

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eleventh  
Legislature***

OF THE

**STATE OF MAINE**

**SECOND REGULAR SESSION**

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

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## HOUSE

Friday, March 30, 1984

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

Prayer by Reverend John Fickett, Interim Pastor of North Vassalboro Baptist Church.

The Journal of Thursday, March 29, 1984, was read and approved.

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

Bill "An Act Making Additional Appropriations for the Expenditures of the State Legislature Necessary to the Proper Operations of the Legislature for the Fiscal Years ending June 30, 1983, and June 30, 1984" (Emergency) (S. P. 891) (L. D. 2403)

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

(Committee on Reference of Bills had suggested reference to the Committee on Appropriations and Financial Affairs).

Under suspension of the rules and without reference to a Committee, the bill was read twice.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: During the lengthy debate yesterday, reference was made quite often that in terms of justification of expenditures, that it was best to have figures in hand. I was going to make an attempt to go through my cluttered desk this morning in an attempt to find this LD and I couldn't find it and I went to the Document Room and the bill hasn't been printed yet. If I could pose a question through the Chair, could we have an explanation as to the time period involved and the amount of dollars involved?

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

I can tell you that the total figure that is in the bill is \$285,000, and that is based on the assumption that we will be out of here within the 50 days. That contains the expense money for members of the legislature, which we have no more as of today.

Mr. MURPHY: Mr. Speaker, so \$285,000 is a supplemental request specifically just for the legislature?

The SPEAKER: The Chair would answer in the affirmative.

Mr. MURPHY: Mr. Speaker, is it still possible to have an explanation of the major items within that \$285,000?

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

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: Thanks to the majority floor leader of the other body, I found my copy, or his copy, and I can give you a detailed breakdown of those numbers.

Legislators' weekly expenses for three weeks, \$150,000; legislative employees paid by voucher, not on the payroll, \$7,500; reimbursement of expenses incurred by employees, \$500; rental of equipment, IBM and our Wang equipment, \$35,000; telephones, \$4,500; travel, \$2,000; newspaper subscriptions, \$250; newspaper advertising for hearings, \$2,500; miscellaneous office supplies to small vendors, \$3,500; central computer services, \$55,000; printing, \$20,000; contingency, \$5,000—for a total of \$285,750.

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

Mr. MURPHY: Mr. Speaker, if I could pose a question through the Chair to the gentlewoman from Vassalboro, Mrs. Mitchell—will this carry the legislature through the end of the fiscal year?

The SPEAKER: The gentleman from Kennebunk, Mr. Murphy, has posed a question

through the Chair to the gentlewoman from Vassalboro, Mrs. Mitchell, who may answer if she so desires, and the Chair recognizes that gentlewoman.

Mrs. MITCHELL: Mr. Speaker, it is giving the intent that it will. This bill which requests \$285,000 is not a new request but is needed to allow us to process selected bills during the period until the appropriations bill is passed, which I understand, and this is from Ms. Diamond, that that will be two more weeks. These are bills that were anticipated but we can't send them until the entire appropriations act is passed.

The SPEAKER: The Chair recognizes the gentlewoman from Presque Isle, Mrs. MacBride.

Mrs. MacBRIDE: Mr. Speaker, I would like to pose a question through the Chair. Is this \$285,000 to take us through not only this regular session but through the special session too?

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

Mrs. MITCHELL: Mr. Speaker, this has to do with fourth quarter expenses, the balance in the "all other" line of the legislative account. It is zero now through the fourth quarter, and this is designed to pay our expenses for the fourth quarter.

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

Mr. MURPHY: Mr. Speaker, I request permission to pose a question to the gentlelady. I am not quite sure. Is the gentlelady saying that in addition to the regular appropriation under which we have been operating that there is this additional supplemental request for \$285,000; in the budget document that will follow there will be an additional appropriation above and beyond this \$285,000?

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

Mrs. MITCHELL: Mr. Speaker and Members of the House: Obviously, there are many more expenses to operating the legislature than the things that I have outlined. This is a supplemental request to pay these selected bills for the fourth quarter. This would not operate the legislature.

Thereupon, the Bill was passed to be engrossed in concurrence.

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

**Passed to Be Enacted  
Emergency Measure**

An Act Making Additional Appropriations for the Expenditures of the State Legislature Necessary to the Proper Operations of the Legislature for the Fiscal Years ending June 30, 1983, and June 30, 1984 (S. P. 891) (L. D. 2403)

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. 109 voted in favor of the same and 16 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

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

**Passed to Be Engrossed**

Representative Hall from the Committee on Energy and Natural Resources on Bill "An Act to Establish a Community Right-to-know Concerning Toxic and Hazardous Substances by Amending the Environmental Health Program" (Emergency) (H. P. 1546) (L. D. 2036) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Modify State Information Requirements for Toxic and Hazardous Substances Included Under the Chemical Substance Identification Law" (Emergency) (H. P. 1812) (L. D. 2397).

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

By unanimous consent, ordered sent forthwith to the Senate.

**Papers from the Senate**

**Unanimous Leave to Withdraw**

Report of the Committee on Agriculture reporting "Leave to Withdraw" on Bill "An Act to Provide for Public Notifications of the Intent to Apply Pesticides and for Monitoring Certain Pesticide Application Projects" (S. P. 860) (L. D. 2335)

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

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

Report of the Committee on Health and Institutional Services on Bill "An Act to Provide Funds to Assure Appropriate Placement and Service Provision to State-assisted Residents of Boarding Homes and Adult Foster Homes" (S. P. 669) (L. D. 1843) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Assure Appropriate Placement and Service Provision to State Assisted Residents of Boarding Homes and Adult Foster Homes" (S. P. 883) (L. D. 2388)

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

Report was read and accepted and the New Draft read once. Under suspension of the rules the New Draft was read the second time and passed to be engrossed in concurrence.

**Divided Report**

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-353) on Bill "An Act Concerning the Tri-state Lotto Compact" (S. P. 823) (L. D. 2203)

Signed:

Sensors:

CHARETTE of Androscoggin  
SHUTE of Waldo  
DANTON of York

Representatives:

McSWEENEY of Old Orchard Beach  
COTE of Auburn  
HANDY of Lewiston  
MURPHY of Berwick  
DILLENBACK of Cumberland  
PERRY of Mexico  
SWAZEY of Bucksport

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

Signed:

Representatives:

STOVER of West Bath  
DUDLEY of Enfield  
COX of Brewer

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-353).

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Cox.

Mr. COX: Mr. Speaker, I move that the House accept the Minority "Ought Not to Pass" Report and would speak to my motion.

The SPEAKER: The gentleman from Brewer, Mr. Cox, moves that the Minority "Ought Not to Pass" Report be accepted in non-concurrence.

The gentleman may proceed.

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I know that arguments will be presented to this House in favor of passage of this bill. We heard them all in the committee and you will hear them again. The chief argument will be, of course, an increase in revenue to the state. Somewhere there must be a limit

to the questionable activities that the state will undertake in order to get revenue. Gambling is considered to be so questionable that it is illegal except in those cases where the state decides that it can profit by engaging in this gambling.

This bill will enlarge the state's involvement in gambling by joining the Tri-state Lotto Compact and offering larger prizes. You will no doubt hear it said that people will gamble anyway and that the state should be getting the profit from it, that gambling is a disease. Well, it may be a disease with some people, but you only get a disease from exposure, and is it the business of the state to be exposing people to this disease?

I am rather concerned with the advertising campaign of the present lottery. It is one thing for us to conduct a lottery to accommodate those people who are going to gamble anyway. It is another thing for us to conduct an advertising campaign which aggressively over the television encourages people who have never gambled to start doing this. Any of these schemes are simply schemes to pick the pockets of the people.

This Tri-state Lotto is probably no better than one chance in from one to three million that anyone will ever hit it, meaning that all the rest of the people will simply spend their money for nothing.

We are encouraging with this the idea that people can get something for nothing instead of by their own efforts. We are also encouraging the taxpayers of the state to dodge their responsibility for supporting the state through taxes by assuming we can get it from the people who have a weakness for gambling and that the taxpayers will not have to pay this money.

I think that the state has already gone farther than it should in the promotion of gambling in order to fund the state. The Bangor Daily News, in their editorials, used to be death against the lottery, and having firmly convinced me that they were right, now they have apparently hired a new set of editorial writers and now they are in favor of the lottery. I don't know what has changed up there at the Bangor Daily News, but nothing has changed with me, and I would hope that you would accept the Minority "Ought Not to Pass" Report.

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

Mr. HANDY: Mr. Speaker and Members of the House: I can answer Representative Cox's question. In 1973, when the state lottery went before the voters, I was one of those voters who talked to every person and every other voter that I knew and persuaded them to vote against the lottery. I succumbed to the arguments that it was going to be the downfall of morality and that there would be people who are on general assistance going out and buying lottery tickets and those would be the only individuals to make that commitment to the state lottery. However, I must say today that I was absolutely wrong. I have not seen the downfall of morality in this state. The people who are average blue collar workers who see it as a means of entertainment and possibly a means to maybe fatten up their pocketbooks a little bit. I don't see it as something widely abused in this state.

With reference to the Tri-state Lotto Compact, the bill that you have before you, one member of the Maine State Lottery Commission would serve on the Tri-state Lotto Commission, and all votes of the Tri-state Lotto Commission would have to be unanimous votes.

As far as the fiscal advantage to the bill, and it is, indeed, attractive in these days of fiscal uncertainty in our state, in the first year we could possibly see a \$1 million gain for the State of Maine's general revenues. In the first five years, we could see that increase to \$5 million a year.

Given the fact that I had some concerns

about the state lottery and possibly expanding this to a Tri-state Lotto, I thought that it was appropriate for the Legal Affairs Committee to look at the possibility of attaching a sunset, and that was the condition that I imposed upon the committee for my support of this bill, because given the fact that it is something new to the state and new to the region, that it is something that we should review on a regular basis, therefore the committee adopted my proposal to attach an amendment that includes a review at two years after the date of enactment and a subsequent review after five years of enactment of this legislation.

Ladies and gentlemen of the House, I don't foresee the Tri-state Lotto as something that is going to be the downfall of society and morality in this state, and I would urge you to look at the bill carefully, and I hope you will support it.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I would pose a question through the Chair. The gentleman from Lewiston, Mr. Handy, referenced a sunset provision in the bill. Unless I misread it or it is hidden somewhere in the bill itself, I looked at this committee amendment and it doesn't appear to me that it is a sunset provision but simply a review provision which would not be anything different than an Audit and Program Review review as opposed to a sunset where this body has to take affirmative action for the Tri-state Lotto to continue, and I wish he would address that question on whether or not this does in fact repeal itself at the end of a period of time, or is it just simply a review process which, in my opinion, isn't anything different than passing it without a review process.

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

Mr. HANDY: Mr. Speaker, Men and Women of the House: I would be happy to respond to the gentleman's question. The gentleman is correct that it would be a review by the Audit and Program Review Committee, it is not an automatic sunset. However, as you know, that committee can recommend that that Tri-state Lotto be done away with if they see that it is not advantageous to the state in all the areas that they investigate.

The SPEAKER: The Chair recognizes the gentleman from West Bath, Mr. Stover.

Mr. STOVER: Mr. Speaker, Ladies and Gentlemen of the House: I was one of those that signed this out "ought not to pass." Representative Cox has done an excellent job in giving you the reasons why he and I and one other did sign it out the way we did.

I was rather interested in listening to Representative Handy predict that we would probably get a million dollars out of it. You can go back to 1973, as he did, at that time they predicted that we would have a \$10 million profit out of the lottery to put into the General Fund. Well, of course, we are getting somewhere around a million, but this year is the best year they have ever had, they have got up to \$4 million.

One of the big things I have against it is that it doesn't accurately promote this. Of course, we allow gambling and parimutuel betting and other forms of gambling, but at least we don't get out and push it. This does push it.

I was rather interested in reading an editorial in a local paper, the Times Record, which is considered a liberal paper, who did come out against this Tri-state Lotto and summed it up by saying: "Many legislators clearly are uncomfortable raising revenue through state run gambling, and well they should be given the variety of moral, ethical and economic arguments against it. If they think it wrong for state government to push more gambling in the form of a new Tri-state Lotto."

Representative Cox of Brewer requested a roll call vote.

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 motion of Representative Cox of Brewer that the Minority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

#### Roll Call No. 425

YEA—Anderson, Bell, Bost, Brodeur, Brown, A.K.; Callahan, Carrier, Carroll, G.A.; Clark, Connors, Cox, Day, Dexter, Foster, Gauvreau, Ingraham, Livesay, MacBride, Masterman, Matthews, K.L.; Mitchell, J.; Paradis, E.J.; Parent, Pines, Reeves, J.W.; Ridley, Salsbury, Scarpino, Seavey, Sherburne, Smith, C.W.; Soule, Stover, Strout, Walker, Webster, Weymouth.

NAY—Ainsworth, Allen, Andrews, Armstrong, Baker, Beaulieu, Benoit, Bonney, Bott, Brannigan, Brown, D.N.; Cahill, Carroll, D.P.; Carter, Cashman, Chonko, Canary, Cooper, Cote, Crouse, Crowley, Curtis, Daggett, Davis, Diamond, Dillenback, Drinkwater, Erwin, Greenlaw, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Jackson, Jacques, Joyce, Kane, Kelleher, Kelly, Ketover, Kiesman, Kilcoyne, LaPlante, Lebowitz, Lehoux, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A.C.; Martin, H.C.; Masterton, Matthews, Z.E.; Maybury, Mayo, McCollister, McGowan, McHenry, McPherson, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, E.H.; Moholland, Murphy, E.M.; Murphy, T.W.; Murray, Nelson, Norton, Paradis, P.E.; Paul, Perkins, Perry, Pouliot, Racine, Randall, Reeves, P.; Richard, Roberts, Robinson, Roderick, Rolde, Rotondi, Small, Soucy, Sproul, Stevens, Swazey, Tammaro, Telow, Theriault, Tuttle, Vose, Wentworth, Willey, Zirkilton.

