

MAINE STATE LEGISLATURE

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



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

LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

INDEX

FOURTH CONFIRMATION SESSION

(FIRST CONFIRMATION SESSION – SECOND REGULAR SESSION)

May 31, 1984

INDEX

FIFTH CONFIRMATION SESSION

(SECOND CONFIRMATION SESSION – SECOND REGULAR SESSION)

July 11, 1984

INDEX

THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

INDEX

HOUSE

Friday, April 6, 1984

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

Prayer by Reverend Edward Fenderson of Southport United Methodist Church, East Boothbay.

The Journal of Thursday, April 3, 1984, was read and approved.

Papers from the Senate
Unanimous Leave to Withdraw

Report of the Committee on State Government reporting "Leave to Withdraw" on Bill "An Act to Authorize the Department of Business, Occupational and Professional Regulation to Hire Legal Counsel" (S. P. 876) (L. D. 2381)

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

Non-Concurrent Matter

Bill "An Act to Provide Funding from the Blueberry Industry Tax to Promote Market Development for the Blueberry Industry" (H. P. 1816) (L. D. 2406) which was passed to be engrossed in the House on April 3, 1984.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-368) in non-concurrence.

House voted to Recede and Concur.

Non-Concurrent Matter
Later Today Assigned

Bill "An Act to Amend Certain Motor Vehicle Laws" (H. P. 1444) (L. D. 1889) on which the Minority "Ought to Pass" in New Draft Report of the Committee on Transportation was read and accepted and the New Draft (Emergency) (H. P. 1820) (L. D. 2412) passed to be engrossed in the House on April 3, 1984.

Came from the Senate with the Majority "Ought to Pass" in New Draft Report of the Committee on Transportation read and accepted and the New Draft (Emergency) (H. P. 1819) (L. D. 2411) passed to be engrossed in non-concurrence.

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

Non-Concurrent Matter

An Act Concerning the Counting of Absentee Ballots in Towns with Voting Machines (S. P. 708) (L. D. 1954) which was passed to be enacted in the House on April 3, 1984.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-365) in non-concurrence.

The House voted to recede and concur.

Communications

The following Communication:

State of Maine
 Executive Department
 Office of Energy Resources
 State House Station 53
 Augusta, Maine 04333

April 3, 1984

The Honorable John L. Martin
 Speaker
 House of Representatives
 State House
 Augusta, Maine 04333
 Dear Speaker Martin:

As required by Joint Resolution S. P. 722 (February 22, 1984) Calling for an Investigation of Heating Oil Prices, I am pleased to transmit to you the report of the Office of Energy Resources on Heating Oil Prices. The report contains an analysis of the reasons for the price increases and finds no evidence of price-fixing or any other illegal activity on the part of the major oil companies.

Sincerely,
 JOHN M. KERRY

Was read and with accompanying report ordered placed on file.

The following Communication:

State of Maine
 One Hundred and Eleventh Legislature
 Committee on Audit and Program Review
 April 5, 1984

The Honorable John Martin
 Speaker of the House
 State House
 Augusta, Maine 04333
 Dear Speaker Martin:

We are pleased to report that the Joint Standing Committee on Audit and Program Review has reported out all the legislation before us this session. Now that we have completed these items we are planning for the agencies coming up for review which include the Public Utilities Commission, the Department of Marine Resources, the Department of Environmental Protection, the State Planning Office, Office of Energy Resources, and the Maine Development Foundation.

We want to thank you for your assistance and thank the many legislators who provided input this year. We feel that this has been a productive review.

Sincerely,
 S/G. WILLIAM DIAMOND
 Senate Chairman
 S/NEIL ROLDE
 House Chairman

Was read and ordered placed on file.

The following Communication:
 Office of the Treasurer
 State of Maine
 State House
 Augusta, Maine 04333

April 3, 1984

TO: John L. Martin, Speaker of the House
 FROM: Samuel Shapiro, Treasurer
 RE: L. D. #561 - Unorganized Territory
 As required under Chapter 561 the Treasurer submits an estimate of the percentage of the Local Government Fund that would be paid to the Unorganized Territory if it were treated in the same manner as a municipality under Title 30, Section 5055.

Unorganized Territory distribution for the calendar year 1983 would have been:

Estimated \$69,871.74

Formula derived from data base sources:

	Population	Valuation	or Assessment	Commitment
	6964	732,257,667	6,239,527	

Was read and ordered placed on file.

Orders**Later Today Assigned**

On motion of Representative Webster of Farmington, the following Joint Resolution: (H. P. 1829)

Joint Resolution Concerning the State Contracting For Medical Services in Competition with Private Enterprise

WHEREAS, the Department of Human Services has recently contracted for the purchase of large numbers of eye glasses for distribution to recipients of medical assistance programs; and

WHEREAS, this action places the State in direct competition with private enterprise within the State and sets a dangerous precedent of allowing state agencies to contract for medical related services without direct approval of the Legislature; and

WHEREAS, this action is a policy decision which should be made by those elected by the voters of the State and not one which should be made by an individual employed by a single department of State Government without an opportunity to be debated by the Legislature; now, therefore, be it

RESOLVED, That We, the Members of the 111th Legislature, oppose the contracting for the provision of medical related services in direct competition with private enterprise, unless the provision of those services has been specifically approved by the Legislature.

The Resolution was read.

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

House Reports of Committees
Unanimous Leave to Withdraw

Representative Masterton from the Committee on Appropriations and Financial Affairs on Bill, An Act to Authorize a Bond Issue in the Amount of \$25,000,000 to Rehabilitate and Provide an Access Causeway at Portsmouth Naval Prison at Kittery and Establish a Regional Jail Facility for the Northeastern States" (H. P. 1103) (L. D. 1457) reporting "Leave to Withdraw"

Representative Connolly from the Committee on Appropriations and Financial Affairs on Bill "An Act Concerning Access to Medical Care for Persons Without Adequate Health Insurance" (Emergency) (H. P. 1630) (L. D. 2170) reporting "Leave to Withdraw"

Representative Mahany from the Committee on Agriculture on Bill "An Act Relating to Agricultural Marketing and Bargaining" (Emergency) (H. P. 1596) (L. D. 2118) reporting "Leave to Withdraw"

Representative Masterman from the Committee on Taxation on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide that Municipalities May Choose to Tax Certain Property Which has been Exempt at a Percentage of Just Value (H. P. 1750) (L. D. 2311) reporting "Leave to Withdraw"

Representative Masterman from the Committee on Taxation on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Relieve Municipalities from the Loss of Tax Base Caused by Property Tax Exemptions by Requiring that the State Pay at Least 50% of the Cost of any New State Mandated Programs" (H. P. 1728) (L. D. 2281) reporting "Leave to Withdraw"

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

Ought to Pass in New Draft

Representative Beaulieu from the Committee on Labor on Bill "An Act Relating to Time of Payment under the Maine Labor Law" (H. P. 1719) (L. D. 2278) reporting "Ought to Pass" in New Draft (H. P. 1828) (L. D. 2422)

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 Mills from the Committee on Audit and Program Review on Bill "An Act Concerning the Maine Land Use Regulation Commission" (H. P. 1810) (L. D. 2401) reporting "Ought to Pass" in New Draft (H. P. 1837) (L. D. 2430)

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.

Ought to Pass in New Draft
Later Today Assigned

Representative Soucy from the Committee on Education on Bill "An Act to Revise the Laws Governing Certification of Educational Personnel" (H. P. 1669) (L. D. 2209) reporting "Ought to Pass" in New Draft (H. P. 1839) (L. D. 2434)

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

On motion of Representative Higgins of Scarborough, tabled pending passage to be engrossed and later today assigned.

Ought to Pass in New Draft

Representative Michaud from the Committee on Energy and Natural Resources on Bill "An Act to Standardize Time Periods for the Processing of Applications" (H. P. 1714) (L. D. 2273) reporting "Ought to Pass" in New Draft (H. P. 1840) (L. D. 2435)

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.

Ought to Pass in New Draft/New Title

Representative Jackson from the Committee on Taxation on Bill "An Act Relating to the State Valuation of the Town of Washburn" (Emergency) (H. P. 1650) (L. D. 2183) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Relating to School Funding for Washburn for 1984-85" (Emergency) (H. P. 1835) (L. D. 2429).

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.

Ought to Pass Pursuant to Public Law 1983

Chapter 592, Section 1

Representative Crowley from the Committee on Marine Resources on RESOLVE, Relating to Wastewater Treatment and Water Classification of Sardine Plants (Emergency) (H. P. 1830) (L. D. 2425) reporting "Ought to Pass"—Pursuant to Public Law 1983, Chapter 592, Section 1.

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

Ought to Pass Pursuant to Joint Order (H. P. 1572)

Representative McHenry from the Committee on Local and County Government on Bill "An Act to Revise the Salaries of Certain County Officers" (Emergency) (H. P. 1841) (L. D. 2436) reporting "Ought to Pass"—Pursuant to Joint Order (H. P. 1572)

Report was read and accepted, the bill read once and assigned for second reading later in today's session.

Divided Report

Eight Members of the Committee on Aging, Retirement and Veterans on Bill "An Act to Modify Early Retirement Plans for State Employees Hired after September 30, 1983" (H. P. 1218) (L. D. 1617) report in Report "A" that the same "Ought to Pass" in New Draft under New Title Bill "An Act to Modify Early Retirement Plans for State Employees Hired After August 31, 1984" (H. P. 1832) (L. D. 2426)

Signed:

Senators:

MINKOWSKY of Androscoggin
TEAGUE of Somerset

Representatives:

THERIAULT of Fort Kent
HICKEY of Augusta
PERRY of Mexico
AINSWORTH of Yarmouth
PARADIS of Old Town
LEHOUEX of Biddeford

Three Members of the same Committee on same Bill report in Report "B" that the same "Ought to Pass" in New Draft under New Title Bill "An Act to Provide Early Retirement Plans for State Police and Wardens" (H. P. 1833) (L. D. 2427)

Signed:

Senator:

DOW of Kennebec

Representatives:

MAYO of Thomaston
TUTTLE of Sanford

Two Members of the same Committee on same Bill report in Report "C" that the same "Ought to Pass" in New Draft under New Title Bill "An Act to Provide Early Retirement Plans for State Police, Wardens and Certain Maine State Prison Employees" (H. P. 1834) (L. D. 2428)

Signed:

Representatives:

WALKER of Skowhegan
STEVENSON of Unity

Reports were read.

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

Mr. HICKEY: Mr. Speaker, I move acceptance of the Majority Report and wish to speak to my motion.

The SPEAKER: The gentleman from Augusta, Mr. Hickey, moves that the "Ought to Pass" in New Draft Report A be accepted.

The gentleman may proceed.

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: L. D. 1617, An Act to Modify Early Retirement Plans for State Employees, is the Governor's proposal to eliminate most of our costly special retirement plans.

This bill grandfather's every state employee on the payroll today; yet, it saves the state \$60 million over the next 25 years. The bill eliminates the costly special retirement plans for employees hired August 31, 1984, such as liquor inspectors, airplane pilots, forest rangers, marine resources wardens, inland fisheries and wildlife wardens. It creates a new early retirement plan for state troopers and prison guards at Thomaston hired after September 1. The Thomaston guards and state troopers would be able to retire without any reduction to their pension with 25 years of service for the state at age 55. A regular state employee can retire when he has 25 years of service, but he can't draw his pension until he is 60.

You know and I know that the state simply cannot afford to pay these generous early retirement pensions anymore. The towns are getting away from generous pensions, other states are too, and so is the federal government.

Past legislatures created these early retirement plans because salaries for their employees were low at that time. We all know that salaries today are good and fringe benefits are excellent. The average salary for state employees is \$16,500. It is time for us in the legislature to stop being so generous with taxpayers' money. The public is fed up with paying big bucks so that members can retire at half pay with 20 years of service.

Unfortunately, the state of Maine is unable to face the costly escalating costs of special plans, and I ask your strong support for this bill, and I would ask for a roll call.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Ainsworth.

Mr. AINSWORTH: Mr. Speaker, Ladies and Gentlemen of the House: In dealing with this problem today, I feel we should look at where we have come from, where we are now, and where we are going.

State workers came from an age of low pay and recruitment encouraged by a 20 year pension system. We all know the strides that were made at the bargaining table. We are also aware that men and women are living longer, which has been reflected on the national level with changes in Social Security.

I can't help wondering what was the age of retirement level of the older members of this House. In my case it was 60 years and 4 months. That was 20 months earlier than expected because of a buyout by the company; automation made this buyout possible.

This brings me to the second point I wish to make, where we are now. Medicine has played a big part in our 'now' position. We all know we are living longer productive lives. Actuaries have convinced industry that early retirement is becoming too expensive. Because of the unbelievable strides in our automated industry, management is putting in place economic safeguards. I suspect at this time our future is just impossible to predict past the next few years. Hopefully, this legislation proposed in this L. D. will propel the State of Maine and its workers into a more positive and meaningful future.

How important is this document we are debating today? To reflect on the words of Governor Brennan in his State of the State Address, "This is the single most fiscally responsible action this legislature can take."

The SPEAKER: The Chair recognizes the gen-

tleman from Old Town, Mr. Paradis.

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I am a signer of the Majority Report and I support the "ought to pass" motion which is before us.

The purpose of the bill, if you recognized it, is to reduce the expenses for the retirement fund against the state revenue. We currently have an unfunded liability in our retirement system of \$1.2 billion, which amounts to approximately \$1,000 per person for all the population in our state. The retirement branch states that unless some legislative action comes along to disrupt the current plan, we should liquidate this obligation in approximately 16 to 17 years.

When Mr. Mayo spoke to us the other day, he was correct when he said there was no pressure on the retirement fund itself. The fund is being managed properly, the current active membership is submitting its monthly payments on schedule and the General Fund is meeting its obligations for those people who are currently in the work force based on the payroll, and also it is meeting its obligations to liquidate the unfunded liability on schedule. So all is as well as can be with our retirement fund as we find it today.

The bill is no attempt, either, to gain revenues from state employees or to break faith in any way with either former employees currently on the retirement rolls or with those that are in the work force today. The bill addresses itself to striking a new agreement with employees who will enter the state work force after September 1 of this year.

At the present rate of premium costs for those on the special programs, and the special programs is what the bill addresses, they are best described as the 20 year retirements, and the premiums to the General Fund at this time against putting the pressure against our dedicated revenues of the Fish and Wildlife also is from 20 percent a payroll for the forest rangers to a total of 37 percent of payroll for game wardens. In these two examples, the special program of the 20 year retirement has included these percentages which cost 22 percent for the game wardens over and above the regular retirement plan and down to 4½ percent for the forest rangers.

Based on an annual salary, let me translate this to you on an individual basis. Based on an annual salary of \$21,000, which is the salary for a six year game warden or six year trooper, this costs the state revenues approximately \$4,600 a year in additional premium per person that is currently on the rolls. The bill would reduce this premium by calling attention for these same people for 25 years service and 55 years of age will reduce the premium to approximately \$650 for this same individual. Translated into the full lifetime in the Fish and Game Department, this amounts to a \$500,000 saving at today's computation.

There will be similar reductions in cost for the state police, the coastal wardens, when the 25 year service and 55 years of age plan would be applied to these units also. We can see that this would relieve considerable pressure to both the General Fund and the dedicated funding of the Fish and Wildlife Department.

At the present rate of increased cost, increased number of people entering the system, the longevity of those on the retired rolls increasing each year, it is very easy to project the collision course with financial collapse in the state's attempt to keep up with this from the General Fund.

Mr. Hickey and I attended the conference on the plight of the public sector's retirement fund here a couple of years ago in the Washington area. The dilemma of our state is not unique by any means. Of the states present at that conference, and there were over 30 represented there, all were suffering from some past practices of legislation that had been passed under assumptions of capabilities and needs that do not match nor necessarily meet the needs of what we can

finance or support today.

All that were present at that conference recognized, and we were in complete agreement, that immediate steps were necessary to retain a financial balance more in accordance with the state's capabilities to pay as they are designed today.

Ladies and gentlemen, I believe, and many of those members of the committee also agree with me on this point, that this is the first step in meeting the requirements for adjustments to our retirement fund. We visualize follow-on legislation in sessions to follow which will be required to make further retractions from concessions granted by former legislators.

I cast no disparaging remarks at these prior legislative actions. Without doubt, they were made in accord with the needs and the requirements of the day.

During my years of military service, I watched Congress implement measures that at the time met various needs. Sometimes they favored me and sometimes they worked against me. When recruiting was low, Congress would promise more. When the risk was high, Congress took other measures. It is very easy to translate their actions into what happened here on the floor of this House in past legislatures as they struggled to arrive at equitable solutions for our work force. I do believe, though, that the time is here when we must seriously address the problems of our retirement system, and with this bill, with the motion that is before us for passage, is the first step in that direction and I would urge you to support the Majority "Ought to Pass" Report.

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

Mr. MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I rise before you today to ask you to stop in the mayhem of the end of the session, stop and think. A lot of numbers have been floating around here this morning about potential savings in our retirement system. It is true, there may be some potential savings in the contributions to that system, but we also have to consider the increased cost the state is going to experience because we have an older work force, a work force which will be more subject to stress and these stressful situations, more subject to problems in the work place.

Those special retirement plans were established for a very good reason and that reason is to allow people to retire early without penalty to keep the work force young in those places where it should be young.

How can you put a cost on human life? If someone at 59 as a game warden is trying to go up the side of Mt. Katahdin in the middle of the winter, has gone beyond his physical capabilities. I think it is important that we look at both sides of this issue and not just consider those numbers that have been thrown out this morning.

I urge you to think about the other costs associated with the retirement plan. I think it would be helpful this morning if I tried to explain the different reports.

The majority report that is before you would give early retirement to only two groups, the State Prison guards in my town of Thomaston at 25/55 and State Police at 25/55. All other state employees that used to be in special plans will have those special plans taken away and they will be under normal retirement.

Report B, of which I am a signer, will establish a special plan for those groups which meet special emergency-type service to the State of Maine. Those groups are state police, marine guards, game wardens and correctional officers in the Town of Thomaston at the State Prison.

Report B provides special benefits to those corrections officers in the Town of Thomaston and I feel quite strongly about this, as you can imagine. Most of those people are my constituents. They work inside a prison which is old, which is crowded, which, by the way, contains the worst that our society has to offer. Those employees are with those people for the length of time they spend behind the walls. They walk through the door and they are locked in

like everybody else.

By the way, I would like to point out that this bill did not originally contain those prison guards, they were originally excluded. They were added to the plan just two weeks ago. I don't think we are moving in a rational manner in this regard. I think we need to study the state prison guard situation in more detail.

I would also point out that those prison guards aren't one of those groups that are overpaid in my estimation. They start out at a salary range of \$11,000, way below the average that was quoted by some of the people that rose before me.

I would urge you to vote against this motion and I request a roll call.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I, too, agree with the gentleman from Thomaston, Mr. Mayo. Report A requires a game warden coming on after the effective date would have to work until age 60. I feel that the nature of the game wardens' work is such that it is not a job for a man 59 or 60 years old. I am not quite 60 yet and I am sure that I wouldn't want to be out in the middle of the night running up and down the fields trying to chase a night hunter at my age because I am not physically capable of that. I am afraid that we would have a lot of early disability retirements on our hands as a result of overexertion and stress on people who are over the age of 55.

