

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eleventh  
Legislature***

OF THE

**STATE OF MAINE**

**SECOND REGULAR SESSION**

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

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**FOURTH CONFIRMATION SESSION**

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**THIRD SPECIAL SESSION**

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**House**

Wednesday, April 11, 1984

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

Prayer by Reverend Bruce W. Meyer, Prince of Peace Lutheran Church, Augusta.

The Journal of Tuesday, April 10, 1984, was read and approved.

**Papers from the Senate**

The following Communication:

THE SENATE OF MAINE

April 10, 1984

The Honorable Edwin H. Pert

Clerk of the House

111th Legislature

State House

Augusta, Maine 04333

Dear Clerk Pert:

The Senate today voted to Adhere on Bill "An Act Concerning the Maine Land Use Regulation Commission (H. P. 1837) (L. D. 2430).

Sincerely,

S/JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

**Communications**

The following Communication:

Committee on Local and County Government

April 5, 1984

The Honorable John L. Martin

Speaker of the House

111th Legislature

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Local & County Government during the second regular session of the 111th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received 31

Unanimous reports 29

Leave to Withdraw 0

Ought to Pass 22

Ought Not to Pass 0

Ought to Pass as Amended 6

Ought to Pass in New Draft 1

Divided reports 2

Respectfully submitted,

S/R. DONALD TWITCHELL

Senate Chair

S/EDWARD A. MCHENRY

House Chair

Was read and ordered placed on file.

The following Communication:

Committee on Labor

April 9, 1984

The Honorable John L. Martin

Speaker of the House

111th Legislature

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Labor during the second regular session of the 111th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received 26

Unanimous reports 20

Leave to Withdraw 10

Ought to Pass 1

Ought Not to Pass 0

Ought to Pass as Amended 6

Ought to Pass in New Draft 3

Divided reports 6

Respectfully submitted,

S/DENNIS DUTREMBLE

Senate Chair

S/EDITH BEAULIEU

House Chair

Was read and ordered placed on file.

The following Communication:

Committee on Election Laws

April 10, 1984

The Honorable John L. Martin

Speaker of the House

111th Legislature

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Election Laws during the second regular session of the 111th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received 8

Unanimous reports 6

Leave to Withdraw 1

Ought to Pass 1

Ought Not to Pass 0

Ought to Pass as Amended 2

Ought to Pass in New Draft 2

Divided reports 2

Respectfully submitted,

S/MICHAEL D. PEARSON

Senate Chair

S/GREGORY G. NADEAU

House Chair

Was read and ordered placed on file.

The following Communication:

Committee on Legal Affairs

April 9, 1984

The Honorable John L. Martin

Speaker of the House

111th Legislature

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Legal Affairs during the second regular session of the 111th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received 14

Unanimous reports 10

Leave to Withdraw 3

Ought to Pass 2

Ought Not to Pass 0

Ought to Pass as Amended 3

Ought to Pass in New Draft 2

Divided reports 4

Respectfully submitted,

S/RICHARD R. CHARETTE

Senate Chair

S/HAROLD R. COX

House Chair

Was read and ordered placed on file.

**Petitions Bills and Resolves****Requiring reference**

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

**Appropriations and Financial Affairs**

Bill "An Act to Implement Certain Recommendations of the State Compensation Commission" (H. P. 1858) (Submitted pursuant to the Revised Statutes, Title 3, section 2-A, subsection 2)

Ordered Printed.

Sent up for concurrence.

**House Reports of Committees****Ought to Pass in New Draft**

Representative Carter from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Operating Funds for the Spruce Budworm Management Program and to Assure an Accurate Accounting of its Costs" (H. P. 1636) (L. D. 2165) reporting "Ought to Pass" in New Draft (H. P. 1859) (L. D. 2460)

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

**Second Readers****Later Today Assigned**

Bill "An Act Relating to Municipal Cost Components for Fiscal Year 1984-85 and Providing for a Study of the Unorganized Territory" (Emergency) (H. P. 1857) (L. D. 2458)

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

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

Bill "An Act to Revise the Wood Measurement Law" (S. P. 889) (L. D. 2404) (H. "A" H-691 to S. "A" S-372)

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

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

**Orders of the Day**

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

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

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 9, 1984 (Till Later Today) by Representative Mitchell of Vassalboro.

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 second item of Unfinished Business:

Joint Resolution relative to Requesting a Study of Costs to Maine Taxpayers for Workers' Compensation (S. P. 909)

Tabled—April 10, 1984 (Till Later Today) by Representative Diamond of Bangor.

Pending—Adoption in concurrence.

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

Mr. Diamond: Mr. Speaker, I move that this item be indefinitely postponed and wish to speak to my motion.

The SPEAKER: The gentleman from Bangor, Mr. Diamond, moves that this Resolution be indefinitely postponed.

The gentleman may proceed.

Mr. DIAMOND: Mr. Speaker, Members of the House: As you will, recall on yesterday's calendar there was a Joint Resolution proposed from the other body that would direct the Department of Labor to study the Workers' Compensation problems of this state and to make a report. While I think we all agree that Workers' Comp is, indeed, a significant issue and something that merits study, we also have to remember that right now there are in place three separate commissions or committees that are studying the problem.

We have the Speaker's commission that was created in 1982 to propose some reforms and last year one of those reforms was the creation of a commission that involved business and labor people as well as legislators to continue studying the problem and examine the need for greater reforms in Workers' Comp. That commission has a \$100,000 budget.

The Public Advocate has been directed as well to study some of the reforms or needs for changes in the rate structure of Workers' Comp, and aside from the Joint Select Commission on Workers' Comp and the Public Advocate and the Speaker's Commission, I think we have a sufficient number of commissions in place to study the problem of Workers' Compensation.

