fisheries and Wildlife a dedicated account and having a line item budget.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Can anyone imagine in this House just for a moment if the Fisheries and Wildlife Department was undedicated? Can anyone imagine that this House, the Appropriations Committee, but more importantly this House as a group, would allow the Department of Fisheries and Wildlife finance bill to come out of the Appropriations Committee and not be

properly funded? Now, who can kid who? We all have an interest, we have nine million amendments, we have 17 different committees working on committee reports, but can anyone honestly sit here with any sense at all and think that if that department was undedicated that the Appropriations Committee, but more importantly you or whoever is going to be here next year, would have a Fisheries and Wildlife Department budget that wouldn't be properly funded?

The SPEAKER: The Chair recognizes the gentleman from South Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I am sorry that Representative Dudley is not in his seat because I wanted to thank him for his answer, such as it was. It didn't change my mind but I appreciate him giving it to me.

Furthermore, I resent the implication that because you live in the "city" that we don't care. I have had a fishing license, I have gone fishing, I have lobstered, just as many of you have. It doesn't mean that we don't care about the flowers, the mountains, the lakes, the rivers, we do care. And Representative Kelleher is absolutely right—in addition to which this amendment of Representative Carter's says that the department would get no less than what is generated by that department, would get no less, it would be at least equal to that, they might get more.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: My good friend from Enfield, Representative Dudley, has shown me the light. If you will be patient with me, we will table this bill and I will get an amendment that will undedicate Marine Resources, will dedicate their funds like Fisheries and Wildlife because they operate on license fees but the license fees go into the General Fund. Apparently, they are having all kinds of trouble with the General Fund so we will give them a dedicated account. Maybe the General Fund will make some money.

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 Lincoln, Mr. MacEachern, that House Amendment "A" to House Amendment "H" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 418

YEA—Allen, Anderson, Armstrong, Beaulieu, Bell, Bonney, Bott, Brannigan, Brown, D.N.; Cahill, Callahan, Carroll, D.P.; Chonko, Clark, Conners, Crouse, Curtis, Daggett, Davis, Day, Dexter, Diamond, Dillenback, Drinkwater, Dudley, Erwin, Foster, Greenlaw, Gwadosky, Handy, Higgins, H.C.; Hingins, L.M.; Hobbins, Holloway, Ingraham, Jackson, Jacques, Joseph, Ketover, Kiesman, LaPlante, Lebowitz, Leloux, Lisnik, Locke, MacBride, MacEachern, Macomber, Mahany, Martin, A.C.; Masterman, Matthews, K.L.; Matthews, Z.E.; Maybury, Mayo, McGowan, McHenry, McPherson, Michael, Michaud, Mills, Mitchell, E.H.; Murphy, E.M.; Murphy, T.W.; Nelson, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Pines, Racine, Randall, Reeves, J.W.; Richard, Roberts, Roderick, Rolde, Rotondi, Salisbury, Scarpino, Sherburne, Smith, C.B.; Smith, C.W.; Sproul, Stevenson, Strout, Tammaro, Telow, Vose, Walker, Webster, Wentworth, Willey, Zirkilton.

NAY—Ainsworth, Andrews, Benoit, Bost, Brodeur, Brown, A.K.; Carroll, G.A.; Carter, Cashman, Conary, Connolly, Cooper, Cote, Cox, Crowley, Gauvreau, Hall, Hayden, Hickey, Joyce, Kane, Kelleher, Kelly, Kilcoyne, Manning, Martin, H.C.; Masterton, McCollister, McSweeney, Melendy, Mitchell, J.; Murray, Nadeau, Norton, Perkins, Perry, Pouliot, Ridley, Robinson, Seavey, Soucy, Soule, Stevens, Stover, Theriault, Tuttle, The Speaker.

ABSENT—Baker, Carrier, Jalbert, Livesay, Moholland, Reeves, P.; Small, Swazey,

Thompson.

95 having voted in the affirmative and 47 in the negative, with 9 being absent, the motion did prevail.

Mr. CONNERS of Franklin offered House Amendment "B" to House Amendment "H" and moved its adoption.

House Amendment "B" to House Amendment "H" (H-620) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Connors.

Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: This does just what it says. The purpose of this amendment is to remove the provisions dealing with migratory waterfowl permits and increase in the license fees.

During this charade here that we have gone through in debating, we have been about two months on this within the committee and it seems as if a lot of people do not want to assist the department in any way with finances. So if we can leave this bill so that we have the authority to borrow and if we can get a line item budget and have a chance to reorganize the department with that bill that passed here this morning with a small amount of money from the General Fund, I think perhaps we can do this and the license holders and still keep the department together. I hope you will support this amendment.

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

Mr. MACEachern: Mr. Speaker, Ladies and Gentlemen of the House: In effect, the way I read this amendment, it tears down the centerpiece of the whole bill that we have, which is the fee increase over the next three years. I just don't understand why it is here or what the thing will accomplish by being here. I would like to have someone explain that to me.

I move the indefinite postponement of this amendment.

The SPEAKER: The gentleman from Lincoln, Mr. MacEachern, moves the indefinite postponement of House Amendment "B" to House Amendment "H".

The Chair recognizes the gentleman from Franklin, Mr. Connors.

Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: I just don't want the license holder to face another increase in his license fees for 1985. This department does a lot of work for other departments and for other people such as the hikers which has no bearing on the fish and wildlife. We have already had one increase for this year and I just don't want another one to face just the sportsmen another year.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for getting up on this matter again. I hope that you will go along with Mr. MacEachern's motion to indefinitely postpone this amendment.

I think a lot of us feel a little frustrated, a little upset, a little discouraged but if I remember correctly, this House this morning passed a bill in here that appropriated some General Fund money which was step one of the whole process that we hope to go through. If you pull the license fee increase out and the waterfowl stamp, which is a state stamp for really a first year big shot effect, reorganizing the department is not going to help the situation any. It all hinges on each other and I know that everybody wants their piece of the pie and everybody wants to feel that they did this and they did that and there are a lot of hurt egos, but I have to remind you again, what you will hurt, bottom line, is the operations of that department.

The gentleman from Winslow, Mr. Carter, led a very emotional and oftentimes correct debate a few minutes ago, but everything that he addressed here, ladies and gentlemen, will not solve the problem we face now.

While I am up here, it seems that we have blamed the fact that it was a dedicated account for the problems that Fisheries and Wildlife have—incorrect, very incorrect. There has been

a gentleman that has walked these halls for five years, who people have laughed at and made fun of named Hal French from Wilton, who has been trying to tell us and show us that because we do not want to deal with fish and wildlife matters and because we kept passing it off to the Taj Mahal down the way, that we are heading to the road of eventual ruin.

Bill Clark from Caratunk has written repeated articles telling us the same thing but we had our eyes closed. We have no one to blame but ourselves because we did not live up to our responsibilities.

Even if it is only \$11 million dollars out of the \$1.5 billion big picture, it is still \$11 million of our people's money. Last January, we all took our oath to uphold the Constitution of the State of Maine and serve all the people in the State of Maine, the small with the big, and Mr. Carter from Winslow is very right about special interests. The only special interest we have here, ladies and gentlemen, is the species, and I really don't think that this is the time to hassle about undedicating. I think this is the time we should try to put things in order.

As long as we have some General Fund money there, I will continue to support a fee increase. When we lose that General Fund, then unfortunately I will have to go against the fee increase because I think fair is fair, I think the sportsmen are willing to put up their fair share, at least all of the ones who have talked to me, and I think some members of the Appropriations Committee did what they thought was fair and right by putting up their fair share and how can we argue with that?

I hope you will go along and indefinitely postpone this amendment.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I think I understand what the gentleman from Franklin, Mr. Connors, is trying to do here and I was not aware of this until I came to the floor and got the amendment. I took him up back and asked him what his intent was. I guess I can understand his frustrations and I share them. I think, as the gentleman from Waterville said earlier, we all have those same frustrations, but I think what the good gentleman is trying to do here is to make us understand what the committee had been saying to us all along, at least what I thought I was hearing from every member of that committee, that unless there was some other method that was going to be utilized in funding that department that had room for expansion, namely, General Fund money as a portion of the sales tax, which we defeated, or General Fund money for continuous reimbursement of nonfish and game related items such as search and rescue, etc., or the gas tax issue which we debated in here and killed, then they didn't want any part of a plain and simple fee increase for those same people who have been paying forever and ever and ever. I think that he has addressed it here with this amendment.

I am going to vote against the motion to indefinitely postpone this because I think that he has sort of hit it on the head, that we can't keep going back to the well and treat these same people with the fair play that the gentleman from Waterville, Mr. Jacques, just talked about. Fair play is not asking for a \$4 million increase in license fees, \$250,000 a year in duck stamps or whatever, and no continuous funding of any sort from the General Fund or from the Highway Fund. You are going to the well too many times. I think he is right and I am voting against the motion and in favor of the amendment.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: My good friend from Scarborough, Mr. Higgins, has brought up a very interesting point. My other committee that I happen to serve on, which unfortunately I haven't been able to spend an awful lot of time at, is Energy and Natural Resources, which is the com-

mittee that oversees the DEP, LURC and the environmental agencies. If somebody went back and looked in the record when this original proposal was brought up, that Fish and Wildlife be involved in the process of DEP and LURC, they will find out that the legislatures before us had a very good, sound and fair reasoning behind it. They felt that it would be very dangerous to have technicians from the Department of Environmental Protection making decisions that might affect spawning grounds of fish or streams where smelt would run and they said it was very important that some input would be given from the Fisheries and Wildlife Department for a reason, because it was their area of expertise.

To arbitrarily grab a figure out of the air of 20 percent reimbursement because somebody feels that that is the way to go, I don't think it is fair and I don't think it is right. It may sound good, it makes good politics, but I have yet to find a white tail deer or trout that has a "D" or an "R" behind its name.

This bill is just not a fee increase bill, ladies and gentlemen, we did not take this matter lightly. If I may I would ask a little bit of your indulgence. If we get onto dealing with this whole bill, these are what we will be dealing with—a daily log and journal kept by all warden pilots of all air time, hours spent in the air, jobs that are done, gasoline that is expended and that will be turned in weekly to the lieutenants that will be given to the chief warden to be inspected by any member of the legislature or any member of the public at any time.

Two, it would freeze all the positions as of March 1, 1984, thereby, saving the 10 jobs that were in the original bill that was vetoed by the Governor.

Three, it would eliminate by statute the staff attorney for Fisheries and Wildlife which has caused probably as much controversy as anything in the six years I have been here.

Four, all fish hatcheries, rearing stations, and regional offices which are considered by many to be very important to the very resource that we are trying to protect would remain open.

Five, it would freeze all capital expenditures for the year 1983-84, thereby assuring that the financial situation would be such that people could be working.

Six, approval for capital equipment replacement for the fiscal year 1984, that meant that the committee went through the list of all capital equipment to be purchased by Fisheries and Wildlife one by one and voted on them one by one and approved the ones that would be purchased.

In case of shortfalls, capital expenditures would be stopped before personnel would be cut. It was the feeling of the committee that the jobs are very important and that most of the people justified their existence, and the committee decided that those people came before tractors and cutting machines.

Seven, the authorization to borrow up to one million dollars from the General Fund on a temporary basis in the event there would be a shortfall and we could not meet personnel costs.

Eight, a mandate to account separately for nongame activities. This had to do with the nongame checkoff that we asked here. We wanted that accounted for, how it was being spent, where, why, the whole works.

Nine, establish a state duck hunting stamp of \$2.50. This probably would bring in the first year more money than in most years and they estimate around \$300,000 to \$350,000. This was my idea because many states do it now. My reasoning was that after we got by this problem, this could be dedicated, ladies and gentlemen, to wetlands acquisition for the State of Maine and we would be eligible under federal legislation for a three to one match.

Wetlands are disappearing very fast in this state and one of the biggest causes of our species declining its habitat loss. Here is a chance for the duck hunters, for \$2.50, to help assure that those wetlands will be protected and the ducks



will have a place to breed and rear their young.

Eleven, mandate for the 112th Legislature to evaluate all biological programs. We go back to Mr. French and Mr. Clark—some of the biological programs have been in existence for 31 years. We were told on our committee that some programs are formed just to receive matching money, not very good business, ladies and gentlemen of the House, not very good business. My motion was that these programs would be evaluated on what their long-range plans were, if they have succeeded, if they haven't, why not, and if they are continuing to do so with no success, why are they doing so when the money could be spent somewhere else?

This bill also accounts for the elimination of ten field positions, two warden pilots. It was the consensus of agreement between the department personnel, administration and our committee that we could perform our duties just as well with three warden pilots when they would be working doing what they were supposed to be doing rather than many other things I could tell you about.

One storehouse clerk, it was determined that this position did not have to be refilled. On right of way appraiser, the \$4 million bond issue that was passed by the people in this state to acquire land is almost gone; therefore, two right-of-way appraisers are not needed because most of the land has already been purchased and are in the process of firming up the boundary lines.