ABSENT—Connolly, Dudley, Jalbert, Joseph, Nadeau, Smith, C.B.; Stevenson, Thompson, The Speaker.

37 having voted in the affirmative and 105 in the negative, with 9 being absent, the motion did not prevail.

Thereupon, the Majority "Ought to Pass" Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-353) was read by the Clerk and adopted and the Bill assigned for second reading later in the day.

#### Divided Report

Majority Report of the Committee on Health and Institutional Services on Bill "An Act Amending the Child and Family Services and Child Protection Act" (S. P. 724) (L. D. 1996) reporting "Ought to Pass" in New Draft (S. P. 881) (L. D. 2386)

Signed:

Senators:

CARPENTER of Aroostook  
BUSTIN of Kennebec  
GILL of Cumberland

Representatives:

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

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (S. P. 882) (L. D. 2387) on same Bill.

Signed:

Representative:

BRODEUR of Auburn

Came from the Senate with the Majority "Ought to Pass" in New Draft Report read and accepted and the New Draft (S. P. 881) (L. D. 2386) passed to be engrossed.

Reports were read.

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

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

and wish to speak to my motion.

The SPEAKER: The gentlewoman from Portland, Mrs. Nelson, moves that the Majority "Ought to Pass" Report be accepted in concurrence.

The gentlewoman may proceed.

Mrs. NELSON: Mr. Speaker, Men and Women of the House: These two bills in new draft are exactly the same except for one line. The new draft makes grammatical changes in Sections 1 and 2, and it also adds a confidentiality provision in Section 3, and it adds language in Section 5 to ensure that the immunity provisions do not apply to perjury.

The difference is that Section 4 makes unauthorized disclosure of confidential information a Class E crime, punishable by a fine of not more than \$500 and up to 30 days in jail. This is the difference in the two reports.

The reason why the majority, 12 to 1, believed in this report is that without this change in the law, a violation of the provisions of this section would be adjudged a civil violation, and the proposed change making unlawful dissemination a crime is required in order to bring the State of Maine into compliance with the federal law on child abuse prevention and treatment.

The Department of Human Services receives a substantial amount of money annually through this federal program for child abuse prevention services, approximately \$150,000, and it stands to lose that money if this change were not enacted. However, the federal government recognizes the personal nature of child abuse records and therefore requires that the knowing unlawful dissemination be a crime. There is also a recognition that the process of determining who should have access to these records may be extremely complex and involve many judgment calls. Therefore, while the states are required to make unlawful dissemination a crime, there is no requirement that a jail term ever be imposed.

The committee prefers that the option of imprisonment, up to 30 days, be available to the sentencing judge. However—and this is important as I read this into the record that should this happen the judges understand the intent of the majority of the committee and hopefully the legislature—"it is our intent that the courts, in implementing this change, recognize the sensitive and difficult nature of a decision to release child protective records and to exercise discretion in determining the appropriate penalty for a violation of Section 4008."

I hope you will vote with the majority of the committee on this very important matter.

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

Mr. BRODEUR: Mr. Speaker and Members of the House: The only reason we have this bill before us is because in order to get \$60,000, or approximately \$60,000 of what we presently get from the federal government for child abuse services, we have to change some of our laws. One of the laws is to make what is presently the procedure of the Department of Human Services, put it in writing into the laws and make it a crime. But in order to make it a crime, we don't have to add a jail sentence in order to comply with the laws. I think if we are forced to do this because of the federal government, there is no reason to add a 30 day jail sentence to the bill, and that is why I am on the minority report. The only reason I think this came to our attention is because somebody in the Attorney General's Office said that the purity of the criminal code should require a 30 day sentence or some kind of sentence, and I don't think we have to go along with that.

I would request a division.

The SPEAKER: The pending question is on the motion of Representative Nelson of Portland that the Majority "Ought to Pass" Report be accepted in concurrence. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

100 having voted in the affirmative and 6 having voted in the negative, the motion did prevail.

Thereupon, the New Draft was read once. Under suspension of the rules the New Draft was read the second time, and passed to be engrossed in concurrence.

#### Divided Report Later Today Assigned

Majority Report of the Committee on Election Laws reporting "Ought to Pass" on Bill "An Act Concerning the Counting of Absentee Ballots in Towns with Voting Machines" (S. P. 708) (L. D. 1984)

Signed:

Senators:

PEARSON of Penobscot  
USHER of Cumberland

Representatives:

ROBERTS of Buxton  
PARADIS of Augusta  
MARTIN of Brunswick  
HANDY of Lewiston  
MICHAUD of East Millinocket  
NADEAU of Lewiston

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

Signed:

Senator:

REDMOND of Somerset

Representatives:

STEVENSON of Unity  
SHERBURNE of Dexter  
WENTWORTH of Wells  
CAHILL of Woolwich

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

Reports were read.

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

On motion of the same gentleman, tabled pending his motion to accept the Majority Report and later today assigned.

#### Non-Concurrent Matter

Bill "An Act to Increase the Number of Superior Court Justices and District Court Judges" (S. P. 842) (L. D. 2262) which was passed to be engrossed as amended by House Amendment "B" (H-544) in the House on March 22, 1984.

Came from the Senate, passed to be engrossed as amended by House Amendment "B" (H-544) as amended by Senate Amendment "A" (S-338) thereto in non-concurrence.

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

Mr. CARRIER: Mr. Speaker, I move that we adhere.

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

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

The SPEAKER: The gentlewoman from South Portland, Ms. Benoit, moves that the House recede and concur.

The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: As you are aware, or should be, this week we decided in this House to give a new Superior Court judge. After many statistics and working to see where we needed any, if we did need any, it was decided that we needed half a one and that was in the Superior Court, so we were very generous and gave them a whole one.

This particular amendment here today shows what kind of games somebody is playing somewhere. These same people that put the amendments on, they were the ones that suggested a little while ago that we give them six judges and now they are ready to settle for two. Well, there is no settlement and there is no compromise in this area, because actually there is no need for any additional district

judge. There is no need to go to the expense of putting another district court judge at large.

I want to emphasize some of the things that have happened since the last vote was taken. For one thing, let's take a misconception out of focus in the fact that some people have had calls from lawyers and from judges in telling them that at least they wanted another district court judge which would go into the area. If a district court judge is passed under this amendment, then there is no promise that the district court judge-at-large will be in any particular section of the state. That is not true, and if they want to use these facts in order to try to influence somebody, I think it is wrong and they know that it is wrong.

Another thing is, we have embarked into a different situation now where the judges themselves are making calls in order to get some more judges. This is a new way, it was done on a small basis before but now they do it openly. They did it openly in the House here yesterday. We had a workshop in the Judiciary Committee and they always say we have a shortage of judges, the workload of cases are going backwards all the time. Well, they are going behind. Yesterday we had two judges in here just to come to a Judiciary Committee meeting to tell us some little thing that was of no importance and of no consequence. They should have been in the courtroom or in the court system doing some work over there and we wouldn't get behind in cases.

But the cream of the crop is that last Friday there was again a hearing in the Judiciary Committee, and you wouldn't believe it. At the hearing there were eight judges, a superior court judge, the law courts, five judges from the district court and one administrative justice just to come to a lousy hearing that they think would benefit them. Why? Where are these eight judges, where they are supposed to be? Do we hire them to come here and lobby or do we hire them to be in the courts and do their work? This is the truth, ladies and gentlemen. Anybody can get up and say differently, but all you had to do is be down there last week and be down here yesterday when some of the judges in the high court come over here and lobby. How low can you get?

This present amendment that was put on in the other body, we don't need it, we don't need that at all, and this is why today I submit to you that you should vote against the present motion to recede and concur and then adhere and come up with a decision within this body and let not this body be a pawn for the other body. We have five times the number over here, let's stick to our guns and let's defeat this motion to recede and concur. We can adhere, and by giving them one judge this year, it would be the best thing we could ever do.

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: The original bill that came out of the Judiciary Committee, or the "ought to pass" report, provided for six judges which were to be phased in—two this year, two the next and two the following. I voted for the "ought not to pass" report with Representative Carrier and Representative Reeves, because I did not think that we should make that commitment at this time. I felt that we should go with two judges this year and then see how the record looks.

I think if any of you have had any contact with either the district court or the superior court, you probably know how long it can take before your case is heard. I think that we all want justice to be as swift as possible, especially if it involves us.

I would urge you to recede and concur and to agree with the amendment that has been added which incorporates language for a new district court judge and retains Representative Reeves' amendment which provided a new superior court judge.

The SPEAKER: The Chair recognizes the gen-

tleman from Newport, Mr. Reeves.

Mr. REEVES: Mr. Speaker, Ladies and Gentlemen of the House: I am sure that you all know where I stand on this matter. I think that it was well explained and debated last week. What my good friend from Westbrook has told you is absolutely correct. It just gives you an idea of how short we are of judges. He is absolutely correct, there were eight judges at a hearing before our committee last week, there were two judges here yesterday at a workshop. That is ten days that those judges were not in court hearing cases.

We explained very clearly to you last week that there is no backlog in the district court. We told you then that they had 215,000 cases filed; they disposed of 215,000 cases. The backlog that we have in superior court and I feel that my amendment last week addressed that problem.

We are talking about another \$50,000 at least, and everybody has been saying of late that there is no money. Appropriation Committee members are going out of their minds trying to find money. They are not talking in millions anymore, I understand that they are hardly talking in thousands. Here is a chance for you to save \$50,000. I can assure you it is not going to cripple the district court system. They have not justified the need for a new judge at this time, not in my mind and in the minds of some others. We had a good vote on this last week. If they can come back next year and justify the need for another judge, I would certainly go along with it, but they have not convinced me and many of the other members on this floor.

I hope that you will vote in opposition to the recede and concur so that we can adhere. I honestly and sincerely am convinced that one superior court judge is all we need at this time.

The SPEAKER: The pending question is on the motion of Representative Benoit of South Portland that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Representative Carrier of Westbrook requested a roll call vote.

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 Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker and Members of the House: I just want to call to your attention another point which was not brought up but will be relevant very soon. It is a very broad area, but the thing is that with every new judge that we have in here, of course it costs us money. This has an appropriation of approximately \$96,000. That is besides all the goodies that go beyond it for another thirty or forty thousand dollars.

But the thing that you really want to consider and think about in the future is the fact that about 20 years ago the district court system started in this state, and just about a year or two from now it will be 20 years since this district court system went into effect. At that time we will have between 12 and 15 judges that have been there ever since and will be eligible for retirement. This will mean an expense, I would say, of about seven or eight hundred thousand dollars in pension plans that we will have to pick up besides putting in new judges.

I really think that the whole works, along with the new compensation material that you have on your desks today, we should be very careful not to overload the courts with judges and force the ones that we have now to work instead of coming up here and spending a whole day eight at a time.

I do hope that you vote against the motion to recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, Men and Women

of the House: I would like to share with you for a few moments an analysis of the district court system which was prepared for the judiciary and which made recommendations which are far beyond what this bill seeks to accomplish. The recommendations for the district court, based upon this analysis, was for an additional three district court judges.

The last time we debated this bill, I gave you off the top of my head some of the reasons for the need for a district court judge based upon my limited experience as a lawyer for six years. But this analysis goes into a little more detail about the district court system which I would like to share for a few moments.

The district court system in the State of Maine, as you all know, is a trial court of limited jurisdiction and we presently have 21 district court judges that serve the people of the state. The population per judge in 1980 was 29,600, the ninth highest for special limited jurisdiction courts in the country. The average in this country for a limited jurisdictional court is 12,100.

As I mentioned before, the district court, as is the superior court or any court system in our state, is affected by both the general and attorney population increases that we have seen take place in the past few decades.

Also as I mentioned to you before, the extent of new legislation has increased the workload, which cannot be really anticipated by the court system because, as you know, as society changes, society dictates through their legislators certain aspects of the law to be amended.

For instance, even when we changed the designation of certain traffic offenses from misdemeanors to infractions, what happened here is it involved a greater expenditure of time. And in 1979, going back now five years, the protection from abuse statute was enacted and as a result of that particular statute there has been 1,500 new cases filed by 1982. Again, that doesn't even include the statistical analysis for the last two years.

As many of you remember, this body a few years ago changed what was known as the 'two bites of the apple' procedure that we had, and that is that now we have a single trial system. We all thought that that particular system would then limit a person's choice between the district court and the superior court. But what we have found out, and what I have done in my practice, is that all of the pretrial motions which used to take place in the superior court are now heard in the term and by the district court.

The good gentleman from Westbrook last week mentioned and has mentioned again today that possibly the caseloads of some of the judges have diminished, but to give you an example of York County—and I see many legislators here sitting from York County—I have been informed by a good friend of the gentleman from Wells, Judge Cole, and I have been shown the figures that there has been a 6,000 case increase in the County of York during the past year. Now, the number of cases should determine the amount of work. What we have found in our court system is the complexity of the cases has increased.

We have also increased, during the last session, the monetary jurisdiction of the court, meaning when a person can go to court to bring a law suit, whether it is a contract matter or what, we now have a \$30,000 limitation. So if you have a lawsuit and the alleged damages or the alleged complaint says \$30,000 or \$29,000, you can now hear that in the district court and not the superior court. Before, you used to have to hear that case in the superior court, now you can hear that case in the district court.