For that reason, I think it is important that we defeat this proposal. While I don't disagree with the need to study the problem, I think it would be a duplication of effort.

The SPEAKER: The Chair recognizes the

gentlewoman from Paris, Miss Bell.

Miss BELL: Mr. Speaker, Men and Women of the House: I would urge you to pass this Joint Resolution today. The gentleman from Bangor, Representative Diamond, did indicate that yesterday on the calendar was a copy of the Joint Resolution requesting a study of cost to Maine taxpayers for Workers' Compensation and I would like to explain just briefly what we have been dealing with in Appropriations during this past session.

During our deliberations in Appropriations this session, it became evident that the cost of Workers' Comp to state government has been increasing at an alarming rate. The cost to the General Fund in FY-83 was over \$3 million; to the Transportation Fund, almost \$1.8 million, for a total of \$4.8 million to state government over the last biennium. For the first six months of this year, the costs are running ahead at \$1.8 million, so certainly the trend is increasing at an alarming rate.

All of us in this body are concerned with the overall flattening of the economic growth in this state. We have found that one of the major reasons for this happening is the burden of Workers' Comp to the business community. These figures are proof that Workers' Compensation is a burden to our taxpayers as well. These numbers are shocking for a small state such as Maine. There has been criticism of the private sector about safe working conditions; if that is the case, certainly we should get a handle on our own state budget.

This Joint Resolution authorizes the Department of Labor to study the full cost of Workers' Comp to the taxpayers of the state, including in the cost each branch and department of municipal, county and state government and to report these findings to the First Regular Session of the 112th.

I would hope that you would vote against the pending motion to indefinitely postpone this Resolution and, Mr. Speaker, I would ask for a roll call.

The SPEAKER: A roll call has been requested.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: The gentlelady, Representative Bell, is absolutely correct. So far as we have looked at the problem of Workers' Compensation, the focus has been upon Maine employer, the Maine worker and indirectly the impact upon the consumer. We have forgotten the impact upon Maine government and the Maine taxpayer, from the local, county and the state level.

It is very difficult to find out just how much that cost is but in information from the Maine Municipal Association, there are 495 municipalities within the state, 274 obtain their Workers' Comp through the Maine Municipal Association and their total premiums are \$4.2 million. That is 221 municipalities that aren't included and out of that total, the larger cities such as Portland, South Portland, Bangor, Lewiston, Auburn are self-insured and their costs must be rather substantial to be added to that \$4.2 million.

If we don't take a look at this in terms of the full impact, we won't realize the tax dollars—we keep talking about property tax relief, if we can look at this from the taxpayer's viewpoint, these could be tax dollars that don't have to be raised or, if raised, they could be used for equipment, repair the infrastructure or invest it in people. I would urge you to defeat the motion to indefinitely postpone.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I don't think there is a committee in this body that deals more with Workers' Comp issues than the Labor Committee. We already have three separate special committees looking into this area and they are not just taking into account the private sector. I believe that putting together another whole group to look at the issue all over again would be du-

plicative and truly non-constructive.

There is no doubt about it that everybody here is concerned about those costs. I think that cities and towns, those under self-insurance programs, are beginning to look at their own programs. We are still constantly looking at those issues. So I urge that you go along with Representative Diamond today.

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

Miss BELL: Mr. Speaker, Men and Women of the House: The gentleman from Bangor, Mr. Diamond, is correct, that there are a number of studies taking place right now in state government, and Representative Beaulieu from Portland as well. What we are saying in the Department of Labor, after we have appropriated over \$250,000 for computer equipment down there, that that information should be readily available and we are just asking the Department of Labor to take account of the amount of money that is being spent at the three levels and make those numbers available to the 112th Maine Legislature.

I think that this is a justifiable request and certainly urge you to vote against the motion to indefinitely postpone.

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

Mr. DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: Representative Bell just explained that it was simply a matter of asking the Department of Labor to take a look at the facts and figures available now that they have invested a quarter of a million dollars in new computer equipment and to simply analyze what has come forth as a result of these expenditures and money regarding Workers' Compensation, but if you read the Resolution, it goes beyond that. It says that the legislature would "respectfully direct the Department of Labor to study the full cost of Workers' Compensation to the taxpayers of this state including but not limited to full disclosure of the cost to each branch and department of municipal, county and state governments with recommendations for curtailing these costs."

Again, we have three commissions in place and we have some informal committees studying the matter on the second floor as well, and it doesn't make any sense to me to form yet another commission to duplicate the efforts of these, especially asking the Department of Labor to do so. I don't think it is the role of the Department of Labor to do so. I don't think it is the role of the Department of Labor to make recommendations as to how we should tighten up our Workers' Comp system. We have commissions in place that consist of business, labor leaders, other citizens of good standing in this state and it just is not something that I think we should pursue. It is duplicative and it simply is a waste of our time.

I know that it is easy to vote for anything that implies that we are concerned about Workers' Comp and we all, again, are concerned about that, but let's not go overboard, let's not reinvent the wheel, because we have done a lot in the last couple of years to address the problem and those efforts are still ongoing. So I again ask for your support for the motion to indefinitely postpone.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: It is really quite surprising sometimes to see after there are several commissions established who opposes the next one and who has the last best idea.

It seems to me that we are talking about several different things here when you talk about the commissions that the gentleman from Bangor was speaking of earlier. The Speaker's Commission and the Governor's Commission, if you will, I don't know the exact titles, I think are more interested in the overall curtailment of Workers' Comp costs and alternative methods of funding for the private sector. The Public Advocate intervention that he mentioned has no-

thing at all whatsoever to do with this. That is simply intervention in a rate case and it has nothing to do with how are the rates formulated or the laws passed.