I am going to vote against this motion before us now so that I can try to convince people to vote for Report B, which would include the wardens and put the limit at 25 years and age 55.

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

Mr. LAHOUX: Mr. Speaker, Ladies and Gentlemen of the House: This bill is a step in the right direction. We in the committee discussed this, kicked it around, debated it, ripped it apart and pounded the heck out of it. Once the smoke cleared, the majority of the committee determined that it was a good bill and that it is a good, solid economic measure.

I sincerely urge you all to represent Representative Hickey and give this bill a positive vote.

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

Mr. BAKER: Mr. Speaker, I would like to pose a question through the Chair to anyone who would care to answer. Have not the retirement plans been the subject of collective bargaining in the past? I am a little unclear. Would somebody please answer that for me?

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

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

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: It was decided in a court decision by the Supreme Court handed down in December that the retirement system was not something for collective bargaining.

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

Mr. SCARPINO: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak in support of the gentleman from Thomaston, Mr. Mayo, especially in consideration to the guards at the Maine State Prison.

Some of you might say, what does a fisherman know about Maine State Prison? Well this one fisherman, for a six month period, was, in my opinion, foolish enough to work in the Maine State Prison. You ask why I only worked there for six months. Well six months was the probation period for an employee for the Maine State Prison, and if I had really had my druthers, I would have left after about two months but my pride said that I had to complete the probation period, which I did and the day I was off probation, I filed my two weeks' notice.

Let me explain to you a little bit what being inside Maine State Prison is like. Many of you

have probably taken tours of the prison during the day and you have been guided around by the Colonel or the Major, some of the Captains, and shown the facilities, and if you have, you are well aware that the facilities are rather antiquated and limited. In my six month period there, I was involved in stopping two major fights; I was attacked with a knife; I was involved in removing a suicidal prisoner from his cell in the middle of the night with two razor blades attempting to kill himself and anyone else that went into the cell. I took a choke wire across the neck and the second one across the bridge of my nose that I still carry the scars from. I took a trip wire across the ankles on the fourth tier in the east wing and almost went down four stories onto a cement floor. Aside from that, I was involved in putting out many minor fires; I had things thrown at me, some of them you can well imagine what they were. In the same period there, I saw a guard severely disabled having a brick dropped on his head; I saw an inmate killed by being hit over the head with a piece of a rock maple two by four. Generally speaking, it isn't a pleasant place to spend your day.

Now you might ask, why is it that Scarpino got involved in all this stuff? Well I didn't get involved anymore than anybody else did. In fact, in a lot of cases, I got involved in less because I primarily worked nights and I primarily worked segregation. We did have our special problems on nights but the inmates didn't have the freedom of access on nights that they did during the day, they were locked up.

What toll does this have on the people that work in the prisons, on the guards? The guards, many of them are veterans, the department likes to hire veterans because they are more experienced, in their opinion, for that type of work, more capable people. Togue's definition of Maine State Prison is the ulcer factory. There is a high degree of nervous disorders, there is a high degree of stress related illnesses, there is a high degree of alcohol problems, there is a high degree of family problems, there is a high degree of premature heart attacks. It is not a pleasant and congenial place to work.

I do not currently know what the pay standards are in relation to the rest of the states in this country but in 1975, when I worked there, the guards at Maine State Prison were the lowest paid corrections officers in the United States.

The simple fact of it is, if we are going to maintain competent people and long-term people in that facility, the only way that we can do that is to provide some kind of positive incentive.

As Representative Mayo indicated, the pay at Maine State Prison, in my opinion, is inadequate. Be that as it may, it certainly is not a positive incentive. The only real avenue we have at this point for a positive incentive is the current retirement system for corrections officers.

Accordingly, I would urge your support of Report B to maintain that system so we can keep the quality we need in Maine State Prison in order to protect both the individuals within the prison, the residents of the prison and the general population on the outside of the prison.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Scarpino has raised some interesting arguments this morning and I might enlighten him and this House that in fact there have been a great number of individuals who are interested in a variety of state jobs and a certain segment of these people have applied, for example, for prison guard employment.

In 1981, there were 230 applications and 48 people were hired; in 1982, 273 applied and 43 were hired; in 1983, 158 applied and 18 were hired. State police—in 1981, 796 people applied and 42 were hired; in 1982, 506 applied and 25 were hired; in 1984, this year, 766 applied and the maximum of anticipating of being hired is 21.

There is nothing wrong with being employed

by the State of Maine. There hasn't been anything wrong really being employed by the State of Maine since this legislature gave the employees of this state collective bargaining.

The problem with the retirement system is, over the years there have been too many sweetheart arrangements made for certain employee groups within the state system. There is no group of individuals that deserves anymore consideration, if you want to argue the point of 20 year retirement, than the men and women who work in the mental health institutions. What is anymore demanding on individuals than working in our state institutions in mental health?

I thought about this bill when it was coming up from the Retirement Committee and I reflected back on the street that I live on in Bangor, which is Vine Street. There are about 40 homes on that street and I began to look at the men and the women that are living there that have raised their families and I wondered just how much any of them got out of their work on 20 year retirement—none of them. Every one of them have to work, as most of us have to work, for the retirement system that is already implemented at 65 years—most people there are working on Social Security.

That state has a good system but we can't afford the inequities that are in the retirement system, and Representative Hickey and his committee is trying to move out the wrinkles. Believe me, I think Mr. Hickey and his committee have done a marvelous job in trying to bring some accountability into our retirement system, and I would urge this House to support the Majority Report.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Ainsworth.

Mr. AINSWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I rise to set the gentlemen across the aisle straight on some figures. The state police, that seven hundred figure, don't get carried away with that, it doesn't mean a thing because I will tell you what happens. They send out applications to a lot of people and to a lot of areas not expecting to hear from these people but doing it because they always have done it, so that figure certainly is not a true figure.

There is also another thing that comes into this and I think you should be aware of it. They have to take the test, the lie detector test, and automatically two-thirds of the people that they have listed as wanting to have a job on a job application go down the drain. I think you should be aware of this.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I can assure the good gentleman from Yarmouth that these figures aren't mine, that I didn't send out the applications, that they came from the respective departments, and the departments in state government could send out ten thousand, they weren't imaginary individuals who filled out the applications and applied. I would say that he is entirely wrong, that these aren't estimates, they are definite facts in regards to the applications.

State government is not a bad place to work, and neither is the federal government for that matter. Why? Because the State of Maine has begun in the past few years to look at the responsibility in paying our state employees.

I might say while I am on my feet that the present Governor of this state and past legislatures have given the state employees on an average between 35 and 40 percent pay raises in the past six or seven years when you accumulate all the benefits and the dollars that they have gotten, so state government has not been bad to its employees, it has been very good to them.

We have to control the retirement problem that we have here in the state because of the inconsistencies in the variety of retirement plans that exist and Mr. Hickey and his committee have been trying to do just that.

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

Mr. WALKER: Mr. Speaker, Ladies and Gentlemen of the House: There is no argument in the committee about the Governor's position that we can no longer afford retirement in 20 years. The only difference of opinion in the committee is what groups shall be included and at what ages.

Personally, I commend the Governor for taking this step, because it is obvious that the state should not owe somebody with a 40 year working career his full retirement for having worked half a career. The only reason we have come to have three reports is because of disagreements as to the practicality of having people between 55 and 60 do certain jobs for the state, does it pay the public?

Mr. Scarpino, the gentleman from St. George, spoke about the hazards of being a guard at the Thomaston State Prison, but let me say, the people that are involved in the Labor Committee and anybody with Workers' Compensation would be familiar with these figures, that in 1982 there were 178 guards, there were 8 disabling injuries or 4.5 per hundred. Among state police there were 21 disabling injuries out of 306 state policemen, which comes to a figure of 6.9 per hundred. In the Inland Fisheries and Wildlife Division there were 12 disabling injuries out of 114; that comes to 10.5 per hundred. So if you really look at the figures, there are more people disabled in the warden service per hundred than either of these other categories.

There is not a big difference in cost between Report A and Report C. The gentleman from Brooksville gave us a figure of somewhere around a hundred thousand dollars per year if everyone who is now in the warden service had started out on an age 55 retirement or an age 60 retirement, it would be about a hundred thousand dollars cheaper for age 60.

As far as numbers are concerned, there are more state police, there are 306; there are more prison guards, there are 178; in the inland fisheries, there are 114 wardens, but I would just like to say that there is no hard and fast evidence that state police are less able to operate after 55 than game wardens. I would just ask you to use your own judgment on this because we have no figures on it. Is it harder to drive a hundred miles in an automobile than it is to snowshoe ten miles. I don't think so. I think our warden service has to uphold laws on the ocean and in the wilderness, and I think that certainly age would take its toll more in their endeavors even than in the state police.

With your indulgence, I would like to read something from the Report. There have only been two substantive reports made and these were done in the states of California and Vermont. They have come to the same conclusion that our committee did, that certain categories of public employees are essential for the protection of the public and those jobs are best performed by young, vigorous workers; therefore, special plans are needed to encourage early retirement in order to provide a young work force which would be able to better protect the public.

California and Vermont have recently studied the issue of early retirement of certain classes of public employees and those studies concluded that the public safety, young work force rationale is the only justification for a special plan. The first question for the committee then becomes, and this was for our committee, which categories of state employees perform normal duties which require that they actively and continuously protect the public from physical danger? Vermont recommended that state police, game wardens and certain state firefighters be allowed early retirement. California has a liberal definition of state safety number. It would include all our special categories.

These are really the only two studies that have been done and they have come to the conclusion—only real definitive studies—that the state game wardens and probably the marine wardens—Vermont certainly doesn't have many marine wardens—we need younger employees

in these two categories and the only way that we can do it is by allowing them to retire at 55, and since these long range costs would be only \$100,000 difference, I hope you will join me on Report C after defeating this report.

The SPEAKER: The Chair recognizes the gentlewoman from Athens, Ms. Rotondi.

Ms. ROTONDI: Mr. Speaker, Ladies and Gentlemen of the House: I have heard a great deal of rhetoric and misunderstanding regarding the early retirement of game wardens versus the state police. Some of this debate is centered around the disagreement over which is more dangerous or stressful and also the total number of hours that are worked.

At this time, I would like to share with you some very interesting information that has been compiled.

During the period July 4, 1982 to July 2, 1983, Maine game wardens worked 273,721 hours which, after regular time off, vacations and holidays, averaged out to be in excess of a 52 hour work week. If you compare this to employees that work a standard 40 hour work week, the Maine game warden will have worked an extra 617 hours or 31 percent greater amount of time. If you project these figures over a 20 year period, the warden will have worked in hours what amounts to in excess of 26 years.

Statistically, from 1971 to 1982, the average age at entry level to the Maine Warden Service was 26 years old, and the average age at retirement has been a little over 49. In today's society, it appears that 49 is a young retirement age, but certain facts show just the contrary. National F.B.I. figures show that a conservation officer has a seven times greater chance of being assaulted with a firearm than any other peace officer. Of these assaults, 2.6 percent result in a fatality, while only 0.3 percent result in death in other peace officers. Maine statistics show that in 1983, 14 Maine game wardens were assaulted; the degree of occurrence is about one in seven officers being physically assaulted.

In the 102 year history of the Maine Warden Service, we have had seven officers give their lives in the performance of their duties. Three were murdered, two died as a result of plane crashes, one drowned and one died as a result of an accidental dynamite blast. The Maine Warden Service has lost more officers than any other law enforcement agency in the state service.

Not only is the job physically demanding, the emotional stresses on the officers and their families can never be measured. The officer is on call 24 hours a day. He may get one or two holidays a year with his family, and even on days off people come to his residence with problems and questions.

Ladies and gentlemen, let me read from an excerpt of a game warden job description. An employee in this category is an armed, uniformed enforcement officer with full police powers and state-wide jurisdiction assigned to a geographical area specializing in state and federal fisheries and wildlife law enforcement, including boating, snowmobile, dog litter and environmental laws as well as search and rescue work and assisting other governmental agencies.

In conclusion, as debate continues on this bill, I think all of you should remember some of the responsibilities that are included in a warden's job. If you feel that a game warden should not be eligible for early retirement, then there should be no similar provision for any other enforcement or connection employees.

I urge you to vote against acceptance of Report A and vote for acceptance of Report C.

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

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to call your attention to a comment made by Mr. Kelleher here a moment ago as to the extent of the applications that had been submitted for these various positions and I support that. In addition, I would like to point out that the game wardens, the applications in 1981 were 415 for seven hired during

that period and the Marine Resources had 110 applications for five hired.

My purpose for getting up at this time, however, is to discuss for a moment with you the stress and risk that are built into these various positions and assignments that we have. As the Congress learned long ago and began to make adjustments in the military with pay and allowances and move away from retirement benefits which was compensation for high risk and high stress assignments by going the hazardous duty pay, by going to combat pay, by going to separation pay and packing those on and paying the bills today for the service that is performed today and not paying it with allowances out in the future which have been accelerated because of promotions, because of inflation, and then this puts a double burden on the taxpayers. In some cases, it even exceeds a double burden from what it was.

I do believe when I spoke to you a moment ago about other adjustments that would have to be made, I would point to this as one that will come along and will have to be addressed in subsequent sessions, as to how do we deal with risk and stress and how do we compensate for it appropriately, but I don't believe that the retirement system is the way to recognize that.

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

Mr. SCARPINO: Mr. Speaker, Ladies and Gentlemen of the House: There have been a few points raised by the gentleman from Skowhegan, Mr. Walker, that I feel I must respond to, primarily those being the workers' comp figures showing that the Maine State Prison had the lowest workers' comp rate per employee compared to the state police and the wardens. Well all of those injuries that I mentioned that I received didn't fall under workers' comp, they didn't fall into that rate. When my nose was broken, we put a piece of tape on it. When my arm was cut, we sewed it up and I was back to work that night.

The guard who comes down with an ulcer, that doesn't appear on workers' comp. The guard who ends up with a divorce because of the stress that is caused by the job, that doesn't end up under workers' comp, so I am going to question the viability of using those figures for a comparison because they deal with only a very small portion of what the injuries are and what the stresses are within law enforcement jobs in general and within employment of Maine State Prison, in the maximum security unit in particular.

I would also like to make a comment on the gentleman from Bangor, Mr. Kelleher's statement on the number of people that have applied and the number of people that were hired at Maine State Prison. He mentioned one year, if my memory serves me right, there were 200 people who applied and 41 were hired and next year there were a hundred and eighty something that applied and 43 that were hired with a total of about 160 guards. Well that is a 25 percent turnover rate. Did 25 percent of those people retire out? Were they filling retirements? If you are looking at a 20 year retirement, just on rough general statistics you should have roughly 5 percent of your staff retiring out every year. That leaves 20 percent, or in this case roughly 32 or 33 people unaccounted for that are just turnover.

Now let's talk a little about having experienced people in a place as critical as the maximum security unit at Maine State Prison is. Maine State Prison, due to the age of the facility, unfortunately has a fairly high escape record. The major defense we have against escape and the resulting hazard to the population at large is experienced corrections officers.

I am going to tell you something that I really didn't want to tell you when I stood up last time. Maybe some of you people will remember, in about 1976 there was an inmate escape from Maine State Prison and he was at large for about two and a half weeks and he was finally caught by China Lake. They traced some candy bar wrappers, one lucky individual saw some candy

bar wrappers and found him hiding in a hollow log and they said, how did he escape? They said, an inexperienced guard at the night count counted a dummy, counted him in and they didn't know he was gone for about four hours after he had already left. Well I am here to tell you that I am the dummy who counted the dummy, and the reason I did it was because of inexperience. I had been there for about two and half months. Because of the lack of personnel and the high overtime requirement, people without sufficient experience were being forced to operate in areas where they shouldn't really have operated without more supervision.

The turnover rate that that prison still has creates the same problem and that problem, as long as it exists, endangers every citizen in the State of Maine. The only way to reduce that turnover rate, the only way to have an experienced guard force, is to provide the incentives to keep the experienced people on the job. Report B will provide that incentive and I would urge your support of it.

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

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: We have just heard that there is a large turnover at the prison and we have a 20 year retirement there, so apparently 20 year retirement is not working.

I want to address the arguments that were made much earlier in the day concerning the Fisheries and Wildlife Department. The people who are paying the bill for this early retirement are the men who are working out there in the woods as woodcutters, the men who are working in the paper mills, and we know for a fact that at least one paper mill has one of the highest rates of cancer in the state. We know that our woodcutters have a very high rate of accidents but their retirement is 65 years of age. They are outdoors just as the farmers are outdoors and they are outdoors until they are 65 years of age. What is so wrong with a game warden being outdoors until he is 60?

The other aspect that no one has talked about and one of the reasons that I originally brought the bill in was that our early retirement system generates a very inequitable sexual preference. Examine, if you will, the early retirement program. The number of women who fall into early retirement can practically be counted on one hand; yet, the women who work for the state and for school districts numbers fifty or sixty thousand, and basically they work until they are sixty before they can retire.

We are not asking that these guards and the state police work until they are 60, we are agreeing that 55 is a logical retirement age in today's society when it is not uncommon for more people to live until they are 70. Can we afford to pay \$4 million over the 25 years for the extra five years that the Fish and Game department is asking? That is the cost of reducing the fish and game wardens to 55 instead of 60 is \$4,400,000.

The SPEAKER: The Chair recognizes the gentleman from Fort Kent, Mr. Theriault.

Mr. THERIAULT: Mr. Speaker, Members of the House: I would like to bring you back to the original reason why this bill was presented by the Governor, and the primary reason for that was because of the cost to all of us.

You probably know that regular employees contribute at the rate of 6.5 percent of the payroll. Special plan employees contribute at the rate of 7.5 percent of the payroll. Just as a matter of interest, I would like for you to listen to what the regular employees contribute versus the special category employees.

The state contributes for regular employees at the rate of 15.7 percent; for special category employees, it varies within the categories, and that is based primarily on the number of employees within each category and how long they will live because the state has to keep the retirement system solvent and the only way that this can be done is by altering the amount of contribution.

Consequently, our people are living longer today so the state has had to foot a greater part of the cost.

For example, the state police in 1983 cost nearly 35 percent of the payroll in state contributions. The prison employees was 23 percent, fish and game, 36 percent—marine wardens, 33 percent versus for regular employees at the rate of 15.171 percent. I think we have to consider this in our deliberations in determining if we can really afford these special plans. If we can't afford them, I would urge you to vote with Representative Hickey's motion.

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

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: There has been much expression about deleting the Fisheries and Wildlife from this plan. Last April or maybe early May, our committee and the Governor and various people received a letter from the Legislative Committee on Fisheries and Wildlife telling us of the dilemma that they were in and asking us to review the pension plan that they presently had. In reviewing it, we found 157 employees on the regular plan and 116 on the special plan and the special plan was costing them \$600,000 a year more than the regular plan. In view of the fact that they are operating on dedicated revenue, it seemed very logical for us to support the plan that we presently are presenting.

The SPEAKER: The Chair recognizes the gentleman from Camden, Mr. Kelly.

Mr. KELLY: Mr. Speaker, Ladies and Gentlemen of the House: I know of several people that retired from the prison in Thomaston and they had gone over their retirement years for five or six years. They kept going in order to increase their retirement and there are some right now who are still going over their retirement years that are working there. It seems to me if it was such a hazardous job that they would retire when their retirement came up, but they don't, they prefer to work longer.