The district court caseload is 34 percent higher than it was in 1973. In 1973 in the district court, we had 20 judges. If you all remember, in 1982 we increased the number of district court judges from 20 to 21, but in that

same time, besides the complexity of the cases, overall in the State of Maine there has been a 34 percent increase in the amount of cases that have been filed since 1973 with the increase of only one district court judge.

The other aspect that we find was a political one which occurred when we went from the old municipal court system to the present system we have now of the district court, which is part of the three tier system of our court system. And what we ended up doing as a political decision was to ensure in certain areas of the state that there would be judges that would be placed in those areas. So what we did is, we created resident judges. That was a political decision that was made by the body back when the system was enacted to ensure passage of the bill but to ensure that judges would be placed in certain areas and they wouldn't be at-large. But as a result, we find that many resident judges in some of the rural counties don't have the workload that we do in the urban areas, such as the Portland area which has a tremendous caseload. I would like to take you down on a Tuesday morning or Friday morning, or whatever day they are in session, and show you the hallway of that particular court, you would be appalled. You have got the poor woman who is trying to seek a divorce case sitting there next to the bum who has been up on his third charge of probable cause hearing for burglary, but because of the system that we have, the bunched up system in the urban areas, we find this taking place.

This bill is a bill that will only increase the number of district court judges by one judge. As the good gentleman from Westbrook said, any lawyer would want to have more judges, well, that is probably true because that way people's day in court can be heard quicker than it is presently and I do favor an increase in judges, not just for my clients but because of the system that I don't think is working the way it is now.

It is an emotional issue. We can argue whether or not eight judges were there last Friday or whether two judges were there yesterday at a hearing, but the fact of the matter is, in order to ensure that people have their day in court, and the figures I think tell the tale, especially in the urban areas, Portland and the areas of York County, there is a need for at least an additional one judge in the district court.

I would hope that we would recede and concur on this bill. It is something that is an emotional issue but I look at it very practically and what is best for the people of this state, and I think by increasing by one a judge is a good compromise, and I hope you go along with me.

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

Mr. HAYDEN: Mr. Speaker, Ladies and Gentlemen of the House: I want to be short and sweet. We have got to make up our minds around here now. Last night, I think it was, we turned down a bill that would have changed the way courts could have handled this question of venue, where they have their trials. The reason we turned it down, as far as I can tell, it might have made sense, is we didn't want our constituents who lived in one corner of the county maybe having to travel too far.

Last year, we made changes in the OUI law, making mandatory jail sentences. Over the years we have expanded child abuse laws, divorce laws, there would have to be new hearings because we were giving people new protections, because we are looking into problems that maybe are the insoluble problems of society. All of that takes court hearing, it takes judges.

What we are doing here with turning down the request for a district court judge is cutting people's throats. We have got to do one or the other. If you want the courts to do these things, you have got to give them the manpower to do it. That is what this bill is seeking.



The gentleman from Westbrook is pretty fond of talking about judges coming up here eight at a time on pay, not doing their work. With all due respect, I consider that a lot of nonsense.

Some of you may know, we used to call him the gentleman from Camden, he is Judge O'Rourke now, he is a district court judge, and if any of you have a chance to run into that man, I would like you to take a look at the circles under his eyes and you tell me if he is getting those on a golf course. He is getting those trying to do his job because he is overworked. I think if we all think about that, we know it. It is easy to say that he is not, it is easy to say that these people in black robes have got a lot of power over you and me and aren't doing their job—well, it just isn't true. We ought to wise up and do our job here today.

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

Mr. SCARPINO: Mr. Speaker, I would like to pose a question through the Chair to Mr. Hobbins. Seeing as you used statistical analysis figures, primarily an average, anyone who is familiar with statistics knows that basically statistical indicators are dealt with in sets, and to gain any really effective information from statistics, one must look at the entire set to see what the indications are. The set that is used with an average remainder is the average or mean, the mode of the median and the range, the median being the figure that falls exactly in the center, the mode being the figures that are most common and the range being the total range from lowest figure to highest figure and number included. In order to make an effective statistical, at least very small statistical analysis of the information you gave us, the question I have is, can you provide me or us with the mode, the median and the full range?

The SPEAKER: The gentleman from St. George, Mr. Scarpino, has posed a question through the Chair to the gentleman from Saco, Mr. Hobbins, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. HOBBS: Mr. Speaker, if a Page could take this Judicial Resources Report and bring it to the good gentleman, and if that good gentleman would like to have this matter tabled, then he could make that motion and he could call a Deborah E. Oaken, who is the research and planning director, and she can tell him all about those modes and ranges.

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

Mr. REEVES: Mr. Speaker, Ladies and Gentlemen of the House: I have just a moment ago been presented a report which I believe the gentleman from Saco was referring to in giving you some statistics. This is the Judicial Resources Report, printed November 1983, revised in December 1983. The gentleman from Saco indicated that the district court cases has increased some 34 percent. I don't recall, and I am not saying that he didn't say it, but I just don't recall whether he said this was over the last 10 years or not. But these figures from the judiciary itself indicate that district court cases peaked in 1980. I will give you these in round figures, in 1980 the district court had 238,000; and we have told you several times that last year was 215,000. It has been going down, ladies and gentlemen, not up. I think that helps bear the fact out that I have been maintaining right along, that at this time there is no need for an additional district court judge.

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

Mr. HAYDEN: Mr. Speaker and Members of the House: I don't know if the gentleman from Newport remembers this, but I remember very distinctly when we talked about these records in the hearing before the Judiciary Committee. Although some cases the judges have in district court today go down, the reason their work has grown like a mushroom cloud is because of the

laws that we have passed, the laws that require additional hearings that we have passed, that we require, not because some lawyer trying to make money for himself would delay the courts, but because of the procedures that you and I have thought so important we want to be the laws of this state.

We have also increased small claims court. Small claims has grown very much. It is a tremendously time-consuming process because the judge often is trying to protect both parties since they don't have lawyers. So even though there is a number, all statistics can sing somebody's song, and the song that Mr. Reeves is making these statistics sing I don't think is really accurate.

I think the arguments you heard today, the reasons why we should recede and concur, still stand true in spite of those statistics.

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

Mr. SCARPINO: Mr. Speaker, Ladies and Gentlemen of the House: Just in a brief overview of the report that was provided to me by Mr. Hobbins, I will quote specifically the line he took his average from. It says, the population per judge in 1980 was 29,600, the ninth highest in the country for special limited jurisdiction courts and well above the national average of 12,100. That particular quote is then footnoted with a No. 8, and if one looks back at No. 8 in the footnotes, we find No. 8 "State Court organization, 1980. National center for State Courts 1982, it should be noted that the comparison of district court to the national average may be misleading since the calculations are based upon all Maine judges of limited and special jurisdiction courts. Such a categorization necessarily includes probate court and administrative court judges as well as district court judges." So in that case, to use that comparison itself without confirming statistical information based upon what the specifics are brings into question those figures.

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

#### Roll Call No. 426

YEA—Ainsworth, Andrews, Baker, Beaulieu, Bell, Benoit, Bost, Bott, Brannigan, Brodeur, Cahill, Carroll, D.P.; Cashman, Clark, Conary, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Davis, Day, Diamond, Dillenback, Drinkwater, Foster, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Ingraham, Jackson, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lebowitz, Lisnik, Livesay, Locke, Macomber, Mahany, Manning, Martin, H.C.; Masterton, Matthews, K.L.; Matthews, Z.E.; Maybury, Mayo, McGowan, McSweeney, Melendy, Michael, Mills, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, T.W.; Murray, Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Paul, Pouliot, Randall, Richard, Rolde, Rotondi, Salisbury, Small, Smith, C.B.; Soucy, Soule, Sproul, Stevens, Stevenson, Stover, Strout, Tammara, Telow, Theriault, Vose, Zirkilton.

NAY—Allen, Anderson, Armstrong, Bonney, Brown, A.K.; Brown, D.N.; Callahan, Carrier, Carroll, G.A.; Carter, Connors, Connolly, Curtis, Dexter, Erwin, Greenlaw, Jacques, Kiesman, Lehoux, MacBride, MacEachern, Martin, A.C.; Masterman, McCollister, McHenry, McPherson, Michaud, Murphy, E.M.; Parent, Perkins, Perry, Pines, Reeves, J.W.; Reeves, P.; Ridley, Roberts, Robinson, Scarpino, Seavey, Sherburne, Smith, C.W.; Swazey, Walker, Webster, Wentworth, Weymouth, Willey.

ABSENT—Chonko, Dudley, Jalbert, Nadeau, Racine, Roderick, Thompson, Tuttle, The Speaker.

95 having voted in the affirmative and 47 in the negative, with 9 being absent, the motion did prevail.

#### Non-Concurrent Matter

Bill "An Act to Allow Elderly Persons to have Pets in Public Housing" (S. P. 797) (L. D. 2132) on which the Majority "Ought Not to Pass" Report of the Committee on Health and Institutional Services read and accepted in the House on March 29, 1984.

Came from the Senate with that body having adhered to its previous action whereby it accepted the Minority "Ought to Pass" as amended Report of the Committee on Health and Institutional Services and passed the bill to be engrossed as amended by Committee Amendment "A" (S-325) and Senate Amendment "A" (S-342) in non-concurrence.

On motion of Representative Nelson of Portland, the House voted to Adhere.

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

#### Passed to Be Enacted Emergency Measure

An Act to Modify State Information Requirements for Toxic and Hazardous Substances Included Under the Chemical Substance Identification Law (H. P. 1812) (L. D. 2397)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 104 voted in favor of same and 6 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

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

The following Joint Order: (S. P. 894)

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, April 3, 1984, at 9:00 o'clock in the morning.

Came from the Senate read and passed.

The Order was read and passed in concurrence.

#### Non-Concurrent Matter

Bill "An Act Concerning the Funding of the Department of Inland Fisheries and Wildlife" (Emergency) (H. P. 1769) (L. D. 2336) which was passed to be engrossed as amended by House Amendments "E" (H-577); "F" (H-581); "H" (H-599) and "M" (H-612) in the House on March 29, 1984.

Came from the Senate passed to be engrossed as amended by House Amendments "E" (H-577); "F" (H-581) and "H" (H-599) and as amended by Senate Amendment "B" (S-360) in non-concurrence.

Representative Mitchell of Vassalboro moved that the House adhere.

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

Miss BELL: Mr. Speaker, I move that the House recede and concur and would like to speak to my motion.

The SPEAKER: The gentlewoman from Paris, Miss Bell, moves that the House recede and concur.

The gentlewoman may proceed.

Miss BELL: Mr. Speaker, Men and Women of the House: I will be quite brief today, just restating the position that we discussed the other day in this body.

If we recede and concur, we will be agreeing with the other body, and that is Report A, the majority report from Appropriations on another L. D., 2320. Just so that we are clear what is in Report A and if we recede and concur what we will be agreeing to, one is that we agree to pay for search and rescue \$358,000 that we owe that department.

In addition, there is a 20 percent ongoing commitment to that department for services they provide in carrying out the additional responsibilities that have been mandated over

the past 15 years whose main purpose is the promotion of the health, safety and general welfare of all Maine citizens.

There is a precedent for this. There is another dedicated fund in the state, the Transportation fund, where there is a 25/75 percent agreement. Twenty five percent of the general services to the people of Maine are paid by the General Fund of the State Police budget. Seventy five percent of those specific services, road related incidents, are picked up by the Transportation fund.

There were three concerns basically addressed in this report: 1) Is it appropriate to use General Fund monies in funding the Department of Inland Fisheries and Wildlife. There are additional services—enforcement of land use and environmental laws, regulations, animal control, general law enforcement. People engaged in hunting and fishing activities in 1980 spent \$120 million in the State of Maine. The importance of the fish and wildlife resource to Maine's economy and the quality of life, especially in a rural area, is invaluable and priceless.

The management of this resource is being held hostage by license fees. In face of the increasing responsibilities, the department revenue base has not kept pace. In fact, it appears that traditional funding from license sales can no longer be broadened to cover the cost. Sales of hunting, fishing and combination licenses have increased by 38 percent from 1950 to 1970. Since 1970, sales have decreased slightly. If this pattern continues, hunting and fishing in this state will become unaffordable for the very people who traditionally have supported these services.

Can we justify the figures? The search and rescue, I don't think there is any question. The 20 percent ongoing commitment, in my opinion, is a very conservative figure. An example—in the northern Maine woods, which, granted, only one section of the state of Maine, which is north of Baxter State Park and west of Ashland, a record of people passing through that gate listed their principal purpose in using that land, 60 percent is fishing and hunting. Forty percent of the people going through that gate indicated that they were there for camping, hiking and other nonconsumptive activities.

The third question was an ongoing commitment. One, there is a need there. The report from the Audit and Program Review Committee indicates that. If this body believes that there are specific services over and above the specific services that support that resource, I would encourage them to vote for the recede and concur motion and, Mr. Speaker, I would ask for a roll call.

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

Mrs. ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to the motion to recede and concur, and I am sure that will come as a surprise and a shock to many members of this House.

As many members of this House know, I have been fighting long and hard for what I believe to be the best possible solution to the Inland Fisheries and Wildlife Department's longstanding financial and operational problems. I have been directly and actively involved for over a year now by serving on the Audit and Program Review Subcommittee of Fisheries and Wildlife and as a member of the Joint Standing Committee on Inland Fisheries and Wildlife. But today, I know the majority of the feelings among you, my colleagues, whom I respect deeply, you feel, for the time being at least, that we should pass L. D. 2336 with the amendment that we know to be Report B. I defer to your wishes. However, I hope that you will stand by this position to which I defer to you now both now and in the future, for this vote is not just a vote today on this bill but a vote of commitment that we all stand for the changes and recommendations for the department, which

includes a line item budget which I believe is the key to the future of the department.