The concern I have is now that there are a couple of commissions on board we are being told that we don't need another commission to study this. There is quite a difference here between what has gone before and what we have in front of us. We are talking about public sector, we are talking about public sector dollars, taxpayer dollars that are being spent year after year after year to pay Workers' Comp costs and they are getting phenomenal. Some of them have been mentioned in here.

Obviously, the Department of Transportation's budget includes almost \$2 million for Workers' Comp costs. That is a lot of money, and I think there are any of us here that wouldn't like to have that money right now to spend for some programs that are sitting on the Appropriations Table or municipal revenue sharing or forest fire control or AFDC or whatever else we might all be interested in.

I think that this body, at least some members of this body, have been critical of the private sector in saying that, well, you don't have adequate job protection for your workers, you are providing an unsafe atmosphere in which they are working and you ought to get your act together and resolve that problem before you are critical of high Workers' Comp costs. I submit to you that maybe we ought to look inside and maybe we ought to say to our own people, our own state government, maybe you ought to clean your act up too because we are talking about public sector dollars, taxpayer dollars and that is all this Resolution addresses. It doesn't address the same issues that are being addressed in the other Workers' Compensation studies at all. It talks about our own house. We ought to look at what is good for the State of Maine and for the taxpaying public out there, not what is already being studied by other people.

I hope you will vote against the motion to indefinitely postpone so that we might have an objective view of what our own state government is doing and can do to reduce taxpayer dollars for Workers' Compensation.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: There is no doubt that we need to look at our own house and I really believe that that is going to be done. I think I would question very seriously the utilization of the Bureau of Labor. What expertise do they have in this field or in that matter? Why doesn't this Resolution opt to go directly to the Workers' Compensation Commission who also have computers, who have the expertise and are building up the figures to see what is happening.

I truly, sincerely feel that while the intent of this Resolution is more than honorable, that the approach is wrong. I think there are things currently being done that will address these issues. The private sector goes beyond state government itself. The MMA has done in the past surveys of the communities on what their costs were, what they were doing to reduce them. I think all of that will come together once these commissions get their reports out to us. I think we should sit and wait and see what the results of those reports are. If we feel that there is something lacking and they haven't taken an appropriate look at our own house, then maybe this Resolution would be in order. Right now it is untimely and I really feel that we need to indefinitely postpone it, not because the intent isn't right, it is just not the time to do this and I seriously question the targeting of the Bureau of Labor to do it when there are better resources to use.

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

Mrs. KETOVER: Mr. Speaker, Ladies and Gentlemen of the House: I, too, rise because I believe my good Assistant Majority Leader, Representative Diamond, is right on and the good Chair-

woman from Portland, Mrs. Beaulieu, is right on.

We have just put in place a public advocate who has just begun doing rate filing. We have just begun doing a commission on Workers' Comp, we have three now doing a job that will investigate these problems. I think it is only fair at this point to give them a chance, to let them research this and come back in a year to let us know what is happening.

Mr. Speaker, may I pose a question to you?

The SPEAKER: The gentlewoman may pose her question.

Mrs. KETOVER: Mr. Speaker, I don't see a fiscal note on this. Could you please tell me if there is?

The SPEAKER: The Chair would advise the gentlewoman that there is none. However, the Chair would advise the gentlewoman that even though one is probably required, no fiscal note is required by House Rule to be put on Joint Orders.

Mrs. KETOVER: Thank you, Mr. Speaker. As you know, we are now going to be spending \$70,000 right now for the Public Advocate. I believe that is enough money at this point to be spending. Give them a chance, and I hope that you will go along and not put this Resolution through.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mrs. Joseph.

Mrs. JOSEPH: Mr. Speaker, Men and Women of the House: I serve on the Select Committee for Workers' Compensation and we have come a long way. Last year, legislation was passed as a recommendation from this committee to reform the Workers' Compensation system of Maine. This year, we will be dealing with the rehabilitation of the injured worker and retraining of the injured worker and also the second injury fund. You, the 111th Legislature, will be dealing with these issues before adjournment, perhaps in the Special Session.

The Speaker's Select Committee does address the concerns of all employers of the State of Maine, those in the private sector as well as the public sector.

We here in state government know first hand the concerns of the employers of the State of Maine; therefore, I urge you to indefinitely postpone this Resolution as recommended by the gentleman from Bangor.

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 Bangor, Mr. Diamond, that this Joint Resolution be indefinitely postponed in non-concurrence. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 473

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Bost, Brannigan, Brodeur, Brown, A.K.; Callahan, Carroll, D.P.; Carroll, G.A.; Cashman, Chonko, Clark, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Jacques, Jalbert, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Macomber, Mahany, Martin, A.C.; Martin, H.C.; Matthews, Z.E.; Mayo, McColister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Norton, Paradis, P.E.; Paul, Perkins, Perry, Pouliot, Racine, Reeves, P.; Richard, Ridley, Roberts, Robison, Rolde, Rotondi, Soucy, Stevens, Swazey, Tammaro, Theriault, Thompson, Tuttle, Vose, The Speaker.

NAY—Anderson, Armstrong, Bell, Bonney, Bott, Brown, D.N.; Cahill, Carter, Conary, Connors, Curtis, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Kiesman, Lebowitz, Livesay, MacBride, Masterman, Masterton, Matthews, K.L.; Maybury, McPherson, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Parent, Pines, Reeves, J.W.; Roderick, Salsbury, Scar-

pino, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soule, Sproul, Stevenson, Stover, Strout, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Benoit, Carrier, Hobbins, Joseph, Manning, Randall, Telow.

87 having voted in the affirmative and 57 in the negative, with 7 being absent, the motion did prevail.

Sent to the Senate.

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

An Act to Exclude Social Security Benefits from Taxation (H. P. 1708) (L. D. 2257) (C. "A" H-659)

Tabled—April 10, 1984 (Till Later Today) by Representative Diamond of Bangor.