I went on as a game warden in 1939 and the last year I worked for Fisheries and Wildlife Department was 1979. I am now 66, I think I am just as healthy now as I was when I was 60 and it is one of the healthiest jobs a fellow can get. You are outdoors every day. Back then, if we had to go anywhere, we had to snowshoe in order to get there in the wintertime. Now they have snowsleds, all-terrain vehicles, boats and motors; in fact, they don't have to walk a mile a day and still do their work. They are stuck with their car.

My closest neighbor was 17 miles away when I was at Nine Mile on the St. John River. If I wanted a loaf of bread, I had to get awfully hungry before I walked 17 miles to go get one. I don't want to ring my own bell but the last year that I was on, we were working around the headquarters camp and we did a little roughhousing and I was 60 years old and I could handle any of the 12 men that were there. If they would be more choosy about hiring men, then they could stay on until they were 60 like they used to.

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

Mr. MACEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I am one of the first ones to agree that we should go to 25 years for all of these people, I concede that. We did request that the retirement committee review the retirement system of the wardens. We asked them to review it, not to ruin it. I think they went a little bit too far, they did their job too well, and they have put the wardens in a position where their retirement system is almost gutted.

I just hope, with all due respect to Mr. Hickey, that you will vote against his motion and then we can get on and work on Report B.

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

Mrs. ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: We did sort of take a straw poll in the Fisheries and Wildlife with regard to 25/55 and we were all in agreement that we

should go with this. In addition, in the Audit and Program Review, it was the unanimous consent—I mean everybody on that committee was in favor of 25/55, so I would hope that you would go along with Report B.

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

Mr. MANNING: Mr. Speaker, Ladies and Gentlemen of the House: There has been a lot of talk today about people at the Maine State Prison but I think we forget about the people at the Maine Youth Center, the people at the Maine Correctional Center in Windham. I think if you look at statistics for those two groups of people, you would also find that they are in a hazardous situation. I think if you looked at it closely, statistics prove that maybe at the Maine Youth Center workers' comp claims are even higher than they are at the Maine State Prison. We are addressing one group at the Maine State Prison but we are not addressing the other two groups of correctional officials at both Windham and at South Portland. We are leaving them alone and I think if you looked at them, you would find that they are just as hazardous.

Also I would like to say that I don't think the maximum security prison in Thomaston has had that many escapes over the past few years. I don't want the people of Maine thinking that people are bouncing out of that thing left and right because they are not. The last time I remember they had an escape, they escaped from the Bolduc Unit, and yes, it took them about two weeks to find those people and it was an experience that the people in that area of Maine didn't enjoy. They escaped from the minimum security unit, the Bolduc Unit, not the maximum security unit at Thomaston.

Another thing I would like to say while I am on my feet is my home town, the city of Portland, back in the 60's decided that it was much more beneficial to retire a police officer and a fireman at 20 years. The reason was they didn't want to pay them and we are suffering for that now. They didn't pay up front, they paid down the road and paying down the road is going to cost that much more.

Anybody who can sit here today and tell me that a Portland police department official has a less dangerous job than some of the game wardens of this state, I will bring you back the police blotter for this weekend and we will see what happened. The Portland police right now are at 25 years.

I would hope that we would go along with Report A because I truthfully believe since I have been in here and before I got here that the biggest issue that is going to hit the State of Maine in the next two or three sessions, if we don't address this problem today, is going to be the retirement system.

I personally believe that we all ought to be under Social Security because that is the problem with Social Security, one of the problems, because so many municipal, county and state pension plans are floating around this state and this country that they are not contributing into that program. I think if we all contributed into it, I would just as soon contribute instead of contributing to the Maine State Retirement System, I think Social Security would be a lot better off.

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

Mr. MAYO: Mr. Speaker, Ladies and Gentlemen of the House: Quickly, before I forget it, I would like to point out that is correct, many people don't contribute to Social Security but if they don't contribute, they also don't collect.

I would also like to point out to you that any escape from Maine State Prison or the Bolduc Unit in Warren is an escape too many for my constituents, my constituents who live in the town of Warren surrounding the Bolduc Unit and my constituents who live in Thomaston.

A neighbor of mine, not too long ago, was kidnapped. He lived a hundred yards from my house, he was kidnapped and taken to Millinoc-

ket by an escaped prisoner. I don't want to run the risk of having personnel who, though they may be very dedicated to their job, are beyond the physical limitations of that job.

I ask you also to consider that the average life span of a Maine State Prison employee, guard, is between the ages of 58 and 59. They are hardly a strain on the retirement system because they don't live that long. The stress that they face in that job is a different type of injury than those injuries faced by other state employees such as state police and game wardens. Stress is a silent killer and, believe me, month after month it takes many of my constituents who work inside of that facility.

I urge you to consider the long-range implications of this bill. I urge you to vote against the Report A so you can go on to support the proper bill that is before us today, Report B.

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

Mr. MANNING: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Thomaston, Mr. Mayo, and ask him when that last escape happened?

The SPEAKER: The gentleman from Portland, Mr. Manning, has posed a question through the Chair to the gentleman from Thomaston, Mr. Mayo, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. MAYO: Mr. Speaker, Members of the House: I don't have any accurate figures on escapes. That escape that I was referring to was approximately seven years ago, but as I said before, any escape is an escape too many.

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

Mr. MANNING: Mr. Speaker, Ladies and Gentlemen of the House: One of the things that I think the state has neglected and I think one of the things that many of the municipalities throughout the state have neglected is to make sure that the people who are in the stressful positions of police officers and fire department officials and correctional officials are healthy.

I saw a report the other day that showed the correctional people down at the Maine State Prison aren't exactly the healthiest bunch of people in the world and I think that is the duty and the responsibility not only of those people but also the state, because I think you will find in private industry now, more and more people are saying to their employees, you have to start looking at your health. You have got to start looking at how many packs of cigarettes you smoke a day and how healthy are you on that. How much are you drinking a day? What is your diet? I think it is the responsibility of the state and the individual to do that, and I think that if we as legislators of this state start telling both the municipalities and the state officials to start these wellness programs, which my community has done because they realize that a person who is in better health is going to have less stress, I think that is one of the key issues that we can look at down the road. But if we continue to give people 20 years and they continue to smoke three packs of cigarettes a day or they continue to drink two or three six packs a day, that isn't going to help them one bit. If we want people to live longer, we ought to start having them get healthier earlier.

A roll call has been requested.

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

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Hickey, that the House accept the "Ought to Pass" in New Draft Report A. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 441

YEA—Ainsworth, Bell, Benoit, Bonney, Bost, Bott, Brannigan, Brodeur, Brown, A.K.; Carrier, Carroll, G.A.; Carter, Cashman, Connolly, Cote, Cox, Crowley, Curtis, Day, Dillenback, Dudley, Gauvreau, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Holloway, Joseph, Joyce, Kane, Kel-

leher, Kelly, Ketover, Kiesman, Kilcoyne, Lehoux, Lisnik, Livesay, Locke, MacBride, Macomber, Mahany, Manning, Martin, H.C.; Masterman, Masterton, Matthews, K.L.; McCollister, McGowan, McHenry, McPherson, McSweeney, Michael, Mitchell, J.; Moholland, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, Norton, Paradis, E.J.; Parent, Paul, Perkins, Perry, Pines, Pouliot, Racine, Reeves, P.; Richard, Ridley, Roberts, Sherburne, Small, Smith, C.W.; Soucy, Soule, Stevens, Stover, Swazey, Tammaro, Theriault, Wentworth, Willey, Zirnkliton.

NAY—Allen, Anderson, Andrews, Armstrong, Baker, Beaulieu, Brown, D.N.; Cahill, Callahan, Carroll, Gray, Chonko, Clark, Conary, Connors, Cooper, Crouse, Daggett, Davis, Dexter, Diamond, Drinkwater, Erwin, Foster, Greenlaw, Handy, Higgins, L.M.; Hobbins, Ingraham, Jacques, Jalbert, LaPlante, Lebowitz, MacEachern, Martin, A.C.; Maybury, Mayo, Melendy, Michaud, Mills, Mitchell, E.H.; Nelson, Paradis, P.E.; Randall, Reeves, J.W.; Robinson, Roderick, Rolde, Rotondi, Salsbury, Scarpino, Seavey, Smith, C.B.; Sproul, Stevenson, Strout, Tuttle, Vose, Walker, Webster, Weymouth, The Speaker.

ABSENT—Jackson, Matthews, Winslow, Telow, Thompson.

86 having voted in the affirmative and 61 in the negative, with 4 being absent, the motion did prevail.

The New Draft was read once and assigned for Second Reading later in today's session.

Divided Report Later Today Assigned

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Repeal the Sales Tax on Meals and Lodging and to Establish a Meals and Lodging Tax for the Purposes of Stabilizing the Property Tax and Promoting Tourism" (H. P. 1737) (L. D. 2303)

Signed:

Senators:

TEAGUE of Somerset
TWITCHELL of Oxford

Representatives:

DAY of Westbrook
HIGGINS of Portland
INGRAHAM of Houlton
JACKSON of Harrison
KILCOYNE of Gardiner
MASTERMAN of Milo
McCOLLISTER of Canton

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

Signed:

Senator:

WOOD of York

Representatives:

ANDREWS of Portland
CASHMAN of Old Town
KANE of South Portland

Reports were read.

On motion of Representative Higgins of Portland, tabled pending acceptance of either Report and later today assigned.

Consent Calendar First Day

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

(S. P. 841) (L. D. 2265) Bill "An Act to Clarify the Definition of "Traffick" with Respect to Growing and Cultivating Marijuana" Committee on Judiciary reporting "Ought to Pass"

No objections having been noted, under suspension of the rules the above item was given Consent Calendar Second Day notification and passed to be engrossed in concurrence.

(H. P. 1684) (L. D. 2221) Bill "An Act Concerning Higher Education" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-649)

On the request of Representative Locke of Sebec, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the

Bill read once. Committee Amendment "A" (H-649) was read by the Clerk.

On motion of the same gentlewoman, tabled pending adoption of Committee Amendment "A" and later today assigned.

(H. P. 1729) (L. D. 2282) Bill "An Act to Revise the Procedure Relating to the Review of Property Tax Exemptions and to Amend Certain Laws Relating to Property Tax Exemptions" Committee on Taxation reporting "Ought to Pass"

No objections having been noted, under suspension of the rules the above item was given Consent Calendar Second Day notification, passed to be engrossed and sent up for concurrence.

Second Reader Later Today Assigned

RESOLVE, to Reimburse David James McDaniel for Damages Suffered as a Result of Wrongful Imprisonment (H. P. 761) (L. D. 992)

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

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

Finally Passed Constitutional Amendment

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) (H. "A" H-622)

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

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Armstrong.

Mr. ARMSTRONG: Mr. Speaker, if possible, would the sponsor of this bill just briefly tell us how much it increases the loan guarantees under the Veterans Loan Program?

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

The Chair recognizes the gentlewoman from Sabattus, Miss LaPlante.

Miss LaPLANTE: Mr. Speaker, I don't see the sponsor here, but this came before State Government. To answer the gentleman's question, I believe what is does, last year we voted to increase, when we passed the FAME package, the guarantee from 80 to 85 percent. However, there was a problem because the loan level is in the Constitution. All this does is enable us to change the Constitution to allow us to guarantee these loans to the extent we did last year.

This being a Constitutional Amendment and a two-thirds vote of the House being necessary, a total was taken. 127 voted in favor of same and none against, and accordingly the Resolution was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure Indefinitely Postponed

An Act to Reimburse the Department of Inland Fisheries and Wildlife for Duties Performed which are Mandatory Nonfish and Nongame Related (H. P. 1758) (L. D. 2320) (C. "B" H-606)

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, Ladies and Gentlemen of the House: The content of this bill will be taken care of when we deal with L. D. 2336, and for that reason I move the indefinite postponement of this bill.

Thereupon, the Bill and all its accompanying papers were indefinitely postponed in non-concurrence and sent up for concurrence.

Passed to Be Enacted Emergency Measure

An Act to Allow State Party Committees to Establish the Time for Electing their Officers (H. P. 1784) (L. D. 2350) (H. "A" H-625)

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

Emergency Measure Later Today Assigned

An Act to Raise the Annual Public Utilities Commission Regulatory Fund Assessments to \$1,635,000 and to Allocate those Funds for Fiscal Year 1985" (H. P. 1809) (L. D. 2391)

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

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

Mr. BROWN: Mr. Speaker, I would like to pose a question through the Chair to anyone who may wish to respond. What is the \$1,635,000 to be used for?

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

The Chair recognizes the gentlewoman from Auburn, Mrs. Robinson.

Mrs. ROBINSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to thank the good gentleman from Livermore Falls for asking his question because I was planning on debating this bill anyway.

What this bill does is it adds six new positions to the Public Utilities Commission. Last year, this legislature added three new positions, so apparently that would mean nine new positions over the two years that the 111th Legislature has been in session.

Last year as well, the members of the Public Utilities Committee, or some members of the Public Utilities Committee here in the legislature called for a study of that commission because we were not exactly sure what was going on with the Public Utilities Commission. We originally wanted an outside study of the Public Utilities Commission but eventually we agreed to follow the normal Audit and Program Review process. However, some members of the Public Utilities Committee were enough concerned about what was going on over there that they really were pushing for a study and there is a study going on right now in the Audit and Program Review Committee.

I am not only a member of the Public Utilities Committee in the legislature, but I am also serving on that Audit and Program Review Subcommittee, and although the members of that subcommittee have taken no position on this particular bill, I personally feel that it is wrong to add six new positions to an agency when you are in the midst of studying it and you do not even know whether they need all the positions that they have right now.

Traditionally, bills of this nature that call for six new positions go to the Public Utilities Committee because that committee is the committee that knows pretty much what is going on with the commission. However, this year this particular bill went to the Appropriations Committee and therefore the members of the Public Utilities Committee, who tend to oversee the commission, did not have any real input on that particular bill.

For these reasons, I would urge you to vote against the enactment of this bill this morning.

Representative Vose of Eastport requested a roll call vote.

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

Representative Kelleher of Bangor moved that this be tabled until later in today's session.

Whereupon, Representative Robinson of Auburn requested a division.

The SPEAKER: The pending question is on the motion of Representative Kelleher of Bangor that

this be tabled until later in today's session pending passage to be enacted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

78 having voted in the affirmative and 50 having voted in the negative, the motion did prevail.

Emergency Measure Reconsidered

An Act Relating to Medicaid Reimbursement Rates for Ambulance Services (H. P. 1811) (L. D. 2396)

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

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

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

House Amendment "A" (H-632) 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.

Emergency Measure

An Act to Extend the Reporting Date for the Select Workers' Compensation Study Commission (H. P. 1702) (L. D. 2240)

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. 125 voted in favor of the same and 7 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Amend the Act to Protect the Public from Unsafe Pesticide Use (S. P. 848) (L. D. 2306) (C. "A" S-364)

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

Emergency Measure

An Act to Amend the Charter of the Winthrop Water District (H. P. 1753) (L. D. 2317) (C. "A" H-634)

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

Emergency Measure

An Act Concerning the Funding of the Department of Inland Fisheries and Wildlife (H. P. 1769) (L. D. 2336) (H. "E" H-577; H. "F" H-581; H. "H" H-599; H. "M" H-612)

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

Representative Strout of Corinth 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. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 442

YEA—Ainsworth, Allen, Anderson, Andrews, Armstrong, Baker, Beaulieu, Bonney, Bost, Bott, Brannigan, Brown, A.K.; Brown, D.N.; Callahan, Carroll, D.P.; Cashman, Chonko, Clark, Conary, Connors, Connolly, Cooper, Cote, Cox, Crouse,

Daggett, Davis, Day, Dexter, Diamond, Dillenback, Drinkwater, Dudley, Erwin, Foster, Gauvreau, Greenlaw, Gwadosky, Handy, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Ingraham, Jacques, Jalbert, Joseph, Joyce, Kane, Ketover, Kiesman, Kilcoyne, LaPlante, Lehoux, Lisnik, Livesay, Locke, MacBride, MacEachern, Macomber, Mahany, Manning, Martin, A.C.; Martin, H.C.; Masterman, Masterton, Matthews, K.L.; Maybury, Mayo, McGowan, McHenry, McPherson, McSweeney, Melendy, Michael, Mills, Mitchell, E.H.; Moholland, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Parent, P.; Racine, Reeves, J.W.; Reeves, P.; Richard, Ridley, Roberts, Rolde, Rotondi, Salsbury, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stevens, Stevenson, Stover, Swazey, Tannaro, Tuttle, Vose, Walker, Wentworth, Weymouth, Willey, Zirkilton, The Speaker.

NAY—Bell, Benoit, Brodeur, Cahill, Carrier, Carroll, G.A.; Carter, Crowley, Curtis, Hall, Holloway, Kelleher, Kelly, Lebowitz, McCollister, Michaud, Mitchell, J.; Perkins, Perry, Pines, Pouliot, Randall, Robinson, Roderick, Scarpino, Soule, Strout, Theriault, Webster.

ABSENT—Hayden, Jackson, Matthews, Winslow, Telow, Thompson.

117 having voted in the affirmative and 29 in the negative, with 5 being absent, the motion did prevail.

Signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Amend the Judicial Commitment Statute (H. P. 1800) (L. D. 2393)

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

Emergency Measure Later Today Assigned

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1984 (H. P. 1822) (L. D. 2414)

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

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

Mr. CARROLL: Mr. Speaker, I am have an amendment prepared and would like to have this tabled until later in today's session.

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

Passed to Be Enacted

An Act to Clarify the Disciplinary Procedure of the Nurse Practice Laws (S. P. 839) (L. D. 2263) (C. "A" S-361)

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 Later Today Assigned

An Act Relating to the Quality of Milk (H. P. 1804) (L. D. 2378)

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

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill that will raise the milk fat in whole milk sold in the stores. The consumers have not asked for this increase; the trend has been to low-fat milk. Under the present law your processors can market a high-fat whole milk. If the market was there, isn't it reasonable to assume the processors would be after that market? They are in business to make money. The farmers are paid on the milk fat level; the

higher the milk fat, the more money they receive. That rule also has to apply on the sale of milk in the markets. The higher the fat level, the more money it is going to cost the consumer.

There is another part of this bill that will also cost any business selling milk products more money, and that is in Section 2. Lowering the temperature in their cases from 45 degrees to 40 degrees Fahrenheit, it cost 27.44 cents per day per linear foot for these cases, or \$101.27 per year. That is the electricity. This additional 5 degrees would cost an additional 7 percent in the cost of operation.

Last weekend while I was home, I visited my local IGA and was telling him about this bill. I can't repeat everything he had to say about what we were doing down here, or trying to do, but he did finally say the margin in milk was small and that temperature change would make it smaller. I looked at the temperature in his case and it was 44 degrees. He said his milk was brought in four or five times a week and he had no problem with that temperature. He wanted to know why we were doing this. I had to tell him the truth—I don't know. He wanted to know why we didn't take a couple of years off, and I agreed that might be a good idea and it may happen.

We are here to make laws, but this is one that we can do without. I hope you will join me in the vote to indefinitely postpone this bill and all its accompanying papers and I would ask for a roll call.