In addition, I savor a study report that will review all the additional responsibilities that have been given to the department over the years which my good friend, the Representative from Paris, Miss Bell, has just given you so that we can justify requests of the General Fund in the future.

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 Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I am somewhat reluctant to rise on this issue but it appears that we are trying to be influenced by what some other body or some other person, I guess, perhaps namely the Governor, may or may not do with this particular piece of legislation, and I think that is unfortunate. I think this body should act in its own due course and should pass the legislation that they feel is the best for the people of the state, regardless of what action may be taken by some other body or some other office holder in this state.

I guess I would just simply pose the question to anybody who intends to vote the other way than I do, because I intend to support the motion to recede and concur, if we are really trying to do the best that we can for the people of this state, the fishermen and the hunters and everybody else?

When we began on this long journey towards trying to resolve this problem, there was a lot of talk about a long-term commitment between General Fund and the Fish and Game Department revenues that come in through dedication, and it seems to me that we have parted ways from that. What we are saying to the people who are involved with the operation of the department and those that receive the benefits from it is that we are willing to give you a little bit right now, but we are not willing to commit ourselves to any future money, not even 20 percent of some of those duties that we ask you to perform through laws that we pass in this body. I want to know why that is fair? Why is it fair to ask the fishermen and the hunters and those others who obtain licenses to pay increased license fees of up to \$4 million over the next two or three years when the General Fund can't come up with more than \$350,000 on a one-shot deal? That, to me, is not fairness, it is not equity.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I would like to thank my good friend from Scarborough, Mr. Higgins, for giving us the opportunity to address this. This House has voted twice to continue to fund the Fish and Wildlife Department on a dedicated account. A dedicated account has pluses and minuses, but one of the big pluses is that due to the fact that it is basically a dedicated account, those very hunters and fishermen and trappers that my good friend Mr. Higgins refers to will never lose sight and never lose some of the control over what happens to the species that they do so much to pay for. I think in a lot of ways that is a good thing, but I do think that we have a very distinct problem here in trying to go for money before we find out how much is coming to us.

The gentlelady from Paris, Miss Bell, has presented her argument for doing this, but I think when you go out to the people in the State of Maine and try to explain to them why you picked 20 percent for a figure, I have yet to have anyone tell me or the members of this House line by line, expense by expense, how this 20 percent figure was arrived at.

One other thing we have to look at, ladies and gentlemen, this is a two-way street. We start this and then we have got some give and

take because it may turn out that other departments have done services for Fisheries and Wildlife that they haven't been billed for and the bills may start coming in.

Don't you think that before we start advocating a 20 percent payback, we had best find out what we are talking about?

The gentlelady from Rumford, Mrs. Erwin, made what I think was a very sound suggestion. Let's study this and come back and know what we are talking about. Let's not pick figures from the air for whatever reason we may choose to do so, because it seems that we need money, we want money, and we pick a figure because we think the money happens to be there, I think that is a very weak argument and I don't think we would be doing justice to anyone.

What we do have here today is a chance, and just a chance, ladies and gentlemen, to come out with a report that is really going to do some good. It may not suit everybody's ego, it may not suit everybody's motives, but I think it is going to solve the problem of Fisheries and Wildlife at least for a couple or three or four years.

What are we arguing about basically, \$70,000 difference? Seventy thousand dollars would not meet the payroll of that department for two days, and that is what we are arguing about when we are talking about a resource that is supposedly—no question about it—as the gentlelady said, \$120 million for the State of Maine.

Then we get back to the 20 percent figure. What is 20 percent? Having served on Energy and Natural Resources, I know a little bit about DEP and LURC and stream alterations, or I hope I do, and under the best of conditions, as far as I could tell from everything that has been presented, 20 percent of this so-called long term solution to our problem would be forty to fifty thousand dollars. Ladies and gentlemen of the House, how much of a solution is forty or fifty thousand dollars when you are looking at a ten, almost eleven million dollar budget? Let's not fool anybody. This is not a long-term solution, this isn't even close to a long-term solution. We are going to have to spend a lot more time than we have to come out with a legitimate, verifiable long-term solution. Report B has a legitimate, verifiable, temporary solution, I will admit that, but I think the key is "verifiable and legitimate."

Probably 10 years ago in this state we as legislators could pull figures arbitrarily out of the air, and I think we did that when we came up with one quarter percent for the snowmobile and boat facilities fund, because to this day, and you can speak to anybody that has been involved, we really don't know if that fund is getting what it really deserves, more than it deserves, half of what it deserves, and nobody can tell me any different than that. I don't think we should repeat one mistake with another.

I think you could get away with things like that 10 or 12 years ago but the people of the State of Maine today are looking at where every dime is spent. They no longer look at where every dollar is spent, they look at where every dime is spent, and I have yet to hear a good enough argument to encourage me to go along with a 20 percent figure for the reimbursement of these services provided.

I think for once we can put our own personal, egotistical, or whatever you want to call them, concerns aside and get behind a report that I think will go all the way. I think it should go all the way with 184 concerned legislators behind it. That, ladies and gentlemen, will solve the problems of Fisheries and Wildlife.

I think Representative Erwin had a very good suggestion. When you can show me and other members of this body what percentage and what the figures are, Representative Jacques from Waterville will be here on this floor arguing for reimbursement, but until you can verify and show us the facts, you are not



going to have that from me.

I intend to vote against the motion to recede and concur, vote for the motion to adhere and do everything I can to urge our counterparts at the other end of this building to do the same, and do everything I can to urge the gentleman on the second floor to do the same, and then these people down in Fisheries and Wildlife can go on with their lives. They have been hung on the end of a string like a puppet long enough.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: I have listened very carefully to the gentleman from Waterville, who says he has figures in hand pertaining to the \$70,000 or the 20 percent, that wants to take a closer look at those figures.

Earlier this House, with no figures in hand, voted \$285,000 for legislators.

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

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: I think we have a very reliable source of figures in our own Legislative Finance Department and it was only a few days ago that they came up with a figure of \$461,000 which would be justified to use with this department. I just cannot understand why we should continue to feed this department slightly above the starvation level. It is like feeding a starving animal just enough to keep it alive. Why do we not go along and vote to recede and concur?

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

Mrs. ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to remarks made by the gentleman from Scarborough, Mr. Higgins, which had to do with possible insinuations, perhaps, that I might have been persuaded by someone on the second floor. Now I don't flip-flop, and anybody who knows me, all my friends know that if I tell you this is the way it is, that I am sincere. I have not discussed this matter with anyone on the second floor in at least a month. I can assure you that that is the truth.

With regard to the \$461,164 being reliable figures, I was working with the Appropriations Committee and tried to give them a breakdown of that \$461,164 and it was impossible. Even the Legislative Finance people could not help me with that because 1982 was not documented properly, because \$461,164 did not even include search and rescue. The search and rescue figure of \$358,000, ladies and gentlemen, is a very conservative figure.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Since time immemorial the opposition party, my good friends in this House, their predecessors, have always said that the Democrats are spenders and the Republicans are fiscally conservative, accountable, knowledgeable and sincere people who wouldn't spend or pay a dollar unless there was a bill to be seen.

Mr. Jacques alluded to the 20 percent, he would like to see the accountability factor and I would like to raise a question and I hope the press is listening. To my two good friends, former colleagues on the Appropriations Committee, I asked this question yesterday of Miss Bell but I will refer it to them at the moment — to show us, and more importantly to sustain their own position on how we owe that 20 percent funding that they are talking about? Be my guest.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: Those who are blind cannot see.

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

Mr. KELLEHER: Mr. Speaker, Ladies and

Gentlemen of the House: I will tell you one thing, the blind is not leading my party in this House.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: The gentlelady from Rumford, Representative Erwin, has led the fight for the Fisheries and Wildlife Committee and I think she has done a great job. I am honored to be seated here as a seatmate.

I am going to support Report B today. I have a problem doing this but down the road I feel that we might be in a better position.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I have listened very attentively this afternoon to the remarks made by several of the people of this body in regards to the Fisheries and Wildlife Committee, the Fisheries and Wildlife Department, the finances of that department. One thing I think we have left out, ladies and gentlemen, is that sportsman out there. We are asking that sportsman for four and a half million dollars and we are going to give that department this afternoon, if we don't recede and concur and the motion to adhere prevails, three hundred and fifty thousand plus dollars—one shot, one shot only and that is going to be a fix, a bandaid on a problem. We are going to be expected when the next legislature comes back here to put another bandaid on that problem.

Twenty percent—I have not asked any member of the Appropriations Committee where they arrived at the 20 percent but right now we are discussing \$70,000. We are asking the fisherman, the hunter, the trapper, the guide, whatever the case may be, who buys a license, we are asking him for a \$2 increase this year; next year we are asking him for \$1; the year after, we are asking for another dollar, but we as a legislature are not willing to give that department or that sportsman a good handed effort of \$70,000 to help sustain that department next year and possibly fifty or seventy the next year.

I ask you, where is our good judgment? Here is a department that contributes a tremendous amount of money to the economy of this state and it contributes a tremendous amount of pleasure to people in this state and we are talking \$468,000, ladies and gentlemen, we can't see that? But we can appropriate \$285,000 in one fell swoop, \$55,000 for a central computer and I don't recall how much for a Wang computer, but we can't fund a department, we can't give it long-term funding or assistance. That sort of concerns me. And you know, ladies and gentlemen, I am a sportsman, I buy a fishing license, I buy a hunting license, as several of my constituents do and several of your constituents do, and I am going to suggest to them that if we can't face up to the facts and be responsible here, then go to the petition process and do what they have to do to get money from us.

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

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: I have been most reluctant to speak in this debate for two reasons, one, I am an admitted non-expert in fish and wildlife, I don't hunt and I'm not much of a fisherman but I do like it. Two, I had not wanted to inject a partisan note into this debate because I think the issue is important to every man, woman and child in the State of Maine, so if you could possibly ignore the chair that I sit in and listen to what I say as a legislator, I would really appreciate that.

The good Representative who spoke just prior to me said that we were ignoring our responsibilities as legislators. In a very calm manner, let's keep our eye on the ball for just a minute. The bill that we are addressing does much more than deal with this 20 percent dif-

ference that we are fighting about. The bill does things that I have heard talked about since I came to this legislature in 1974, and at the risk of boring you, if you will bear with my school teacher instincts, I am going to repeat one more time what we are accomplishing with this piece of legislation because it is very, very important.

We have talked about a line item budget for this department; we are going to get it. We have talked about an evaluation of those biological studies; we are going to get it. We want to maintain our hatcheries and rearing stations; this bill does that. We are concerned about the positions. As you recall, we have a bill that we have been tabling under suspension of the rules for days because we are concerned about personnel in that department, and as you recall, this package freezes the positions as of March 1, 1984. It keeps four hatchery people and six regional biologists.

We have been concerned about what happens with that plane that belongs to the department. This requires an hourly logged journal of airplane activities so we will know exactly how that pilot is spending his time and where.

We have been concerned about some wetland acquisition. It establishes a Maine State Waterfowl Stamp so we can get three to one matching dollars to get some money into the State of Maine for wildlife preservation.

It authorizes the department to borrow from the General Fund up to a million dollars with repayment due with interest by June of 1985.

It also asks for fee increases so that the sportsmen also have to participate in the cost here.

It eliminates some of the field positions and so forth and so on. You can look at the bill and go through all the details but keep your eye on the ball, the bill does all of those things.

The other thing that we have fought about and debated about, it went to hearing about, was does the State of Maine wish to put General Fund money into funding this department? Ladies and gentlemen, we have agreed to that, a major step in dealing with the problems of this department and running the operations of State government.

What we are discussing here, the only thing that is separating people at this point is whether or not we are going to give this 20 percent, and I submit to you that Representative Jackson says we have just voted for X-dollars for computers and we have no knowledge of why, there is a bill for that. We know they cost \$35,000; we do not know exactly how much these other services rendered by the department actually cost, and until such time, I think it is extremely irresponsible.

We spent the better part of this morning with Representative Reeves saying that he couldn't give money to judges because he couldn't substantiate the need. You cannot substantiate the need.

Representative Bell says it is a conservative estimate. Why didn't she pick 25, 30, 15, 10, you could pick any percentage point out of the air.

The one thing that we are probably agreeing on is that we would like to carefully, as Representative Erwin has said, to find out just what those reimbursable items are. We are not there yet. Why should we lose this whole package over a tiny portion which is unclear. It is an arbitrary figure and it cannot be substantiated, and it seems to me that this legislature, in its wisdom, can get on with the business of taking care of this department and also with the other legislation remaining before us, as we must deal with every other department of state government.

I would encourage you to please vote against the motion to recede and concur, then we can vote to adhere. If you do that, you will accomplish all of the things I have outlined, including General Fund money. And, ladies and gentlemen, I think you can go home very proudly not

only to the sportsmen but to the men and women and children of this state who have other concerns of state government.

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 Harrison, Mr. Jackson, has expressed his concern about the sportsmen in the State of Maine. I have my hunting license here, a combination, \$21. I have bought it every year since I have had to buy it, and as I admitted to you yesterday, there was probably a time when I wouldn't be considered a sportsman, when guys like Representative Kelly would have spent most of their time chasing me through the woods. I have outgrown that, I do consider myself a sportsman and I talk to a lot of sportsmen. Paul Jacques isn't much of a politician but he is no fool. The sportsmen I have talked to told me that all they wanted to see was a commitment, a good faith commitment on the part of the Appropriations Committee and this legislature to put some General Fund money into this process and looking into continuing to put General Fund money into this process. They said, if you can do that, Paul, and you members of that committee come out with a license fee increase that you think is right and fair and will do the job, we will support you because, after all, we have more to lose. I think that is an attitude that sportsmen in the State of Maine have had for a long time, and we have more and more people who are becoming sportsmen.