Pending—Passage to be Enacted.

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

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: Age does not remove the responsibility of citizenship, the proof is here in this House, we have many retired persons serving here, nor should remove the responsibility of contributing to the tax support when one is financially able to do so. I believe that a retired couple with an income of \$2500 a month or over \$30,000 a year is financially able to contribute to the tax support of this state.

The law states, I believe, that 50 percent of your Social Security income would be taxed if you fall in this income bracket and I do not believe that this will work a hardship on anyone.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I rise to disagree with the gentleman from Canton, Representative McCollister. I think it is a philosophical thing. He is discussing the fact that people who make \$25,000 a year, including their Social Security benefits, if they are a single individual are going to be taxable and \$32,000 if they are married.

I think the issue here is, and it is an important issue, do we tax Social Security benefits? That is what we are talking about. We are not talking about that income exclusion of the Social Security benefits, that is already taxable, we are talking about the taxable Social Security benefits, those benefits which those people made contributions through their lifetime to and are in a position and have succeeded in living long enough to collect those benefits. Now that is the question I have and I think it is purely philosophical in regards to this.

I think you know we make that contribution or those people have made those contributions knowing full well that they haven't been taxed, I just don't feel that it would be appropriate at the state level to go ahead and tax those individuals. Again, it just doesn't make sense. We are striking out at a group that has already paid a partial tax on these benefits through the payroll deduction because of the income that they have earned, those benefits have still been taxed at one-half, and I just don't believe that we should be treading into this area to tax Social Security benefits at this time and probably at any time.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I concur with the gentleman from Harrison's comments here and it was a unanimous committee report endorsing this concept.

The principle is very basic. Congress has chosen to tax these Social Security benefits for one reason and one reason only—it is to provide for more fiscal stability for our Social Security fund. It was not meant as an arbitrary income tax source for those states such as Maine which have income taxes, and therefore, I hope that you will accept this unanimous committee report as you have before.

The SPEAKER: The Chair will order a vote. The pending question before the House is on

passage to be enacted. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

102 having voted in the affirmative and 10 in the negative, the motion did prevail.

Signed by the Speaker and sent to the Senate.

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

Bill "An Act to Increase the Minimum Wage to \$3.55" (S. P. 835) (L. D. 2236)

Tabled—April 10, 1984 (Till Later Today) by Representative Diamond of Bangor.

Pending—Motion of Representative Gwadosky of Fairfield to Reconsider Acceptance of the Minority "Ought Not to Pass" Report of the Committee on Labor. (Roll Call Requested)

Thereupon, the House reconsidered its action whereby the Minority "Ought Not to Pass" Report was accepted.

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

Mr. CONNOLLY: Mr. Speaker, Members of the House: I hope that this body would not accept the pending motion. I hope that we would vote no and then we can move to recede and concur so that we can keep this bill alive and hopefully enact it later this week.

In keeping with the Speaker's remarks to keep the debate short, I just would like to say a couple of things very briefly.

Yesterday during the debate, Representative Dillenback got up and said that he didn't want to debate the issue but then he proceeded to read a letter from a constituent, a businessman from his district, in which the gentleman said that he supported, and Mr. Dillenback said that he agreed with him, an increase in the minimum wage, that he certainly felt, paraphrasing it now, that folks who worked for the minimum wage should have an increase but that it wasn't an issue that ought to be addressed by the state, it was an issue that should be addressed by the federal government. I would just like to respond to that argument because I think it is something that probably has a lot of people who aren't quite ready to support this bill on the fence and that may be the reason, at least up to now, that some of you haven't chosen to support the bill.

Right now there are two states in the union that have a minimum wage higher than the federal, the state of Alaska and the state of Connecticut. The District of Columbia also has a minimum wage that is higher than the federal. There are no other states. Maine then would join two other states and the District of Columbia.

The percentage of the work force across the country that works for the minimum wage is 6 percent, just about 6 percent of the total work force in the United States works for the minimum wage. However, in the State of Maine, 20 percent of the work force works for the minimum wage. There is a significantly higher percentage of people in the State of Maine who work for the minimum wage when you compare it with the rest of the states across the country.

I think all of us would agree, the federal government, given the present administration in Washington, is not about to enact at the federal level, at this point, an increase in the minimum wage. Someone, one of the states, has to begin to get the ball rolling, and it seems to me that Maine should take that position, not only because it is right but because of the significantly high percentage of the people in our work force that work for a low wage, that work for the minimum wage.

One final point, in 1971, the legislature, which was controlled in both bodies by the Republican party, enacted a minimum wage of a \$1.80, 20 cents higher than the federal minimum wage. The following year they increased that to \$1.90, 30 cents higher than the federal minimum wage. For more than two and a half years, the State of Maine had a 30 cent higher minimum wage than the federal government and the growth of the work force in Maine improved, it wasn't hindered. So I think the arguments that have been

made that if Maine takes this step that we are going to have a lot of businesses closing down, a lot of people laid off. I know it is an argument that legitimately concerns many people here, I just don't think that it holds water.

This is a chance for us truly in the sense of our motto "Dirigo—I lead," it is truly time I think that we can do something significant and I would hope that those of you who perhaps are on the fence, given the significantly high percentage of our people that work for minimum wage, would vote against this motion so then we could move to recede and concur.

Representative Gwadosky of Fairfield requested a roll call vote.

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

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, Members of the House: Very briefly, having been here while these minimum wages were raised and having seen the effect, we automatically had to raise taxes to take care of the high cost, and I don't have the figures this morning but they could be received very quickly, how much we increased the people on welfare. So what we did, we did eliminate some jobs, a lot of them, if what the gentleman from Portland just said was true, we wouldn't have had to raise all this extra money for welfare.