Three full-time carpenters. Obviously, when the department is in tight financial restraints, you can't afford to buy two by fours or anything else, you can't be building too many new buildings so we got rid of the majority of the carpenters that we had, two seasonal carpenters for the same reason and one vehicle mechanic who has left us and going out of state. We will be revamping our garage system into one garage instead of the two. We have already closed one and the one on the corner here will be closed shortly. We have lost money there and we will probably be saving money.

Number thirteen, establishment of a line item budget with legislative approval. It is probably the most important thing that we have been talking about.

I hope that all 151 members of this House, if this ever goes through, expressed the same interest in helping us establish a good line item budget as they have in the financial affairs of the department in the last two weeks.

Last but not least, a license fee increase across the board of \$2 the first year, \$1 the next and \$1 the next, the first year bringing in one million dollars; the second year bringing in one million plus five hundred thousand from the second year plus five hundred thousand from the third year. By doing so, and as I said the other day, with the \$300,000 we would be getting from selling warden camps, harvesting of timber and selling airplanes, with some money hopefully from Appropriations from the General Fund and watching ourselves very carefully, we would get over the hump. We would then, with the fee increases, be able to establish without fear of laying off people the direction of the department for at least the next four years. Also, we would be able to follow upon the recommendation unanimously of the Audit and Program Review, that the department should have at least one and a half million dollar capital reserve.

This bill does not just raise fees, this bill does not just establish a duck stamp, this bill does a lot of things.

Three or four years down the line, at least we will be given some breathing room and it may be determined, ladies and gentlemen, and I won't argue that it won't, that probably the long-term financial solution will be to undedicate the Fish and Wildlife service but I think we should put a little more study into that before we make such a drastic attempt.

I think before you start to take 20 percent for services provided by the DEP, somebody is going to come and show, at least me and I am one of

the members of this committee, some justification and a lot more study has to be put in that because I just don't believe that when you get right down to it that it is going to be a winning proposition.

I can just imagine the sheriff of Kennebec County sending Fisheries and Wildlife a bill for all the hours that our deputy sheriffs have been assisting game wardens in Kennebec County in the last two years for night hunters and camp break-ins and everything else and that is just the beginning of it. I can also see Commissioner Anderson sending us a bill for the five vehicles that we have for warden service for the last week of deer season and many, many other things.

I think the good gentleman from Presque Isle, Mr. Lisnik, hit it right on the head today. We are doing what we think is fair, what we think is right, what is equitable and what can be justified. I don't want anymore than that, I don't think Fisheries and Wildlife people want anymore than that, and I don't think the people in the State of Maine want anymore than that.

Mr. Martin of Eagle requested a roll call.

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 Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, I would like to pose a question through the Chair. I would like to ask any member of the committee or anyone else who can answer, what is the fiscal impact of this amendment? Would it destroy the effectiveness of the bill, jeopardize our chances of saving the jobs of the biologists in helping the department get through this crisis?

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

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: This amendment, if passed, would put us about two years behind where we were before this bill was ever introduced. We wouldn't only lose the people that were originally laid off but we would lose considerably more and it would eat into the enforcement division very deeply. The department direly needs these funds and if we pull them out of there now, they are going to be in real trouble.

The SPEAKER: The pending question is on the motion of the gentleman from Lincoln, Mr. MacEachern, that House Amendment "B" to House Amendment "H" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 419

YEA—Ainsworth, Allen, Anderson, Andrews, Beaulieu, Benoit, Bonney, Bost, Brannigan, Brown, A.K.; Cahill, Callahan, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Day, Dexter, Diamond, Dillenback, Drinkwater, Dudley, Erwin, Foster, Gauvreau, Greenlaw, Gwadosky, Hall, Handy, Hayden, Higgins, H.C.; Hobbins, Holloway, Jacques, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lebowitz, Lehoux, Lisnik, Locke, MacBride, MacEachern, Macomber, Mahany, Manning, Martin, H.C.; Masterton, Matthews, K.L.; Matthews, Z.E.; Maybury, Mayo, McCollister, McGowan, McHenry, McPherson, McSweeney, Melendy, Michael, Mills, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Norton, Paradis, P.E.; Paul, Perry, Pouliot, Racine, Richard, Ridley, Roberts, Rolde, Rotondi, Seavey, Sherburne, Smith, C.B.; Smith, C.W.; Soucy, Soule, Stevens, Stevenson, Tammara, Telow, Theriault, Tuttle, Vose, Webster, Wentworth, Willey.

NAY—Armstrong, Bell, Brodeur, Brown, D.N.; Conary, Connors, Curtis, Davis, Higgins, L.M.; Ingraham, Jackson, Kiesman, Masterman, Michaud, Murphy, E.M.; Murphy, T.W.; Parent, Perkins, Pines, Randall, Reeves, J.W.; Robinson,

Roderick, Salsbury, Scarpino, Sproul, Strout, Walker, Weymouth, Zirkilton.

ABSENT—Baker, Bott, Carrier, Hickey, Jalbert, Livesay, Martin, A.C.; Paradis, E.J.; Reeves, P.; Small, Stover, Swazey, Thompson, The Speaker.

107 having voted in the affirmative and 30 in the negative, with 14 being absent, the motion did prevail.

Thereupon, House Amendment "H" was adopted.

Mr. Diamond of Bangor offered House Amendment "M" and moved its adoption.

House Amendment "M" (H-612) was read by the Clerk.

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

Mr. DIAMOND: Mr. Speaker, Members of the House: As you recall, a long time ago—this morning—we debated an amendment to this proposal that would basically adopt and combine the two proposals that we have debated today dealing with the Department of Inland Fisheries and Wildlife, the one with the General Fund request and this one now before us.

This proposal would merge those two proposals reflecting the support that this chamber showed this morning for Report B of L. D. 2320 that basically deals with the concerns that the gentleman from Scarborough and I both share, that being that we deal with one single piece of legislation in our attempt to resolve the problems facing the department, but that it does so reflecting the majority of this body, the majority that was demonstrated this morning with that vote. It would put in place the \$358,000 request from the General Fund, and it would also allow us to deal with one single piece of legislation.

I ask for your support on this and hopefully we can move along.

Thereupon, House Amendment "M" was adopted.

The Bill was passed to be engrossed as amended by House Amendments "E", "F", "H", and "M" and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

#### Matter Pending Ruling

The Chair laid before the House the following matter:

Bill, "An Act to Increase the Minimum Wage to \$3.55" (S. P. 835) (L. D. 2236)

Tabled—March 15, 1984, by Speaker Martin of Eagle Lake.

Pending—Ruling of the Chair.

The SPEAKER: For the record, since the matter has been of much interest to a number of people not only within this body but outside this body, the Chair is going to put into the record the reasons for the rulings so we will have it once and for all, and it also gives us an historical precedent.

The Chair would point out that our system, unfortunately, does not contain the indexing of such rulings and you have to literally go to each session and go through each one and try to put that together, which has been done. That is the reason why it has taken so long and the Chair has all the background material if you wish to take a look at it, but I am going to read it so that you will have it now.

Joint Rule 37 deals with germaneness, which in essence says that no measure finally rejected in the First Regular Session may be reintroduced in any subsequent session. The critical issue presented by the question is the definition of the word "measure". It is clear that what the Rule refers to is the same measure being reintroduced.

Having reviewed all the germaneness rulings that the Chair has made from the 107th Session in 1975 to present, this Rule has been amended and was amended after the Constitution was changed to provide for two Regular Sessions. It was, nonetheless, in effect prior to that time to bar reintroduction into Special Sessions. Thus, there are rulings on germaneness that are available prior to 1978.

After reviewing the rulings, the principles appear to be applied as follows: First, that Rule 37 has been narrowly construed to allow the greatest possible consideration of legislation by the Legislature, and to limit procedural blocks to that consideration. In simple terms, the Chair has ruled that it has followed the principle that if there is doubt concerning the question, then the bill should be admitted.

The second principle appears to be that if the title of the bill is identical, the second bill does violate Joint Rule 37. This principle was applied in rulings that the earlier minimum wage introduced this session was in fact in violation of Joint Rule 37.

The final principle is that if the substance of the bill is substantially identical, it will violate Joint Rule 37. This principle is applied to the substance of the bill and its purpose. It is not determined by identical subject matter but by identical content.

Applying these principles to the bill that I have laid out to you, I come to the conclusion that L. D. 2236 is not in violation of Joint Rule 37 and should be allowed for the following reasons:

1) *Title*. Only two bills were introduced during the First Regular Session that had titled anywhere close to that of L. D. 2236. They were L. D. 1138, Bill "An Act to Increase the Minimum Wage," and L. D. 1388, Bill "An Act to Increase the Minimum Wage." Obviously, on their face, their titles were different from the title of L. D. 2236.

The difference in this title is similar to the difference between the two bills in the 110th First and Second Regular Sessions. During the First Regular Session, a bill entitled "An Act to Require Motorcycle Operators and Passengers and Motor Driven Cycle Operators and Passengers to Wear Helmets if they are Minors" was defeated. However, another bill entitled "An Act to Require that Children who are under 15 years of Age Wear Helmets when they are Passengers on Motorcycles" was introduced in the Second Regular Session, and the Chair at that time ruled that it was germane.

It appears clear that despite the similarity in subject matter, the titles are not identical. This identity of title is important for another reason. A "germaneness" question can arise in several contexts. Aside from the Joint Rule 37 issue, it may also arise in questioning whether a proposed amendment is related to the underlying bill as to be acceptable. Clearly, the scope of germane amendments that could be added to L. D.'s 2236 is substantially narrower than those applicable to L. D.'s 1138 and 1388. For example, because of the narrow title of L. D. 2236, the substance of L. D. 1138 or 1388 could not be considered as an amendment without altering the title and thus violating Joint Rule 37. For that you may check the First Special Session Legislative Record of the 107th.

2) *Substance*. The substance of L. D. 2236 is to make a single change in the state minimum wage, increasing it from \$2.90 to \$3.55. Both of the relevant bills in the First Regular Session established a series of annual changes over several years. In addition, though possibly not as significant, different minimum wage figures were proposed for 1984.

The difference in substance is clearly sufficient to pass the test of Joint Rule 37. First, it is clearly established that Joint Rule 37 does not prevent consideration of bills that deal with the same issue or same subject matter. Those rulings can be checked by the 110th Legislature, Second Regular Session in 1980. For example, the Chair ruled that a bill requiring the wearing of motorcycle helmets by persons under 15 is not the same measure when requiring the same of persons under 18. The Chair also ruled that a bill requiring the Legislature to convene on a certain date annually is not the same measure when requiring the convening on the same day biennially. Finally, the Chair also ruled that a bill that incorporated only part of the subject matter of an earlier rejected bill could also be admitted

into special session, even if the new bill had been included in the prior broader session and rejected at that time.

Thus, it appears clear that L. D. 2236 does not violate Joint Rule 37. Its title is clearly different and more limited than the bills from the First Regular Session. Its subject matter is substantially different in two ways: it is a single change rather than a program for continuing scheduled changes in the minimum wage; and it sets a different amount for the 1984 change than the prior bills.

Though the amount differential may appear small, it obviously is not. L. D. 1138 proposed \$3.35 for 1984, and L. D. 1338 proposed \$3.45. On the basis of 52 weeks a year and 40 hours a week, this means the difference of \$936 for L. D. 1138; \$1,144 for L. D. 1338. L. D. 2236 proposes a \$3.55 minimum wage, which would equal \$1,352 per employee. The difference between those bills on this point alone is clearly substantial, being not less than \$200 per employee.

For those reasons, the Chair has ruled that this matter is properly before the body.

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

Mr. GWADOSKY: Mr. Speaker, a point of parliamentary inquiry.

The SPEAKER: The gentleman may state his inquiry.

Mr. GWADOSKY: Given your ruling, is the question now before the House reference to a committee?

The SPEAKER: The Chair would advise the gentleman that the pending question is reference to the Joint Standing Committee on Labor in concurrence with the Senate.

The Chair recognizes the same gentleman.

Mr. GWADOSKY: Would I be correct in assuming that it would be inappropriate at this time to discuss the merits of the bill but rather to limit any comment to whether or not this bill should be referred to a particular committee?

The SPEAKER: The Chair would advise in the affirmative. The only matter before us now is the question of reference and not the merits of the bill.

The Chair recognizes the same gentleman.

Mr. GWADOSKY: Mr. Speaker, I move that this Bill and all its accompanying papers be indefinitely postponed and request a roll call.

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 Gwadosky of Fairfield that this Bill and all its accompanying papers be indefinitely postponed in non-concurrence. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 420

YEA—Allen, Anderson, Armstrong, Bell, Bonney, Bost, Bott, Brown, A. K.; Brown, D. N.; Cahill, Callahan, Carroll, D. P.; Carroll, G. A.; Conary, Conners, Connolly, Cooper, Cote, Crouse, Crowley, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Gauvreau, Greenlaw, Gwadosky, Higgins, L. M.; Hollaway, Ingraham, Jackson, Jacques, Joseph, Joyce, Kelleher, Kiesman, Laplante, Lebowitz, MacBride, MacEachern, Macomber, Manning, Masterman, Masterton, Matthews, K. L.; Maybury, McGowan, McPherson, Melendy, Mills, Moholland, Murphy, E. M.; Murphy, T. W.; Nelson, Paradis, E. J.; Parent, Perkins, Perry, Pines, Pouliot, Racine, Randall, Reeves, J. W.; Richard, Ridley, Roberts, Robinson, Roderick, Salisbury, Scarpino Seavey, Sherburne, Smith, C. B.; Smith, C. W.; Soucy, Soule, Sproul, Stevenson, Telow, Vose, Walker, Webster, Wentworth, Weymouth, Willey, Zirkil-ton.