The SPEAKER: The gentleman from Island Falls, Mr. Smith, has moved that this Bill and all its accompanying papers be indefinitely postponed in non-concurrence.

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

Mr. MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: I certainly hope that you vote against the motion to indefinitely postpone this bill. It is a very good bill. We worked on it in committee, it had overwhelming support. We discussed it a couple days ago and the House voted to support the legislation and I hope you continue to do so today.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Ainsworth.

Mr. AINSWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I couldn't agree more with Representative Smith. This is strictly for the birds. I am perfectly satisfied with the milk I am getting today and I don't want anyone messing around with it anymore. This milk business is getting to be a farce up here in the House, and I certainly hope this goes down the drain.

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

Mr. SHERBURNE: Mr. Speaker, Ladies and Gentlemen of the House: I would hope you would oppose the motion to indefinitely postpone this bill. I had a person who called, a Dr. Wildasin, who works for the Hood Company in Massachusetts, and after talking with him about half an hour Wednesday, I got a little better light on the picture presently in Maine.

Mr. Wildasin had a slight concern about this bill and he said it concerned only one plant and that was the Portland plant in Maine, and that was because they shipped some milk into New Hampshire. But in our conversation he talked about some of the products that Hood does put into Maine, and one of those products was a low-fat product called Lo-Form, and it was one of the most successful products that they had had in their line in competing with Maine-produced milk, because of the fact that when the butterfat is taken out of that milk to bring it down to a low fat milk, they do replace solids in that milk which makes it better flavored, a better tasting milk and a much better product. He said that because of this fortification of the milk with other solids, their product was competing very successfully against the Maine products that are produced here by Maine processing plants.

I think the thing that surprised me the more

than anything about this conversation was the fact that he told me his concern with it was the fact that this would put Maine, if it was passed in its present form, a little bit higher than New Hampshire. I said, what's the situation today? He said, today New Hampshire's standards are higher than Maine's. In Maine, the present standard is 3.25 percent; in New Hampshire it is 3.35, and New Hampshire is pushing to put it to 3.5. His one concern was, maybe we could wait a short time until New Hampshire puts theirs to 3.5, which he said he was sure was going to happen.

I asked him how much of the product produced in the Portland plant went into New Hampshire. Well, he said, it is not a big part, it is probably 7 percent that the Hood Plant processed milk for one company in New Hampshire. If they are presently putting better milk into New Hampshire than they are required to put into Maine, I don't think it would be a real bad idea for Maine to require that they put better milk into Maine, even if it didn't conform with New Hampshire milk, make it a little bit better than New Hampshire milk, because New Hampshire milk, according to Dr. Wildasin, is soon going to have to be 3.5, and this is all we are asking for.

Ladies and gentlemen, I would hope you would support the bill as it is, that you would vote against the present motion.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I see no reason to raise the butterfat in our milk, our milk is all right just the way it is. If you want some more butterfat, go out and buy a little jug of cream and add it to your milk if you want to.

You say this is a better milk. One of the problems we have in this country is cholesterol, people are having problems. Why are we on a health binge now? Why are we buying the skim milk and everything else? If you increase the butterfat in the whole milk, you are putting the burden upon the children of today. We are better off just the way it is.

I ran a dairy, I had holsteins, I had low butterfat, and I got paid on the fat markup. I don't understand what this bill is all about to begin with. I think it is ridiculous to increase the butterfat in our milk and I hope you vote against it.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I think it was just pointed out that maybe the milk fat is higher in the other state, but let's go back to the fact that Maine is the highest consuming milk per person in the nation, so maybe they should learn from us. We are doing something right here, apparently.

As I pointed out before, there was one young man who came in there, two brothers, that testified at the hearing that were in business. They allowed this extra milk fat required in whole milk would probably put them out of business.

The consumers are not asking for this, and if anybody read Time Magazine, you know they are concerned about the customer's diet. The price of milk has got to go up and the processors can now do this without this law.

I hope you will vote with me to indefinitely postpone.

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

Mr. SHERBURNE: Mr. Speaker, Ladies and Gentlemen of the House: We had one gentleman who testified at our hearing concerning the need or the harm, whichever way you consider it, of cholesterol in the diet. He told us that in recent studies it had been proven that extra cholesterol or extra fat in the diet of young people, of children, would build an immunity in them so they could handle it much better in their older age. It had also been proven that it was very much needed for these youngsters to develop the way they should.

In the discussion I had with Dr. Wildasin, I was happy to hear him confirm what had been

said in our hearing, because he said it was a trend today that we should be making our milk better with more of the solids in it and this is one way to do it.

When they take the butterfat out of the milk to make the low fat milk, he stated that his company, which is the biggest in the northeast, were fortifying their low fat milk with extra solids to make a better product and that they were successful at that.

Ladies and gentlemen, I would hope that we would take the knowledge that men like Dr. Wildasin can give us and realize that this extra little bit of fat in the milk is certainly not going to hurt anybody, that it will be better for youngsters, and people who want low fat milk, 2 percent, 1 percent, skim or whatever, it is still on the market. This isn't going to change that a bit. Instead of allowing the people of Maine to be forced to drink poorer quality milk than our neighboring state of New Hampshire, which is strongly urging that they increase their fat and they are going to increase their fat, let us just do it a little bit before they do.

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

Mr. McCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: Before you pass this into law, I would like to clear up one matter for the record, and that is to make it very clear that this 3.5 percent does not apply at pickup point at the farm, that under this law the dairy will not be able to use the butterfat rating of 3.5 to discontinue a farmer's milk contract.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Ainsworth.

Mr. AINSWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I think we are losing something here, I know I am losing something, there is a quality of milk that I want to drink and I see it going off the counter, out of the stores, and that is 3.25.

I do think the Representative across the aisle did make one good point, and that was, "Let's wait for New Hampshire," something like probably 10 years.

Mr. Sherburne of Dexter was granted permission to speak a third time.

Mr. DEXTER: Mr. Speaker, there is an amendment being prepared addressing the concern that Mr. McCollister spoke about so that this could not be used at the farm level, and I would hope that somebody would table this until later today to see if we can get that amendment.

Whereupon, on motion of Representative Michael of Auburn, tabled pending the motion of Representative Smith of Island Falls that the Bill and all its accompanying papers be indefinitely postponed in non-concurrence.

An Act to Amend the Investment Provisions and Certain Related Sections of the Maine Insurance Code (S. P. 887) (L. D. 2395)

An Act Regarding the Administration of Seven Boards Affiliated with the Department of Business, Occupational and Professional Regulation (H. P. 1813) (L. D. 2398) (H. "A" H-623)

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

Enactor Later Today Assigned

An Act Relating to Local Voting on School Administrative District Budgets (H. P. 1814) (L. D. 2399)

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

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

An Act to Provide for Testing of Private Water Supplies for Chemical Contaminants where Chemical Contaminants are Suspected by State Agencies (H. P. 1815) (L. D. 2400)

An Act to Amend the Air Emission License

Law (H. P. 1818) (L. D. 2410)

An Act to Provide a Sales Tax Exemption for Certain Residential Facilities (H. P. 1817) (L. D. 2407)

An Act to Authorize Hospital Administrative District No. 1 and Hospital Administrative District No. 4 to Engage in a Joint Venture for the Purpose of Owning and Operating a Regional Mobile Computerized Axial Tomography Scan Unit (H. P. 1778) (L. D. 2356)

An Act to Allow for a Uniform Citation Form to be Used for Fish and Wildlife Violations (H. P. 1716) (L. D. 2275) (C. "A" H-636)

An Act to Protect Tenants from Lack of Heat (H. P. 1683) (L. D. 2228) (C. "A" H-628)

An Act to Increase the Potato Tax (H. P. 1645) (L. D. 2179) (S. "A" S-348 to C. "A" H-561)

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

Enactor Reconsidered

An Act to Update and Clarify Certain Provisions of the Mining Excise Tax (H. P. 1638) (L. D. 2167) (C. "A" H-633)

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

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

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

House Amendment "A" (H-651) was read by the Clerk.

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

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: This amendment is a technical correction of an incorrect reference in the original bill.

Thereupon, House Amendment "A" was adopted.

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

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; H. "A" H-576; H. "B" H-629)

An Act to Amend the Law Related to Tax Increment Financing (H. P. 1039) (L. D. 1364) (C. "A" H-643)

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

An Act Concerning the Teaching of Certain Subjects (S. P. 869) (L. D. 2359)

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

Enactor Reconsidered

An Act Relating to Alcohol-related Birth Defects (S. P. 880) (L. D. 2384) (S. "B" S-362)

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

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

The SPEAKER: The Chair recognizes the same gentleman.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: There are several amendments to be offered to this bill, one by myself and one by the Representative from St. George, Mr. Scarpino. I will offer mine first. In order to do so, I must indefinitely postpone the Senate Amendment that is on the bill, S-362, and I so move.

Thereupon, on motion of Representative Rolde of York, under suspension of the rules of the House reconsidered its action whereby Sen-

ate Amendment "B" (S-362) was adopted, and on motion of the same gentleman, the amendment was indefinitely postponed.

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

House Amendment "D" (H-661) was read by the Clerk.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: To explain what I am doing, an amendment was put on this bill in the other body which removed any penalty for non-compliance with this bill. However, by doing that, it left owners of restaurants or grocery stores open to the law that was already on the books, so they could have been fined anyway, even fines up to \$1,000. This amendment makes very plain the intent of both this body and the other body that there be no penalty.

Thereupon, House Amendment "D" was adopted.

Representative Scarpino of St. George offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-664) was read by the Clerk.

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

Mr. SCARPINO: Mr. Speaker, Ladies and Gentlemen of the House: What this bill is meant to address is, there was some concern the way the bill was originally written about the number of signs being posted and there having to be signs posted over every door in a cooler, over numerous coolers. What this amendment does is quite simply state that at least one sign shall be placed over the beer display, at least one sign shall be placed over the wine display, and if the two displays are in the same area, then at least one sign shall be placed over the two of them. It is just to clarify and minimize the number of signs required in a retail grocery operation.

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

Mr. DAY: Mr. Speaker, Ladies and Gentlemen of the House: These two amendments have improved the bill from when we discussed it the other day, because I did stand up and say that signs all over the place for stores and so forth was asking a little too much of the people in the business community to try and do an educational job that probably could be done other ways.

I am not necessarily opposed to the idea of promoting the need for the problem against fetal alcohol syndrome. I probably have had longer experience in alcoholism than most of you here as a young supervisor in a powder plant when we had to look into alcoholism because one thing we did not want was rum-dumb people running around a powder plant handling that sort of stuff. So we were pretty tight on alcoholism and back in those days, in the very early forties, we had employee assistance programs and that type of thing that for many years, in fact even when I was back on the Longley Commission, I suggested the state do a better job with the problem of alcoholism and substance abuse for our employees here in the state.

I do not disagree, as I have said, with the idea of alerting more people to the dangers of fetal alcohol syndrome. I would prefer that we do it a different way. I am not necessarily going to say vote against the bill, but I personally am going to and not because I am against doing work on alcoholism. I do not believe that we should ask people in the business community to put up signs, run the risk which has not been eliminated by taking the penalty away, of somebody being fined, that is good. The amendment by the gentleman from St. George, Mr. Scarpino, is a good one in that we don't have to have too many signs. I hope you will bear that in mind as you vote on this piece of legislation which makes the business community do an education job that probably could be done in other ways, in a more efficient and effective fashion.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Ainsworth.

Mr. AINSWORTH: Mr. Speaker, Ladies and Gentlemen of the House: To say the actions of this House the other day shocked and stunned me is an understatement of the highest degree. How all the ladies of this House, with one exception, could remain seated puzzles me—

The SPEAKER: The Chair would ask the gentleman if he is opposed to House Amendment "B" which deals with signs?

Mr. AINSWORTH: Mr. Speaker, I am opposed to anything in this whole bill.

The SPEAKER: The Chair would ask then that he restrict his remarks to the amendment before the body and not to the bill.

Thereupon, House Amendment "B" was adopted.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Ainsworth.

Mr. AINSWORTH: Mr. Speaker, Ladies and Gentlemen of the House: My humble assessment of this proposed legislation is that it is the most demeaning document that has come along in a long time. If legislation pertaining to men and carrying the same degrading overtones had been presented at this session, little old Edward would have been in orbit. What about cigarettes, drugs, and all the other harmful products? Will this bill open up the gates for a flood of signs?

Women in their girl talk sessions, I am sure, cover every aspect of pregnancy and do not need signs staring them in the face wherever they turn. In the formative years, while little boys are playing cops, robbers, cowboys, and indians, football, baseball, etc., little girls are playing dolls and are waiting for the day when they expect to have a real live doll entrusted to their care.

My motivation today doesn't come from financial interest in the liquor industry and, as most of you know, I do not drink.

I suspect I know what women who have fought so hard for the right to vote would have done with this legislation that is before us here today. Ladies and gentlemen of the House, especially the ladies, let's hear something on the floor and something on the voting board.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mrs. Robinson.

Mrs. ROBINSON: Mr. Speaker, Ladies and Gentlemen of the House: I feel that I am uniquely qualified to speak on this bill today and many people have asked me why I haven't spoken before, so I thought I would share my feelings about this legislation.

I voted against it the other day and I plan to vote against it today. I feel that Representative Ainsworth is absolutely correct in the remarks that he said. I do not believe that these signs are going to do one bit of good. First of all, what if the pregnant woman is not the one who goes and buys the liquor? She will never see the signs anyway. Secondly, what about those warning signs on cigarettes? I haven't noticed that they have done any good.

I do believe that there is a problem with alcohol and I personally have abstained from alcohol in my pregnancy; however, the answer to this is health education, health education that should be done by the high schools when girls are learning in home economic classes or whatever about the birthing process and certainly in the doctor's office and the clinics or wherever women are going for their prenatal care. The answer is not to harass our grocery store owners by forcing them to put up signs. The answer is to get to the pregnant women as I was gotten to early in my pregnancy.

I would request a division on this bill and I urge you to vote against it.

Mr. Day of Westbrook requested a roll call.

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

Mr. SCARPINO: Mr. Speaker, Ladies and Gentlemen of the House: There have been a couple of statements made that I feel I must respond to, one being the comments about cigarettes and drugs. As I said in the debate previously, if one looks on the side of a cigarette package, there is a warning label. If one looks on the side of

his drugs, whether they are patent medicine that you buy over the counter or whether they are prescription medicine, you will see a little thing called counter indications that tells you what that drug does other than what its prime purpose is. All we are asking with this sign is that we present a sign of counter indications to let people know what other effects that drug has other than its intended purpose.

In response to a statement made by the gentleman from Auburn, Mrs. Robinson, perhaps she missed the article in the Bangor Daily News a couple of days ago, but what it said is that this year in their studies they found that there has been approximately a 35 percent reduction in adult smokers, so the signs and the education are doing some good.

There are already education processes going on with fetal alcohol syndrome in the schools, among doctors and varying health agencies. Unfortunately, there is a large part of the population that is either not in those agencies, they are beyond school age, they are not formally involved with one of the women's health groups, they are not active members in Planned Parenthood where this information is readily available and they don't have immediate access to this information. Many women don't even see a doctor in the first trimester of their pregnancy to get the information from the doctor. The first trimester, in particular, is a very critical point for the initiation of this syndrome. So while I agree that these signs are not a complete resolution to the problem, they will certainly aid along with all the other methods that are currently being done to educate the public about fetal alcohol syndrome and I would urge your support in passage of this measure.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Ainsworth.

Mr. AINSWORTH: Mr. Speaker, I move this bill and all its accompanying papers be indefinitely postponed and I ask for a roll call.

The SPEAKER: The gentleman from Yarmouth, Mr. Ainsworth, moves that this bill and all its accompanying papers be indefinitely postponed and requests when the vote is taken it be taken by the yeas and nays.

The Chair recognizes the gentleman from Bangor, Mrs. Lebowitz.

Mrs. LEBOWITZ: Mr. Speaker, Ladies and Gentlemen of the House: I do not believe that we should ask our business community to educate young mothers or anyone else for that matter. That is the prerogative of our educational system. It should begin there, it should go into the medical office from that point. I further do not believe that anyone pays any attention to signs when you get so many of them that they cannot participate—looking at them, they begin to see them not as signs but just as clutter.

I urge you to vote against this bill.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: The other day you defeated a motion to indefinitely postpone this bill. I hope you will stay with your position. I think we have done what we could to try to improve the bill and meet some of the objections that were made in the debate the other day.

I would finally say, as I did the other day, that I had some sympathy with the business people saying they did not want to put up posters until I went into some of the establishments and saw all of the posters educating people how to drink hard liquor and alcoholic products.

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

Mr. WALKER: Mr. Speaker, Ladies and Gentlemen of the House: Let's not forget these business people for whom we have this great sympathy. They are going to profit by the sale of this, they are not above profiting by it; therefore, if it is costing them too much money, they can up the price of the product.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mrs. Pines.

Mrs. PINES: Mr. Speaker, Ladies and Gentlemen of the House: I think we have all forgotten someone here today and that is the newborn baby. I don't want to stand up here and tell you what I have seen in the past three years with mothers and newborn babies but there was a time, and it has only been ten years that we have recognized what the alcohol fetal syndrome is, those mothers out there today haven't had that education, they need it.

There are many people out there trying their very best to educate young girls, young mothers who are pregnant. They must not drink excessively or continuously while they are pregnant. I saw a small baby maybe 20 years ago that had withdrawal symptoms, they weren't easily recognized, and it is not a nice sight to see nor is it a nice sight to see the possibility of that child being affected in its mental and physical capabilities the rest of its life, so please don't vote to indefinitely postpone this. There are many educators out there and we need this reinforcement for them.

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

Mr. JALBERT: Mr. Speaker, Members of the House: I don't know what I am doing up on my feet on a thing like this, but with due respect to the last speaker, here is the way I always understood it. I have always understood that the decisions to be made in what to say and what not to do is between the young lady who is fortunate enough to be pregnant with child and the doctor. That is the deal right there. It is getting to a point right now when you walk into a restaurant they ask you, do you want to sit where they smoke or don't smoke? You know what I tell them? None of your business, I will sit where I want to sit. I know where I should sit and I don't need a sign to tell me.

You are going to fix it so that now they won't dare to stay open until after nine o'clock because someone is going to knock them off, you're going to fix it so restaurants—we have had more closings of restaurants in Lewiston in the last three years than I can ever remember. But I want to get one point across with complete respect to the lady, Mrs. Pines, who I like very much, but I just heard from two women, one who happens to be with child and I can assure you that you don't have to worry about her because I know her parents pretty well and she knows me pretty well too and if she got out of line, she knows just how fast I would jump her. She is dead right, it is none of our business. Mr. Ainsworth is absolutely correct.

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 Berwick, Mrs. Murphy.

Mrs. MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: As a storekeeper or proprietor who ran a small business and who handled up to a thousand cases of beer a week, I would have gladly welcomed the state of New Hampshire come in and ask me to put up a sign to this effect. I believe that as a business person, it would not bother any of them.