In a couple of years, the price of this license, if this passes, will be \$29; \$29 is quite a bit of money. I showed Representative Allen a combination license that I found in my drawer the other day from 1973, which is 11 years, that was \$10.50. The duck stamp was \$5 and the pheasant stamp was \$1.25. I thought that was a lot of money then but it wasn't a lot of money.

My combination license entitles me to ice fish in the winter, rabbit hunt, it entitles me to go smelting in the spring, spring fishing, summer fishing, fall fishing, and then in the fall I can hunt woodcock, partridge, rabbit, bear, deer, now moose, and then again rabbit.

All you have got to do is look at how much it costs you to go skiing at Sugarloaf for one weekend or go out to a restaurant to eat with your wife for one weekend, one night, or as with the case of me and some of my friends, to go bar hopping a little bit one night, have a few beers. Ladies and gentlemen of the House, I can tell you, when I was drinking a little more beer than I do now, a twenty dollar bill didn't last very long, and that is what we are arguing about here. We are arguing about a resource that is irreplaceable that has no monetary value on it because it is priceless, and we are arguing over \$70,000—if, maybe, but, we could, we couldn't, we can, we can't. I think our time could be much better spent, I think our efforts could be much better spent.

I would urge you to defeat the motion to recede and concur, vote to adhere and do something that really counts for a change.

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

Mrs. MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to ask you a question—do you really think that the hunters and fishermen will be very happy to pay an increased fee in their licenses when the legislature refuses to make an ongoing commitment to their Fisheries and Wildlife Department?

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

Mr. JACKSON: Mr. Speaker, I would like to address a question through the Chair. The question I have is, we have heard comments trying to substantiate the 20 percent. I just have one question that concerns me. There were two amendments previously, I believe, the first day the bill hit the floor of the House which had unanimous committee endorsement. One

of them dealt with one tenth of one percent of the sales tax. What justification was there for that?

The other one dealt with the dedication of part of the gas tax. How did we arrive at those figures?

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

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

Mr. JACQUES: Mr. Speaker, I will be glad to answer that question. Number one, they were not unanimous reports of the committee. The committee had made a decision that a majority vote would then receive the unanimous support of the committee. We discussed this in committee and both of those reports were divided. As a matter of fact, one won by only one vote.

What happened, the gas tax figure was on the assumption that the ATV's had entered the state to a level where it would substantiate one quarter percent. My arguments at the time were exactly those that were presented by the good and able gentleman from South Portland, Mr. Macomber, and the House disposed of that for many reasons but I believe one of them was that that could not be substantiated.

As far as the sales tax was concerned, the committee looked at addressing one million a year or two million per biennium and directed Legislative Finance to come up with what figure would be necessary to provide that. They did so and the House disposed of that in the same manner as the first.

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

#### ROLL CALL NO. 427

YEA—Anderson, Armstrong, Bell, Bonney, Bott, Brown, D.N.; Cahill, Callahan, Conary, Connors, Curtis, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Kiesman, Lebowitz, Livesay, MacBride, Masterman, Masterston, Matthews, K.L.; Maybury, McPherson, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Parent, Perkins, Pines, Randall, Reeves, J.W.; Robinson, Roderick, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.W.; Stevenson, Stover, Strout, Telow, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilston.

NAY—Ainsworth, Allen, Andrews, Baker, 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, Gwadodsky, Hall, Handy, 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.; Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Norton, Paul, Perry, Pouliot, J.W.; Reeves, P.; Richard, Ridley, Roberts, Rolde, Rotondi, Smith, C.B.; Soucy, Soule, Stevens, Swazey, Tammamo, Theriault, Tuttle, Vose, The Speaker.

ABSENT—Carrier, Dudley, Hayden, Jalbert, Macomber, Paradis, P.E.; Racine, Sproul, Thompson.

57 having voted in the affirmative and 85 in the negative, with 9 being absent, the motion did not prevail.

Thereupon, the House voted to adhere.

#### Non-Concurrent Matter

An Act Concerning Maine Farm Wineries (S. P. 787) (L. D. 2113) (C. "A" S-319; H. "A" H-547) 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 Amend-

ment "A" (S-319) as amended by Senate Amendment "B" (S-350) thereto in non-concurrence.

House voted to Recede and Concur.

#### Non-Concurrent Matter

An Act to Ensure Medical Coverage of Residents in Cost Reimbursement Boarding Homes (Emergency) (S. P. 843) (L. D. 2266) which was passed to be enacted in the House on March 27, 1984.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-349) in non-concurrence.

House voted to Recede and Concur.

#### Non-Concurrent Matter

An Act Requiring Nonowner Spouses to Record Claims to Marital Property under Divorce Laws, and Clarifying the Need for the Nonowner Spouse to Sign Conveyances in General (S. P. 855) (L. D. 2313) which was passed to be enacted in the House on March 27, 1984.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-351) in non-concurrence.

House voted to Recede and Concur.

#### Communications

The following Communication: (S. P. 886)

STATE OF MAINE

Senate Majority Office

Augusta, Maine 04333

March 29, 1984

President Gerard P. Conley

President of the Senate

State House

Augusta, Maine 04333

Dear President Conley:

In accordance with 1 M.R.S.A. Section 1002, subsection 1-B, I have the honor of presenting to the Maine Senate the name of Lauretta Rush of Millinocket for nomination to the Commission of Governmental Ethics and Election Practices.

Sincerely,

S/ CHARLES P. PRAY

Senate Majority Leader

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

Was read and ordered placed on file in concurrence.

#### House Reports of Committees

##### Passed to Be Engrossed

Representative Paradis from the Committee on Public Utilities on Bill "An Act to Require Downstream Public Notification of Release of Water Impoundments" (H. P. 1613) (L. D. 2135) reporting "Ought to Pass" in New Draft (H. P. 1808) (L. D. 2390)

Report was read and accepted and the new draft read once. Under suspension of the rules, the new draft was read the second time, passed to be engrossed and sent up for concurrence.

Representative Pines from the Committee on Health and Institutional Services on Bill "An Act Relating to Medicaid Reimbursement Rates for Ambulance Services" (Emergency) (H. P. 1594) (L. D. 2104) reporting "Ought to Pass" in New Draft (Emergency) (H. P. 1811) (L. D. 2396)

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

Representative Locke from the Committee on Education on Bill "An Act Relating to Local Voting on School Administrative District Budgets" (H. P. 1662) (L. D. 2195) reporting "Ought to Pass" in New Draft (H. P. 1814) (L. D. 2399)

Report was read and accepted and the New Draft read once. Under suspension of the rules the New Draft was read the second time,

passed to be engrossed and sent up for concurrence.

Representative McGowan from the Committee on Energy and Natural Resources on Bill "An Act to Provide for Testing of Private Water Supplies for Chemical Contaminants where Chemical Contaminants are Suspected by State Agencies" (H. P. 1555) (L. D. 2054) reporting "Ought to Pass" in New Draft (H. P. 1815) (L. D. 2400)

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

Representative Carter from the Committee on Appropriations and Financial Affairs on Bill "An Act to Make Additional Allocations from the Public Utilities Commission Regulatory Fund for the Fiscal Year Ending June 30, 1985" (Emergency) (H. P. 1503) (L. D. 1979) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Raise the Annual Public Utilities Commission Regulatory Fund Assessments to \$1,635,000 and to Allocate those Funds for Fiscal Year 1985" (Emergency) (H. P. 1809) (L. D. 2391)

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

Representative Murray from the Committee on Business Legislation on Bill "An Act to Place Seven Affiliated Boards Within the Department of Business, Occupational and Professional Regulation" (H. P. 1620) (L. D. 2144) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Regarding the Administration of Seven Boards Affiliated with the Department of Business, Occupational and Professional Regulation" (H. P. 1813) (L. D. 2398)

Report was read and accepted and the New Draft read once. Under suspension of the rules, the New Draft was read the second time.

Mrs. Stevens of Bangor offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-623) was read by the Clerk and adopted.

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

#### **Consent Calendar First Day**

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

(S. P. 849) (L. D. 2307) Bill "An Act Amending the Charter of the Boothbay-Boothbay Harbor Community School District" (Emergency)—Committee on Education reporting "Ought to Pass".

There being no objections, under suspension of the rules the above item was given Consent Calendar Second Day notification and passed to be engrossed in concurrence.

#### **Second Reader Tabled and Assigned**

Bill "An Act to Amend the Forest Fire Control Laws and Change the Method of Funding Forest Fire Control Services" (H. P. 1782) (L. D. 2347)

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

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

Mr. HIGGINS: Mr. Speaker, at this point I have an amendment being drafted to address this bill and I would ask that it be tabled for one legislative day.

Whereupon, on motion of Representative Diamond of Bangor, tabled pending passage to be engrossed and assigned for Tuesday, April 3,

1984.

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

#### **Passed to Be Enacted Emergency Measures**

An Act to Provide for Equal Treatment of Special Fuel Used for Heating Purposes (S. P. 747) (L. D. 2050) (S. "A" S-337 to C. "A" S-311)

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. 102 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.

An Act Concerning Striped Bass (H. P. 1693) (L. D. 2248) (C. "A" H-579)

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

An Act to Clarify the Laws Relating to Private Business, Trade and Technical Schools (H. P. 1770) (L. D. 2337)

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. 103 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.

#### **Finally Passed Emergency Measure**

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 (S. P. 844) (L. D. 2291)

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

#### **Enactor Tabled and Assigned**

RESOLVE, Directing the Department of Human Services to Prepare Draft Regulations on the Licensing of Birthing Centers (H. P. 1788) (L. D. 2361)

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

On motion of Representative Nelson of Portland, tabled pending final passage and assigned for Tuesday, April 3, 1984.

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1984 (H. P. 1797) (L. D. 2372)

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

#### **Passed to Be Enacted**

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

600 to C. "A" S-318 and S. "A" S-323)

An Act to Require State Agencies Authorized to Expend Proceeds of Bonds Approved by the Electorate to Report the Status of the Bonds to the Legislature Prior to the Date of Deauthorization as Provided in the Constitution of Maine (S. P. 819) (L. D. 2199) (H. "A" H-588)

An Act to Provide for Repayment of Interest Charges Incurred on Federal Advances to the Unemployment Compensation Fund (S. P. 861) (L. D. 2338) (H. "A" H-590)

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

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 Tabled and Assigned**

An Act to Amend the Statutes Relating to Handicapping Conditions Under the Human Services Law (H. P. 1589) (L. D. 2099) (C. "A" H-565 and H. "A" H-576)

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

On motion of Representative Nelson of Portland, tabled pending passage to be enacted and assigned for Tuesday, April 3, 1984.

An Act to Amend the Criminal Extradition Act (H. P. 1622) (L. D. 2146) (C. "A" H-584)

An Act to Require Prisoners on Work Release to Pay for the Cost of Their Board in a Correctional Facility (H. P. 1657) (L. D. 2187) (C. "A" H-580)

An Act to Amend Provisions Relating to Violation of Probation or Parole (H. P. 1659) (L. D. 2189) (C. "A" H-575)

An Act to Clarify the Licensing Authority of the Board of Registration in Medicine (H. P. 1665) (L. D. 2197) (S. "B" S-341 and H. "B" H-535 to H. "A" H-512)

An Act Concerning Hazardous Materials Control (H. P. 1666) (L. D. 2198) (H. "A" H-515 and H. "B" H-578) (H. "A" H-586)

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

An Act to Provide Medicaid Reimbursement for Substance Abuse Services (H. P. 1667) (L. D. 2207) (C. "A" H-595)

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

The SPEAKER: The Chair recognizes the gentlewoman from Edgecomb, Mrs. Holloway.

Mrs. HOLLOWAY: Mr. Speaker, I just wonder if someone from the committee would explain to us exactly what this bill does and to explain the Medicaid reimbursement.

The SPEAKER: The gentlewoman from Edgecomb, Mrs. Holloway, has posed a question through the Chair to anyone who may care to answer.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: To answer the lady's question, right now Medicaid reimbursement is not available for substance abuse problems except, I believe, on an inpatient basis. This would allow people who have alcoholism or other substance problems to receive help from Medicaid.

The department has testified at our hearing on this that they are actually working on it. They have been working on it very slowly in getting the federal approval for it. This bill is just a way to spur them. It was a unanimous report from the Committee on Alcoholism Services.

The SPEAKER: The Chair recognizes the gentlewoman from Edgecomb, Mrs. Holloway.

Mrs. HOLLOWAY: Mr. Speaker, I would also like to know exactly what the cost of this would be. Is this absorbed by the state? You men-

tioned the federal government—and the fiscal note, please?

The SPEAKER: The gentlewoman from Edgcomb, Mrs. Holloway, has posed an additional question through the Chair to the gentleman from York, Mr. Rolde, and the Chair recognizes that gentleman.

Mr. ROLDE: Mr. Speaker, to answer the lady's question, my understanding is that there will actually be a saving to us because it will relieve funds that we are paying to these out-patient units and to free-standing units, so actually there will be an overall savings to us.

Whereupon, Representative Holloway of Edgcomb requested a roll call vote.