NAY—Ainsworth, Andrews, Beaulieu, Benoit, Brannigan, Brodeur, Carter, Cashman, Chonko, Clark, Cox, Diamond, Erwin, Handy, Hayden, Hickey, Higgins, H. C.; Hobbins, Kane, Kelly, Ketover, Kilcoyne, Lehoux, Lisnik, Locke, Mahany, Martin, H. C.; Matthews, Z. E.; Mayo,

McCollister, McHenry, McSweeney, Michael, Michaud, Mitchell, E. H.; Mitchell, J.; Murray, Nadeau, Norton, Paradis, P. E.; Paul, Rolde, Rotondi, Stevens, Tammamaro, Theriault, Tuttle, The Speaker.

ABSENT—Baker, Carrier, Hall, Jalbert, Livesay, Martin, A. C.; Reeves, P.; Small, Stover, Strout, Swazey, Thompson.

91 having voted in the affirmative and 48 in the negative, with 12 being absent, the motion did prevail.

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

Mr. GWADOSKY: Mr. Speaker, having voted on the prevailing side, I now move that we reconsider our action and hope you all vote against me and request a roll call.

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

Mr. Kelleher: Mr. Speaker, Ladies and Gentlemen of the House: I would urge the members of this House to vote to reconsider whether you believe in the bill or you don't believe in the bill.

Each of us comes down here to represent our constituents, all of them. Sometimes we vote with them and sometimes we vote against them. But at least when it comes to referring a bill to a committee, we ought to have an opportunity to speak our minds before any individual committee. And more importantly, the citizens in this state should have an opportunity to speak their minds whether they are for an issue or against it.

I have no misunderstanding on what the final outcome will be on this bill when it comes into this body, but I do think it ought to have an opportunity to be heard. By us not giving that opportunity a chance here today in reference, we are denying the public a voice, we are denying people the right to speak, and all you and I are are conduits for our own constituents and for the people for this state. To deny letting this bill go to a committee, I think is unpardonable, not because of what your own personal convictions are but the right of people to have an opportunity to participate in this government. It is not just our government, it is the people's government.

As I said in my opening remarks, sometimes we support issues that our constituents want and other times we vote against their wishes, but to deny people an opportunity to publicly participate in this issue before a committee—an issue as important as minimum wage is—is unpardonable. I urge you to reconsider it and let it go to the committee it was assigned to go to.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to belabor the issue before you, but when Mr. Kelleher says you are denying people a voice over the hearing of this issue, which has been ruled to be rightfully before this committee, he is so right. The people in this instance happen to be over 100,000 minimum wage workers in the State of Maine.

I plead with you, not because I am chair of the particular committee that is going to hear this bill, I plead with you in the name of all those people to reconsider and allow this bill to have an appropriate hearing.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, Men and Women of the House: As you all remember, last year this body, based upon the facts presented at that time, voted against increasing the minimum wage to \$3.50. That was last year. We are now in 1984, the bill has been ruled germane, and it is only fair and right that because this is different circumstances, it is a different year, that this matter be allowed a debate, to be allowed to have those four business people that complain about the minimum wage to have their day before the Labor Committee, to allow that shoe worker who makes the minimum wage have his opportunity if they can afford to take the time to get out of work to go talk about the wage that they make, have them appear before the Labor



Committee.

We have had 2,400 bills before this session and I see no reason why, just because it might be politically expedient for us not to deal with this issue this year, this bill should not have a hearing and be considered. If we can debate Fisheries and Wildlife from Amendments "A" to "G," we can argue whether or not the unemployed workers, the employed workers and those people who have worked for the minimum wage before deserve and do not deserve a 20 cent increase in the minimum wage. I hope we will at least give this opportunity for those who have the position in favor of the bill to be allowed to present their case before the Labor Committee next week, and I am sure that we can debate the matter one more time and make a decision based upon the merits.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I believe this House voted in favor of an increase in the minimum wage; the bill died at the other end.

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

Mr. HAYDEN: Mr. Speaker and Members of the House: I think we all ought to be real honest with ourselves right now. Whether this bill is important to us one way or the other, there is no question that it is important to some people, some people who favor an increase and some people who are opposed to it.

When I came here in the Legislature two terms ago almost, my understanding was that it was my job to represent the people in my district and represent the people of the state, and that is the reason this body is here. We have rules and we have rules to help us do that job. All of us have been around and we have seen those rules used to hurt us and we have seen those rules used to help us. But I think we really have to take one moment to really honestly ask ourselves if allowing this bill to die, this bill that is a hard issue for many of us, allowing it to die before it is referred to committee is doing our job to the people of this state.

You look at those colors up there and you saw all those reds and greens, I think this bill is probably going to have tough sledding, but it is right to use the rules of this State Legislature to gag the people who consider this a very important issue.

It is a long road, and when the rules are wielded that way, one day they will cut in your favor and one day they will cut against you.

I still consider my job to give the people in this state a chance to vote what they think is important. If I disagree with them, and I don't think that is my job to agree with them every time, then I will stand up and be counted for what I think is right, but I will never, never vote to use the rules in this House to gag something that is an important issue that is going to be resting at the feet of my neighbors and your neighbors throughout this state. I think a lot of our responsibility as elected officials is being tested right now, and when you decide how you are going to use those rules tonight, you will be saying something about what you consider your job to be in this House of Representatives.

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 Chair recognizes the gentleman from Fairfield, Mr. Gwadosky.

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: We have utilized 41 legislative days, there are 9 days remaining. Last session when a bill similar to this was finally defeated in the other body and died in non-concurrence, it was on June 15, 1983, the 90th day of the First Regular Session, which meant that there were 10 legislative days left. I would like to think in my heart that it is just coincidence that these bills can't seem to get before us until the waning days of each legislative session.

I have to believe that issues that are as important as these could have been brought to us at an earlier date. The issue of minimum wage is a familiar issue but it is a substantive issue, and in fairness, if we are going to talk about raising the minimum wage, we need to talk about more than raising nickels and dimes, we have to talk about the entire structure of minimum wage, whether or not it is fair for the farmers in Aroostook County and agriculture in general to be exempt. Is it fair for sardine packers and the fishing industry to be exempt? Should we be exempting the hotel and motel industry? There are all kinds of considerations that should be taken into consideration in fairness to Maine people if we are going to deal with the minimum wage. Those considerations weren't put in the bill last session, and they are not included in this bill. In nine days, I don't think in fairness we can address these issues.

I would urge you not to reconsider.

Representative Beaulieu of Portland was granted permission to speak a third time.

Mrs. BEAULIEU: Mr. Speaker and Members of the House: I believe the issues just raised by Representative Gwadosky were raised very well the last time on both sides of the issue. I think both sides will be prepared to repeat those issues again. I am going to be sitting in my seat listening to debate on bills that have been brought in later, more bills that will be heard next week, and I will be in my seat listening to those debates. I don't think this issue is any different. We will all be here listening to debates on very major issues before us whether they came in early or late.

I again implore you to vote for the pending motion.

The SPEAKER: The pending question is on the motion of the gentleman from Fairfield, Mr. Gwadosky, that the House reconsider its action whereby this Bill was indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 421

YEA—Ainsworth, Andrews, Beaulieu, Benoit, Brannigan, Brodeur, Brown, A. K.; Carter, Cashman, Chonko, Clark, Connolly, Diamond, Erwin, Handy, Hayden, Hickey, Higgins, H. C.; Hobbins, Jacques, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, Lehoux, Lisnik, Locke, Macomber, Mahany, Martin, H. C.; Matthews, Z. E.; Mayo, McCollister, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, E. H.; Mitchell, J.; Murray, Nadeau, Nelson, Paradis, P. E.; Paul, Perry, Rolde, Rotondi, Smith, C. B.; Stevens, Tammaro, Theriault, Tuttle, The Speaker.

NAY—Allen, Anderson, Bell, Bonney, Bost, Bott, Brown, D. N.; Cahill, Callahan, Carroll, D. P.; Carroll, G. A.; Conary, Connors, Cooper, Cote, Cox, Crouse, Crowley, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Gauvreau, Greenlaw, Gwadosky, Higgins, L. M.; Hollaway, Ingraham, Jackson, Joseph, Kiesenman, Laplante, Lebowitz, MacBride, MacEachern, Manning, Masterman, Masterton, Matthews, K. L.; Maybury, McGowan, McPherson, Mills, Moholland, Murphy, E. M.; Murphy, T. W.; Norton, Paradis, E. J.; Parent, Perkins, Pines, Pouliot, Racine, Randall, Reeves, J. W.; Richard, Ridley, Roberts, Robinson, Roderick, Salisbury, Scarpino, Seavey, Sherburne, Smith, C. W.; Soucy, Soule, Stevenson, Telow, Vose, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilston.

ABSENT—Armstrong, Baker, Carrier, Hall, Jalbert, Livesay, Martin, A. C.; Reeves, P.; Small, Sproul, Stover, Strout, Swazey, Thompson.

56 having voted in the affirmative and 81 in the negative, with 14 being absent, the motion did not prevail.

Sent up for concurrence.

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

#### Consent Calendar

##### First Day

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

(S. P. 778) (L. D. 2097) Bill "An Act to Ensure Universal Telephone Service for Maine People" Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-340)

On Motion of Representative Vose of Eastport, was removed from the First Day Consent Calendar.

The Committee Report was accepted and the Bill read once.

Committee Amendment "A" (S-340) was read by the clerk and adopted and the Bill assigned for Second Reading later in today's session.

(H. P. 1741) (L. D. 2295) Bill "An Act to Establish a Poultry Disease Control Fund" (Emergency) Committee on Agriculture reporting "Ought to Pass"

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objections, the House Paper was passed to be engrossed and sent up for concurrence.

#### Consent Calendar

##### Second Day

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

(H. P. 1710) (L. D. 2258) RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands

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.

#### Passed to Be Engrossed

Bill "An Act Relating to the Quality of Milk" (H. P. 1804) (L. D. 2378)

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

Mr. Smith of Island Falls offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-615) was read by the Clerk.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: At a time when people are more concerned than ever with fat and cholesterol in their diets, I would just suggest to you that we should not be increasing the fat in whole milk. To make the milk taste better to increase sales is the reason given. Maine is now the leading state in the United States in milk consumption per person.

The Department of Agriculture nor the dairies have not had any requests for an increase in fat in whole milk. A change could result in loss of sales.

The present law requires a 3.25 milk fat minimum in whole milk. A dairy can go higher if he chooses to do so. Some are above the 3.25 level and they have not captured all the market as proponents of this bill might suggest.

The only competition left in the dairy business is the taste and quality of milk. The minimum price is set by the Maine Milk Commission and I don't believe that we should be taking away this competitive edge which now exists.

Should we be putting more fat in whole milk for children hoping they would acquire or develop a taste for the extra fat? Or should we be encouraging a low fat milk for the protein which is the same in skim milk as in whole milk? By increasing the fat level in whole milk, they are going to have a price increase. Also the price of ice cream, butter and cream will have to go up.

The dairy farmer is paid on the level of fat in their milk. Above 3.5, they get more; below, they get less. Does that not suggest to you that whole milk would go up if the fat level went up?

The dairies are opposed to this bill because of the cost to them. One young man testified at the hearing that he and his brother operate a small dairy and if this bill passed raising the level of fat, they would go out of business. There are five reasons I am opposed to this bill. One, the

consumers are not asking for it, it ain't broke. Two, it will put more fat in people's diets. Three, the price of whole milk will go up. Four, changing the sales could lose sales. Five, I don't want to put anyone out of business.

I hope that you will support the amendment.

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

Mr. MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: I move that House Amendment "A" be indefinitely postponed.

The SPEAKER: The gentleman from Auburn, Mr. Michael, moves that House Amendment "A" be indefinitely postponed.

The gentleman may proceed.

Mr. MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: I appreciated the gentleman from Island Falls remarks on this bill and I appreciate where he comes from with it.

The committee reviewed this legislation and voted 10 to 3 to support this bill out in its amended form. The intent of the bill is to raise the minimum fat content and the overall solid content in milk to 12 percent overall solids and 3.5 percent fat solids. As far as the fat solids, that would be an increase of a quarter of a percent for the fat solids, so you are not talking about a huge difference, for instance, in the amount of cholesterol in the milk.

As you and I know, milk and all dairy products and all animal products contain cholesterol and I, by the way, happen to be one person who recommends that people drink skim milk and I, as a policy, drink skim milk when it is available and I eat as little fatty meat as possible, I eat the lean stuff.