The SPEAKER: The pending question is on the motion of the gentleman from Yarmouth, Mr. Ainsworth, that this Bill and all its accompanying papers be indefinitely postponed in non-concurrence. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 443

YEA—Ainsworth, Armstrong, Baker, Benoit, Bonney, Brown, A. K.; Brown, D. N.; Callahan, Carrier, Carter, Conary, Connors, Day, Erwin, Gauvreau, Greenlaw, Hall, Hickey, Jalbert, Joseph, Kiesman, Lebowitz, Lehoux, Livesay, MacEachern, Macomber, Mahany, Martin, H. C.; Masterton, Matthews, K. L.; McHenry, McSweeney, Moholland, Paradis, E. J.; Paradis, P. E.; Parent, Pouliot, Ridley, Roberts, Robinson, Roderick, Rotondi, Salisbury, Smith, C. W.; Soule, Strout, Swazey, Tammara, Theriault, Vose, Web-

ster, Willey, Zirkilton.

NAY—Allen, Anderson, Bell, Bost, Brannigan, Brodeur, Cahill, Carroll, C. P.; Carroll, G. A.; Chonko, Clark, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Curtis, Davis, Dexter, Diamond, Dillenback, Drinkwater, Gwadosky, Handy, Higgins, H. C.; Higgins, L. M.; Hobbins, Holloway, Ingraham, Jacques, Joyce, Kelleher, Kelly, Ketover, Kilcoyne, Laplante, Lisnik, Locke, MacBride, Manning, Martin, A. C.; Masterman, Maybury, Mayo, McCollister, McGowan, McPherson, Melendy, Michael, Mills, Mitchell, E. H.; Mitchell, J.; Murphy, E. M.; Murphy, T. W.; Murray, Nadeau, Nelson, Norton, Paul, Perkins, Perry, Pines, Racine, Randall, Reeves, J. W.; Reeves, P.; Richard, Rolde, Scarpino, Seavey, Small, Smith, C. B.; Soucy, Sproul, Stevens, Stevenson, Stover, Tuttle, Walker, Wentworth, Weymouth, The Speaker.

ABSENT—Andrews, Beaulieu, Bott, Cashman, Daggett, Dudley, Foster, Hayden, Jackson, Kane, Matthews, Z. E.; Michaud, Sherburne, Telow, Thompson.

53 having voted in the affirmative and 83 in the negative, with 15 being absent, the motion did not prevail.

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

An Act Requiring Proof of Financial Responsibility for 2nd and Subsequent Offenders Under the Drunk Driving Laws (S. P. 892) (L. D. 2408)

An Act to Change the Titles of 3 Policy-influencing Positions and to Establish New Policy-influencing Positions within the Department of Corrections and the Department of Mental Health and Mental Retardation (S. P. 898) (L. D. 2415)

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, Establishing a Task Force on Head Injuries (H. P. 1777) (L. D. 2355) (C. "A" H-635)

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

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith.

Orders of the Day

The following matter, in the consideration of which the House was engaged at the time of adjournment on Tuesday, April 3, 1984, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

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

An Act Amending the Child and Family Services and Child Protection Act (S. P. 881) (L. D. 2386)

Tabled—April 3, 1984 (Til Later Today) by Representative Nelson of Portland.

Pending—Passage to be Enacted.

On motion of Mrs. Nelson of Portland, under suspension of the rules, the House reconsidered its action whereby this bill was passed to be engrossed.

The same gentlewoman offered House Amendment "A" (H-660) and moved its adoption.

House Amendment "A" (H-660) was read by the Clerk and adopted.

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

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

An Act to Clarify Responsibility Under the Maine Potato Quality Control Law (H. P. 1686) (L. D. 2244) (C. "A" H-614)

Tabled—April 3, 1984 by Representative Diamond of Bangor.

Pending—Passage to be Enacted.

On motion of Mr. Lisnik of Presque Isle, under suspension of the rules, the House reconsidered its action whereby this bill was passed to be engrossed.

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

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

House Amendment "A" to Committee Amendment "A" (H-656) was read by the Clerk and adopted.

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

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

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

SENATE DIVIDED REPORT—Majority (8) "Ought to Pass" as amended by Committee Amendment "A" (S-345)—Minority (3) "Ought Not to Pass"—Committee on Energy and Natural Resources on Bill "An Act Encouraging an Alternative to Landfill Disposal of Solid Waste" (Emergency) (S. P. 833) (L. D. 2234).

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

Tabled—April 3, 1984 by Representative Hall of Sangerville.

Pending—Acceptance of either report.

On motion of Mr. Hall of Sangerville, retabled pending acceptance of either report and later today assigned.

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

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)

Tabled—April 3, 1984 by Representative Diamond of Bangor

Pending—Passage to be Engrossed.

On motion of Mr. Cashman of Old Town, retabled pending passage to be engrossed and later today assigned.

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

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

Tabled—April 3, 1984 by Representative Nelson of Portland.

Pending—Final Passage.

On motion of Mrs. Nelson of Portland, under suspension of the rules the House reconsidered its action whereby this bill was passed to be engrossed.

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

House Amendment "A" (H-624) was read by the Clerk and adopted.

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

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

SENATE DIVIDED REPORT—Majority (10) "Ought to Pass" in New Draft (Emergency) (S. P. 884) (L. D. 2392)—Minority (3) "Ought Not to Pass"—Committee on Transportation on Bill "An Act to Allow the Department of Transportation to Assume Responsibility of 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)

—In Senate—Majority "Ought to Pass" in New Draft Report read and accepted and the New Draft passed to be engrossed.

Tabled—April 3, 1984 by Representative Carroll of Limerick.

Pending—Acceptance of either report.

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

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

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

Tabled—April 3, 1984 by Representative Kelleher of Bangor.

Pending—Passage to be engrossed.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: This reapportionment clarification bill has caused us who have served on the Reapportionment Commission more headaches than the full bill did. When this bill was first put in it was supposed to take care of some spelling and drafting errors and it certainly went beyond the scope for which we were willing to support, both political parties, on the floor of this House.

There is an amendment being drafted which will be in sometime today and I hope we can dispense with this once and for all, so would some kind member please table it until later on?

On motion of Mrs. Mitchell of Vassalboro, retabled pending passage to be engrossed and later today assigned.

The Chair laid before the House the seventh 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—April 3, 1984 (under suspension of the rules) by Representative Diamond of Bangor.

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

On motion of Mr. Diamond of Bangor, retabled pending reconsideration and later today assigned.

The Chair laid before the House the eighth 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—April 3, 1984 by Representative Nadeau of Lewiston.

Pending—Passage to be enacted.

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

Bills Held

Bill "An Act to Establish a Policy and Procedure for Law Enforcement Officers Engaged in the Pursuit of Fleeing or Speeding Vehicles (H. P. 1746) (L. D. 2300)

—In House, Majority "Ought Not to Pass" Report of the Committee on Judiciary read and accepted in the House on April 3, 1984.

HELD at the request of Representative Nelson of Portland.

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

Mrs. NELSON: Mr. Speaker, I move we reconsider our action whereby the Majority "Ought Not to Pass" Report was accepted.

We had a long and I think a rather thorough and very good discussion regarding the rules and the policy and procedure for law enforcement officers engaged in pursuit of fleeing or speeding vehicles.

I just simply wanted to say that last year, in the spring, when we were all debating the hospital cost containment bill, I was at my daughter's graduation and I was asked by the Speaker to

come immediately to debate this bill, and so a state trooper was sent in his marked car to pick me up and we travelled the roads at a very high rate of speed. I was absolutely terrified at the speed, I had never travelled in a car that fast, and I asked the trooper why he didn't put his blue light on because he was swerving in and out of the cars. He said to me simple, "The minute I put that blue light on, people get crazy, and so I am protecting you by not putting it on." I simply wanted to say that. I do believe that there are instances when people are in high speed chases that really need to be redefined as to who can do it, when they can do it and how they can do it.

I wish that you would reconsider your action whereby it was voted "ought not to pass" on this important measure.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I have some additional information which I would like to share with you, and that was a letter from a gentleman who was riding on the Maine turnpike in 1956, and the letter was read to me over the telephone and I took down the message from my wife.

He starts his letter off by saying this: "Lieutenant-Colonel Clark and Chief Ellis, representing the Maine Police Chief's Association, have never been on the receiving end of a high speed chase. Therefore, how can they testify against your bill with an open mind?"

"In September, 1956, the State Police chased a Buick all the way up the turnpike to Saco where they drove into the rear of a brand new Chevrolet that I was driving. I found myself laying out in a field and a State Police officer standing over me saying, 'sorry, we were chasing this man at 110 miles per hour when he hit you'.

"I spent 17 days in the emergency ward before the medical hospital thought I might live and gave me a bed. When I got to see my mother-in-law who was riding with me and who went through the front windshield, she had both ears sewed back on her head with bandages, with slits for eyes, nose and mouth.

"I spent 12 years with a lot of suffering just getting used to a sheet laying on my chest where I have only four ribs left.

"Instead of high speed chases, use road blocks and radios. There certainly is no need of endangering any resident even though a driver should get away once in a while, even though drunk or unlicensed and perhaps escape.

"Take it from me, your bill is a step in the right direction and don't let anyone scare you into any reasons why this bill ought not to pass. Many people would be happier in the knowledge that they didn't have to spend time in the hospital because of it.

"As you can see, I don't usually write letters and I can't type, but I believe a man should be told when he is right as much as a person is given hell when he is wrong."

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will support this motion today. I almost got up the other day but what I did was just sit here and let Mr. Carroll fight his battle alone. I had a bill in almost like this two years ago and the committee didn't even give me the courtesy of letting it come out on the floor of this House to be debated.

I put the bill in for a couple of reasons. I had a cousin who was 17 years old that was coming home from a dance in Fairfield one night with her boyfriend when they got involved in the middle of a high speed chase. I guess it was just a matter of circumstances that they were where they were. They were coming down the road and three police officers in different vehicles were trying what they call a rolling roadblock. What they were doing is, two were behind the vehicle they were pursuing and the other one was trying to pass it on the other side to get in front of it to try to box it in and slow it down. Well, he passed this car on a hill and when he did, lo and

behold, my cousin and her boyfriend were coming up on the other side and almost got hit head on by this cruiser. They pulled over in the ditch and had to be pulled out by a friendly farmer nearby.

This House has passed legislation in my six years here directed at keeping the drunk driver off the road in the face of protecting the lives of innocent people who are driving on these roads. Yet, every time the House has a chance to put a lid on these stupid high speed chases, we just seem to close our eyes to it and allow it to happen.

My second term in this House, there was a high speed chase in the south end of Waterville, which is Ward 7, the main part of my district, at six o'clock in the evening in July when there were children five and six years old playing on the streets. We had four cruisers involved in a high speed pursuit because some moron on a motorcycle had gone through a stop sign. My cousin who is a sergeant tried to call that high speed chase off three times and he could not get through to those police officers that were driving those vehicles because they went completely and totally stark raving mad in their hot blooded pursuit of some 17 year old kid that had run a stop sign. They were going around corners, the wrong way up one-way streets at 75 or 80 miles an hour in a very residential district in the City of Waterville with children playing on the streets. When I talked with one of our dispatchers in Waterville about it, he said, Paul, you wouldn't believe it. Sometimes when they get involved in these things, he said, they turn just like wild animals and it is almost impossible to discourage them from pursuing it even when the dangers outweigh what the benefit is going to be.

I told the chief at that time, if one of my constituent's children gets run over because of your yahoo cowboys trying to catch some jabony on a motorcycle in this district, I said there is going to be heck to pay.

My cousin finally had to stop one of the vehicles himself because the guy would not cease and desist that high speed chase. When I pursued the matter, I was told that there was an established policy across the state involving high speed chases. When I tried to find out what that established policy is, I could not find it. What I found to be the fact is, whoever the commanding officer is on that shift determines what the high speed chase will be, how many cars, where, when and it is his decision to pull it off. They say they leave it up to the officer's discretion, but I will tell you something, a lot of these officers are discrete about it when they get involved.

We keep passing laws to protect those people on the roads. It might be your grandmother, it might be your children coming home from church, and we have got to put a lid on this somehow.

The argument is, if it is somebody who has committed a murder or robbery or something like that, we have got to catch him, but that is not the big problem. The big problem is the stop sign violations or going 10 miles over the speed limit or squealing their tires. What happens is, when they put those blue lights on, these guys go whacko. Representative Nelson is exactly right. The people around get scared, these young guys get scared, the cop goes 70, the kid goes 75; the cop goes 80, the kid goes 85.

We had a young boy killed down here in Belgrade a few years ago. A state trooper was chasing him, the kid's car stalled out and he ran right into him, killed the kid, burned the car, ruined the cruiser. This was a good kid, but what happened, he saw that blue light behind him and he got scared. The faster the cop went, the faster the kid went.

We can keep passing this back to somebody else, but sooner or later we are going to have to establish a policy here. How many innocent people have got to get killed?

I am all for law enforcement, but I don't think you have got to gun down half the innocent bystanders to get a would-be bank robber. I don't

think you have to kill half the people that are innocently on the roads to get a kid for jumping a stop sign. I think we made a mistake the other day and I hope today the House will rectify that mistake.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Mitchell.

Mr. MITCHELL: Mr. Speaker and Members of the House: I also hope the House will go along with Mr. Carroll this morning. A few months ago, I was out of state and I was in a taxi that was crossing a bridge in a fairly large city and there was a high speed chase that came up behind the taxi I was in. The car was going across the bridge with a moderate amount of traffic in mid morning at about 60 miles an hour. The police followed the car, there was an exit right at the end of the bridge, the car that was being chased went for the exit when he saw the policeman was following him. He swerved back into traffic in front of this woman. The police car which was going right behind him came up, cut in front of this woman and I was sitting in the taxi watching it and I would say that there was probably six or eight feet between the police car and this woman who was trying to get off this bridge.

In my view, unless it is a very, very serious crime, the risk to the public is just too great. It is just not worth taking that risk to catch someone who has committed some sort of misdemeanor. If it is a serious crime like an armed robbery or a murder who is getting away, then probably there should be a high speed chase, but not for a traffic offense.

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

Mr. DRINKWATER: Mr. Speaker, Ladies and Gentlemen of the House: People who know me personally know that I am not in favor of high speed chases. I have been in the safety movement for a good many years. I was former chairman of the Maine Safety Council and presently am a member of the Highway Safety Committee, and neither one of these organizations are supporting me in what I am saying this morning. This is strictly my own opinion.

I would like to bring out that what you think you are getting you are not getting. This bill is not going to do what Mr. Carroll wants it to do or what he intends to do. I had hoped that you had read it over since the other day. I have talked it over with Mr. Carroll. I just wanted to make sure that you understand I am not supporting high speed chases, but I would like to bring out a couple of points here.

One is, this does not cover local and county police in any way, and I believe, and I will stand corrected by the sponsor, that the Attorney General told him that he could not include the local and county police on this thing. So you are dealing only with the state police, the warden service, Inland Fish and Game and the Department of Marine Resources. You can get into an area where each department is doing its thing and everybody is doing something different. This is dangerous. The law should be for all police agencies, whatever you do. When I get through, somebody should table this and bring it up, this is my opinion. I think it should include all police when it goes.

Another thing, on Page 3, if you happen to have the bill, Line 7, it says "prior to engaging in a pursuit, a state law enforcement officer shall immediately contact his supervisor of his intention to engage in a high speed chase"—prior to that he has got to get in touch with his supervisor and get permission. Not only that, any state agency, county agency or local agency, I don't know how you are going to work it.

If I might back up a little on the same page to Sub. 5, Line 3, "Supervisor." Supervisor means a state police officer designated by the Chief of the State Police. The state police are going to be in charge with this bill of state police, sea and shore and fish and game, they are going to regulate the movement.

I have no problem in supporting any sort of legislation that will aid in this high speed chase,

I don't like them, I don't think they are good and I don't think this piece of legislation is going to do what Mr. Carroll wants it to. I talked with him yesterday, I am not talking behind his back. If somebody wants to table it, maybe he can do something with it. Maybe you want to run it as it is, but I will be voting against it for that reason.

Thereupon, on motion of Ms. Benoit of South Portland, tabled pending the motion to reconsider whereby the Majority "Ought Not to Pass" Report was accepted and later today assigned.

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

Unanimous Ought Not to Pass

Representative Connolly from the Committee on Appropriations and Financial Affairs on Bill "An Act to Create a State Funded Jobs Program" (Emergency) (H. P. 1631) (L. D. 2171) reporting "Ought Not to Pass"

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

Unanimous Leave to Withdraw

Representative Beaulieu from the Committee on Labor on Bill "An Act to Improve the Evaluation of Hearing Loss under the Workers' Compensation Act" (H. P. 798) (L. D. 1038) reporting "Leave to Withdraw"

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

(H. P. 1717) (L. D. 2276) Bill "An Act Relating to the Enforcement and Collection of Child Support Obligations" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-654)

There being no objections, under suspension of the rules the above items was given Consent Calendar Second Day notification, passed to be engrossed as amended and sent up for concurrence.

Divided Report

Majority Report of the Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-650) on Bill "An Act to Amend the Statute Relating to the Sale and Free Distribution of Cigarettes to Children" (H. P. 1694) (L. D. 2249)

Signed:

Senator:

CARPENTER of Aroostook

Representatives:

MANNING of Portland

PINES of Limestone

CARROLL of Gray

SEAVEY of Kennebunkport

MAYBURY of Brewer

RICHARD of Madison

MELENDY of Rockland

WEBSTER of Farmington

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

Signed:

Senator:

BUSTIN of Kennebec

Representatives:

BRODEUR of Auburn

NELSON of Portland

Reports were read.

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

Mrs. NELSON: Mr. Speaker, I move that we accept the Minority "Ought Not to Pass" on this bill and wish to speak to my motion.

The SPEAKER: The gentlewoman from Portland, Mrs. Nelson, moves that the Minority "Ought Not to Pass" Report be accepted.

The gentlewoman may proceed.

Mrs. NELSON: Mr. Speaker, Men and Women

of the House: As you can see by the Report, it is pretty lopsided, and as you can see, those people who have decided that the bill as amended seems pretty good to them, and these are very reasonable and good people, and the reason for the bill being introduced, I suppose, has a lot of merit, although I saw none in it.

Presently, as you know, we have a law on the books that says that no one under the age of 18 can purchase or receive free cigarettes. We passed this just in the 111th, the first half of the session.

This committee amendment says you can sell and give away cigarettes to minors, anyone under 18, if you happen to be a minor that is in a correctional institution, so that if you have broken the law and you have a bad habit, the state will allow you to continue that bad habit if you are in the Youth Center, if you are 18 and in jail, if you are 18 and under and you are in Windham or Thomaston.

We, I thought, the legislative body, made a determination that smoking is bad for you. We did this based on some very, very strong information, and if you will bear with me, I will read some of those statistics, as difficult as they are, because I want you to understand that if you pass this bill what you are saying, you are saying, first of all, you are allowing young people who have been adjudged guilty to continue a very bad habit—it happens to be smoking; it could be drinking—to continue a bad habit in a circumstance, in an environment of stress. But good heavens, if you don't want to change their bad habits now when you have them in custody, when do you plan to do it?

Thirty seven percent of the males and 33 percent of the females 18 years of age or older in Maine are current smokers. Okay, there are a lot of them out there, we know that. A conservative estimate reveals that over 1,800 Maine citizens die each year from the diseases actually attributed to smoking, 1,800 a year die because they smoke. These 1,800 deaths result in the annual loss of over 20 years of potential life of each person who had lived an average life span.

The in-patient hospital claims are inflated at least \$6.6 million each year due to smoking. The state loses at least \$4.5 million as both employer and Medicaid payor. I could go on and on and I won't bore you, it is late, you are hungry. It is an important issue, we should deal with it.