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

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

#### ROLL CALL NO. 428

YEA—Ainsworth, Allen, Andrews, Armstrong, Baker, Beaulieu, Bell, Bonney, Bost, Bott, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Carter, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Curtis, Day, Diamond, Dillenback, Drinkwater, Erwin, Foster, Gauvreau, Gwadnosky, Handy, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbs, Ingraham, Jackson, Joseph, Joyce, Kelleher, Kelly, Ketover, Kilcoyne, Lehoux, Lisnik, Locke, MacBride, MacEachern, Mahany, Manning, Martin, A.C.; Martin, H.C.; Masterman, Masterton, Matthews, K.L.; Matthews, Z.E.; Mayo, McCollister, McGowan, McHenry, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, J.; Moholland, Murphy, E.M.; Murray, Nadeau, Nelson, Norton, Paradis, P.E.; Parent, Paul, Perkins, Perry, Pines, Pouliot, Randall, Reeves, J.W.; Richard, Ridley, Roberts, Robinson, Roderick, Rolde, Rotondi, Scarpino, Seavey, Small, Smith, C.B.; Soucy, Soule, Stevens, Stover, Swazey, Tammaro, Telow, Theriault, Tuttle, Vose, Webster.

NAY—Anderson, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Conary, Connors, Dexter, Greenlaw, Hayden, Holloway, Kiesman, Lebowitz, Maybury, Murphy, T.W.; Paradis, E.J.; Salisbury, Sherburne, Smith, C.W.; Stevenson, Strout, Walker, Wentworth, Weymouth, Zirkilton.

ABSENT—Benoit, Carrier, Cashman, Chonko, Clark, Daggett, Davis, Dudley, Hall, Jacques, Jalbert, Kane, LaPlante, Livesay, Macomber, Michael, Mitchell, E.H.; Racine, Reeves, P.; Sproul, Thompson, Willey, The Speaker.

103 having voted in the affirmative and 25 in the negative, with 23 being absent, the motion did prevail.

Signed by the Speaker and sent to the Senate.

An Act to Amend the Licensing of Dental Radiographers (H. P. 1691) (L. D. 2246) (C. "A" H-583)

An Act to Repeal a Statute which has been Declared Unconstitutional (H. P. 1698) (L. D. 2252)

An Act Concerning Benefits Under the Unemployment Compensation Act (H. P. 1755) (L. D. 2315)

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

An Act to Revise the School Finance Act (H. P. 1765) (L. D. 2327)

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

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

Mr. KELLEHER: Mr. Speaker, I would like to pose a couple of questions to any member who would care to answer. Is there any cost involved in regards to L. D. 2327? If there is, is there a fiscal note on the bill to relate to what those costs may be?

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

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: Last week the gentlelady from Sebec had attached a fiscal note to this bill which says in 1985-86 the cost would be \$17 million; in 1986-87 the cost would be \$13 million.

As we indicated at that time, the intention of the committee was that this bill had been presented in the first session, carried over to the second regular session, thinking that education issues would be dealt with in this session. The Governor's Commission has made reference to a need to reform the School Finance Act. Our committee, in discussing disposition of bills with leadership, had asked the procedure for being able to carry over bills out of committee, and the Speaker indicated to us that a proposal or presentation could be made to leadership to carry over to a special session.

It is the hope of the Education Committee that this bill could travel to Appropriations, sit there in Appropriations, so we can see what the Governor will propose or what the commission will propose, and we feel very strongly that in that special session in June, any new proposals should also include this reform of the School Finance Act.

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

An Act Amending the Charter of the Telephone Workers Credit Union of Maine (H. P. 1779) (L. D. 2344)

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

#### Enactor

##### Tabled Unassigned

An Act to Provide Policy and Guidelines for Creation and Operation of Boards and Commissions (H. P. 1780) (L. D. 2345)

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

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: This was a bill that came to the Audit and Program Review Committee as a result of a study. At the same time, the State Government Committee was working on a similar problem. We have been able to work out so both bills do not conflict with each other; however, there may be a problem in the numbering of the sections, so I would ask that this be tabled unassigned until the other bill comes through and then the numbering can be put together.

Whereupon, on motion of Representative Diamond of Bangor, tabled unassigned pending passage to be enacted.

#### Enactor

##### Later Today Assigned

An Act to Allow State Party Committees to Establish the Time for Electing their Officers (H. P. 1784) (L. D. 2350)

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

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

Mr. NADEAU: Mr. Speaker, the emergency clause on this bill was inadvertently left off. We have an amendment being prepared and I would ask that somebody table this until later today.

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

An Act to Provide an Educational Clearing-

house for Information on Nuclear Usage (H. P. 1792) (L. D. 2366)

An Act to Clarify the Timber-Harvesting Provisions of the Allagash Wilderness Waterway Statutes (H. P. 1793) (L. D. 2368)

An Act to Require the Bureau of Public Lands to Report Annually to the Legislature on the Existence of Barriers to and Fees for Public Access to Public Reserved Lands (H. P. 1794) (L. D. 2369)

An Act to Create the Maine Uniform Accounting and Auditing Practices Act for Community Agencies (H. P. 1798) (L. D. 2375)

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

#### Finally Passed

RESOLVE, Designating a Mountain in Andover North Surplus Township as Grady Mountain (S. P. 828) (L. D. 2214) (H. "A" H-596)

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

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

#### Passed to Be Enacted Emergency Measures

An Act to Authorize County Commissioners to Establish Separate Voting Places in Unorganized Townships (S. P. 858) (L. D. 2331) (H. "A" H-573; S. "B" S-339)

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

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

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. 102 voted in favor of the same and 8 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Finally Passed

##### Emergency Measures

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 111 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

#### Enactor

##### Tabled and Assigned

RESOLVE, To Establish a Select Committee Concerning Forest Practices in the State (H. P. 1776) (L. D. 2354) (S. "A" S-343)

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

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

Mr. MacEACHERN: Mr. Speaker, there is an amendment coming along for this bill and I would appreciate it if someone would table it.

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

Mr. KIESMAN: Mr. Speaker, I move the indef-

inite postponement of this Bill and would like to speak to my motion.

The SPEAKER: The gentleman from Fryeburg, Mr. Kiesman, moves the indefinite postponement of this Resolve.

The gentleman may proceed.

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: I think this is the wrong message to be sending out at the wrong time.

We have dealt with this subject in the Energy and Natural Resources Committee every year since I have been here and we have never put out a comprehensive one this because we never could find a good reason for it. We have nibbled away at this and have sent out some pretty bad messages, put some pretty severe restrictions on various landowners on their forestry practices. Just to mention a few, and I have made a detailed list, but just quickly from memory you might recall there was a small bill we put out last year called the Rivers Bill that dealt rather severely with forestry practices anywhere adjacent to water bodies.

We have been dealing with a bill this year on fire suppression that certainly has some implication on forest land ownership.

We passed a bill today, I think, on cutting practices along the Allagash Wilderness Waterway which put some very severe limitations on forestry practices.

In the last several years, we have had numerous bills that we have put in that dealt with forestry practices in the LURC area.

What has happened this year is, we have a bill coming in under the auspices of the Fish and Wildlife people to put in some forest practices controls, and I don't think this is a very good thing to go with. I am not sure that the hunting and fishing sportsmen of the state are ready to take on the landowners at this particular point in time. I think they have got just about all they can handle getting funded so the department can survive.

What I visualize happening here with the landowners of this state, if they start getting this kind of a message, they will start closing their land to the hunters and fishermen.

We heard Representative Carter yesterday, I believe, speak about what happened in Europe, the lands got closed and only those that could afford to buy leases or lease land for hunting were doing the hunting on the land.

I spent a good number of years in the state of Texas while I was in the military service, and let me tell you, that is exactly how it works down there, and the reason it works that way is because people don't trust the general public on their lands or they are trying to take over their lands, so they lease their lands out and then post it so you hunt only with a lease. You pay so much a day to go on it and hunt, or you get together in a group, as a hunting club, and you lease up a ranch for hunting purposes, and they are the only ones that get on there.

I think this is the wrong message to be sending out at this point in time to the forest landowners of the state, that we are going to set up a committee here to start studying how you are cutting on your land and whether we like it or not and we will make some recommendations on what you can and can't do.

While we are on this, I think there is a little item of cost here and we have just had to pass a bill to raise some more money for the Legislature and there certainly are going to be some committee costs on this and I think we might consider that.

I hope you will support me and indefinitely postpone this thing. Then, if it does come back next year, at least it will come in time to go before the Energy and Natural Resources Committee and have a legitimate hearing on it.

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

Mr. MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to oppose the indefinite postponement motion and I want to give you a little history of this Resolve.

It started off at the beginning of the session that Representative MacEachern had a bill concerning the Forest Practices Act in the State of Maine and his bill was not to inhibit the cutting of Maine's timberlands or to stop any present forest practices that are going on. It was a matter of looking at the forest practices that are presently going on in the State of Maine and trying to find out where we are going to be 20 years down the road when the National Forest Service has predicted that we are going to have a severe fir and spruce shortage.

Representative MacEachern, who has been hunting in a certain area of the state for several years, suddenly came upon that area this fall and found that it had been clear cut totally and thought that this might be a good idea. And I will tell you as someone who has flown over the northern part of the state quite extensively, as a matter of fact last weekend I was up in the Allagash area, that the forest practices action of the timber harvesters are intensifying greatly.

This is not a study that is going to try to inhibit these people, it is going to try to help them, help them reforest some of the lands that have been cut with actions by the state.

I urge you to go along with this study because I believe it should be done and it should be done not only for the people who are concerned about the habitat of the fisheries and wildlife of this state, but also for the future of the paper mill workers who are going to be wondering where the timber is in the next 20 years. I urge you to oppose the indefinite postponement, Mr. Kiesman's motion.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: Apparently this bill took some lessons from Representative McGowan's flying machine because it has been flying through this body so fast that I think it has escaped some very important things that we should be considering.

I think that Mr. McGowan just gave us the best reason of all for going along with the motion made by Representative Kiesman to indefinitely postpone this bill. He flew over some timberland and he made some pretty basic decisions as he looked down from his aircraft and saw what was happening to Maine's timber resources.

I guess my concern with this bill this afternoon lies in the fact that we are doing something, we are doing something very quickly, without proper hearing. As Representative Kiesman pointed out, this issue has been dealt with many times before in the Energy and Natural Resources Committee and the Energy and Natural Resources Committee has chose to do nothing with it for the reasons that Mr. Kiesman outlined. So why in the world do we have it back here this year without even proper hearing? I don't understand that logic, I don't understand it at all. Perhaps I should back up—I think I do understand it and that is why I am concerned about passing this bill this afternoon.

I would urge you to go along with the motion before you to indefinitely postpone this piece of legislation.

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

Mr. MACEachern: Mr. Speaker, Ladies and Gentlemen of the House: My decision to introduce this type of legislation wasn't made overnight and wasn't made because I found some of my favorite hunting territory stripped of all its vegetation. This has been building within me for some years. I had the occasion last summer to fly over the Moosehead area and I saw some of the cutting operations that they have over there, and I can assure you that in a lot of that land over there, there won't be a harvestable tree on thousands and thousands of acres of it for another 50 years. They go in there with mechanical harvesters and they just

ravage the countryside.

The hardwood ridges in the area where my hunting camp is, you can play football or baseball right across the top of these ridges now, there is nothing there. What they didn't cut and grind up into chips they mollygogged down with their machinery and there is just nothing there and never will be for a long time. This is not done just over one ridge, this is all over the state of Maine.

I put the bill in with the idea of trying to work with the land companies and work out not only regulation of clear-cutting but reforestation, the protection of habitat for the wildlife and birds. There are areas in the state where the deer yards which consist mostly of cedar areas have been complete stripped. That is one reason that we have a low population of deer in the state, because the habitat has almost been completely destroyed. That is another reason we have more moose. The deer habitat has been destroyed and the moose feed is coming up, the poplar and the plants that the moose like to eat, but it is at the expense of the deer herd.

This is not a bill that is trying to circumvent a hearing. This is a study order and I am sure that any result of this study order would be given a fair and impartial hearing before the proper committee in this Legislature in the next session. All this bill does is authorize some study to try to put together a bill that we weren't able to do in this short session this year.

I am deeply concerned for not only the future of the wildlife and the fish, but I have got several grandchildren and I would like to have them be able to go out into the woods and wade into a cold, clear trout brook and catch a trout like I did when I was a little boy. They have cut these places, cut right up to and across trout streams, they have driven their skidders and their bulldozers through these streams, they have disturbed the silt on the bottom, disturbed the spawning area, and I think that it is time somebody put a reign on this thing and educated some of these people. It isn't necessarily the big companies that are doing this. I think the big companies are beginning to realize that this is a finite product that they are dealing with and they are beginning to realize that they have to engage in some different practices than they have had before.

At this point, I think it is time that everybody got concerned and thought about the future of us as well as the companies.

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

Mr. DAY: Mr. Speaker, Ladies and Gentlemen of the House: My objection to this bill is that it specifies clearcutting only, it is not to look at forest cutting practices. It is restrictive, clear-cutting only. If you want to study it, why don't you do a whole job?

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

Mr. RIDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would hope you would go against this motion from the gentleman from Fryeburg, Mr. Kiesman. I am concerned with this. As you probably know, there is a biomass boiler down in my area in Westbrook, they are talking about putting another one at Brunswick where the Naval Air Station is, and we moved a bill along through here today or yesterday, I believe, to encourage the state to go into heating with wood. I am wondering just how much we can stand of this cutting our woods down, especially down in the southern end of the state where a lot of it already has been cut for agricultural purposes, where we had the big fire that went through there.

In my area alone there has been areas they have gone into and cut this so-called scrub stuff off. We don't have much there but what we do have we would kind of like to keep. They are getting in there and getting the poplar and



the hard pine and it does make an awful looking mess when—well, it isn't a mess, there is nothing there, it is just barren ground.