You also know that low fat milk is available in the stores and if the consumers, and I hope they do, want to buy the lower fat content milk, they are free to do that. They can buy skim milk, which would have less than .5 percent fat; they can buy one percent milk; they can buy 1.5 percent milk; they can buy 2 percent milk. So this bill actually would bring the milk back up to the whole level. It would make the milk, if I may use the word "whole" again, whole means complete and as milk comes naturally, it is actually quite higher than 3.5 percent. Even the cows which produce a low fat type milk, meaning they have less butter fat in the content, have at the minimum 3.7 percent fat naturally. Jersey cows have up to 4 percent fat, so this bill would merely raise the minimum contents so that the product that appears on the shelves would more resemble the natural product, the way that it comes out of the cow, and would prevent the dairies who scoop all the fat off and then pour the minimum amount back in, save the cream to sell at a higher price at what it is now, probably up to 90 cents a pint, at least 70 or 80 cents a pint, that would remain in the whole milk.

People who buy whole milk, whether or not it is wise nutritionally, I don't know, but they want that creamy taste, so the bill is designed to bring that percentage up just by a quarter of a percent so it is closer to the natural level but not so high that there would be any question that any cow could hit that target in its milk.

I see no indication that the price of milk will go up. Many states have the 3.5 percent level. There is some ambition to have it be a regional kind of thing. Vermont currently has 3.5 percent fat level. I don't know what their overall solids percentage requirement is but I know that the butter fat level is 3.5 percent.

Another thing, we say that some of the dairies, out-of-state dairies especially, will have a difficult time matching Maine's high standards. This would be a high standard kind of thing. The huge production dairies tend to have a slightly more, we think, watered down version of milk and this will press them, it will sort of challenge them to keep the quality up. It is not surprising that the out-of-state dairies such as Cumberland Farms oppose this legislation.

I do urge you to indefinitely postpone this amendment but support the overall bill.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I think Representative Michael pointed out that the price of milk wouldn't go up. Well, I assure you that it will and it was stated there that it would go up by a few cents, I don't know how much.

We are talking about out-of-state milk. We can't build a wall around this state and not ship milk out and then expect none to come in. If we are going to have a wall, it is going to protect it from going out and protect it from coming in.

I do believe that the price will go up. The farmer is paid on the milk fat content and the higher the level, the higher is paid; the lower, the lower he is paid, so why wouldn't that hold true of whole milk put out on the market?

If anybody has acquired a taste for that milk which he says is not good, then they wouldn't be buying it. My whole point is, if this milk we have in this state or a dairy now has that competitive edge by making a good product, then they will drive the other guy out of business with that product.

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

Mr. SHERBURNE: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would support the motion to indefinitely postpone this amendment. For over 40 years I was a producer of milk and during those years we kept seeing the quality of the milk or the butterfat content of the milk lowered. Now this wasn't because of the demand of the people, it was to help the milk plants because they could take a little more cream out of the milk and still get the same price for the milk.

We had one man at our hearing who testified that it has been proven lately that young children especially need more butterfat in the milk, more solids in the milk, and if they get this, through the later years of their life they will also be able to handle more cholesterol.

The solids in the milk are made up by fat, butterfat, protein and lactose and these solids are what put the flavor in milk. When I first started producing milk, 3.7 percent was the standard milk. People really didn't pay that much attention to 3.5, 3.7 or whatever at that time. Milk was put in glass bottles, it wasn't pasteurized, so it would naturally separate and what was looked at was the cream line. If that cream line reached down the neck of the bottle, a good big amount of cream on it, this was considered the best milk. But as we started pasteurizing, the cream line disappeared, the milk doesn't separate after it is pasteurized and so people couldn't go by that cream line on the milk and people did become more fat conscious.

The dairies, of course, jumped on this program because they could take out a little more cream and still sell the product. It was reduced from 3.7 to 3.5 for standard milk and for many, many years, 3.5 was the standard milk and it was still good milk. Since that standard was used, it has been again reduced to 3.25. When we speak about that people shouldn't be encouraged to drink milk containing more fat, they can still get two percent milk, a one percent milk, the skim milk if they desire, but 3.5 percent milk is a little better product than 3.25 milk, which is the present standard.

And not only that we hear of the government piling up huge supplies of butter and cheese and a little bit of that cream, that butterfat, could still be left in the milk, people would be getting a little better product, the United States government would be buying a little less butterfat in the form of butter and cheese and so forth, so I believe, ladies and gentlemen, that this is just a very small step to put a little better product on the Maine market for Maine consumers. If we have the highest consumption in the nation with 3.25 milk, maybe we could still make that spread a little greater if we made the milk a little bit better and made it 3.5.

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

Mrs. MELENDY: Mr. Speaker, I would like to pose a question through the Chair. If a milk product goes up in price, don't they all go up in price? Also, I do understand that the information was that physicians are asking that infants drink milk with more fat products in it? It is also my understanding that physicians ask older people and infants to stay away from the fat product and so the price of milk is one question and the other was just another fact that I felt I had learned.

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

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

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: It all depends on which doctor you talk to. I drink a gallon of milk a day, have for years. I have no problem and my doctor will verify that. It depends upon which doctor you are talking to and what day of the week.

As far as price, the Milk Commission gave no indication at our hearings that this would create any change in the milk price. Granted, the dealers insisted that it would but, let's face it, the dealers are not setting the price, the Milk Commission is.

Mr. Michael of Auburn requested a roll call.

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

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

Mr. MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: I just want to brief you on the issue one more time and tell you what the bill does and what the bill does not do.

The bill raises the minimum standard of solids in milk to 12 percent; they are now at 11.75 percent. Solids in milk include fat solids and non-fat solids, which are considered protein solids. So effectively this bill would raise the fat solids in milk and the protein solids in whole milk only. People who desire a low fat product, as I do personally, and I recommend that the people in the House also do, can still buy 2 percent milk, 1.5 percent milk and 1 percent milk or skim milk which is under 5 percent fat. This bill will raise the fat standards closer to what they naturally are in milk and will prevent the dairies from extracting the fat level down to that minimum of 3.25 percent which it now is, so it adds a quarter of a percent onto the fat solids level so that it is closer to what it naturally would be.

Although nothing prevents milk from being sold at a higher level in the state, because cream gets a higher price on the shelf, 70 to 80 cents a pint, the minimum level typically becomes the maximum level. So if you have a minimum level as you currently do now of 3.25 percent, that effectively becomes the maximum level, that is the maximum amount of cream that you get in your whole milk even if you want more unless you should go directly to a farm and then you would be getting 3.7 percent but on the shelves it is only available effectively at 3.25 percent now. That is not as quality a product as we can present in the State of Maine.

The producers, the farmers, who feel proud about the product that they produce in Maine, which I think is a quality product, greater than what you have out of state, are proud and they came and supported this bill because they want to see the milk they sell to the dairies come back onto the shelves in a quality that is relative to what they sold to the dairies and not artificially lowered. The 3.25 milk now is artificially low, it is an artificial product, it is not whole milk really, it is artificially low. This bill would bring integrity to the milk; that is, make it whole—once again, it would make whole milk whole, so I urge you to postpone this amendment.

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

Mr. SHERBURNE: Mr. Speaker, Ladies and Gentlemen of the House: The question was asked if this would put the price of milk up and, as Mr. McCollister said, the Milk Commission sets the

price, the dealers don't set it. I have a hard time believing that the Milk Commission is going to raise the price of milk, of whole milk, just for this small amount of butterfat that is left in it. It certainly wouldn't change the price of the lower fat milk, the 2 percent milk, the skim milk or the 1 percent milk, so I think that question would be—I can't believe that our Milk Commission would increase the price of milk just because of this small change.

Mr. Smith of Island Falls was granted permission to speak a third time.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I still maintain that raising the fat, you are going to raise the cholesterol level of milk and I don't believe that the people have asked for this. There are a few that like that heavy milk like they used to get and they can buy half and half and drink it if they so wish. The small dealer and his brother, the man running the small dairy, allowed that they would go out of business if they didn't have this extra fat which they make the by-products from. They are operating on a small margin. I believe that we should leave the law as it was. The other two parts of the bill I have no problem with. I didn't try to kill the whole bill, I only wanted to address the milk fat content and I hope you would reject the motion to kill this amendment.

The SPEAKER: The Chair recognizes the gentleman from Stockholm, Mr. Anderson.

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I find it hard to support this bill to increase the fat content in milk. Most people are very conscious of fat intake in their diets. Promoting milk by telling people we are adding more fat to the milk, I do not think is the way to go.

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

Mr. MICHAEL: Mr. Speaker, I would like to pose a question through the Chair to anyone who may care to answer. Are the proponents of this amendment interested in requiring the state to sell only nonfat milk? If so, why doesn't the amendment require only nonfat milk to be sold in the state if we are so interested in denying the public its access to whole milk?

The SPEAKER: The pending question is on the motion of the gentleman from Auburn, Mr. Michael, that House Amendment "A" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 422

YEA—Bell, Benoit, Bott, Brannigan, Brodeur, Brown, D.N.; Cahill, Callahan, Carroll, D.P.; Carter, Conary, Connolly, Crowley, Daggett, Davis, Dexter, Dillenback, Drinkwater, Greenlaw, Gwadosky, Handy, Hayden, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Jackson, Joyce, Kelleher, Kiesman, Lebowitz, Locke, MacEachern, Mahany, Masterman, Masterton, Matthews, K.L.; Matthews, Z.E.; Maybury, McCollister, McGowan, McPherson, McSweeney, Michael, Mitchell, E.H.; Murphy, E.M.; Murray, Nadeau, Nelson, Norton, Paradis, E.J.; Parent, Randall, Reeves, J.W.; Richard, Roberts, Rolde, Rotondi, Salsbury, Sherburne, Smith, C.W.; Soucy, Soule, Sproul, Stevens, Stevenson, Tammaro, Telow, Tuttle, Vose, Webster, Wentworth, Willey, Zirkilton.

NAY—Ainsworth, Allen, Anderson, Beaulieu, Bonney, Bost, Brown, A.K.; Carroll, G.A.; Cashman, Chonko, Clark, Cooper, Cote, Cox, Crouse, Curtis, Day, Diamond, Dudley, Erwin, Foster, Gauvreau, Hickey, Ingraham, Jacques, Joseph, Kane, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, MacBride, Macomber, Martin, H.C.; Mayo, McHenry, Melendy, Michaud, Mills, Mitchell, J.; Murphy, T.W.; Paradis, P.E.; Paul, Perkins, Perry, Pines, Pouliot, Racine, Ridley, Robinson, Roderick, Scarpino, Seavey, Smith, C.B.; Theriault, Walker, Weymouth.

ABSENT—Andrews, Armstrong, Baker, Carrier, Connors, Hall, Jalbert, Livesay, Manning, Martin, A.C.; Moholland, Reeves, P.; Small, Stover, Strout, Swazey, Thompson, The Speaker.

74 having voted in the affirmative and 59 in

the negative, with 18 being absent, the motion did prevail.

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

#### Amended Bill

Bill "An Act to Amend the Maine Consumer Credit Code" (S. P. 762) (L. D. 2070) (C. "A" S-336)

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

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

House Amendment "A" (H-617) was read by the Clerk and adopted.

On motion of Representative McGowan of Pittsfield, the House reconsidered its action whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-616) was read by the Clerk.

On motion of Representative Brannigan of Portland, House Amendment "A" to Committee Amendment "A" was indefinitely postponed.

Committee Amendment "A" was adopted.

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

#### Passed to Be Enacted. Emergency Measure

An Act to Amend the Charter of the Passamaquoddy Water District (H. P. 1614) (L. D. 2136) (C. "A" H-564)

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

#### Bill Held

Bill "An Act to Place Limitations on the Contributions which Candidates may Receive from Political Action Committees" (H. P. 1785) (L. D. 2351)—In Senate, Bill and Papers indefinitely postponed on March 27, 1984.—In House, receded and concurred on March 29, 1984.

Held at the request of Representative Gwadosky of Fairfield.

Representative Gwadosky of Fairfield moved that the House reconsider its action whereby the House voted to recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mrs. Cahill.

Mrs. CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: I would ask you all to vote against the motion and would request a roll call.

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

Mr. HANDY: Mr. Speaker, Men and Women of the House: I would hope that you would support the motion to reconsider so that we may adhere and send this bill to the other body for reference to a committee.

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

Mrs. WENTWORTH: Mr. Speaker and Members of the House: Just for the record, this bill has been before a study committee, the entire committee and was turned down 10 to 3 on the last vote.

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

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: Being a member of a distinct minority, one of the few that hasn't spoken yet today, I couldn't let this chance go by at such a later hour.

I hope that you will not agree with the gentleman and my good friend from Fairfield, Representative Gwadosky. I hope that we will stay with the other body and not refer this bill at such a late date in this session. The good gentle-

man from Fairfield was very eloquent earlier this evening when he mentioned that we had only but nine legislative days left.

Now, it isn't that this bill does not deserve a public hearing, because it does. The truth of the matter is that this bill was very ably thought out, researched by the good gentleman from Lewiston, Representative Handy, who chaired the Subcommittee on Election Laws last fall. I believe it had four or five public sessions, work hearings and research, and a lot of work was put into it. But I believe that this minority report, which was signed by the gentlelady from Brunswick, Mrs. Martin, the gentleman from Unity, Mr. Stevenson, and the gentleman from Lewiston, Mr. Handy, does not at this late date really deserve to be heard again by the Election Laws Committee, a committee which has finished all the legislation before it.