I understand the problems of those people who must deal with these young people who are incarcerated. The name of our committee is "Health and Institutional Services." If we don't make a statement and say no, we will not give away cigarettes to you to help you, to calm you, when in fact it turns out that smoking is, indeed, a stimulant, it is an addiction.

The young people are told that they can receive three and a half packs of cigarettes a week. We were told by the officials that they can't smoke that much because they have very restrictive rules as to where and when they can smoke. The Department of Human Services, acting as a guardian for many of the young people who are serving in jails and in the correctional institutions today pay \$31,000 a year so that these young people can buy cigarettes. These cigarettes are also contributed out of the goodness of the hearts of many organizations in our state.

I will not belabor the point. We have, I believe, a very strong obligation to take a look at what this legislation wants us to do, and I hope you will vote with me on the motion to accept the Minority "Ought Not to Pass."

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

Mrs. KETOVER: Mr. Speaker, Ladies and Gentlemen of the House: When I sponsored this bill in the last year, it was to prohibit the sale or free distribution of cigarettes to children. This body put it under the hammer but the other body chose to amend it by changing the whole intent of the bill. This change was to the Maine Criminal Code, the change that said children 16 and under could not purchase cigarettes. This amendment,

which this body adhered to, changed it to 18 and younger that could not purchase cigarettes.

I was told that these kids are tough and they are criminals and they need to smoke to keep them calm. At the age of 10, 11 and 12 and up, they need cigarettes to keep them calm? Would we allow them to continue drugs or alcohol? I think not.

Right now in the nation, 18 million teenagers are smoking. Do we need to continue to feed their habit? Why is it that the Youth Center can't deal with these kids to get them off this terrible habit? If we are trying to help these kids, we must help them wholly.

Mr. Speaker, I would like to pose a question to anyone who would like to answer this—what did the state do before the age was raised to 18? Were they providing cigarettes to these young people?

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

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: Yes, they were.

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

Mrs. KETOVER: Mr. Speaker, I would like to pose another question. Is there a fiscal note attached to this bill?

The SPEAKER: The Chair would advise the gentlewoman that this bill is not in second reading at this time.

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

Mr. MANNING: Mr. Speaker, Ladies and Gentlemen of the House: Most people are saying why is he up defending 18 and under the ability to smoke when most of you know that most of my committee last year fought hard to put in some smoking regulations throughout this state. We, the members of hopefully the majority, agree that smoking is very hazardous to one's health, but I think as the Representative from Kennebunk said, we are a committee of Health and Institutions but in this case we are a committee of institutions first and health second.

Ladies and gentlemen, there are approximately 240 people at the Maine Youth Center and I don't know how many that are scattered amongst the county jails throughout the system. This was brought in by the Youth Center people but it also affects those county jails and those places where under 18 children are incarcerated.

The ability to rehabilitate those children at the Youth Center, the ability to do that, hinges on the fact that they cooperate while they are there. They are not going to be there for four, five, six, seven years and you can have a program where the National Lung Association or the Maine Lung Association or the Maine Cancer Association can come in and preach to them. Approximately the average stay is six and a half months.

I agree that smoking is hazardous, but I also agree that if they are there, I would hope that we could rehabilitate them so that they are not down at Windham in about three or four years or that they are not down at Thomaston in three or four years and it is costing the state six, seven or eight—well, at Thomaston it is about \$16,000 to \$17,000 a year.

When you get a child who has been smoking for probably the last six or seven years and he is 17 and he is at the Maine Youth Center, I look around here and I look at my colleagues who I am assuming are a lot more intelligent and yet still are smoking—some are smiling at me now—they know the disadvantages of it. We cannot, in all honesty, sit here and expect the people at the Youth Center to say okay, we are going to rehabilitate you but we are also going to rehabilitate you in smoking. Can you imagine if a kid is there for the first time what that is doing to him? His first time in the Youth Center is probably the first time he has had supervision in perhaps four or five years. Some of these kids have been running the streets for a number of years and

they really haven't had any supervision.

I would hope that you would go along with the Majority Report because we feel that it is the ability to rehabilitate that person and to get him back on the street first. Granted, he shouldn't be smoking; granted, a lot of you shouldn't be smoking. But the department has said, if this bill does not go through you are going to have escapes because they will want to smoke. You are going to have the kids grabbing the cigarette butts out of ashtrays, you are going to have the potential of fires, which we know in the past have happened. Commissioner Allen, when he was superintendent down there, indicated that he came out of a building one night and looked over and saw a cottage that housed 40 kids on the second floor start to go up in smoke for the simple reason that some kid snuck a cigarette, put it in his pocket when somebody came, and forgot about it, went upstairs, got ready and went to bed. All of a sudden, the back end of the coat room was on fire. Things like that will happen.

The supervision of smoking is three and a half pages long. These kids aren't smoking 24 hours a day 7 days a week. The appropriate times are spelled out here in the smoking regulations that were updated as late as August of 1983.

There is a question whether there should be an appropriation on this. The \$15 that is given to those children that the Human Services Department provides is the \$15 that if a kid is under the AFDC program, his mother doesn't need the \$15 anymore because she is not taking care of him. Therefore, the \$15 is sent to the Youth Center and is put into his account. The \$15 doesn't go to smoking, it also goes to such things as toothpaste for the children, shampoo, they cannot bring in shampoo. It goes to many other items.

It is virtually impossible for a kid to smoke a pack of cigarettes a day because of these rules and regulations, and I would hope that we would go along with this. Granted, it sounds very strange that those kids that are inside will have more privileges than those kids on the outside, but I would hope what we are looking for is down the road, that those kids would be on the outside for good and not on the inside for the rest of their lives.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Portland, Mrs. Nelson, that the Minority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

17 having voted in the affirmative and 66 having voted in the negative, the motion did not prevail.

Mrs. Nelson of Portland moved that this be tabled for one legislative day.

Representative Manning of Portland requested a vote.

The SPEAKER: All those in favor of this being tabled for one legislative day will vote yes; those opposed will vote no.

A vote of the House was taken.

25 having voted in the affirmative and 64 having voted in the negative, the motion did not prevail.

Representative Manning of Portland moved that the Majority "Ought to Pass" Report be accepted.

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

Mrs. NELSON: Mr. Speaker and Men and Women of the House: I would hope that you would vote against the motion to accept the Majority "Ought to Pass" Report.

I cannot believe that the people in this House believe that those young people who are incarcerated because they have taken away somebody else's rights now have more right to smoke than any other child in the State of Maine. I cannot believe that you believe there is no other way to help out those children who are incarcerated than to give them cigarettes at taxpayers' cost. I cannot believe that you feel that it is more

important because those people who are guarding, who are with these children, can't use any other form of discipline except taking away cigarettes.

Yes, those people are in correctional institutions for a short time and we are talking about rehabilitation—why can't they be rehabilitated to be stronger and healthier? I don't think there is a single smoker in this body who didn't start when they were young and wish today that they could have stopped when they were young.

We have an opportunity to help in many ways these young people and I believe that it is up to us here in the House to make that determination and vote against the motion to accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mrs. Melendy.

Mrs. MELENDY: Mr. Speaker, Ladies and Gentlemen of the House: I do not smoke and I don't especially care to have people smoke around me. However, my concern with this bill, if it is not passed, is what will happen to the younger kids who are not allowed to have cigarettes but yet the older ones are. Is this barter money for sexual favors or any other favors? This is my concern within the walls.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. Richard.

Mr. RICHARD: Mr. Speaker, Ladies and Gentlemen of the House: Nine members of our committee, along with all the other members of the committee, debated this issue long and hard, and even though those of us who were in the majority, who are not in favor of smoking, figured in the best interest of all concerned this would be the way to go. We urge you to go along with us on this vote.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I ask you, in whose best interest are we indeed voting for? Whose best interest? Those people who we have now in our custody, the state has tried to shorten their life outside of those walls and now you are attempting to shorten their lives inside the walls. To allow them to smoke when other youngsters under 18 can't is truly to shorten their life.

I have always felt that if you are going to err, err on the side of the kids. I cannot believe that you really feel that the only way you can keep fires from breaking out in these institutions is to let the kids smoke. Do you really believe that this is how sexual favors will be offered, through cigarettes? If there aren't any cigarettes there at all, they are going to have to try to use something else aren't they?

The point is that if you are under 18 years of age, and this is what this body said and the other body, then you should not be able to purchase or receive free cigarettes. This bill, if passed, allows those young people in prisons and jails and who are incarcerated that special right that no other child in the State of Maine will have. Is that what you want? I don't think so.

I hope you will vote against the pending motion.

Mr. Connolly of Portland requested a roll call.

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

The SPEAKER: The pending question before the House is on the motion of Mr. Manning of Portland that the Majority "Ought to Pass" Report be accepted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 444

YEA—Ainsworth, Anderson, Beaulieu, Bell, Benoit, Bonney, Brannigan, Brown, D.N.; Cahill, Callahan, Carroll, D.P.; Carter, Cashman, Chonko, Conary, Crouse, Curtis, Daggett, Davis, Day, Dillenback, Drinkwater, Erwin, Gauvreau, Greenlaw, Gwadosky, Hall, Hickey, Higgins, H.C.; Hobbins, Holloway, Ingraham, Jacques, Jalbert, Joyce, Kane, Kelly, Kilcoyne, LaPlante, Lebowitz, Lehoux, Lisnik, Livesay, Locke, MacBride, Macomber, Mahany, Manning, Martin, A.C.;

Martin, H.C.; Masterman, Matthews, K.L.; Maybury, McColister, McGowan, McPherson, McSweeney, Melendy, Michael, Michaud, Mitchell, J.; Moholland, Murphy, E.M.; Murphy, T.W.; Murray, Norton, Paradis, E.J.; Parent, P.; Perkins, Perry, Pines, Racine, Randall, Reeves, J.W.; Richard, Ridley, Roberts, Robinson, Roderick, Salsbury, Scarpino, Seavey, Small, Smith, C.B.; Smith, C.W.; Soule, Sproul, Swazey, Theriault, Tuttle, Walker, Webster, Wentworth, Weymouth, Zirnklilton.

NAY—Allen, Andrews, Armstrong, Baker, Bost, Bott, Brodeur, Brown, A.K.; Carrier, Carroll, G.A.; Clark, Connors, Connolly, Cooper, Cote, Cox, Crowley, Dexter, Diamond, Dudley, Handy, Higgins, L.M.; Joseph, Kelleher, Ketover, Kisman, MacEachern, Masterton, Mayo, McHenry, Mills, Mitchell, E.H.; Nadeau, Nelson, Pouliot, Reeves, P.; Rolde, Rotondi, Sherburne, Soucy, Stevenson, Stover, Strout, Tammara, Vose.

ABSENT—Foster, Hayden, Jackson, Matthews, Z.E.; Paradis, P.E.; Stevens, Telow, Thompson, Willey, The Speaker.

96 having voted in the affirmative and 45 in the negative, with 10 being absent, the motion did prevail.

The Bill was read once.

Committee Amendment "A" (H-650) was read by the Clerk.

Mr. Brodeur of Auburn offered House Amendment "A" to Committee Amendment "A" (H-657) and moved its adoption.

Mr. BRODEUR: Mr. Speaker, Ladies and Gentlemen of the House: Committee Amendment "A" would allow the chief administrative officers of correctional facilities or sheriffs to allow the sale, furnishing or giving away of cigarettes or tobacco to children.

This amendment would eliminate that part of the committee amendment which will allow the sheriffs or correctional facilities to furnish or give away. It will still allow them to sell with the parents' permission. I guess if we are going to allow the sale, we shouldn't be giving out the cigarettes freely to people.

The Department of Corrections says that they will be able for those people who do not have money, the residents will be allowed to work in order to obtain money to purchase cigarettes, but I don't think we ought to encourage the giving away of them even though it seems quite clear that the House is willing to allow the sale of it.

I would hope you will adopt this amendment.

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

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I will try to be very brief on this. The practical effect of this amendment is that if a counsellor at the Maine Youth Center is talking with an inmate, someone who is incarcerated, not someone who is at summer camp, who is 17 years old and he asks the fellow if he wants a cigarette and the guy says yes and he gives it to him, House Amendment "A" will make that a crime. I think this is one of the most ridiculous amendments that I have ever seen in my time here and I urge you to vote against it.

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

Mr. MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I also want to bring out another point that the gentleman from Auburn said, he talked about the youth center, but if you remember right when I talked earlier, I indicated that this bill does not only take in the Maine Youth Center but it also takes in those juveniles under 18 who for one reason or another are incarcerated in our county jails. Now the county jails are having a hard enough time right now and I can't imagine a county jail sheriff having a juvenile work while he is in there.

Some of these juveniles are in the county jails for a long period of time, a lot longer than I think we as people in this state realize and the problem is, if they have been smoking, you take a 17 year old kid and he has been smoking for six or seven years, there is a good chance that he is probably smoking maybe two or three packs a day, he

could be, and all of a sudden he goes into the the county jail for one reason or another, he might be being held there because he is going to be bound over, this amendment would not allow those correctional officials in the county jails to furnish cigarettes.

I understand the problems, I stated it before and I don't think there is a person in our committee who goes along with this smoking idea, but we talked earlier this morning about stressful jobs and people in prisons, well, I think that is what we are trying to deal with right here. If we don't allow these kids to smoke while they are in the jails, I think there could be some problems for the county sheriffs throughout our state in our county jail systems.

In the county jail systems we know them, we heard from correctional officials that a lot of them are going to be shut down and there is going to be a lot of problems in the county jails and I think this would just add to the problems; therefore, I move indefinite postponement of this amendment.

The SPEAKER: The gentleman from Portland, Mr. Manning, moves the indefinite postponement of House Amendment "A" to Committee Amendment "A."

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I think you know how I stand on this amendment or any amendment to this bill but I think I should clarify one thing.

Children under 18 years of age will be physically removed from the jails as of January 1, 1985, to comply with federal requirements. At present, there are state standards governing their separation from adult offenders while in jail, so if I might say, that is a spurious argument.

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

Mr. MANNING: Mr. Speaker, I would like to pose a question through the Chair to the gentlelady from Portland, Mrs. Nelson. I understand that but where are you going to put those children? The youth center is filled right now and I think that is a problem that this legislature will have to deal with. I think that is clouding the issue. I would like to pose that question.

The SPEAKER: The gentleman from Portland, Mr. Manning, has posed a question through the Chair to the gentlewoman from Portland, Mrs. Nelson, who may respond if she so desires.

The Chair recognizes that gentlewoman.

Mrs. NELSON: Mr. Speaker, Men and Women of the House: We are talking about smoking in these facilities, not where these young people will be. We will be dealing with that with a large appropriation and there are problems because by federal law they must be housed separate from adults.

I believe that the Representative from Portland, Mr. Manning, said this would be difficult because these young people will be in jails with older people. I am saying that they will be removed from the environment of older people as of January 1, 1985.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Portland, Mr. Manning, that House Amendment "A" to Committee Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

96 having voted in the affirmative and 5 in the negative, the motion did prevail.

Thereupon, Committee Amendment "A" was adopted.

Under suspension of the rules, the Bill was read a Second Time, passed to be engrossed as amended by Committee Amendment "A" and sent up for concurrence.

Divided Report

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Strengthen the Public Policy Against Invidious

Discrimination Under the Tax Laws" (H. P. 1705) (L. D. 2232)

Signed:

Senators:

TEAGUE of Somerset
TWITCHELL of Oxford

Representatives:

CASHMAN of Old Town
DAY of Westbrook
INGRAHAM of Houlton
JACKSON of Harrison
KANE of South Portland
KILCOYNE of Gardiner
MASTERMAN of Milo
McCOLLISTER of Canton

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-655) on same Bill.

Signed:

Senator:

WOOD of York

Representatives:

ANDREWS of Portland
HIGGINS of Portland

Reports were read.

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

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: I move the acceptance of the Minority "Ought to Pass" Report.

The SPEAKER: The gentleman from Portland, Mr. Higgins, moves that the House accept the Minority "Ought to Pass" Report.

The gentleman may proceed.

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: This bill is a result of a review of the property tax exemptions granted by the state. This bill provides specific organizations which are eligible for property tax exemptions. These exemptions may not be granted if these organizations discriminate on the basis of race, sex, national origin or handicap.

Some federal courts have held that states may not constitutionally permit property tax exemptions for organizations which discriminate contrary to the established public policies.

This bill ensures that the state is not participating in any invidious discrimination by granting property tax exemptions to organizations which violate this established public policy.

I hope that you will support the Minority "Ought to Pass" Report.

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

Mr. KANE: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Portland, Mr. Higgins.

What effect, if this bill were to pass, have upon the Elks, the Moose, the Knights of Columbus and the Sons of Pulaski?

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

The Chair recognizes that gentleman.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding that this would be left to the courts. If this law were passed, the courts would probably interpret it that if they discriminated on the basis of race, sex, national origin or handicap that their property tax exemptions would not be granted.

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

Mr. KANE: Mr. Speaker, I would like to pose an additional question through the Chair. It doesn't seem to me that saying that we are going to leave it up to the courts is a very good answer. What is your understanding, Mr. Higgins, of what effect this would have on organizations like the Knights of Columbus, the Elks, the Moose and like the ancient Sons of Hibernia?

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

The Chair recognizes that gentleman.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentle-

men of the House: In the event that they do not discriminate on the basis of race, sex, national origin or handicap, it would have no effect.

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

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: Since I can't seem to get a straight answer out of the Chairman of the committee, I will just tell you what my impression is. If this bill were to be enacted, it would be to remove the property tax exemption from all those groups that I previously mentioned and a lot of others.

I told the gentleman from Portland, Mr. Higgins, and our Senate Chairman, Senator Frank Wood, that only those two could make me come out for invidious discrimination but I am afraid it has happened.

I urge you to oppose this.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Portland, Mr. Higgins, that the House accept the Minority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

19 having voted in the affirmative and 90 in the negative, the motion did not prevail.

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

Ms. BENOIT: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from South Portland, Mr. Kane.

Representative Kane, are you suggesting that we should approve of the Elks, the Sons of Hibernia, Sons of Alaska, etc., of discrimination against the handicap, etc.?

The SPEAKER: The gentlewoman from South Portland, Ms. Benoit, has posed a question through the Chair to the gentleman from South Portland, Mr. Kane, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House and especially my "dear" Ms. Benoit: The Sad Sons of Alaska—this doesn't say anything about state origin, it is Sons of Pulaski, Poland, I am glad that we got that out of the way. You may have noticed that in the bill it said sex—a lot of these institutions that we have been discussing do, in fact, discriminate on the basis of sex and they do have property tax exemptions and our predecessors in this legislature have granted these property tax exemptions, and I am willing to support them now.

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

Mr. BAKER: I would request a roll call on the motion to accept the "Ought Not to Pass" Report. 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 Portland, Mr. Andrews.

Mr. ANDREWS: Mr. Speaker, Ladies and Gentlemen of the House: I have no illusions about where this bill is going but I would just like to make a few comments for the record.

This bill does not make past judgment on any of those organizations that discriminate on the basis of sex, handicap or national origin. It simply says that if you choose as a private organization to discriminate on the basis of any of these factors, then you certainly should not be allowed a tax exemption or a tax subsidy from government.