I assume that if we did raise this, this is another thing that we have to take into consideration, how much more are we going to have to raise to take care of these people that don't have a job. We are going to have to take care of them and the only way we know in the State of Maine is through welfare, and most of them would rather not be on welfare, they would like to be self-supporting. I represent a lot of proud people and they resent being on welfare, they would rather work and take care of themselves.

I see the need for a raise but I don't see a need for a measly little small raise like this that doesn't really help them that much when we increase the cost of everything else along the line.

The tradition has been that when we raised, and I voted for it each time, the minimum wage, we raised a small amount of money in pennies while the people on the top got a raise in the amount of a dollar or two and so this widened the difference between the two. This is the problem in Maine. The big problem in Maine is the difference between the top and the bottom and we are making it worse every time we meet. All we have to do is raise more money and tax people to pay for the people that we throw on welfare.

Now a lot of you people don't believe these people are going to move but I happen to be one of those that saw it happen before and it is going to happen again. A lot of this industry that is barely existing, and you might have some of it right in your own town, it is in my area, they just won't be there, they are just barely surviving and they have got to compete with the states below us that have a lot of cost built in—we have a lot of costs built in like heat we have to spend for our shops where they work and the amount of extra transportation and other things built in and they are already working at a very small profit and this will just force them to do business elsewhere. Most of them have plants elsewhere also.

I hope what we did the other day will stay and we will wait a year and see if we can't help these people with some other method besides welfare.

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

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: I have listened very intently and carefully to this debate and I can sit here no longer, particularly after the remarks that were just made.

I think that this bill represents a matter of simple dignity. Ladies and gentlemen, you are going to pay one way or the other. If you allow people to work for a meaningful wage or a little

more meaningful than minimum wage, you allow them to get off welfare, not on welfare.

I think that some of the gentlemen that are speaking on this bill should take a grocery cart and go shopping at Cattles sometime and try to feed your family on the kind of money we are talking about. I suggest that you go down to some of these stores and try to clothe your children on the kind of money that we are talking about. I think that is the problem, some of you don't go shopping enough.

We are talking about raising \$416 for the entire year; that is assuming that the person on minimum wage works five days a week, eight hours a day—\$416. I suggest to you it is simple dignity, simple justice. We claim we want to help people get off welfare, let them go to work and earn it, and the nonsense about it all being teenagers, that we are simply raising the rates of teenagers, I want to emphasize again what Representative Connolly said to you the first time he spoke. More than 60 percent of the people we are talking about on this minimum wage are between 20 and 65. Two-thirds of those are women and, believe me, they know how much it costs to push that cart through Cattles.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I didn't expect to speak a second time but I do have to respond to the remarks of Representative Dudley.

The argument that Representative Dudley makes that if we increase the minimum wage the cost of welfare and the programs that are run by the Department of Human Services are going to increase is simply not factual. We have fiscal information that we received yesterday from the Department of Human Services that clearly demonstrates that there would be a decrease in the cost to the state for food stamps and a decrease in the cost to the state for AFDC if the minimum wage is increased, just exactly the opposite of what Mr. Dudley argues will happen. If that doesn't convince you, if you accept his and other arguments that it is an unwise thing for workers if we raised the minimum wage, then I would think that someone would put a bill in to reduce the minimum wage, because if you accept that argument, if we reduce the minimum wage, we will be creating more jobs and offering more protection and I don't think anybody in this room buys that argument.

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

Mr. GAUVREAU: Mr. Speaker, Men and Women of the Maine House: I will try to be brief. As some of you know, I have had some difficulties in the past endorsing the concept of raising the state's minimum wage and for a long time I think I felt afraid of some of the arguments that are being made today against raising the minimum wage, the most significant one being that if we endorse the concept, if we raise our state's minimum wage, we will force marginal businesses to leave the State of Maine.

I had some problems with this bill being introduced and being debated so late in the session. I felt that we would not have time to adequately explore all the issues and implications that this bill raised. I have done a good deal of work on this for the last week or two and my earlier objections have been satisfied. My research indicates to me that the arguments against raising the minimum wage are, to coin a phrase used yesterday by the good gentleman from Durham—"bunk."

I would point out to you what the good gentleman from Portland indicated earlier in the day, that from 1971 to 1973, the State of Maine was one of three states in the nation to have a minimum wage above the federal standard and there is no evidence whatsoever to suggest that during that time, when the Republican-dominated legislature adopted that minimum wage, that the state in any way suffered or the business climate was adversely affected.

I think a point that was not brought out in this

debate and which really should be emphasized is the fact that for many people, certainly people in the city of Lewiston and I suspect many others in your districts, are stuck at a minimum wage. They do not simply attain minimum wage wages on an entry level position. Rather, they earn the minimum wage for five, ten, fifteen, twenty years. This point was brought home to me clearly over the weekend when I went out to talk to shoeworkers, to talk to textile workers, and address the concerns that were raised against the minimum wage. The argument that "folks, what you have now may not be good but if we raise the minimum wage, you probably are going to end up losing your job," that is a real concern. They told me to a person that that was not true. You could look in their eyes and you could see their desperation. You could see how difficult it was for them to work day in and day out at a minimum wage subsistence level.

It seems to me that the gentledady from Vassalboro was right on point when she tells you that what this bill is about is basic dignity, and if we have the courage today to take our stand and support the working men and women of this state, you will go along with me in urging that we reject the Minority Report so we can go on and accept the Majority Report of the Committee on Labor to raise our minimum wage.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Willey.

Mr. WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: There is one thing that I haven't heard mentioned here so far in the arguments and that is the increase in costs of hospital costs. There was a great todo about that a year ago, to contain hospital costs.