I hope that you will adhere to our former action, permit this bill to die during this session and perhaps come back at a later date.

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 Chair recognizes the gentleman from Auburn, Mr. Michael.

Mr. MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: I do want to thank the good gentleman from Augusta, Mr. Paradis, for saying that this bill does deserve a hearing. I concur with him on that matter. I do want the House to know that this bill has not had a hearing, that this is a minority report of the subcommittee, and it is always traditional for a minority report that reports out bills to have these bills heard. Although the Election Laws Committee and the subcommittee did have a study of election law matters, that the content of this bill was never effectively reviewed and certainly the public was never notified as to a discussion on this specific content at any time.

This is the only piece of campaign reform legislation to come before this body this year, in an election year, and it is absolutely not acceptable to allow this to slip through the kinks in the legislative process, using as the excuse that it is too late to hold a public hearing. There are bills that we referred to committee today and everybody knows that. This is not a bill that was let in by either the Governor or leadership in the last week or two, this is not one of those bills that we should resist and say no, enough is enough, we have to stop the system. This has been on the agenda for half a year or a year.

I came here and made this issue a priority. I attended work sessions in the summer months without per diem because I am not a member of the committee. At least one citizen's group I know of voted this issue the priority for the 1984 season. It is foolish and irresponsible and nonsensical for this body to not allow this to have its say in public hearing. I know that many of you will vote against it and I support you if that is the conclusion that you come to. I know many of you will vote for the bill after it has a hearing, but at least have the common courtesy and decency to send this important bill to hearing. It means a lot to a lot of people, it means a lot to myself and Representative Handy and we request a public hearing on this bill. I know that the committee can handle the effort, I know they can get the job done and have a public hearing. It won't hold the process up a teaspoon.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of Representative Gwadosky of Fairfield that the House reconsider its action whereby it voted to recede and concur. All those in favor will vote yes; those opposed will vote no.

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

Mr. RACINE: Mr. Speaker, I request permission to pair my vote with Representative Jalbert of Lewiston. If he were here, he would be voting yes, and I would be voting no.

#### ROLL CALL NO. 423

YEA—Ainsworth, Allen, Andrews, Beaulieu, Benoit, Bost, Brannigan, Brodeur, Brown, A.K.; Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Erwin, Gauvreau, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Joseph, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, H.C.; Masterton, Matthews, Z.E.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michael, Mills, Mitchell, E.H.; Mitchell, J.; Murray, Nelson, Paul, Pouliot, Randall, Rolde, Soucy, Soule, Steens, Stevenson, Telow, Theriault, Tuttle, Vose, The Speaker.

NAY—Anderson, Bell, Bonney, Bott, Brown, D.N.; Cahill, Callahan, Conary, Conners, Curtis, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Greenlaw, Gwadnosky, Higgins, L.M.; Holloway, Ingraham, Jackson, Joyce, Kiesman, Lebowitz, MacBride, Masterman, Matthews, K.L.; Maybury, McCollister, McPherson, Michaud, Murphy, E.M.; Murphy, T.W.; Nadeau, Paradis, E.J.; Paradis, P.E.; Parent, Perkins, Perry, Pines, Reeves, J.W.; Richard, Roberts, Robinson, Roderick, Rotondi, Salsbury, Scarpino, Seavey, Sherburne, Smith, C.W.; Sproul, Tammaro, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Armstrong, Baker, Carrier, Hall, Livesay, Martin, A.C.; Moholland, Norton, Reeves, P.; Ridley, Small, Smith, C.B.; Stover, Strout, Swazey, Thompson.

PAIRED—Jalbert-Racine.

72 having voted in the affirmative and 61 in the negative, with 16 being absent and 2 paired, the motion did prevail.

The SPEAKER: The question now before the House is to recede and concur.

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

Mr. MICHAEL: Mr. Speaker, I ask the House to vote against the motion to recede and concur so that we may adhere.

The SPEAKER: The Chair will order a vote. The pending question is on the motion to recede and concur. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

62 having voted in the affirmative and 73 having voted in the negative, the motion did not prevail.

Thereupon, the House voted to adhere.

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

Bill "An Act Concerning the Maine Land Use Regulation Commission" (H. P. 1810) (Presented by Speaker Martin of Eagle Lake) (Cosponsors: Senator Pray of Penobscot, Representative Rotondi of Athens and Mills of Bethel)

Was referred to the Committee on Audit and Program Review, ordered printed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

### Consent Calendar First Day

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

(H. P. 1739) (L. D. 2304) RESOLVE, Extending the Life of the Commission to Examine the Availability, Quality and Delivery of Services Provided to Children with Special Needs (Emergency) Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-613)

(H. P. 1686) (L. D. 2244) Bill "An Act to Clarify Responsibility Under the Maine Potato Quality Control Law" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-614)

There being no objections, under suspension of the rules the above items were given Consent Calendar Second Day notification, passed to be engrossed as amended and sent up for Concur-

rence.

### Passed to Be Engrossed

Bill "An Act to Encourage the Use of Wood and Solid Waste as a Source of Energy in State-owned Buildings" (S. P. 879) (L. D. 2383)

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

### Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Limit the Sale of Liquors with a High Percent of Alcohol" (H. P. 1701) (L. D. 2255)

Signed:

Senators:

CHARETTE of Androscoggin  
SHUTE of Waldo  
DANTON of York

Representatives:

DILLENBACK of Cumberland  
STOVER of West Bath  
PERRY of Mexico  
HANDY of Lewiston  
McSWEENEY of Old Orchard Beach  
COTE of Auburn  
DUDLEY of Enfield  
SWAZEY of Bucksport  
MURPHY of Berwick

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

Signed:

Representative:

COX of Brewer

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Cox.

Mr. COX: Mr. Speaker, I move that we accept the Minority "Ought to Pass" Report and would speak briefly.

The SPEAKER: The gentleman from Brewer, Mr. Cox, moves that the Minority "Ought to Pass" Report be accepted.

The gentleman may proceed.

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I have been threatening my seat-mates here that I was going to present an hour and a half speech, but I won't. I don't want to take too much of the House's time on a lopsided report like this, but the sponsors of the bill consider this concept a concept too important to die in the dark corners of the lower floor, at the committee level.

The arguments raised against this bill are the arguments raised anytime a new idea comes along—we have never done it this way, we have always done it the other way, they won't buy it. It sounds to me like the arguments that were raised when they first invented steamships. The shipyards were all designed to build sailing ships, they won't build steamships. People won't ride on these steamships, they are afraid they will blow up. The arguments that have been raised against this are largely of this nature, that people think this liquor with the lower alcohol content won't taste as well. They have never drank any of it but they are sure it won't taste as well, like the people who had never ridden on the steamships were sure they would blow up.

The distilleries say they have no intention of producing this liquor, the same as the shipyards said in 1800, we have no intention of building steamships. And it was true at that time that the shipyards weren't ready to produce steamships, but I am sure that if we had forbidden Robert Fulton to tell people that steamships would work, that transportation would not be in the state that it is in now.

The majority of committee recognizes the facts of life. The very small minority of the committee, plus the three sponsors, believe, regardless of what the objections are, that somehow there must be some relation between the strength of the drink that you drink and how quick you can get drunk. It just seems to us that there must be some relation, and so we do present this perhaps the same as the first people

that talked about steamships, that we know they are not going to start applying the waters immediately, and we know this bill is probably not going to start applying the waters immediately, but we do want people to be aware that it is a novel idea that you probably have not heard the last of.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Dillenback.

Mr. DILLENBACK: Mr. Speaker and Members of the House: I am just going to say a few words, I am not going to keep you, but all you have to do is drink twice as much and you can get twice as drunk if you have a low alcohol content.

Secondly, it has been suggested to us that the state will lose something like \$3 million if you adopt this bill.

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

Mr. MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief and had not really planned to say much about this bill and won't say much, but I did want to say that part of the reason this bill was put forth is because some of the restaurants requested that it be put in because people simply want to socialize when they go out to drink. Some of us want to go out and get drunk but most of us want to go out and socialize, and everyone won't drink two drinks instead of one to get drunk. And the idea of the state losing \$3 million is totally unfounded, no one knows if that is true. Someone made that idea up and it has been grasped onto by some folks who want to defeat the bill, and that is all right.

What I really want to do is just thank the gentleman from Brewer and the gentlelady from Bangor for being willing to get behind a new idea and examine it. I am always pleased to see us when we do that. I also want to thank the committee for giving the bill a good hearing and would predict that bills like this in regard to alcoholic beverages and reducing the content will be passing at some future date, in some future year, and appreciate the start we have gotten here with this bill this year.

The SPEAKER: The pending question is on the motion of Representative Cox of Brewer that the Minority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

25 having voted in the affirmative and 70 having voted in the negative, the motion did not prevail.

Thereupon, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

### Non-Concurrent Matter

Bill "An Act to Establish a Regional Fuel Tax Agreement" (H. P. 1799) (L. D. 2380) (Reported pursuant to Public Law 1983, Chapter 94) which was referred to the Committee on Transportation in the House on March 29, 1984.

Came from the Senate referred to the Committee on Taxation in non-concurrence.

On motion of Representative Carroll of Limerick, the House voted to recede and concur.

### Second Reader Tabled and Assigned

Bill "An Act to Ensure Universal Telephone Service for Maine People" (S. P. 778) (L. D. 2097) (C. "A" S-340)

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

On motion of Representative Vose of Eastport, tabled pending passage to be engrossed as amended in concurrence and assigned for Tuesday, April 3.

The Chair laid before the House the following matter:

Bill "An Act to Provide a Transition Period for Certain Educational Equivalence Provisions in the Psychologists License Law" (H. P. 1786) (L. D. 2362) which was tabled and later today as-



signed pending further consideration. (In House, referred to the Committee on Business Legislation) (In Senate, Bill indefinitely postponed in non-concurrence)

On motion of Representative Nelson of Portland, the House voted to adhere.

The Chair laid before the House the following matter:

An Act to License Occupational Therapists (S. P. 837) (L. D. 2243) (S. "A" S-331) which was tabled and later today assigned pending passage to be enacted.

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

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

House Amendment "B" (H-611) was read by the Clerk and adopted.

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

The SPEAKER: Would the gentleman from Fairfield, Representative Gwadosky, please approach the rostrum for the purpose of acting as Speaker pro tem.

Whereupon, Representative Gwadosky assumed the Chair as Speaker pro tem and Speaker Martin retired from the Hall.

The Chair laid before the House the following matter:

HOUSE DIVIDED REPORT—Majority (8) "Ought to Pass" in New Draft (H. P. 1782) (L. D. 2347)—Minority (5) "Ought to Pass" in New Draft under New Title Bill "An Act Amending the Forest Fire Control Laws and Change the Method of Funding Forest Fire Control Services" (H. P. 1783) (L. D. 2348)—Committee on Taxation on Bill "An Act to Amend the Forest Fire Control Laws and Change the Method of Funding Forest Fire Control Services" (Emergency) (H. P. 1581) (L. D. 2093) which was tabled and later today assigned pending acceptance of either Report.

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

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

The SPEAKER pro tem: The gentleman from Portland, Mr. Higgins, moves that the Minority "Ought to Pass" Report be accepted.

The gentleman may proceed.

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: I am sure this is an issue which you have thought long and hard about, I know I have. Last week during the debate I referred to 500 acres of oil when I should have referred to 500 gallons of oil, so it is something we have been thinking about for a long time. I guess it is entirely appropriate that we discuss forest fire funding today after we have been trying to save all those small creatures in our forests today as well.

Clearly, I have found this issue to be the topic that has been in most of your minds, it is clearly the topic that I have been approached most on this session. I think that probably half the legislators here have approached myself or other committee members about it.

What we have found are two major problems with the current forest fire funding method that we have. Number one is the 100 acre threshold. The problem with this has been that 100 acres doesn't take into account owners who have more than one parcel in a municipality. In a lot of cases, some owners would have two 50 acre parcels on which they would not be paying portions of this forest fire suppression control tax, so one of the solutions seemed to make cumulative parcels which met a particular threshold. The other problem has been 100 acres seemed to be too small a threshold because this hit a lot of small family landowners who had passed this land on

from generation to generation.

The minority report proposes to raise this threshold to 300 acres and make it cumulative to try and solve both of these problems.

We also recognize that there is a distinct public purpose here that landowners opening their land up for hunting and also for the general public, there is a public purpose in there and we would continue the one-third general fund that has gone towards fighting forest fire suppressions in the past and we propose to continue this this year.

We also propose to continue the first response charge. What this is is for those municipalities in the unorganized territory that cannot provide first response capabilities, they are charged an additional 9 cents an acre. That would continue for this year at that rate or a lower rate, possibly as low as 7 cents per acre.

We also would be providing that the state provides first response capabilities for about 40 municipalities in the organized territories, and we would propose that they be paying into this fund as well since they are receiving a clear service which other municipalities more urban or towns have to provide first response as well.