Every time you grant a tax exemption, you are granting a subsidy, and every time you grant a subsidy, you are asking for a group of taxpayers to take money out of their pocket to pay for that subsidy.

The basis of this bill is simply to say that if you discriminate against me, then I should not have to pay a subsidy to your organization. It doesn't say you can't discriminate, it just says that you can't receive a handout from taxpayers who can't participate in your organization because you discriminate against those taxpayers.

The SPEAKER: The Chair recognizes the gen-

llewoman from South Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, Men and Women of the House: If I understand our laws correctly, you cannot discriminate on the grounds that have just been stated if you receive federal funds. You cannot discriminate on those grounds if you receive state funds. Are we now going to say that you can discriminate and we will give you a tax exemption? I can't believe that we are going to do that. We have a good human rights act in this state and I don't think that we should be in the business of granting property tax exemptions to organizations that discriminate on any grounds.

The SPEAKER: The Chair recognizes the gentlewoman from Houlton, Mrs. Ingraham.

Mrs. INGRAHAM: Mr. Speaker, Ladies and Gentlemen of the House: I have had a lifetime of involvement with the Houlton Lodge of Elks. I approve heartily of that organization. I am a woman and I can't join it but I can accept it, it is a men's organization.

The SPEAKER: The pending question is on acceptance of the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 445

YEA—Anderson, Armstrong, Bell, Bott, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carrier, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Clark, Conary, Connors, Cooper, Cote, Crouse, Crowley, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Erwin, Greenlaw, Gwadosky, Hickey, Higgins, L.M.; Holloway, Ingraham, Jacques, Joyce, Kane, Kelly, Kiesman, Kilcoyne, LaPlante, Lebowitz, Lehoux, Lisnik, Livesay, MacBride, MacEachern, Macomber, Mahany, Manning, Martin, A.C.; Martin, H.C.; Masterton, Masterton, Matthews, K.L.; McCollister, McGowan, McHenry, McPherson, McSweeney, Michael, Michaud, Mills, Moholland, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, Nelson, Paradis, E.J.; Paradis, P.E.; Parent, P.; Perkins, Perry, Pines, Pouliot, Racine, Randall, Reeves, J.W.; Ridley, Roberts, Robinson, Roderick, Rotondi, Salisbury, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soule, Sproul, Stevenson, Stover, Strout, Swazey, Tammara, Theriault, Tuttle, Vose, Walker, Webster, Wentworth, Willey, Zirkilton.

NAY—Ainsworth, Allen, Andrews, Baker, Benoit, Brannigan, Brodeur, Connolly, Diamond, Gauvreau, Handy, Higgins, H.C.; Joseph, Ketover, Locke, Mayo, Melendy, Mitchell, E.H.; Mitchell, J.; Norton, Reeves, P.; Rolde, Soucy, Stevens.

ABSENT—Beaulieu, Bonney, Bost, Chonko, Cox, Foster, Hall, Hayden, Hobbins, Jackson, Jalbert, Kelleher, Matthews, Z.E.; Maybury, Richard, Telow, Thompson, Weymouth, The Speaker.

108 having voted in the affirmative and 24 in the negative, with 19 being absent, the motion did prevail.

Sent up for concurrence.

Later Today Assigned

Bill "An Act to Revise the Salaries of Certain County Officers" (Emergency) (H. P. 1841) (L. D. 2436)

Was reported by the Committee on Bills in the Second Reading.

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

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

Reports of Committees

Ought to Pass as Amended

Representative McCollister from the Committee on Taxation on Bill "An Act to Exclude Social Security Benefits from Taxation" (H. P. 1708) (L. D. 2257) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-659).

Report was read and accepted. The bill read once. Committee Amendment "A" was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as

amended and sent up for concurrence.

Consent Calendar

First Day

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

(H. P. 1700) (L. D. 2254) Bill "An Act to Clarify Abrogation of Privileged Communications" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-658)

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

On motion of Mr. McGowan of Pittsfield, Recessed until two o'clock in the afternoon.

After Recess 2:00 p.m.

The House was called to order by the Speaker.

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

Papers from the Senate

The following Communication:

April 6, 1984

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

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Marine Resources, the Governor's nominations of Donald Wotton of Boothbay, Peter Inniss of Kennebunk and Louis J. Zglobicki, O.D., of Falmouth as members of the Marine Resources Advisory Council.

Mr. Wotton is replacing Maynard Graffman; Mr. Inniss is replacing Richard Carver and Mr. Zglobicki is replacing Stetson Everett.

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

Ought to Pass in New Draft

Report of the Joint Select Committee on Whitewater Rafting on Bill "An Act to Amend the Laws Concerning Commercial Whitewater Rafting" (S. P. 779) (L. D. 2098) reporting "Ought to Pass" in New Draft (Emergency) (S. P. 873) (L. D. 2367).

Came from the Senate, with the report read and accepted and the New Draft passed to be engrossed as amended by Senate Amendment "A" (S-373).

Report was read and accepted and the New Draft given its first reading. Senate Amendment "A" (S-373) was read by the Clerk.

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

Mr. McGOWAN: Mr. Speaker, I move the indefinite postponement of Senate Amendment "A."

The SPEAKER: The gentleman from Pittsfield, Mr. McGowan, moves the indefinite postponement of Senate Amendment "A."

The gentleman may proceed.

Mr. McGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: I urge this House to go along with the indefinite postponement of Senate Amendment "A" and accept the unanimous committee report of the Select Committee on Whitewater Rafting.

I can't see where this amendment does anything special that the law we passed last year, the encompassing whitewater rafting legislation allows, and I would hope that you would go along with my motion to indefinitely postpone this amendment.

Thereupon, Senate Amendment "A" was indefinitely postponed in non-concurrence.

Under suspension of the rules, the Bill was given its Second Reading, passed to be engrossed in non-concurrence and sent up for concurrence.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Prevent Unjust Enrichment by Retention of Surplus upon Foreclosure of Municipalities and Sewer Districts" (S. P. 597) (L. D. 1719)

Signed:

Senator:

COLLINS of Knox

Representatives:

BENOIT of South Portland
REEVES of Newport
DRINKWATER of Belfast
LIVESAY of Brunswick
HAYDEN of Durham
CARRIER of Westbrook
JOYCE of Portland
HOBBINS of Saco
SOULE of Westport
FOSTER of Ellsworth

Minority Report of the same Committee reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Provide Guidelines for Sale of Tax-acquired Property" (S. P. 905) (L. D. 2433)

Signed:

Sensors:

VIOLETTE of Aroostook
TRAFTON of Androscoggin

Came from the Senate with the Minority "Ought to Pass" Report read and accepted and the New Draft (S. P. 905) (L. D. 2433) passed to be engrossed.

Reports were read.

On motion of Mr. Soule of Westport, the Majority "Ought Not to Pass" Report was accepted in non-concurrence and sent up for concurrence.

Non-Concurrent Matter

Bill "An Act to Encourage the Use of Wood and Solid Waste as a Source of Energy in State-owned Buildings" (S. P. 879) (L. D. 2383) which was passed to be Engrossed as amended by House Amendment "A" (H-631) in the House on April 3, 1984.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-371) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter Tabled and Assigned

RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands (S. P. 810) (L. D. 2168) which was passed to be engrossed as amended by House Amendment "A" (H-619) in the House on March 29, 1984.

Came from the Senate with that Body having Adhered to its former action whereby this Bill was passed to be engrossed.

On motion of Mr. Jacques of Waterville, tabled pending further consideration and specially assigned for Monday, April 9th.

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

Passed to Be Engrossed

Bill "An Act to Modify Early Retirement Plans for State Employees Hired After August 31, 1984" (H. P. 1832) (L. D. 2426)

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

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. 884) (L. D. 2392)

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

Mr. Carroll of Limerick offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-665) was read by the Clerk.

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

Mrs. CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to the gentleman from Limerick, Mr. Carroll.

My question is, I guess I was looking at an amendment that we had talked about earlier and this doesn't seem to be that amendment. Can you explain the difference, please?

The SPEAKER: The gentlewoman from Woolwich, Mrs. Cahill, has posed a question through the Chair to the gentleman from Limerick, Mr. Carroll, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I don't quite understand that it is a different amendment from what you say I explained to you originally.

What we have done is developed an amendment in which we are asking for a study of the state policy in regards to railroads. We feel that this is an amendment that should be offered in the legislature and should have one member of the House of Representatives appointed by the Speaker; one member from the Senate appointed by the President of the Senate; one member appointed by the Governor representing the paper industry; one member appointed by the Governor representing the food processing industry; one member appointed by the Governor who is an elected official and one member appointed by the Governor to represent railroad employees; one member appointed by the industry to represent the railroad industry. Then we have the Director of the State Planning Office or his designee and the Commissioner of Transportation or his designee and the Governor shall appoint the Chairman of the Committee.

2. To study issues. The Joint Select Study Committee to develop a state policy for railroad transportation in Maine shall study the following issues:

A. The policy established in this Act, with respect to the Highway Fund allocation, to be expended for the maintenance and operation of the Carleton Bridge;

B. Railroad line abandonments;

C. The transportation needs of current and prospective rail transportation users;

D. The impact of railroad abandonments upon economic development, existing shippers who rely on the railroad proposed for abandonment and railway labor; and

E. Any other issues deemed necessary by the board to develop a state railroad transportation policy.

3. Compensation. The legislative and public members shall be paid a per diem of \$35 and expenses that are normally paid to state employees not to exceed payment for four meetings for actual attendance at meetings of the Joint Select Study Committee. Compensation and expenses shall be paid from the Highway Fund.

4. Report to the Legislature. The Joint Select Study Committee to develop a state policy for railroad transportation in Maine shall report its finding and any necessary implementing legislation to the Joint Standing Committee on Transportation no later than January 3, 1985, at which time the Joint Select Study Committee established by the Act shall cease to exist.

5. Staff Assistance. The Joint Select Study Committee to develop a state policy for railroad transportation in Maine may request the Legislative Council for staff assistance. The Department of Transportation shall cooperate with the staff provided to the Joint Select Study Committee.

I have had some people raise a question, they seem to think that this study should be conducted by the Transportation Department. I do not concur with that. I feel that it should be done under the legislature and conducted in conjunc-

tion with the legislature. I am firmly convinced that the legislature is where the responsibility finally comes to rest. We are the ones who have to accept the responsibility when we adopt legislation and I feel that we should be the ones that should study this and be involved in it. They should report to the legislature and then the Joint Committee on Transportation shall consider the policies to be adopted and that way, I feel, we can go forward.

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

Mrs. CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: I move indefinite postponement of this amendment.

The SPEAKER: The gentlewoman from Woolwich, Mrs. Cahill, moves indefinite postponement of House Amendment "A."

The gentlewoman may proceed.

Mrs. CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: The reason I asked to be apprised of the status of what this amendment actually said was because yesterday I was presented by the Department of Transportation an amendment that they drafted which would require the department, along with the passage of this bill, to do a study to see what the railroad policies of this state will be in the future.

I talked just a few minutes ago to the Commissioner of Transportation and he was all set to go with that amendment and he felt that that was a good idea.

The people appointed to that committee would be up to his discretion and the cost would be absorbed through the Department of Transportation.

I don't agree with this amendment, I think it is an attempt to get the bill killed.

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

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: I join with the gentlelady in her motion to indefinitely postpone this amendment for a number of reasons. As you may recall, earlier this session we were discussing the railroad excise tax. At that time, I outlined that the Governor had planned to appoint a committee of industry and legislative personnel to look into the area of what this state needs for proper rail transportation. On a second note, what the proper incentives and policies on the state's level should be, and this amendment seems to be overly heavy in the area of the industry of Maine and I notice that there is no one there to consider the tax consequences, what is a good tax policy, and for this reason, I hope that you will support the good gentlelady's motion to indefinitely postpone.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I, too, am going to join Representative Cahill in her motion to indefinitely postpone this amendment. I think while it is very worthwhile and the goals and objectives as outlined are in order, I see no public representation in the makeup of this group, no one from the Taxation Committee.

I really feel that the department can put together the kind of group to truly look at the railroad issues in our state and still have legislative involvement. If it is done by the department, then we don't have to sit here and worry about funding for another legislative study committee which are going to be very rare and few and far between.

I have been sitting on the sidelines for most of this session on the Carleton Bridge issue and what is happening with railroads in this state, and while I think that the gentleman from Limerick, Representative Carroll, is truly intent upon sincerely having that whole issue looked at appropriately, I don't think this amendment is going to do the job. I don't think it involves necessarily the right people and I think there is enough legislative concern in this body about transportation in our state, particularly railroads, that we can make very sure that the right people,

those with the kinds of interest, will be part of the department's study, so I join in the indefinite postponement.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I thought when I took over as House Chairman of the Transportation Committee that there were certain responsibilities defined to the Transportation Committee. Yet, while trying to draft up this study, I was approached by people from Portland, called by people from Portland, approached by the Chairman of Labor and various other chairmen to tell me what they wanted in this study. Now, if they are going to run the Transportation Committee, then why don't we dissolve the Transportation Committee and let Labor and Taxation run it? I think it is a good idea. They have become experts in all the fields we have before us so you don't need a Transportation Committee, you need a Committee on Labor and a Committee on Taxation. That is what you need and I would so recommend because I am firmly convinced that there is no need to spend hours down in the Transportation Committee room working on legislation and then come up here and have the wheeling and dealing that has gone on in this particular study.

I was sitting at my desk yesterday and a man walked in and asked me about this study and I mentioned it to him and he immediately started taking me to task. I told him that I didn't know that I had called him or consulted with someone from Portland to come in here and tell me what I was to do. I felt that I had twelve other members of my committee that I was to consult with and I thought we had an understanding, and I never intended to kill the Carleton Bridge.

The issue on the Carleton Bridge is behind me in regards to the funding of it, we are stuck with it. We don't have any choice, we own it. In December, the railroad and the people in the Department of Transportation sat down and worked with them and in February they met with them and they said that they agreed that they would take over the Carleton Bridge. They made an agreement and then they come to the legislature and tell us we don't have any choice, that we have to take the Carleton Bridge, we own it.

It is true, after numerous calls to their attorneys and our Attorney General's Office and the attorney in the Department of Transportation, it was finally made known to the committee that the Carleton Bridge belonged to the State of Maine. We acknowledge that and in good faith we will accept our responsibilities.

They also told us that they were proposing to get the first funding for the first year out of the General Fund, out of the Energy Account. We found out that we couldn't get this money, that is the reason this bill was tabled. I asked the Commissioner to proceed to discuss with the railroad and Mr. Garrity and their officials as to what we could do to put this back so we wouldn't have too much upfront money in this deal because we were having trouble with our money. So what happened? They come back and said, no deal. We made a deal in February and that is the deal we want and that is the deal we are going to get and that is my trouble with giving Transportation the authority to conduct a study. They made a deal in February and then they came to us, the legislature, and told us, you have got to come up with \$200,000. I don't want them making anymore decisions for me in this House, I want to make my own decisions, and if I am going to be House Chairman, I am going to make them; if you don't want me making them, then replace me because I am useless.

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

Mrs. CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: Just for the record, I happen to be a member, or at least I was the last time I checked, of the Transportation Committee and this is the first time I have laid eyes on this amendment. I have been going by an amendment

that was put in my mailbox yesterday afternoon and suddenly this atrocity appeared.

I would ask for the yeas and nays, Mr. Speaker.

A roll call has been requested.

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

The SPEAKER: The pending question before the House is on the motion of the gentlewoman from Woolwich, Mrs. Cahill, that House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 446

YEA—Allen, Anderson, Armstrong, Baker, Beaulieu, Bell, Benoit, Bonney, Bost, Brodeur, Brown, A. K.; Brown, D. N.; Cahill, Callahan, Carrier, Carroll, D. P.; Cashman, Chonko, Clark, Connors, Cote, Cox, Crouse, Curtis, Davis, Day, Dillenback, Drinkwater, Dudley, Erwin, Foster, Gauvreau, Greenlaw, Handy, Higgins, H. C.; Higgins, L. M.; Holloway, Ingraham, Joseph, Joyce, Kane, Ketover, Kiesman, Lebowitz, Lehoux, Lisnik, Livesay, Locke, MacBride, MacEachern, Manning, Martin, A. C.; Masterman, Masterton, Matthews, K. L.; Maybury, Mayo, McHenry, McPherson, McSweeney, Michaud, Mills, Moholland, Murphy, E. M.; Murphy, T. W.; Murray, Nadeau, Nelson, Paradis, E. J.; Parent, Paul, Pines, Racine, Reeves, J. W.; Reeves, P. Robinson, Roderick, Rolde, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C. W.; Soucy, Soule, Sproul, Stevenson, Stover, Strout, Vose, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

NAY—Ainsworth, Brannigan, Carroll, G. A.; Carter, Conary, Connolly, Cooper, Crowley, Daggett, Diamond, Gwadosky, Hall, Hickey, Hobbins, Jacques, Kelly, Kilcoyne, Macomber, Mahany, Martin, H. C.; McCollister, McGowan, Melendy, Michael, Mitchell, E. H.; Mitchell, J.; Norton, Paradis, P. E.; Perry, Pouliot, Richard, Ridley, Roberts, Rotondi, Smith, C. B.; Stevens, Swazey, Tammaro, Theriault, Tuttle.

ABSENT—Andrews, Bott, Dexter, Hayden, Jackson, Jalbert, Kelleher, Laplante, Matthews, Z. E.; Perkins, Randall, Telow, Thompson, The Speaker.

97 having voted in the affirmative and 40 in the negative, with 14 being absent, the motion did prevail.

The SPEAKER: The Chair recognizes the gentlewoman from Pittston, Mrs. Reeves.

Mrs. REEVES: Mr. Speaker, Men and Women of the House: I move that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentlewoman from Pittston, Mrs. Reeves, moves that this bill and all its accompanying papers be indefinitely postponed.

The gentlewoman may proceed.

Mrs. REEVES: Mr. Speaker, Men and Women of the House: This proposal has many questionable elements and has right from the start. The proposal was set forth by the Maine Central Railroad, not an initiative of the Department of Transportation. It requires an appropriation of \$250,000 from the State Highway Fund, and you know that this fund is under many pressing demands.

We on the Transportation Committee have been struggling to find money in this fund to increase the Local Road Assistance Program, the block grant. This money goes back to our cities and towns for property tax relief and this proposal before us now has to be scrutinized with the same care as any other request from the Highway Fund.

One thing about this proposal is it has a retroactive provision back to February 1st to fund the operations of the Carleton Bridge. The deal was made back in December between Maine Central Railroad and the Department. Papers were signed, I think, December 15, while the Department's new commissioner had not yet come on board. I think it is our responsibility to say no to this appropriation of \$250,000, let the Commissioner go back with the legislature saying that we don't have enough money for

\$250,000 for the Carleton Bridge, go back and negotiate a better deal.

I would like to ask for a roll call.

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

Mrs. CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: Obviously, I would ask you to oppose the pending motion. This bill represents a lot of hard work on my part, as well as on the Department of Transportation. It actually is a compromise position between the Department of Transportation, the Railroad Union, the railroad, and what it does is it buys us time for the state to make some comprehensive decisions about the rail policy of this state.