I have a letter here from a gentleman that is involved with the Pleasant Hill Health Care Facility here in Augusta, I believe. I won't read you the whole letter because it is two pages but anybody can read it that wants to. He said in part: "The 1984 payroll for Pleasant Hill will be just under \$90,000 including taxes and benefits. The proposed minimum wage will increase the payroll costs by over \$54,000. Included are not only actual wage increases to be paid but also the related FICA taxes, workers' compensation, vacation, holiday benefits and so forth. This is an increase of about \$1.60 per day per patient at this particular facility. By inference, the total cost escalation for long-term care program in Maine will exceed \$4,600,000 a year. Add the boarding care facilities and the costs become over \$6 million per year. Add the hospitals and costs becomes over \$11 million a year."

"Increased appropriations by the state and the federal government will exceed over \$9 million a year. Not counted are the community care centers, mental health and state run facilities. All this inflation in costs for no increase in efficiency and no increase in productivity, no improvement in health care facilities and after a pathetically short length period of time, no benefits for the employees' spending power." I think that that is a very valid argument.

All of these costs have to be passed on, somebody has to pay them. If it is hospitals or whatever it is, it is an increase in costs.

I thoroughly believe that there are some businesses that will move out of state, not just because they are marginal, but because they have an opportunity to move out of state and make more money than they would if they stayed here. All of those costs are going to be paid by somebody. Apparently there are a lot of believers in this body of Keynesian theory of economics and that can only work if you are a believer in it, it can only work by a government which has the power to print money. It can't increase in a state such as Maine or any other state. We don't have the ability to print money. Somebody has to pay for it one way or the other, so it is a never ending economic cycle to create inflation so that the cost of everything goes up, so wages have to go up, so that costs have to go up, so the wages have to go up and it goes on and on.

I would submit, too, you talk about 1971-72,



that the business atmosphere in the State of Maine was a heck of a lot better than it is today. Perhaps that is one of the reasons.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I am not in possession of the communication that was just read to you but I can tell you this, the committee and the proponents of this increase have certainly been looking at what the costs are going to be and we contend—what's new?

Since the last time the minimum wage was raised in this state, costs have gone up constantly for everybody and that will happen whether there is a raise in the minimum wage or not.

I stood before you and kind of lost my heart here yesterday when I looked at the vote and I probably expect to lose the rest of my heart when I see the vote again today. There isn't too much left of me to lose lately, but I will contend and I will restate as loudly and clearly as I can that this is an issue of fairness and equity. There isn't a state worker, a municipal worker, a state official, a State Representative sitting in this body, a member of management, a private sector worker, an AFDC worker, who has not received a raise of some sort in these past few years.

The minimum wage worker has been held in abeyance since the last time it was raised. The minimum wage has become their maximum wage. Are we really going to stand here today and say that the federal government is the only body that will ever grant over 100,000 workers in this state a raise? Are we willing to say that we don't have the guts to do something for these people at this time? Are we willing to say to them, you are going to have to wait?

We are the only body that can do something now, and if we haven't got the courage to do it, then I might as well give up, expect this bill to fail, send it down to the other body for the appropriate burial. But I will tell you something, maybe I am one of those that will be able to hold my head up proud when I go back home and report that this body failed to take action.

Ladies and gentlemen, we are not talking about 200 people in a plant somewhere, we are talking about over 100,000 people, people who have worked in firms for 17 or 20 years and the only time they have ever gotten an increase is when the federal government took action.

It is one thing to go to the grocery store and to go buy clothing for your children, or your grandchildren in my case, but look at the girl or the man who is stocking the shelves and working behind the counter, we must do something for them, as minimal as it may be.

I have sat in this body and I have heard people say that 10 and 20 cents and 30 cents isn't enough but I haven't seen anybody with the guts to come in here with an amendment to make it higher. The arguments are used but nobody comes forward with an alternative proposal.

We have tried to be fiscally responsible here on this issue. There is a potential to amend this thing to make it become effective a little later but apparently we are not going to get the opportunity to do that. I would think that you would at least let this thing go to second reading or at least allow it to go down to the other end of the hall and see what we can work out to make it more palatable, to give more planning time for business people and to at least give a little courage, not a handout but a handup to over 100,000 workers in our state.

The SPEAKER: The Chair recognizes the gentleman from Mt. Desert, Mr. Zirkilton.

Mr. ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: There have been a number of comments that have been made today and yesterday on this issue and I feel that I should respond to a number of them.

In this morning's Bangor Daily News, the gentleman from Waterville, Representative Jacques, who was quoted on a number of comments that he made yesterday, he was quoted as saying that if business wouldn't move into the State of Maine

because of a higher minimum wage, then we don't want them anyway, and of course the quote of "I spit in their eye." Well, with that attitude, anybody who assumes that attitude, does in fact spit in their eye, they spit in the eye of every decent, hard-working Maine citizen who is presently out of a job and is trying to find one.

The gentleman from Bangor, Mr. Diamond, yesterday said that 20 percent of Maine's work force works for the minimum wage and the gentleman went on to say that that is terrible. Yes, it is terrible, but why do we suppose that so many of our people are forced to work for the minimum wage?

The gentleman from Yarmouth, Mr. Ainsworth, said workers are leaving Maine and people on the outside are proud to hire Maine workers because they are dedicated and hard working, that is true. Why do you suppose that is, Mr. Ainsworth? Why do you suppose so many people are forced to leave the State of Maine? Could it be that we have the highest unemployment rate in New England?

Just a moment ago, the gentleman from Lewiston, Mr. Gauvreau, said that he has talked to shoeworkers. Well, then you know what the business climate is, Mr. Gauvreau, and you explain to the people in Rumford who used to work for the Bass Shoe Factory, more than 200 of them who just lost their jobs, you tell them the business climate is good and you tell them that they shouldn't be forced to work for the minimum wage. They don't have jobs. You tell them that raising the minimum wage in the State of Maine isn't going to affect their chances of finding employment elsewhere.