The 300 acre threshold, it is cumulative parcels of 300 acres and greater will pay the same rate as they pay now for 100 acres. We have lowered the cost through the administrative burden and we have also added a greater parcelage in here. So those small landowners who own less than 300 acres would not be subject to this.

I would like to comment briefly on the majority report, which I am sure you will hear about.

General Fund is the alternative proposal before the alternative report, the majority report, and I would like to offer a few brief comments. This doesn't include first response capabilities. All the taxpayers of the state would be paying for first response not only in the unorganized territory but in 40 organized territories. What this means is that it would encourage a lot of cities and towns to give up their fire departments because the state would pick up the cost, that is what is being proposed here. The state would pick up 100 percent of the cost. I am not sure this is the right encouragement that we want to give our municipalities, to give up their fire departments and have the state bear this cost.

Why should this forest fire suppression, 100 percent of it, come out of the General Fund? Do the people of this state receive 100 percent of the benefits of this land ownership? We don't own it. Doesn't the landowner receive some intrinsic value when wood is taken off this, they are receiving a direct financial benefit when they sell the land for a higher price, they are receiving a direct financial benefit. Should the state be paying the whole cost of fighting forest fires on their land?

I think clearly the owner receives a direct financial benefit from the ownership of this land and therefore should share in the cost of preserving this financial benefit.

The majority report also includes property tax money that we set aside for the elderly, for the homeowners and also for those who can't afford to own property. What it is doing, it is taking the \$5 million we set aside for property tax relief, it is taking \$3.4 million out of this to fund this proposal here today. The reason they are doing it, because we met with the Appropriations Committee and there isn't money to fund it in the general budget, so they are taking the property tax money for this. We had set this aside for some very important people who can't afford the property tax that they are paying now.

Who do we help in this General Fund proposal here? Who is receiving two thirds of the benefit of this \$3.4 million—the 10 largest landowners in the state. Is this who we want \$2.1 million to go to? Poor, poor J. M. Huber; poor, poor International Paper, is this who we want to give property tax relief to? Is it our highest priority here in the House? I think the choice is clear that it isn't.

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

Mr. CASHMAN: Mr. Speaker, Men and Women of the House: I will try my best to be brief for two reasons. First, I notice that there is hardly anybody left here; and secondly because I know the Speaker has a roast in the oven and wants to be out of here by eight.

This is a very complicated matter and not very easily explained, so I hope that those of you who are left in the House will bear with me.

It is obvious from the report of the committee that I am on the opposite side with my chairman on this and I am standing to urge you to oppose his motion to accept the minority report. It pains me to stand here and debate friends like Representative Kane from South Portland on this, but I must oppose him because when it comes to debate on trees, I know that Representative Kane only owns one tree and it is on his front lawn and it is dying.

I think the reasons for the majority report, the bipartisan report of the Committee on Taxation on this matter weren't very well stated by the chairman. I think the reasons for funding this out of the General Fund are that the whole state benefits from forest fire suppression, not just large forest land owners. A forest fire raging out of control can consume houses and in fact entire towns. I think the state should be involved in forest fire suppression because no single town could handle a raging forest fire. That was the reason that the forest fire suppression was created in this state, after the fires after World War II. I think reasons still exist and I think that the benefits from the department are received by the whole state.

I think also you have to look at the alternatives that have been offered to fund this program. We have had an alternative offered to lay the cost of this department directly on the property tax by billing the towns. The majority report does call for taking some money that has been previously dedicated to property tax relief, but I would submit to you that it is better to use that money to provide money for this fund than to fund this out of the property tax, then you are giving with one hand and taking with the other. I think we are being more honest here by taking the money up front.

The other alternative is the minority report. I think we have all received phone calls from people who are affected by the forest fire suppression tax we passed last session. This isn't much different than what is being proposed in the minority report.

Mr. Higgins mentions that we are taxing the largest landowners in the state with the minority report, and he is right, but I think it should be pointed out that we are taxing a lot more than that, we are taxing a lot of very small landowners. Why Georgia Pacific, why Great Northern, and why Huber? They are being affected by this and they are being affected adversely.

Another thing about this suppression thing that we passed last session that is being duplicated in the minority report is that it costs a great deal of money to collect. It has been an unmanageable tax, it has been an administrative nightmare. I don't think that we should be in the business here of promoting such unadministrable programs as that has turned out to be.

Some will call the majority report corporate welfare or, as Mr. Higgins called it, tax relief for paper companies. I think my voting record in this House is very clear; I have not favored corporate welfare as a rule. I think the corporate community would attest to that. I don't believe that I am favoring corporate welfare or paper company property tax relief by supporting the majority report.

But I will tell you this—as we tax timberland in this state, we can run a very great risk of making it unprofitable to hold timberlands. When we do that, we make it profitable and desirable to clear-cut the land and dump it. I think it is a great responsibility of this legislature to see to it that we don't do that. Timberland is a very important resource to this state, particularly the northern part of this state. I know where I come

from that is the major industry in the area. When trees are gone, paper companies are gone and so is all the industry in the northern part of this state.

It was said many years ago that the power to tax is a power to destroy. I tell you that that is as true today as it was when it was first stated. We have the power to destroy timberland in this state through taxation. I think the minority report that you are being asked to accept comes dangerously close to accomplishing that end.

I urge you to reject the minority report, vote against the pending motion and accept the majority report.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Bethel, Mr. Mills.

Mr. MILLS: Mr. Speaker and Members of the House: I think it is also important to realize who starts forest fires. According to the report that was done by the forest fire commission, over 90 percent of the forest fires that are started are not started by the owners of the land, it is by people that are using the land for recreation or also what is considered a forest fire, if a fire starts in a town or a city and spreads into the forest, that is considered a forest fire. So most of your forest fires are not caused by the actual owners of the land, and therefore I think it is important that we give General Fund money towards supporting the fire suppression tax.

Also, I would like to ask Mr. Higgins, with the first response being put back into this bill, is that basically as the report came out at the time with all the qualifications of what a town would have to have for it? Is it the responsibility of the ranger that would decide what would be the first response of the town if they had enough equipment, who would decide that? Would it be the ranger of the area or what?

The SPEAKER Pro Tem: The gentleman from Bethel, Mr. Mills, has posed a question through the Chair to the gentleman from Portland, Mr. Higgins, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: In response to the question, there would be a board of five individuals created, primarily small-town oriented. I believe one representative represents communities of 250 and smaller, another 750 and smaller, and progressively trying to put together a board that reflects on the smaller municipality problems and so forth, and they would be determining who would qualify as providing first response or not.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Harrison, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I rise to oppose the motion of the gentleman from Portland to accept the Minority "Ought to Pass" Report, and I would just like to bring your attention to the minority report. It is L. D. 2348 if any of you people haven't had an opportunity to look at it yet and read the bill.

As you go through the bill, it looks innocent enough. I have to laud the minority's effort and part of the committee to try to sway myself and the other members of the majority report to assist them in passing this piece of legislation.

One thing that concerns me and concerns me greatly and it was one of the things that was debated most often in the committee was this first response. What is first response? You can ask that to anybody and everybody will give you a different opinion of what first response is. Therefore, that was a concern and it was a grave concern of mine, that we here in state government, the state legislature, were going to pass a piece of legislation—granted, he has his proposal in here for the members to be appointed by the Governor, who would report along with the board that we set up last year, the advisory commission, as to what criteria would be established for first response. But like all other boards when they are appointed by state government, they seem to lose sight of what they actually were appointed to do. You spend a few days here drinking this Kennebec water and your whole perspective changes.

My concern is that first response, that we are allowing the state to put the camel's nose under the tent. That is the first step in mandating what type of fire protection your municipalities are going to provide at the local level, what equipment they are going to use, how many men they are going to have to have on staff, things of this nature, and I think that is a valid concern.

There was another concern of mine in the minority report. We move the threshold from 100 acres to 300 acres aggregate, and the chairman of the committee explained that quite well. I feel that if we are going to do that, it is a severe mistake. We found out how the people felt last year with 100 acres, they weren't too happy with it. Can you imagine the 300 acre aggregate when you have got three or four different parcels of land which make up that in that municipality? It would be kind of frustrating, not only frustrating to the landowner, it would be frustrating to the municipal officials. As Representative Cashman from Old Town stated, it would be an administrative nightmare.

Also, there is a little jewel in here that we dealt with a little earlier this year, it is under 2712, it is the last paragraph, it says that all persons owning parcels containing at least 25 acres of protected land on April 1, 1984, and the number of acres in each parcel owned by each person thereafter, they would have to register this. This is somewhat similar to the proposal that the bill had last year where we went down to one acre, but this is only affected land, so it would be under 300 acres, which would be an additional burden to your local assessor or the selectmen or the councilmen, whatever the case may be.

Just a few things in rebuttal to what the gentleman said from Portland in reference to the 10 largest landowners in the state, call it whatever you want. But I just happen to think that the industry in this state, particularly in the woodland industry whose industry is rather substantial, and I think that overall when you are talking about 300 acres of land on up, or one acre of land on up, or whatever there is for forest land, whatever you want to consider the threshold, I feel that that is a State General Fund responsibility for fire suppression in that area. They can come in and take control of a forest fire at any time that they want to, whether it is a municipal fire department fighting it or whatever the case may be, you have got a forest warden that can take that over anytime that he sees fit.

Not only that, I look at the economic benefits that these woodlands present to the State of Maine, the fiscal benefits they give to us here plus the visual benefits that are extended to the citizens of this state as well as the tourist industry of the state. The woodlands, as I said earlier, they generate a significant amount of revenue, not only income tax, corporate income tax, sales tax, gas taxes, you name it, excise taxes, anything, therefore, I don't think that we are justified in saying that \$3.4 million that we are taking to fund this program is a ripoff of the General Fund. I think those contributions have been made in kind and they are serious.

I just wonder what the cost would be to administer L.D. 2348 to state government and to municipal government. I guess when you look at the 10 largest landowners in the state, you are probably talking about corporations, I would assume that they own that amount of acreage, they probably would be. We passed last year, this legislature saw fit to pass \$13 million tax increase on those people, not only the woodland people, I can't say collectively all those people. We also deprived them of tax conformity. How many millions of dollars did that cost them? We also required them to keep a double system of book-keeping for tax purposes. How much is that costing?

I just feel that when they talk about—and I have to laud the gentleman from Portland for his efforts, he has been a tremendous chairman on that Taxation Committee, he is open, he is honest with you—but I just think when we talk

about taking \$3.4 million, I wonder who else would have grabbed three or four million dollars or five million dollars of that property tax relief he calls for the elderly or for the low income or for the middle income, whatever the case may be there was no funding mechanism. What was it there for? If it is there, why don't we go ahead and take it and use it? In what better way to use it than this way, because you can look at it as a form of property tax relief.

Therefore, I would urge the members of this body to vote against the minority report so we can accept the majority report and send it on its way.

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

Mr. DAY: Mr. Speaker, Ladies and Gentlemen of the House: This subject that we are discussing, there has been some information that has come out on the floor that is not quite right. The forest products industry owns less land than those of us who are not in the forest products industry, so who benefits is about 10 million acres of Maine landowners as opposed to about 8½ acres owned by the forest products industry, so Maine people are going to benefit more from this than from the so-called giveaway to the corporations.

We landowners are already paying fire taxes to our local fire departments. This is double taxation because we are being asked to pick up the extra load for forest fire under the minority report. The concept that this would encourage towns to give up their fire departments, in the face of fire, what would your fire insurance rates be on your homes if towns started giving up fire departments so they wouldn't have to fight forest fires? An example of that is on West Pond and Long Pond in Parsonsfield where I am, my summer place, in 1947 there were 11 camps on those two ponds, one of 275 acres and one 180 acres; today there are 103 camps on those ponds, and those two ponds are a half a mile apart. If a good fire swept through there, it would take all of those camps and the town of Parsonsfield would lose a fantastic valuation by a good forest fire up in our area as opposed to 1947 when they would have lost six camps.

The state is already burdened with tax liens on our present bill where people did not pay their taxes to the state and the state has got a whole stack of tax liens and of course the towns have tax liens, but this has gotten the state into tax liens on property that people haven't paid their taxes on.

The taxation, as far as the people who had land, the tax that we put on last year was a 28 percent increase in land taxes. As Representative Cashman of Old Town has said, some of this land really isn't producing enough to even make it worthwhile hanging onto. Some of us hang onto it for sentimental reasons, it has been in the family for a couple hundred years.

I strongly urge you not to vote for the minority report but to support the majority report because everybody in the State of Maine benefits. In 1947, 180,000 acres was burned in the cutting area that feeds the S.D. Warren mill, and only in the last year or two are some of those trees starting to come into our mill. That means that 180,000 acres of land went off production for almost 30 years because we couldn't control and stop those fires back then, maybe we could now. So a big fire like that just doesn't hurt a few landowners, it hurts a heck of a big area of a lot of fiber that isn't grown and isn't produced and sold to bring dollars back into the State of Maine.

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

Mr. RIDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to relate a little bit on this as far as down my way, and I would hope that you would vote against the pending motion so we can go with the majority report.