I would hope that we could make a study on this to find out what the best way is to reforest it or whether we should allow them to strip these lots. I know at a meeting in Energy and Natural Resources we were discussing the possibility of heating state buildings with wood, the one down in Pineland, I believe it was, where the generators are there and they were going to change the boilers over so they could burn wood. They were talking about contracting most of the woodcutting out. There would only be about 10 percent of it, as I understand, that would come off from state-owned land, they would contract the rest of it out. Well, you know when you contract something like that out, the contractor is interested in making a dollar and I don't think that he is going to go around and pick out the crooked trees and the ones that are half dead or blown over, he is going to take the first thing he comes to. I am just wondering if that area down there can stand it.

It was pointed out that it is economically feasible to bring in wood from a 60 mile radius where there is a biomass boiler, and you have got three of them that are going to be down in that area and that covers quite a lot of ground.

I hope that you will let this bill go through so that we can take a good look at it. I am not saying that we shouldn't do it and I am not saying that the area won't support that, but I would like to take a good look at it to make sure that we aren't doing something that we would be sorry for later on.

The SPEAKER: The Chair recognizes the gentlewoman from Presque Isle, Mrs. MacBride.

Mrs. MacBRIDE: Mr. Speaker, I would like to pose a question through the Chair. From what fund would the expense of this study come or does that come under the money that we have just appropriated for the fourth quarter of the Legislature or is there a special account for those studies?

The SPEAKER: The gentlewoman from Presque Isle, Mrs. MacBride, has posed a question through the Chair to anyone who may care to answer.

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

Mr. BROWN: Mr. Speaker, I would love to answer that but I can't because the bill didn't have a public hearing. Perhaps somebody else in the room could answer that question.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of Representative Kiesman of Fryeburg that this Bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

43 having voted in the affirmative and 48 having voted in the negative, the motion did not prevail.

On motion of Representative Diamond of Bangor, tabled pending final passage and assigned for Tuesday, April 3, 1984.

#### Passed to Be Enacted

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 Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentlewoman from Gorham, Ms. Brown.

Ms. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I have seen many pieces of legislation here this year that I would call frivolous, but I would say that this one took the cake. As far as I am concerned, it is not an emergency, we don't even need the legislation. I signed it out of committee "ought not to pass" and I am voting that way now.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Bott.

Mr. BOTT: Mr. Speaker, I would just ask if the Clerk would read the committee report, please. Thereupon, the Report was read by the Clerk.

Representative Kiesman requested a vote on passage to be enacted.

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

A vote of the House was taken.

57 having voted in the affirmative and 42 in the negative, the Bill was passed to be enacted.

Signed by the Speaker and sent to the Senate.

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

An Act to Provide for Financial Solvency in the Unemployment Compensation Fund (H. P. 1773) (L. D. 2341)

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

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

#### Ought to Pass in New Draft

Report of the Committee on Business Legislation on Bill "An Act to Amend the Investment Provisions and Certain Related Sections of the Maine Insurance Code" (S. P. 815) (L. D. 2192) reporting "Ought to Pass" in New Draft (S. P. 887) (L. D. 2395)

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

Report was read and accepted and the New Draft read once. Under suspension of the rules the New Draft was read the second time and passed to be engrossed in concurrence.

#### Divided Report

##### Tabled and Assigned

Majority Report of the Committee on Transportation on Bill "An Act to Allow the Department of Transportation to Assume Responsibility for 100% of the Maintenance and Operation Costs of the Carleton Bridge Between Bath and Woolwich and to Allocate and Appropriate the Funds Necessary to Assume this Additional Responsibility" (Emergency) (S. P. 811) (L. D. 2160) reporting "Ought to Pass" in New Draft (Emergency) (S. P. 884) (L. D. 2392)

Signed:

Senators:

DIAMOND of Cumberland

DANTON of York

EMERSON of Penobscot

Representatives:

CALLAHAN of Mechanic Falls

NADEAU of Lewiston

STROUT of Corinth

MOHOLLAND of Princeton

McPHERSON of Eliot

MACOMBER of South Portland

CAHILL of Woolwich

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

Signed:

Representatives:

CARROLL of Limerick

REEVES of Pittston

THERIAULT of Fort Kent

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

Reports were read.

On motion of Representative Carroll of Limerick, tabled pending acceptance of either Report and assigned for Tuesday, April 3, 1984.

The following Communication:

**Maine State Compensation Commission**  
9 Highland Street  
Portland, Maine 04103  
March 27, 1984

Honorable John L. Martin  
Speaker  
House of Representatives  
111th Maine State Legislature  
State House  
Augusta, Maine 04333

Dear John:

Enclosed is the official, final report of the Maine State Compensation Commission.

Thanks again for giving me the privilege of serving as chairman of the Commission. The members you and Gerry selected have been superb colleagues.

As I indicated at the Council meeting, Sally Diamond and John Selser have been an inestimable help to the Commission. You are lucky to have staff members with their quality and devotion.

Best personal regards.

Sincerely,  
S/ DONALD E. NICOLL  
Chairman

Was read and with accompanying report ordered placed on file.

#### Unanimous Leave to Withdraw

Representative Lisnik from the Committee on Appropriations and Financial Affairs on Bill "An Act to Amend the Maine Weatherization Program" (H. P. 1536) (L. D. 2021) 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

##### Tabled and Assigned

Bill "An Act Concerning the Tri-state Lotto Compact" (S. P. 823) (L. D. 2203) (C. "A" S-353)

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

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: With L. D. 2203, the bill that we are giving the second reading to, I have had an opportunity to look the bill over and in Section 423 there is a state tax exemption on the last page. In discussing this with the committee chairman of Taxation, where it involves the cash prizes received pursuant to this compact, shall be tax exempt from all state, county, municipal and local taxes within the United States. We as a committee would like to take a look at it in our work session and I would like to have somebody table it for one legislative day. We have a work session as of Tuesday and we would hope that we would at that time be able to look at this and have an opportunity to make some remarks.

Whereupon, on motion of Representative Higgins of Portland, tabled pending passage to be engrossed as amended and assigned for Tuesday, April 3, 1984.

#### Orders of the Day

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, 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 (9) "Ought Not to Pass"—Minority (2) "Ought to Pass"—Committee on 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 29, 1984 (Till Later Today) by Representative Benoit of South Portland.

Pending—Acceptance of Either Report.

On motion of Representative Diamond of



Bangor, retabled pending acceptance of Either Report and assigned for Tuesday, April 3, 1984.

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

An Act to Increase the Potato Tax (H. P. 1645) (L. D. 2179) (C. "A" H-561)

— In House, Passed to be Enacted on March 27, 1984.

— In 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.

Tabled—March 29, 1984 (Till Later Today) by Representative Lisnik of Presque Isle.

Pending—Further Consideration.

On motion of Representative Diamond of Bangor, retabled pending further consideration and assigned for Tuesday, April 3, 1984.

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

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

Tabled—March 29, 1984 by Representative Diamond of Bangor.

Pending—Passage to be Engrossed.

On motion of Representative Diamond of Bangor, retabled pending passage to be engrossed and assigned for Tuesday, April 3, 1984.

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

Bill "An Act to Ensure Universal Telephone Service for Maine People" (S. P. 778) (L. D. 2097)

Tabled—March 29, 1984 by Representative Vose of Eastport.

Pending—Passage to be Engrossed.

On motion of Representative Vose of Eastport, retabled pending passage to be engrossed and assigned for Tuesday, April 3, 1984.

The Chair laid before the House the third 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 29, 1984 (under suspension of the rules) by Representative Diamond of Bangor.

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

On motion of Representative Diamond of Bangor, under suspension of the rules tabled pending reconsideration and assigned for Tuesday, April 3, 1984.

The Chair laid before the House the fourth tabled and today assigned 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)

Tabled—March 29, 1984 by Representative Diamond of Bangor.

Pending—Final Passage.

On motion of Representative Gwadosky of Fairfield, under suspension of the rules the House reconsidered its action whereby the Resolution was passed to be engrossed.

The same gentleman offered House Amendment "A" (H-622) and moved its adoption.

House Amendment "A" (H-622) was read by the Clerk.

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

Mr. GWADOSKY: Mr. Speaker, Men and Women of the House: The purpose of this amendment is to simplify the question that will be posed to the voters at the general election coming up this November with respect to loans for Maine Veterans.

Last year, when we passed the FAME legislation one of the provisions was to increase the amount of money of state-backed loans for

small business people and veterans from 80 to 85 percent. We found out after we passed the bill that the limitation for veterans was actually set in the Constitution; thus, we have to amend the Constitution in order to make that change and increase the loan percentage up to 85 percent as we do with small business.

Thereupon, House Amendment "A" was adopted.

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

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

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

Tabled—March 29, 1984 by Representative Nadeau of Lewiston.

Pending—Passage to be Enacted.

On motion of Representative Diamond of Bangor, retabled pending passage to be enacted and assigned for Tuesday, April 3, 1984.

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

The following Communication:

**The Senate of Maine**

**Augusta**

March 30, 1984

Honorable Edwin H. Pert

Clerk of the House

111th Legislature

State House

Augusta, Maine 04333

Dear Clerk Pert:

Please be advised that the Senate today voted to Insist and Join in a Committee of Conference on 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).

Sincerely,

S/ JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

The following Joint Resolution: (S. P. 888)  
**JOINT RESOLUTION IN TRIBUTE TO THE GRANGE**

WHEREAS, the Grange was conceived in 1867, as an organization of agricultural people who were mutually resolved to labor for the good of the order, the country and mankind; and

WHEREAS, united by the strong sense and faithful tie of an agricultural fraternity, the Grange has established programs of fellowship, service and member activities to meet the needs of all people, rural and suburban; and

WHEREAS, this agricultural family fraternity has constantly strived to secure harmony, goodwill and brotherhood and provide opportunity to participate at the local, state and national levels in a meaningful way; and

WHEREAS, in growing for the future, the Grange fills a great community need across the nation, whereby men and women regardless of age become aware of and influence issues of importance, thus serve themselves, their community and nation through public leadership; and

WHEREAS, on November 12, 1984, the National Grange will assemble for fellowship, discussions and formulation of policies on current issues at Portland, Maine, with our 7,000 delegates expected to attend; now, therefore, be it

RESOLVED: That We, the Members of the 111th Legislature of the great and sovereign State of Maine now assembled in Second Regular Session, take this opportunity to pay tribute to the county, state and National Grange and to their outstanding work for the well-being of all citizens, and express out hope and support for continued growth and success of the organ-

ization for the future; and be it further

RESOLVED: That a suitable copy of this Joint Resolution be prepared and appropriately presented in welcome to the National Grange at Portland and to each of the 294 granges located within this State in token of this tribute and our profound appreciation.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

#### **Unanimous Leave to Withdraw**

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act Concerning Disorderly Conduct and Failure to Disperse and to Promulgate a Law Enforcement Manual" (S. P. 853) (L. D. 2318)

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

#### **Divided Report**

Majority Report of the Committee on Legal Affairs on Bill "An Act to Amend the Liquor Laws to Permit the Sale of Beer and Wine at Outdoor Stadiums" (S. P. 662) (L. D. 1852) reporting "Ought to Pass" in New Draft (S. P. 878) (L. D. 2379)

Signed:

Senators:

CHARETTE of Androscoggin

DANTON of York

Representatives:

McSWEENEY of Old Orchard Beach

COTE of Auburn

MURPHY of Berwick

DILLENBACK of Cumberland

PERRY of Mexico

SWAZEY of Bucksport

HANDY of Lewiston

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

Signed:

Senator:

SHUTE of Waldo

Representatives:

STOVER of West Bath

DUDLEY of Enfield

COX of Brewer

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

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Cox.

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I move that the House accept the Minority "Ought Not to Pass" Report and would speak briefly to my motion.

The SPEAKER: The gentleman from Brewer, Mr. Cox, moves that the Minority "Ought Not to Pass" Report be accepted in non-concurrence.

The gentleman may proceed.

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I thought that I would point out to you that this is not the same bill on which the House voted "Ought to Pass" some time ago.

The bill that the House voted "Ought to Pass" on had a restriction in it on drinking in the stands. The present bill has no restriction on drinking in the stands. The only objection I had raised to the bill in the past was inconsistency with the drunken driving campaign, the anti-drunk-driving campaign which we are having. I was assured that my other concerns with the bill would be addressed. They were attempted to be addressed but the investors of the corporation refused to accept the limitation on drinking in the stands.

That is all I am going to say on this bill.

The SPEAKER: The Chair recognizes the gentleman from Bucksport, Mr. Swazey.

Mr. SWAZEY: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief today. I hope you vote against the pending motion. This has boiled down to, after trying in the Legal Affairs committee and back and forth on the floor of the House, basically a wet and dry issue,

and if you are voting dry you are going to stay that way, so I will preface my remarks to the people who have an open mind in this particular subject.

In my consideration, this is an excellent business to have come into the State of Maine. It not only pays fairly substantial wages, but all the families will be here and it will be a help to all the state finances in my opinion.

This particular business has no hazardous waste, will not contaminate the water, will not pollute the air, except for a few foul balls. But I think the remark that hasn't been brought out too much is the fact that this is a \$2.2 million investment and I believe the owners will police this better than a member of the Maine Christian Civic League will police it for the simple reason that they know if people don't attend these games, they are going to lose a \$2.2 million investment, so I think they are going to police it very hard and very fast.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Dillenback.

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to take any time but I would like to disagree with my chairman, Mr. Cox.

This is the original bill without the amendment that was put on it by the Senate which said you could not drink in the stands. We have taken a bill which had about five amendments to it, taken it back into the committee, we reissued the original bill, and in the original bill you could not buy your beer in the stands, you had to buy it behind the stands in a select area, but you could carry it in a paper cup to the stands. So you could drink in the stands but you could not purchase any beer or wine in the stands. Other than that, the bill is the same, 5,000 seats in the stadium and that sort of thing.