Finally, yes Maine, we do have a heart because we believe that working for the minimum wage is much, much better than not working at all.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I have been listening to the debate here and trying to restrain myself. It seems to me that the opponents of this, what they are saying is that in order to keep prices down, in the case of some health care or to create a business climate where we can have more jobs, that somehow 100,000 people in the State of Maine have a responsibility to support the economy by working for a subsistence wage.

Now, this sounds very similar to arguments that were raised in the last part of this country prior to 1860, that the economy of the country south of the Mason-Dixon Line would collapse if they were required to free the slaves and pay them wages and it was better for these slaves to be slaves than to be unemployed and wandering around the country with no jobs. This sounds very similar to those arguments, and I simply can't buy that the State of Maine should be operating an economy that requires 100,000 people to work for what is actually below a subsistence wage. If they have a family and they are working for this wage, they are not subsisting, they are being supported by other taxpayers in the form of either welfare, AFDC, or food stamps.

Again, I simply state that I cannot accept that it is the responsibility of 100,000 people in this state to work for subsistence or below subsistence in effect to subsidize the rest of us so that we can live in \$150,000 houses.

In the case of the management people in my area, the businessmen are telling me "we can't afford it." I campaigned in this district and I see these people who are against minimum wage, I see the houses they live in. I climbed the rickety stairs to the apartments of the people who are working for them for minimum wage so I see what goes on around.

I, myself, have worked for better than the minimum wage and the only way that my family and I could exist with dignity was because my wife worked at a job that paid more than mine, so don't try to tell me that it is the responsibility of these people to support the rest of us in the style that we would like to live in.

The SPEAKER: The Chair recognizes the

gentleman from Mt. Desert, Mr. Zirkilton.

Mr. ZIRNKILTON: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Brewer, Mr. Cox. Would the gentleman please tell me whether or not he believes that people are better off unemployed than they are working for the minimum wage? And if so, could the gentleman further go on by saying who is going to support these people and keep them living in a manner in which he would like to see them living?

The SPEAKER: The gentleman from Mt. Desert, Mr. Zirkilton, has posed a question through the Chair to the gentleman from Brewer, Mr. Cox, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: In the first place, the gentleman from Mt. Desert, Mr. Zirkilton's, question assumes that these people are going to be unemployed, all of them, if we raise the minimum wage. I reject this. There may be a few marginal businesses that will fold but I am sure that there will be other businesses that will come in to fill the vacuum. We always have a certain amount of unemployed, and the assumption is that there is a permanent class of unemployed that is always unemployed, I reject that. The largest portion of people that are unemployed are probably between jobs. The business they have been working for has closed and they have a brief period of unemployment while they are looking for another job. People for some reason lose their jobs and are searching for another job, so I simply reject the assumption on which the gentleman's question is based.

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

Mr. BAKER: Mr. Speaker, Members of the House: I was reminded some months ago by my local Chamber of Commerce of a publicity campaign that they run when they wish to attract industry into the State of Maine. One of the slogans that they use is that in Maine, Maine workers give you a day's work for a day's pay. They pride our work force on being a good, hardworking, work force.

Another point I also want to mention is that we have been hearing a lot of talk about the business climate of this state. The business climate is not something that you can objectively measure like the weather. The business climate is determined solely by those businesses which wish to determine what the climate is going to be so they can either invest or withhold their investments.

This state has done a lot for the business climate. I should remind you of the efforts that were made on behalf of Pratt & Whitney, on behalf of Bath Iron Works, and the fact that we are now considering an incentive an Ethanol plant. This state constantly bends over backwards to assist industries, very often with no concrete guarantees from those industries whatsoever as to what their investment policies are going to be.

I was told by a constituent of mine who lobbied me against this particular bill that if you raise the wages this would be bad for investment, and I replied to him that it doesn't matter if we keep the minimum wage where it is because wages will still go up in many industries where workers are represented by unions and have the collective bargaining process.

A while ago the member from Enfield, Mr. Dudley, mentioned that he was opposed to the inequity, the widening gap between the lower paid workers and the higher paid workers. I submit to you that the gap between the have-nots and the haves will increase if we maintain the minimum wage where it is because those workers who are represented by the labor movement will manage to get some sort of increase.

We are experiencing over the past few years already a great inequity in terms of incomes, they are getting wider and wider, and I submit to you that when you have a situation like that, you start to tear apart the moral fiber of this country. I do not think that we can afford to have a situ-

ation where the gap in incomes gets deeper and deeper and wider and wider. We have seen the effect of that in many of our large cities.

Finally, I want to talk a little bit about the employment issue. It has been mentioned here whether or not is best to have no job or low paying jobs. You cannot take the minimum wage totally out of context from an overall strategy to deal with unemployment. I have been an advocate of the Hawkins-Humphrey Full Employment Law for the last six years. It is a law that is on the books that directs the President to put forward a full employment budget with targets designed to achieve full employment under strategy. Nothing is being done about implementing the Hawkins-Humphrey Full Employment Law but that is something that has to be done.

Finally, the question of divestment, that is of business wishing to leave the state, I can only say this—when they leave, they don't take the natural resources, they don't take the buildings, they don't take the workers, they take the capital. We have means to put the capital back and we have a law on the books that can allow employees to buy out these businesses, we passed it last year so we have the means, if we choose, to put people back to work. We have those means, we can do that.

We should pass this bill and we should pass it today.

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

Mr. RIDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to take too much time but I feel that I should get up and talk. I have been here four years and listened to this thing kicked around all the time that I have been here.