In my area, prior to 1947 when we had the big fire, that was 37 years ago, I had a fairly good size woodlot, as well as many of my neighbors, and we used to rely on that woodlot when it



came time to pay our taxes or you were going to trade your car or do something. We would go down and cut out a few thousand feet and sell it off. Then the fire came in '47 and it all burned up, it burned all around me; in fact, it burned the whole town. We had no forestland at all, it all grew up to squirrel birches and poplar and junipers, and it has just been these last few years that we have been able to harvest any wood at all and that is mostly hardwood.

At the time we had the fire, we didn't have any fire department, the town was much smaller than what it is now, but since then we have spent many thousands of dollars building up fire department which is paid for or supported by local tax dollars which they are getting off this land that burned, as I said, 30-some years ago and there was nothing left on and now it is getting to a point where there is a little bit on it and you are going to put another tax right on top of it. It certainly doesn't seem fair to me, it is double taxation, taxes right on top of taxes.

As far as the elderly are concerned, there are a lot of us down there that have just got their woodlots back so we can cut a little hard wood off them, sell a little cord wood, and this is what some of them are relying on, and now you are going to put a tax right on top of it. I really can't see why everybody in the whole state benefits from the woodland, whether it is down in the southern end of the state or the northern end of the state, and by that I mean from sales of power saws, oil, trucks, tractors, they all benefit from it, and I think we should all share the cost of the fire suppression.

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

Mr. KILCOYNE: Mr. Speaker, Ladies and Gentlemen of the House: I voted on the minority report for one reason—the General Fund cannot stand that \$3.4 million. That is what the fiscal note on the majority report is. I just want you to remember that.

The Appropriations Committee said that they cannot stand \$3.4 million from the General Fund. And as far as first response is concerned, if you do have a fire department and it is adequate, you don't have to worry about being taxed doubly for the fire department that you already have if it is adequate to meet first response.

I hope you vote for the motion on the floor and support the minority report.

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

Mr. RIDLEY: Mr. Speaker, I would like to pose a question through the Chair. From the last gentleman's statement, do I understand him correctly in saying that if a town qualifies for first response, that nobody in that town will pay any tax whatsoever?

The SPEAKER Pro Tem: The gentleman from Shapleigh, Mr. Ridley, has posed a question through the Chair to anyone who may care to answer.

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

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: That is not correct. First response is only to be paid in those communities who don't have capabilities to go out and fight a forest fire at all. There are about 40 towns which probably don't meet that criteria at this time, as well as the entire unorganized territory of the state. The state accepts the responsibility in these areas to provide this first response service, and therefore the acreage affected in these areas would be charged for them.

One other thing while I am up. The issue of double taxation has been brought up. The state is providing a clear service which municipalities cannot provide, that is fighting forest fires. Municipalities do not own helicopters to do water drops for forest fire fighting. They do not own airplanes to do water drops. Municipalities cannot call the fire fighting services from other states in an emergency; the state does this. That is why there is not double taxation here, folks.

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

Mr. KANE: Mr. Speaker, I request the yeas and nays.

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 Pro Tem: The Chair recognizes the gentleman from Harrison, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Members of the House: One thing that I forgot when I was up before, both reports are treating the unorganized territories like a municipality. In the event that a fire should occur in the unorganized, the state would be able to recapture one half of the fire fighting costs up to one half of one percent of the valuation of that community or the unorganized territory. I think it is important to understand that there might be a recapture of some funds under L. D. 2347 as well as L. D. 2348.

The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from Houlton, Mrs. Ingraham.

Mrs. INGRAHAM: Mr. Speaker, Ladies and Gentlemen of the House: Another comment about first response is the fact that not all unorganized territories lack the capability for first response. Also, many small municipalities have a mutual agreement with a nearby community and have the capability of first response because of this contract.

Something I would like to refer to with the 1983 bill that has caused such a furor, that only had a 100 acre breakpoint which, in my opinion, is prejudicial and apparently in the opinion of many other people because there is a law suit pending as to the constitutionality of it. In this instance, the proposal is 300 acres cumulative but only within one municipality. All the dodges that were available for the 100 acre breakpoint are certainly available for the 300 acre. When it was stated earlier that the rate would remain the same, there is no way of knowing because you are going to have less people paying the tax where the breakpoint is 300 acres rather than 100, so there is no way of knowing what that rate is going to be.

As has been mentioned earlier, many people now find the cost of fire suppression tax makes it no longer feasible to own woodland, certainly not for a profit. This has put it beyond reason to do this as a business. Does the whole state benefit? Of course they do. For that reason, it seems obvious to me that the state has a state police, we also should have state fire fighting. It is only reasonable that everyone in the state pay for this service, it is a great necessity, and I feel that the State of Maine is one big community. We all share the responsibility and we should all be paying for it.

Mr. Speaker, I would request that the signers of both reports be read, please.

Thereupon, the Report was read by the Clerk.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Winslow, Mr. Matthews.

Mr. MATTHEWS: Mr. Speaker, Members of the House: I would like to address a question to the Chair of the Taxation Committee. I have sat here and listened to the debate and I still have one question. How did you reach the 300 acre ceiling?

The SPEAKER Pro Tem: The gentleman from Winslow, Mr. Matthews, has posed a question through the Chair to the gentleman from Portland, Mr. Higgins, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: We reached this in two ways. Number one, we were trying to solve the two problems that were outlined previously, having a threshold that was having a real financial impact on the family woodlots that have been passed on from one generation to another generation. Secondly, trying to set a threshold that had a clear financial benefit, a clear return on investment through the harvesting of wood products or through the sale of this property.

I have concurred all along that there is, indeed, a real statewide benefit, a public purpose served

here, that is one of the reasons we have the tree growth tax law, so that these tree lots are not charged full property tax rates, they are charged partial, on its value to produce money. It is a direct link there. The thing that we have tried to do is continue this state obligation, state recognition, that it is in our best interest, but to what degree is it in our best interest? Does the owner have no financial responsibility in benefit? Does the state have all that benefit, 100 percent, and therefore should we pay 100 percent of forest fire suppression? I declare that is not the case at all. When you sell wood from land, the owner receives a direct financial benefit. When you sell the property to another owner, it is not the state that receives the direct financial benefit, it is the property owner; therefore, they should pay some of the monies for forest fire suppression.

Secondly, where are we taking this money from? Do we really want to take \$3.4 million out of the \$5 million that we set aside for property tax relief for the elderly, for the homeowners, for the renters? Is this fair? Do you want to give it to the 10 largest landowners in this state? I really don't think that that is the best direction for this body to go in, and I guess this is the question that everyone has to ask themselves—do you want \$2.1 million out of this to go to the 10 largest landowners in this state or do you want it to go to property tax relief through a circuit breaker, through revenue sharing, something to that effect? I have just gotten the figures together from the Taxation Bureau so that we can extrapolate a good program.

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

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: The 10 largest land owners in the state may be getting the big tax break, but I do not believe in my contact with paper companies that they were seeking this tax break.

Those that complained the loudest to the 100 acres were, yes, the small farm, the elderly couple that had the small woodlot. We now have raised it to 300 acres; anyone with 300 acres should be harvesting some lumber commercially every year. In my area, cut off the woodlots will sell for \$200 an acre. That is a \$60,000 investment for 300 acres with no timber on it. Is 20 cents an acre too much to pay for insurance on that? Should the people of the State of Maine say, if you are going to insure your land with our tax dollars, then you must give up something: Do we give up the right to forbid trespassing? Do we say that no longer in the State of Maine will you be allowed to post your land? Certainly the landowner has to give up something in return for putting his hand in the public till.

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

Mr. SOUCY: Mr. Speaker, Ladies and Gentlemen of the House: I don't own any forestland. I probably own less than one acre of land, but I do know this, that it costs me about \$90 a year for fire protection. We have a volunteer fire department in my community. We appropriated last year \$300,000, I don't think that the people in my community should be asked to pay more.

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

Mr. CASHMAN: Mr. Speaker, Men and Women of the House: I hadn't intended to get up twice but the debate drags on and it seems as though the proponents of the minority report are starting to outnumber the opponents.

Just to correct a few things, the gentleman from Kittery points out that he pays for fire protection in his town. I would point out to him that many of the people in his town who are paying for that same protection are being asked to pay again for the state forest fire service with the minority report, because the large acreage owners in his town and in my town—Old Town has a very fine fire department. If you happen to own 300 acres of forest land in Old Town, you are paying for that department and now you are being asked to pay again.

I think the assumption that is being made here

by some people that no cost is being absorbed by the landowner is wrong. To say that on the floor of this House is wrong. They pay their taxes to fund the fire department in their local communities, the same as Mr. Soucy does. They are being asked here to pay twice. They are being asked to pay for a state service that, as has been stated here many times in the course of this debate, benefits the entire state. I think the way the entire state benefits, the entire state should pay.

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

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I will try to be brief. I think that these are the issues—are we going to grant a windfall tax break through this bill to large forest owners? I don't mean that in a negative sense at all, but it would go to large forest owners, and we are talking about a break that has not even been requested, it really hasn't been requested.

Who has been hurt by the tax the way it is right now? All the noise that has been made, and it has been justifiable noise, has been by the small woodlot owners. The small woodlot owners got hurt pretty badly between the shift from the old MFD law to the law we presently have. This will take out those people who own less than 300 acres cumulatively within a municipality.

Representative Hall mentioned to me awhile ago that he had several plots laying around, 80 here, 80 there, 90 there, and because he didn't have a parcel that was over 100 acres, he didn't have to pay anything at all. He thought that was unfair, he thought it should have been cumulative, so we did put it in the aggregate and we raised it to 300. Personally, I wanted to raise it to 500, but we had to reach this compromise in order to avoid four or five reports which almost came out on this bill.

The small woodlot owners have a legitimate complaint under the present law, and the minority report addresses that complaint.

The second major issue, I think, is—what are we going to say to the people about what we did last year? Are we really going to say that the \$5 million commitment that we made during 1983 to property owners in this state was just sort of our idea of a joke, that we really didn't mean it even though we all said it and everybody agreed to it and it was in every newspaper, and now we are going to say, well, we really only meant a million and a half because \$3.5 million has got to go to fund forest fire protection, it really is not going to be property tax relief at all?

This is a difficult question and I think that the minority report is just an honest attempt to be fair to everyone. I don't call this majority report corporate welfare or any other perjorative names. I do think it is a mistake, though, as Mr. Soucy has said, and he pays in his town and I pay in mine. I own a very, very modest house on a really small piece of land. As the gentleman from Old Town, Mr. Cashman, said, one tree is dead and I have just enough room to put in the tree that Mr. Lehoux just said he would give me, but I pay a couple hundred dollars a year alone for fire protection. Like Old town, we have a very expensive fire department, it is good and it is expensive.

I would like to respond to just a couple of comments. The gentleman from Old Town, Mr. Cashman, says that we are on the verge of making ownership of forest land in this state unprofitable. He and I have been around that again and again and again. He and I have sat down with representatives of paper companies and I have pleaded with them to please come up with some figures, any facts and figures, black on white, that will show that ownership of forest land in this state is in the kind of situation that the people say it may be approaching. I can't get anything. There is no response. Mr. Cashman says that he thinks we are approaching that point. I think we are not and neither one of us knows. If I were in the position of owning as much land in this state as many people do, I

would certainly have made it my business to make that information available to the Taxation Committee. It hasn't been made available and I really just don't think that we are approaching that point yet.

With regard to the gentleman from Harrison, Mr. Jackson, he said that this minority report, were it to pass, would be an additional burden on the business community along with unitary taxes and tax conformity, and I was glad that he mentioned tax conformity because in my discussions with representatives of the paper companies, they said they were far more interested in tax conformity than they were in this tax. They said they had always paid under the Maine Forestry District, they have been paying now for the past year, and they do expect to pay a tax. Call it what you will, but they do expect to pay a tax on the land that they own in order to protect it from forest fires and they don't have a complaint. Their major complaint, as they related it to me, was tax conformity. It was a far more nettlesome and expensive question for them than forest fire protection.

The gentleman from Westbrook, Mr. Day, and Westbrook has a fine, expensive fire department too, says that if there is a fire, it will be a disaster. Well, that really does go without saying. We're not debating here the horrors of forest fire. Anyone who can read is well acquainted with the horrors of forest fires that we have had here. The thing is that we have to be ready for a forest fire, we have been ready in the past and we will continue to be ready. The only question is, how are we going to pay for it? Are we going to ask those people who own the large amounts of land, and by 'large' here I don't mean large, corporate, monstrous people, I just mean the people with 300 acres or over here—as I said, my preference was 500 but I had to give—we could ask those people to help pitch in. A third of the General Fund is almost a couple of million dollars and that is what we are pitching in now. I think that recognizes that we do have a state responsibility that campers do start fires.

I would like to close with just one remark. The two bills that are left now came from one bill that was submitted to us by the Forest Fire Advisory Council which was set up by this legislature in the last session. There was a gentleman who was the chairman of that advisory commission, when he came before Taxation he presented a bill that that commission had agreed upon. It is nothing like any of these because they started out with the assumption that General Fund money wasn't available, but in any event, when he got done with his presentation, someone on the committee had the temerity to ask him if he thought it was fair. He said that he never had to deal with Taxation before and that now that he had, he said "The idea of fairness went out the window a long time ago, he could not find any way to do it that was fair."