I hope you will go along with the bill.

Speaker Martin of Eagle Lake requested a roll call vote.

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 Cox of Brewer, that the Minority "Ought Not to Pass" Report be accepted in non-concurrence. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 429

YEA—Allen, Bost, Brodeur, Conary, Conners, Cox, Day, Foster, Ingraham, Lebowitz, Locke, MacBride, Manning, Masterman, Matthews, K.L.; Matthews, Z.E.; Mayo, McHenry, Michaud, Paradis, E.J.; Parent, Robinson, Scarpino, Sherburne, Smith, C.B.; Smith, C.W.; Stevenson, Stover, Strout, Walker, Weymouth.

NAY—Ainsworth, Anderson, Andrews, Armstrong, Baker, Beaulieu, Bell, Bonney, Bott, Brannigan, Brown, D.N.; Cahill, Callahan, Carroll, D.P.; Carroll, G.A.; Connolly, Cooper, Diamond, Dillenback, Drinkwater, Erwin, Gauvreau, Greenlaw, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Holloway, Jackson, Jacques, Joseph, Joyce, Kelleher, Kelly, Ketover, Kiesman, Lehoux, MacEachern, Mahany, Martin, H.C.; Masterton, McCollister, McGowan, McPherson, McSweeney, Melendy, Michael, Mills, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, Nelson, Paradis, P.E.; Paul, Perkins, Perry, Pines, Pouliot, Richard, Ridley, Roberts, Roderick, Rolde, Rotondi, Salsbury, Seavey, Soucy, Swazey, Telow, Tuttle, Vose, Wentworth, Zirkilton, The Speaker.

ABSENT—Benoit, Brown, A.K.; Carrier, Carter, Cashman, Chonko, Clark, Cote, Crouse, Crowley, Curtis, Daggett, Davis, Dexter, Dudley, Hobbins, Jalbert, Kane, Kilcoyne, LaPlante, Lisnik, Livesay, Macomber, Martin, A.C.; Maybury, Norton, Racine, Randall, Reeves, J.W.; Reeves, P.; Small, Soule, Sproul, Stevens, Tamaro, Theriault, Thompson, Webster, Willey.

31 having voted in the affirmative and 81 in the negative, with 39 being absent, the motion

did not prevail.

Thereupon, the Majority "Ought to Pass" Report was accepted in concurrence and the New Draft read once. Under suspension of the rules, the New Draft was read the second time and passed to be engrossed in concurrence.

#### Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-361) on Bill "An Act to Clarify the Disciplinary Procedure of the Nurse Practice Laws" (S. P. 839) (L. D. 2263)

Signed:

Senators:

CLARK of Cumberland  
CHARETTE of Androscoggin  
SEWALL of Lincoln

Representatives:

POULIOT of Lewiston  
RACINE of Biddeford  
MARTIN of Van Buren  
PERKINS of Brooksville  
STEVENS of Bangor  
CONARY of Oakland  
MURRAY of Bangor  
BRANNIGAN of Portland  
TELOW of Lewiston

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

Signed:

Representative:

MACBRIDE of Presque Isle

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-361).

Reports were read.

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

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mrs. MacBride.

Mrs. MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will not accept the Majority "Ought to Pass" Report so that you can vote for the "ought not to pass" report, and I do request a roll call.

I am really opposed to this bill. This is a bill that concerns the disciplinary procedure for nurses. This bill was printed last week. We were not here on Friday and the hearing was held on Monday. At the hearing we had no nurses, we had a member of the Maine State Nurses Association who supported the bill. However, there just seemed to be no communication about the bill. Nurses had not been notified. Nancy Chandler, who is Executive Director of the Nurses Association was there, she did not speak, but she told me that she had planned to have this bill printed in a newsletter that will go out to the Maine State Nurses Association the last of this month.

Yesterday, I checked in Presque Isle, I had sent the bill home, I checked to see if any of them had received it, any of the nurses or the director of nursing at the hospital and they didn't know anything about it, they had not seen it. I don't know if it is what the nurses want or not. I don't know if it is a good bill or not. But regardless of that, I object to passing something that affects the nurses and their disciplinary action without their ever having had a chance to look at it. I don't think that is really the proper procedure or the right way to go.

The Maine State Nurses Association is an association of nurses in Maine that represents only about 1,300 to 1,500 nurses and we have many thousands of nurses in the State of Maine. This bill affects both practical nurses and registered nurses, and I would like very much to have us not pass this bill and then bring it back next year after all the nurses have had a chance to look at it and see if it is something that they really want.

I hope you will vote "ought not to pass."

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: I commend the gentleman from Presque Isle in her concern that not enough people have heard about this. The fact is, what this bill does is give to the Board of Nursing Licensing the same powers that many, many other licensing occupational boards have. It is not a major departure in any way.

The Maine Nurses Association was in support of this, they are not concerned that their membership had not been fully informed. They are the representatives of that group and the only representatives of any major nursing group. The other nursing group works for hospitals and the Hospital Association is very much in favor of this bill and testified for that.

The other nurses that might be notified through an association I am sure would be contacted because they are part of hospital administration.

The rest of the committee feels very comfortable that enough people are aware and this is not a major departure and it is something that the Nursing Boards needs, as do the arborists and many other boards that we have. I urge you to pass this bill now.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will go along with our chairman and not with the gentleman from Presque Isle.

I did something a little different than she did, I called my area, Eastern Maine up there, and read the bill to them. After they took a look at it, they came back and said "Go to it, this is the bill that we want."

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 Brannigan of Portland that the Majority "Ought to Pass" Report be accepted in concurrence. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 430

YEA—Ainsworth, Allen, Andrews, Armstrong, Baker, Beaulieu, Bonney, Bost, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Carter, Conary, Cooper, Cox, Crowley, Day, Diamond, Dillenback, Drinkwater, Gauvreau, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Jacques, Joseph, Kelleher, Kelly, Ketover, Lehoux, Locke, Manning, Martin, H.C.; Masterman, Masterton, Matthews, Z.E.; Mayo, McCollister, McGowan, McHenry, McPherson, McSweeney, Michael, Michaud, Mills, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Perkins, Pouliot, Reeves, P.; Richard, Roberts, Roderick, Rolde, Rotondi, Soucy, Stevens, Strout, Swazey, Tamaro, Telow, Tuttle, Zirkilton.

NAY—Anderson, Bell, Bott, Brown, D.N.; Cahill, Callahan, Conners, Erwin, Foster, Greenlaw, Handy, Higgins, L.M.; Holloway, Ingraham, Jackson, Kiesman, Lebowitz, MacBride, MacEachern, Mahany, Matthews, K.L.; Maybury, Melendy, Murphy, E.M.; Murphy, T.W.; Perry, Pines, Randall, Robinson, Salsbury, Scarpino, Seavey, Sherburne, Smith, C.B.; Smith, C.W.; Stevenson, Stover, Walker, Wentworth, Weymouth.

ABSENT—Benoit, Brown, A.K.; Carrier, Cashman, Chonko, Clark, Connolly, Cote, Crouse, Curtis, Daggett, Davis, Dexter, Dudley, Hobbins, Jalbert, Joyce, Kane, Kilcoyne, LaPlante, Lisnik, Livesay, Macomber, Martin, A.C.; Norton, Racine, Reeves, J.W.; Ridley, Small, Soule, Sproul, Theriault, Thompson, Vose, Webster, Willey, The Speaker.

74 having voted in the affirmative and 40 in the negative, with 37 being absent, the motion did prevail.

Thereupon, the Bill was read once. Commit-

tee Amendment "A" (S-361) was read by the Clerk and adopted and the Bill assigned for second reading Tuesday, April 3, 1984.

#### Non-Concurrent Matter

Bill "An Act to Extend the Reporting Date for the Select Workers' Compensation Study Commission" (Emergency) (H. P. 1702) (L. D. 2240) which was read twice under suspension of the rules and passed to be engrossed with reference to a Committee in the House on March 15, 1984.

Came from the Senate referred to the Committee on State Government in non-concurrence.

House voted to Recede and Concur.

#### Non-Concurrent Matter

Bill "An Act to Allow the State, Counties and Municipalities to Buy Employee Deferred Compensation Plans from Financial Institutions" (H. P. 1412) (L. D. 1834) on which Report "A" "Ought to Pass" in New Draft under New Title Bill "An Act to Create Enabling Legislation for Payroll Deductions for Individual Retirement Accounts and Simplified Employee Pension Plans, to make Necessary Technical changes in the Provisions of Current Deferred Compensation Statutes, and to Authorize Counties, Municipalities and other Political Subdivisions to Purchase Deferred Compensation Instruments from Financial Institutions, Insurance Companies and Investment Firms" (H. P. 1795) (L. D. 2370) of the Committee on State Government read and accepted and the New Draft (H. P. 1795) (L. D. 2370) passed to be engrossed in the House on March 27, 1984.

Came from the Senate with Report "B" "Ought to Pass" in New Draft under New Title Bill "An Act to Create Enabling Legislation for Payroll Deductions for Individual Retirement Accounts and Simplified Employee Pension Plans and to Make Necessary Technical Changes in the Provisions of Current Deferred Compensation Statutes" (H. P. 1796) (L. D. 2371) of the Committee on State Government read and accepted and the New Draft (H. P. 1796) (L. D. 2371) passed to be engrossed in non-concurrence.

On motion of Representative Gwadosky of Fairfield, the House voted to insist and ask for a Committee of Conference.

The Chair laid before the House the following matter:

SENATE DIVIDED REPORT—Majority (8) "Ought to Pass"—Minority (5) "Ought Not to Pass"—Committee on Election Laws on Bill "An Act Concerning the Counting of Absentee Ballots in Towns with Voting Machines" (S. P. 708) (L. D. 1954) which was tabled and later today assigned pending the motion of Representative Paradis of Augusta to accept the Majority "Ought to Pass" Report in concurrence.

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

Mrs. WENTWORTH: Mr. Speaker and Members of the House: This bill applies to four or five towns in the entire state who use punch pad voting devices. In my town, we transpose the written absentee ballot to a punch card in order to get a complete record on our computers. We file the original ballots with the computer card in case of a recount and we have had no problem in eight years.

Mr. Henderson in the Secretary of State's Office says he sees no difference in transferring from a written ballot to a computer card than transferring a written ballot to a tally sheet.

I urge you to vote against the majority report in order to adopt the minority report.

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

Mr. HANDY: Mr. Speaker, Men and Women of the House: The concern that the signers of the majority report have is that in transposing from a ballot that has already been marked to a punch card may provide an opportunity for

human error and we would like to avoid as much as we can. That is the reason that the signers of the majority report signed it "ought to pass."

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

Mr. NADEAU: Mr. Speaker and Members of the House: I would concur with my colleague from Lewiston, Representative Handy, that this bill is simply to prevent that unnecessary physical handling of someone's ballot. Basically, when a town does not order absentee ballot cards that are used for the purpose of using machines, that indicates that they really haven't got enough voters to merit the cost, so we are not talking about very many paper ballots to begin with. I think it is certainly much safer to count those paper ballots directly and then use those as the permanent. It simply avoid physically handling and marking someone else's ballot and I think would eliminate the possibility of any mistakes being made. It is simply a cleaner system.

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 Paradis of Augusta that the Majority "Ought to Pass" Report be accepted in concurrence. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 431

YEA—Ainsworth, Allen, Armstrong, Beaulieu, Bost, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Carter, Cooper, Cox, Crowley, Diamond, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Hobbins, Jacques, Joseph, Joyce, Kelleher, Kelly, Ketover, Kilcoyne, Lehoux, Locke, MacEachern, Mahany, Manning, Martin, H.C.; Matthews, Z.E.; Mayo, McCollier, McGowan, McHenry, McSweeney, Mendeny, Michael, Michaud, Mills, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Paradis, P.E.; Paul, Perry, Pouliot, Reeves, P.; Richard, Ridley, Roberts, Rotondi, Smith, C.B.; Soucy, Swazey, Tammaro, Tuttle, Vose.

NAY—Anderson, Bell, Bonney, Bott, Brown, D.N.; Cahill, Callahan, Conary, Connors, Day, Dillenback, Drinkwater, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Kisman, Lebowitz, MacBride, Masterman, Masterston, Matthews, K.L.; Maybury, McPherson, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Parent, Perkins, Pines, Randall, Robinson, Roderick, Salsbury, Scarpino, Seavey, Sherburne, Smith, C.W.; Stevenson, Stover, Strout, Telow, Walker, Wentworth, Weymouth, Zirkilton.

ABSENT—Andrews, Baker, Benoit, Brown, A.K.; Carrier, Cashman, Chonko, Clark, Connolly, Cote, Crouse, Curtis, Daggett, Davis, Dexter, Dudley, Higgins, H.C.; Jalbert, Kane, LaPlante, Lisnik, Livesay, Macomber, Martin, A.C.; Norton, Racine, Reeves, J.W.; Rolde, Small, Soule, Sproul, Stevens, Theriault, Thompson, Webster, Willey, The Speaker.

66 having voted in the affirmative and 48 in the negative, with 37 being absent, the motion did prevail.

Thereupon, the Bill was read once. Under suspension of the rules, the Bill was read the second time and passed to be engrossed in concurrence.

The Chair laid before the House the following matter:

An Act to Allow State Party Committees to Establish the Time for Electing their Officers (H. P. 1784) (L. D. 2350) which was tabled and later today assigned pending passage to be enacted.

On motion of Representative Nadeau of Lewiston, 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-625) 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.

On motion of Representative Carter of Winslow,

Adjourned until Tuesday, April 3, 1984, at nine o'clock in the morning.