What the gentlelady says is true, it does cost \$250,000, but there is no way around that. If this bill fails to pass here in the legislature, Maine Central Railroad intends to abandon the entire line between Brunswick and Rockland and we would be responsible to maintain the bridge anyway, but what this does is say that the state will pick up the maintenance responsibility and operation responsibility of the Carleton Bridge, they will keep that line open for 18 months to give us time to make a decision as to what our policies are.

I request that you not support the pending motion.

The SPEAKER: The Chair recognizes the gentlewoman from Pittston, Mrs. Reeves.

Mrs. REEVES: Mr. Speaker, Men and Women of the House: Even if the Maine Central Railroad files for abandonment tomorrow, after the legislature has said no to its appropriation, there still would be at least three months for the department and the new commissioner to approach the railroad and negotiate a new agreement.

One hundred thousand dollars of this proposal is a retroactive payment for fiscal year 1984 for the operation of the bridge. Surely, if the department knew that the legislature was supporting the best possible deal from the State Highway Fund, I am sure that we could do it for less than \$250,000.

The SPEAKER: The Chair recognizes the gentleman from Mechanic Falls, Mr. Callahan.

Mr. CALLAHAN: Mr. Speaker, Ladies and Gentlemen of the House: On this argument, I think we should remember that this agreement was made when the railroad was built and the railroad in the State of Maine made this agreement back in 1927. I see no way that we should be trying to beat our obligation that we made in 1927.

The SPEAKER: The Chair recognizes the gentlewoman from Rockland, Mrs. Melendy.

Mrs. MELENDY: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will vote against the motion on the floor.

What I want to do is simply tell you that you are either going to spend money and get nothing for it, or if this bill passes, we will be getting 18 more months of service from the railroad, at which time we can hopefully work at making the railroad work. The potential traffic that could be generated within that 18 months by having different organizations find ways of using the railroad and saving it is what we have to look at.

The cement plant in Thomaston apparently is what was the final blow to the railroad, but now with a new person owning that cement plant, they really are not giving them time to decide whether they are going to be able to use that railroad or not, and what we are doing is buying time to save the railroad and to save Route 1. If this here does not pass and the railroad is abandoned, I would hate to see what is going to happen on Route 1 which is already overcrowded in the summer months.

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

Mr. MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will not go along with the proposal before you to indefinitely postpone this bill. This is a bill that perhaps the Committee on Transportation spent as much time on as any bill that we have heard. It is a 10

to 3 Majority "Ought to Pass" Report.

The gentlelady from Pittston said that we should go back and negotiate with the railroad. This has already been done, we have negotiated with the railroad and these are the terms that we have come up with. I talked with Commissioner Connors yesterday in the House here, he is agreeable to this situation, he can live with this situation. What we are trying to do is keep this railroad in operation for 18 months and give any chance of development in that area time to fulfill its promise. She doesn't point out to you that regardless of whether you pass this bill or not, the state is responsible for taking over this railroad. What we are trying to do is take it over under circumstances that the commissioner and 10 members of this committee are to our advantage.

I hope you will not let all the work that has gone into this bill go down the tube. I hope you will vote against the motion.

A roll call has been requested.

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

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

Mr. CARROLL: Mr. Speaker and Members of the House: I just want you to know that I have great respect for the gentlelady from Pittston but I cannot support her motion. I have never said that I did not want the state to assume their responsibility in regards to the railroad bridge, it has never been my intent. Anyone that says I am putting an amendment on for the intent of trying to kill the Carleton Bridge, that is not true—that is not true.

I know we have the responsibility, the bridge belongs to the State of Maine and we have no other choice but to pass this legislation and get the problem behind us.

The SPEAKER: The Chair recognizes the gentleman from Princeton, Mr. Moholland.

Mr. MOHOLLAND: Mr. Speaker and Members of the House: I hope you go along with Mr. Macomber on this bill. Even though it is going to hurt, we are going to have to take care of it, so I hope you will go along with Mr. Macomber on this bill today.

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

ROLL CALL NO. 447

YEA—Brodeur, Carter, Chonko, Connolly, Daggett, Hobbins, Jacques, Kilcoyne, McHenry, Paradis, P. E.; Reeves, P.; Roberts, Rolde, Stevens, Theriault.

NAY—Ainsworth, Allen, Anderson, Andrews, Armstrong, Baker, Beaulieu, Bell, Benoit, Bonney, Bost, Bott, Brannigan, Brown, A. K.; Brown, D. N.; Cahill, Callahan, Carrier, Carroll, D. P.; Carroll, G. A.; Cashman, Clark, Conary, Connors, Cooper, Cote, Cox, Crouse, Crowley, Curtis, Davis, Day, Dexter, Diamond, Dillenback, Drinkwater, Dudley, Erwin, Foster, Gauvreau, Greenlaw, Gwadosky, Hall, Handy, Hickey, Higgins, H. C.; Higgins, L. M.; Holloway, Ingraham, Joseph, Joyce, Kane, Kelly, Ketover, Kiesman, Lebowitz, Lehoux, Lisnik, Livesay, Locke, MacBride, MacEachern, Macomber, Mahany, Manning, Martin, A. C.; Martin, H. C.; Masterman, Masterton, Matthews, K. L.; Maybury, Mayo, McCollister, McGowan, McPherson, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, E. H.; Mitchell, J.; Moholland, Murphy, E. M.; Murphy, T. W.; Murray, Nadeau, Nelson, Norton, Paradis, E. J.; Parent, Paul, Perry, Pines, Pouliot, Racine, Randall, Reeves, J. W.; Richard, Ridley, Robinson, Roderick, Rotondi, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C. B.; Smith, C. W.; Soucy, Soule, Sproul, Stevenson, Stover, Strout, Swazey, Tammaro, Tuttle, Vose, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Hayden, Jackson, Jalbert, Kelleher, Laplante, Matthews, Z. E.; Perkins, Telow, Thompson, The Speaker.

15 having voted in the affirmative and 126 in the negative, with 10 being absent, the motion did not prevail.

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

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

Orders

On motion of Representative McSweeney of Old Orchard Beach, the following Order:

ORDERED, that Representative John Telow of Lewiston be excused for the duration of his illness.

Was read and passed.

Unanimous Leave to Withdraw

Representative Soucy from the Committee on Education on Bill "An Act Relating to Eligibility for Interscholastic Secondary School Athletics" (Emergency) (H. P. 1573) (L. D. 2083) reporting "Leave to Withdraw"

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

Non-Concurrent Matter

An Act Requiring Proof of Financial Responsibility for 2nd and Subsequent Offenders Under the Drunk Driving Laws (S. P. 892) (L. D. 2408) which was Passed to be Enacted in the House on April 6, 1984.

Came from the Senate Passed to be Engrossed as amended by Senate Amendment "A" (S-367) in non-concurrence.

The House voted to recede and concur.

The Chair laid before the House the following matter:

Bill "An Act to Amend Certain Motor Vehicle Laws (H. P. 1444) (L. D. 1889) which was tabled and later today assigned pending further consideration. (In House, Minority "Ought to Pass" in New Draft (H. P. 1820) (L. D. 2412) Report read and accepted and New Draft passed to be engrossed—In Senate, Majority "Ought to Pass" in New Draft (H. P. 1819) (L. D. 2411) Report read and accepted and the New Draft passed to be engrossed in nonconcurrence)

On motion of Representative Diamond of Bangor, retabled pending further consideration and assigned for Monday, April 9, 1984.

The Chair laid before the House the following matter:

JOINT RESOLUTION (H. P. 1829)—Concerning State Contracting for Medical Service in Competition with Private Enterprise—which was tabled and later today assigned pending adoption.

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

Mr. BRODEUR: Mr. Speaker, a parliamentary inquiry. Would this have the force of law if this were adopted?

The SPEAKER: The Chair would answer in the negative.

Mr. BRODEUR: Mr. Speaker and Members of the House: From what I understand, this would give the legislative intent that contracting for medical assistance programs where, for example, if something can be purchased by the Department of Human Services for a lower cost, and also be giving services to people who receive medical assistance programs, such as eye glasses for the elderly, I am wondering why we want to oppose that.

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

The Chair recognizes the gentleman from Farmington, Mr. Webster.

Mr. WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: In response to Mr. Brodeur's question, I guess I would give a little background on why this proposal is before you.

Recently, we had a hearing in my committee where a group of pharmacists came to our committee and asked for a fee increase. Well, a

member of the Department of Human Services came to our committee and said that he felt that the pharmacists were receiving enough money and if they didn't like it, that he had it within his power to go out and purchase medicine in bulk. He told us that he recently purchased eye glasses en masse and felt that the department could easily, under current law, go out and purchase medicine. As far as I know, all the members of the committee, except for Mr. Brodeur, felt that if this type of decision were to be made by anyone, it should be made by us. It would seem to me that we would be drawing closer and closer to centralized socialistic government when all of a sudden some bureaucrat in Augusta decides that we are going to go out and compete with private enterprise.

My major concern is not necessarily that the state might save some money, and we might, by buying 10,000 eye glasses or one million aspirin, my concern is that it ought to be available the way it is now. If the State of Maine were to purchase en masse some type of medication and distribute it through the Community Action agencies, essentially what you would do is eliminate the availability to a little old lady in my district who only has an automobile to get out on Saturday afternoon and Community Action is not open.

My feeling is that simply, as this Resolution says, and I think the majority of the committee, as a matter of fact I believe all the committee except for Mr. Brodeur, agree that if this decision, if this type of proposal, if any kind of mass buying is to be done by the Department of Human Services in medical related areas, and I stress that because I am not saying that the department can't go out and buy a million paperclips, what I am saying is that if they are going to be buying a service under Medicaid, we ought to be authorizing anything that is going to cut down the availability to the people in our districts.

The SPEAKER: A vote has been requested. The pending question is on Adoption of the Resolution. All those in favor will vote yes; those opposed will vote no.

77 having voted in the affirmative and 32 having voted in the negative, the Resolution was adopted.

Sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Revise the Laws Governing Certification of Educational Personnel" (1839) (L. D. 2434)—which was tabled and later today assigned pending passage to be engrossed.

On motion of Representative Locke of Sebec, retabled pending passage to be engrossed and assigned for Monday, April 9, 1984.

The Chair laid before the House the following matter:

HOUSE DIVIDED REPORT—Majority (9) "Ought Not to Pass"—Minority (4) "Ought to Pass"—Committee on Taxation on Bill "An Act to Repeal the Sales Tax on Meals and Lodging and to Establish a Meals and Lodging Tax for the Purposes of Stabilizing the Property Tax and Promoting Tourism" (H. P. 1737) (L. D. 2303)—which was tabled and later today assigned pending acceptance of either report.

Representative Higgins of Portland moved that the Bill be recommitted to the Committee on Taxation.

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

Mr. BRANNIGAN: Mr. Speaker, I would like to have some explanations as to why and what will happen on the record.

The SPEAKER: The gentleman from Portland, Mr. Brannigan, has posed a question through the Chair to the gentleman from Portland, Mr. Higgins, who may respond if he so desires, and the Chair recognizes that gentleman.

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: It is the intent to recommit this piece of legislation to the Joint Standing Commit-

tee on Taxation so that we might strip away the title, strip away all the references to law and so forth in it, and at that time include the \$5 million that has been set aside in the budget for this fiscal year that was set aside for property tax to be used to increase the percentage of revenue sharing to be sent back to the cities and towns.

Thereupon, the Bill was recommitted to the Committee on Taxation and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act Concerning Higher Education" (H. P. 1684) (L. D. 2221) (C. "A" H-649) which was tabled and later today assigned pending adoption of Committee Amendment "A".

On motion of Mrs. Locke of Sebec, retabled pending adoption of Committee Amendment "A" and assigned for Monday, April 9, 1984.

The Chair laid before the House the following matter:

RESOLVE, to Reimburse David James McDaniel for Damages Suffered as a Result of Wrongful Imprisonment (H. P. 761) (L. D. 992) which was tabled and later today assigned pending passage to be engrossed.

Ms. Benoit of South Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-591) was read by the Clerk.

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: This is a bill that we have tabled many times that came out of the Judiciary Committee. It came out with a Majority "Ought Not to Pass" Report, but after it came out I had this amendment prepared and I hope it is acceptable to the members of the committee as well as this body.

This amendment addresses a problem that as far as I know will help only one person, at least that I know of. It deals with a young man by the name of David McDaniel, who alleges that he was wrongfully imprisoned. At least two members of the committee were convinced that that was the case. However, I don't know exactly why some of the other members voted against it but I, in fact, did not even get to sign it out, but if I had, I would not have signed it out "ought to pass" because I don't honestly know whether he is innocent or guilty. However, there is enough evidence to influence me and to convince me that he ought to have a route by which to seek damages. Thus, I went and checked out statutes in other states and found that many states do, indeed, provide a route for people such as David McDaniel to seek damages.

This amendment is fashioned after legislation in other states. It provides for a person to bring action against the state for wrongful imprisonment if certain conditions are met. One condition is that he was convicted of an offense under the laws of this state, as a result of that conviction he was sentenced to a period of incarceration and was actually incarcerated or he was sentenced to pay a fine and actually did pay the fine. Subsequent to conviction, the person received a pardon, and last, by a preponderance of the evidence that he did not commit any of the acts charged or that his acts, deeds or omissions did not constitute an offense under the laws of this state.

We set a ceiling of \$100,000 for damages. If a claimant would wish to seek damages greater than \$100,000, he or she would have to gain permission from the legislature.

I think that explains it, but if there are any questions, I would be happy to try to answer them.

Ms. Benoit of South Portland offered House Amendment "A" to House Amendment "A" and moved its adoption.

House Amendment "A" to House Amendment "A" (H-664) was read by the Clerk.

The SPEAKER: The Chair recognizes the gen-

tlewoman from South Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker and Members of the House: This is a very small amendment but not minor. It allows for the Attorney General to settle a case out of court if the state should decide to do that.

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

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

Mr. KIESMAN: Mr. Speaker, I would like to pose a question. I would like to ask, under the conditions that are set up here, one of the conditions being that before a person could receive compensation he would receive a pardon, and I wonder whether that would work against him in some cases and it might be part of the determination whether he would receive a pardon because the state might become subject to a substantial settlement claim?

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

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I am not certain that I fully understand the question, but a pardon must have been granted prior to seeking damages. Pardons are not necessarily granted on the basis of guilt or innocence, so the person seeking damages would still have to prove that to a court, that he or she was, indeed, innocent.

Thereupon, House Amendment "A" as amended by House Amendment "A" thereto was adopted.

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

The Chair laid before the House the following matter:

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) which was tabled and later today assigned pending passage to be enacted (roll call ordered)

On motion of Representative Vose of Eastport, retabled pending passage to be enacted and assigned for Monday, April 9, 1984.

The Chair laid before the House the following matter:

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1984 (Emergency) (H. P. 1822) (L. D. 2414) which was tabled and later today assigned pending final passage.

On motion of Representative Diamond of Bangor, tabled pending final passage and assigned for Monday, April 9, 1984.

The Chair laid before the House the following matter:

An Act Relating to Local Voting on School Administrative District Budgets (H. P. 1814) (L. D. 2399) which was tabled and later today assigned pending passage to be enacted.

On motion of Representative Soucy of Kittery, retabled pending passage to be enacted and assigned for Monday, April 9, 1984.

The Chair laid before the House the following matter:

An Act Relating to the Quality of Milk (H. P. 1804) (L. D. 2378) which was tabled and later today assigned pending the motion of Representative Smith of Island Falls that this Bill and all its accompanying papers be indefinitely postponed (roll call ordered).

On motion of Representative Michael of Auburn, retabled pending the motion of Representative Smith of Island Falls that this Bill and all accompanying papers be indefinitely postponed and assigned for Monday, April 9, 1984.

The Chair laid before the House the following matter:

Bill "An Act Encouraging an Alternative to Landfill Disposal of Solid Waste" (Emergency) (S. P. 883) (L. D. 2234) which was tabled and later today assigned pending acceptance of either report.

On motion of Representative Hall of Sangerville, retabled pending acceptance of either Report and assigned for Monday, April 9, 1984.

The Chair laid before the House the following matter:

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) which was tabled and later today assigned pending passage to be engrossed.

On motion of Representative Cashman of Old Town, retabled pending passage to be engrossed and assigned for Monday, April 9, 1984.

The Chair laid before the House the following matter:

Bill "An Act to Clarify Certain Portions of the Reapportionment Laws" (S. P. 862) (L. D. 2342) which was tabled and later today assigned pending passage to be engrossed.

On motion of Representative Mitchell of Vassalboro, retabled pending passage to be engrossed and assigned for Monday, April 9, 1984.

The Chair laid before the House the following matter:

An Act to Increase Legislative Oversight of the Fiscal Affairs of the Department of Inland Fisheries and Wildlife (Emergency) (H. P. 1628) (L. D. 2143) which was tabled and later today assigned pending reconsideration.

On motion of Representative Diamond of Bangor, under suspension of the rules retabled pending reconsideration and assigned for Monday, April 9, 1984.

The Chair laid before the House the following matter:

An Act to Provide Voter Information on Ballot Questions (H. P. 1588) (L. D. 2095) (C. "A" H-568) which was tabled and later today assigned pending passage to be enacted.

On motion of Representative Handy of Lewiston, retabled pending passage to be enacted and assigned for Monday, April 9, 1984.

The Chair laid before the House the following matter:

Bill "An Act to Establish a Policy and Procedure for Law Enforcement Officers Engaged in the Pursuit of Fleeing or Speeding Vehicles" (H. P. 1746) (L. D. 2300) which was tabled and later today assigned pending the motion of Mrs. Nelson of Portland to reconsider whereby the Majority "Ought Not to Pass" Report was accepted.

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

Mr. DRINKWATER: Mr. Speaker, I believe the sponsor is working on an amendment and I don't see him in his seat.

On motion of Representative Diamond of Bangor, retabled pending the motion of Representative Nelson of Portland to reconsider acceptance of the Majority "Ought Not to Pass" Report and assigned for Monday, April 9, 1984.

The Chair laid before the House the following matter:

Bill "An Act to Revise the Salaries of Certain County Officers" (Emergency) (H. P. 1841) (L. D. 2436) which was tabled and later today assigned pending passage to be engrossed.

On motion of Representative McHenry of Madawaska, retabled pending passage to be engrossed and assigned for Monday, April 9, 1984.

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

Mr. HOBBS: Mr. Speaker, is the House in possession of L. D. 2276?

The SPEAKER: The Chair would answer in the affirmative, Bill "An Act Relating to the En-

forcement and Collection of Child Support Obligations" (H. P. 1717) (L. D. 2276) is in the possession of the House, having been held at the gentleman's request.

On motion of Representative Hobbins of Saco, the House reconsidered its action of earlier in the day whereby this Bill was passed to be engrossed.

The same gentleman then objected to Consent Calendar Second Day notification.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-654) was read by the Clerk.

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

House Amendment "A" to Committee Amendment "A" (H-666) was read by the Clerk.

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

Mr. HOBBS: Mr. Speaker, Men and Women of the House: The purpose of this amendment is to clarify the accumulated contributions which will be subject to garnishment when a member of the State Retirement System tries to remove them from the system. It is a clarification amendment which I have discussed with co-chair of the other body and it is something that came up this morning is not controversial.

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

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

Under suspension of the rules that Bill was read the second time, passed to be engrossed as amended and sent up for concurrence.

On motion of Representative Allen of Washington,

Adjourned until Monday, April 9, 1984, at nine o'clock in the morning.