I submit to you that there is no way that we are going to find a way that we are going to agree is fair. I think the minority report is an honest attempt to apportion things to those people who receive the services and to those people who can afford to pay for those services and to those people who get the benefit of those services.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: We had the forest fire of 1947 and that is when we depended on the state to provide the facilities to help put out the fires. The state did not have enough equipment in the right places at the right time, and we learned our lesson then. When you touch a stove and you burn your hand, shame on you the first time, but the second time you touch a stove and you really get burned, you know you will never let that happen again.

Ladies and gentlemen, we have in our area plenty of forest fire fighting equipment, and I am not talking about helicopters because they wouldn't put out a fire in my area. By the time

you got it out there, they would have the fire out. What do you think we are, a bunch of dummies? Everybody in the communities is alerted, we have a mutual aid compact and we all move in. The farmers and woodsmen that have bulldozers back up their trailers and they load their dozers, and by the time the State of Maine is awake, the fire is out. That is what goes on in York County after the forest fires of 1947. I would rather pay more real estate tax to my local community and have a fire department, but I don't want to pay the State of Maine double taxation, and that is exactly where you and I part our friendly ways.

I was hit with double taxation last year. My property tax in one community doubled in the last four years, and then you came in with that sweet little jewel that I tried to kill—I think there were only two people, Representative Brown and Representative Carroll got up on that bill—your sweet little jewel has got every forest owner in this state mad at you, that is what you call public relations and encouragement for people to own forest land.

You want to see what a stripped lot looks like? Come down because you are going to see a lot of them if you continue to wallop the people with double taxation. You cannot afford to build sewerage disposal plants, change the system and do away with rubbish, have to haul your trash to the big cities where the city slickers take us country folks for a little bit each time, and then school districts and then in comes the State of Maine waltzing in with a fire suppression tax—beautiful, gentlemen, beautiful! If you want the rich doctors in Philadelphia, if you want the absentee landowner to own the forest land in Maine, you are creating the right atmosphere.

All my life I worked and saved to buy forest land because I considered it a good investment, not for George Carroll but for my children and grandchildren. I would like to leave them a little bit of something that will not exist if that out-of-state owns it, because when he comes in, that is an investment. When he gets ready to unload it, he could care less what the children of Limerick, Newfield, Parsonsfield, Cornish and Shapleigh have to look at. He is going to be interested in the return on his investment. I am interested in good forest practices, and I can assure you that we can put out our fires, we have in the past, we will in the future, so don't make us pay double taxation. It just goes against all the signs of good fellowship.

Representative Jackson of Harrison was granted permission to speak a third time.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I didn't realize that the Representative from South Portland had already graduated from law school but putting words in my mouth.

I think if you understand and check the record when it is printed, you will understand what I did say. I said that last session the legislature saw fit to pass a \$13 million increase in the corporate income tax onto some of these individuals that you considered were going to take advantage or have advantage of this \$3.4 million General Fund, \$5 million state funded forest fire program.

I also said that at the same time last year we denied these corporations tax conformity, and I did state that there was an additional cost for dual bookkeeping and things of that nature.

But I just feel as a member of that committee and sitting and listening to the debate, listening to the work sessions, reading the report, talking with my municipal officials, talking with landowners throughout the state and in my district, in my community, that you have got to have a fair and equitable taxing policy. What is equitable and what is fair about 300 acres? We have got communities in this state with a 300 acre threshold that don't even have to have any first response, won't have to have anything because they have no land areas that will have to be protected. We have communities right now under 100 acre threshold that do not contribute

to this program.

I just think it is a question of fair and equitable treatment, and I just hope that you, ladies and gentlemen, haven't lost sight of the forest through the trees with the debate that we have heard that the 10 largest property owners are going to get a tax advantage, benefit, of \$2.1 million—well, I say it is to the benefit of the State of Maine that we have a policy that is equitable, that we have a policy which is fair, and we have a program which is funded by the state by 100 percent.

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

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: In answer to Mr. Kane, the question that he posed, or comment that he made in reference to the disastrous situation of our woodlots and our wood industry in the State of Maine, I would like to read a letter that I received from a forester who I am well acquainted with, Mr. Bruce Brockway. Brockway is a registered professional forester who resides in Old Town. He wrote me this letter last year in reference to some other tax matters concerning the woodlands.

He says that he was employed as a professional forester at that time with Diamond International in Old Town, he has been employed for 13 years working actively with industrial and private landowners. Over half of the forest lands is owned by private non-industrial landowners and that trend is increasing. Here is where the part comes where I will quote that directly concerns the comment that was raised.

"The cost of owning forest lands in relation to the potential income from timber harvesting makes land ownership very unattractive. Returns on investment from timber productions run 3 to 5 percent annually. As a result, there is currently on the market close to two million acres of Maine forest land. These lands are not selling simply because of the limited income potential." And he goes on to state his concern with the increased taxes, and this was prior to our putting the fire suppression tax on.

I don't believe that our forest lands can support much more and make it an investment that recognizable anyone of having any potential value.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Bethel, Mr. Mills.

Mr. MILLS: Mr. Speaker, Members of the House: One of the problems that I see with this bill that is the same problem that we had with the 100 acre limit is the fact that if I own 250 acres, 299 acres, I don't have to pay anything. I think you could run into the problem that you could also run into with the 100 acre limit, that people have 300 acres or 301 acres can sell a lot, a house lot off to their son of an acre to get underneath this limit, and you could have people doing that, it is a kind of a loophole. But the person I really feel sorry for, as Representative Kane said, is Representative Hall. Here is a man who has little woodlots all around, 80 acres, 90 acres, and he felt bad because he didn't have to pay this year because he didn't have a hundred acres, and now we are not helping Mr. Hall out at all because we are moving up to 300 acres, so Mr. Hall isn't going to be able to pay this year either. So I think to help Mr. Hall out, for the good of Mr. Hall, we should try to work out this.

Actually, I realize that it is a tough position we are in because we have to accomplish some kind of compromise, and I can understand the problem that there might be right now in that we don't have enough money in the General Fund, so I would like, if someone would from Appropriations, have someone tell us about the General Fund and if they feel that we don't have enough money, if and someone from Appropriations could speak on it, I think it would be important to hear that.

The SPEAKER Pro Tem: The gentleman from Bethel, Mr. Mills, has posed a question through the Chair to anyone who may care to respond.

The Chair recognizes the gentleman from Ban-

gor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Aside from the \$5 million that has been set aside for property tax relief, I have no idea where you would ever find the money to fund Report A, which we really should not be talking about, we should be discussing Report B. That is the first thing.

Christmas used to come once a year, and I still think it does, on the 25th day of December, not the 29th day of March. Things used to be different in this body years ago when the large timber companies, the utilities, and the banks had their way. But in the past 15 or 16 years, but more importantly in the past 10, they haven't had their way, they can't ride roughshod over the public as they used to. You know why? You have got a two-party system in this state and you have got accountability; yes, better accountability.

The position that Mr. Higgins has offered here tonight is the lesser of two evils, but it is certainly much better than that \$5 million monstrosity that some people have been talking about. That \$5 million in property tax relief that you and I set aside should not go to 15 individuals or companies that own about 90 percent of the state. I suggest that you support the Chairman of Taxation here tonight.

The SPEAKER Pro Tem: The pending question is on the motion of Representative Higgins of Portland that the Minority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

At this point, Speaker Martin resumed the Chair and Representative Gwadosky returned to his seat on the Floor.

#### ROLL CALL NO. 424

YEA—Ainsworth, Andrews, Beaulieu, Benoit, Brannigan, Brodeur, Brown, A.K.; Carroll, D.P.; Carter, Chonko, Connolly, Cooper, Cote, Daggett, Diamond, Erwin, Gauvreau, Gwadosky, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Joseph, Kane, Kelleher, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Macomber, Manning, Matthews, K.L.; Matthews, Z.E.; Mayo, McCollister, McHenry, Melendy, Michael, Mills, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Nelson, Paradis, P.E.; Perry, Pouliot, Racine, Richard, Rolde, Soucy, Soule, Stevens, Telow, Theriault, The Speaker.

NAY—Allen, Anderson, Bell, Bonney, Bost, Bott, Brown, D.N.; Cahill, Callahan, Carroll, G.A.; Cashman, Clark, Conary, Connors, Cox, Crouse, Crowley, Curtis, Davis, Day, Dexter, Dillenback, Drinkwater, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Kelly, Kiesman, Lebowitz, MacBride, Mahany, Martin, H.C.; Masterman, Masterton, Maybury, McGowan, McPherson, Michaud, Moholland, Murphy, E.H.; Murphy, T.W.; Paradis, E.J.; Parent, Paul, Perkins, Pines, Randall, Reeves, J.W.; Ridley, Roberts, Robinson, Roderick, Rotondi, Salsbury, Scarpino, Seavey, Sherburne, Smith, C.B.; Smith, C.W.; Sproul, Stevenson, Tammaro, Tuttle, Vose, Walker, Webster, Wentworth, Weymouth, Willey, Zirkil-ton.

ABSENT—Armstrong, Baker, Carrier, Dudley, Foster, Hall, Jalbert, Joyce, Livesay, Martin, A.C.; McSweeney, Norton, Reeves, P., Small, Stover, Strout, Swazey, Thompson.

61 having voted in the affirmative and 72 in the negative, with 18 being absent, the motion did not prevail.

Thereupon, the Majority "Ought to Pass" Report was accepted, the New Draft read once and assigned for second reading tomorrow.

The Chair laid before the House the following matter:

An Act to Increase Legislative Oversight of the Fiscal Affairs of the Department of Inland Fisheries and Wildlife (Emergency) (H. P. 1628) (L. D. 2143) (S. "A" S-296; S. "B" S-297) which was tabled and later today assigned pending reconsideration.

On motion of Representative Diamond of Bangor, under suspension of the rules retabbed pending reconsideration and tomorrow assigned.

The Chair laid before the House the following matter:

RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands (S. P. 810) (L. D. 2168) which was tabled and later today assigned pending passage to be engrossed.

Representative Jacques of Waterville offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-619) was read by the Clerk and adopted.

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

The Chair laid before the House the following matter:

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Enable the Legislature to Establish the Extent of Insurance of Loans to Veterans (H. P. 1703) (L. D. 2256) which was tabled and later today assigned pending final passage.

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

Mr. GWADOSKY: Mr. Speaker, there is an amendment being prepared for this bill and unfortunately it is not ready at this time. I would appreciate it if someone would table this one day.

Whereupon, on motion of Representative Diamond of Bangor, retabbed pending final passage and tomorrow assigned.

The Chair laid before the House the following matter:

An Act to Provide Voter Information on Ballot Questions (H. P. 1588) (L. D. 2095) (C. "A" H-568) which was tabled and later today assigned pending passage to be enacted.

On motion of Representative Nadeau of Lewiston, retabbed pending passage to be enacted and tomorrow assigned.

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

Bill "An Act Relating to the Issuance of Registered Bonds" (Emergency) (S. P. 885)

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

(The Committee on Reference of Bills had suggested reference to the Committee on State Government)

Under suspension of the rules and without reference to a Committee, the Bill was read twice and passed to be engrossed in concurrence.

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

#### Non-Concurrent Matter

Bill "An Act to Reimburse the Department of Inland Fisheries and Wildlife for Duties Performed which are Mandatory Nonfish and Non-game Related" (Emergency) (H. P. 1758) (L. D. 2320) on which Report "B" "Ought to Pass" as amended by Committee Amendment "B" (H-606) of the Committee on Appropriations and Financial Affairs was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" (H-606) in the House on March 29, 1984.

Came from the Senate with Report "A" "Ought to Pass" as amended by Committee Amendment "A" (H-605) of the Committee on Appropriations and Financial Affairs read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-605) in non-concurrence.

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

Mr. DIAMOND: Mr. Speaker, I move the House adhere and wish to speak to my motion.

The SPEAKER: The gentleman from Bangor, Representative Diamond, moves that the House adhere.

The gentleman may proceed.

Mr. DIAMOND: Mr. Speaker and Members of the House: As you know, we have been dealing with two pieces of legislation today that address the concerns regarding the Fisheries and Wildlife Department. One is L. D. 2320, the bill we now have before us, and the other is L. D. 2336.

It was our intention after combining this piece of legislation with L. D. 2336 that we deal with one piece of legislation, one bill that addresses all our concerns, a comprehensive package. It has been our intention ever since that action was taken to dispose of this particular piece of legislation. My motion to adhere would enable us to get the bill down into the other body where it can be disposed of. This will in no way inhibit our ability to deal with Report A or Report B when it comes back tomorrow, so for that reason I ask for your support. The gentleman in the other corner is aware of this action and he, I believe, has informed the committee members on his side and we have done the same on this side, so we are going to ask for your support of the motion.

Thereupon, the House voted to adhere.

---

(Off Record Remarks)

---

On motion of Representative Kelly of Camden,  
Adjourned until twelve o'clock noon tomorrow.