As most of you know, I have been a businessman, small businessman, for better than 25 years and there has been times when it has been a struggle. You can use all the fancy charts that you want, you can dig out all the information about this and what they should do and what they shouldn't do. I am not a real economist but I learned the hard way and it boils down to this—if you have got to pay more for your help, the employer has got one or two things that he has to do, he can either absorb it and get less wages for himself or he can increase the price of his product.

I have made parts for aircraft most of my life and I will admit that there isn't many people working for minimum wage that are buying airplanes; nevertheless, it reflects all the way down through. When you go to the store now and you say prices are high and the guy working for the minimum wage can't afford it, if they have to pay out more money because of this minimum wage, I am sure that there isn't many of them that are going to absorb this themselves, they have got to pass it on. So the next time you go to the store, the prices will reflect this. I mean, this is just simple plain arithmetic and it doesn't take very long when you look your books over to find out whether you are making any money or you can meet the payroll the next month. It is as simple as that, it is like a dog chasing his tail.

Mrs. Beaulieu of Portland was granted permission to speak a third time.

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: A question, kind of unfair, but a question was posed a few minutes ago as to which is better, to have a low paying job or to be unemployed? Ladies and gentlemen, an unemployed worker can collect unemployment compensation, is eligible for food stamps, sometimes rental assistance, medicaid, taxpayers' dollars in effect subsidizing maybe the business climate of the state?

The minimum wage earners and the overwhelming majority cannot get this help. He pays the same \$25 per visit for the doctors; the same \$1.09 for the same loaf of bread that the \$30,000 or \$40,000 wage earner is paying. They are subject to the same rental increases and their light bills and their heating bills and their telephone bills don't go down.

The potential \$8 that we might be able to put into their pockets is not money that is going to go into the bank, it is going right back into the economy.

Granted, the prices may go up because the businessman will feel that he needs to make ends meet and in order to maintain his capital gain and his profit margins he will go up on the cost, but I am sure that he is also going to welcome that minimum wage worker who is going to be going into his store with a little bit more buying power.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I don't intend to spit in anybody's eye today; I think they have all had their fun with that, but I would just like to make a few comments. I am sorry that I missed the good gentleman from Mt. Desert, the Casey Kasem of the 111th Legislature's comments, because I was working on the wood measurement but I do get an idea of what he was trying to do.

The only thing that bothers me is if we follow the mentality of the good gentleman from Mt. Desert that we cannot raise the minimum wage because businesses are doing real good, the business climate is right and we don't want to ruin it and then you turn around and say, well we can't raise the minimum wage because the business climate is bad and it is going to hurt them so we can't do it now, we could go on until time ad infinitum and we would still not raise the guy on the bottoms pay. I have yet to find or hear anybody tell us how we could solve that problem.

There has been a lot mentioned on being able to compete in today's market and that raising the minimum wage would cause severe complications on these companies being able to compete. Well, I would submit to you that all they will have to do is like most of these companies do, they get together, the board of directors say, we have got to do something to increase our profits and somebody comes up with the idea of, let's go to some poor country somewhere where the people are so far down that the bottom looks up and we can do just like we used to do to the people in this country before the unions started forming and making these people work for a decent wage, and what we will do is offer them peanuts and because these people don't know any better, we will take advantage of the situation and then we can turn around and give our people who own shares in our company bigger profits. Well, that is a wonderful idea, let's move out, and so they go to these second world countries and take advantage of the situation.

Some people think that these second world countries are ignorant and illiterate but I can tell you one thing, they are a lot smarter than we are in some ways. In the shoe industry, when you export some shoes to their country, first thing they do is mark it up about 10 times the price of what it should be to make sure that their people don't buy our shoes, they buy their shoes. Then in this country, we turn around and take these cheap shoes in here and we take them in and we take them and we take them in with no quotas and we ultimately force the people of this country to buy them because a lot of them make the minimum wage and can't afford anything else but the junk that we bring in from other countries.

We can laugh at these other countries all we want but, they may be uneducated in some ways but when it comes to simple, pure economics, they are a lot brighter than we are.

I wonder if we follow the reasoning of the good gentleman from Mt. Desert, when the time will be right for minimum wage to be increased for the people who are working for the minimum wage in this state. When will the time be right? I doubt that it ever will.

#### House at Ease

The House was called to order by the Speaker.

The SPEAKER: The Chair recognizes the gen-

tleman from Yarmouth, Mr. Ainsworth.

Mr. AINSWORTH: Mr. Speaker, Ladies and Gentlemen of the House: Before we left, I did want to get up on the floor for just a second. I hope that Mr. Zirkilton will rise very quickly because he referred to me a little while ago and I just wanted to answer him as best I could.

He mentioned something about people going out of state and so forth but he took my words out of context. I mentioned our workers going out of state and being welcomed to another state because they are terrific workers. One of the biggest reasons they leave the state is because of the minimum wage and I can prove it every day. We want to keep our workers, especially the young workers, in our state, there is no question about that. No one today has mentioned the spinoff that takes place when more money is poured back into the economy.

Before I sit down today, I am going to make this very brief, I would like to mention the words of the gentleman who is on TV all the time and you see him all the time and in answer to him and to you, how does a Maine worker get his wages? I am going to say to you, he "earns" it.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. McHenry.

Mr. MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I heard that by increasing the minimum wage we are going to do away with some jobs, we are going to fold up some business. You know, for the past three years the United States of America has had more businesses going out of business, we have had more unemployment than we have ever had and we have had no increase in the minimum wage. How come? Can you explain that to me?

A minimum wage increase of 20 cents, 40 hours a week, means \$8 a week, means \$416 a year. At 100,000 employees, this means \$41,600,000 into the economy, directly into the economy of the State of Maine. What better industry can we have?

As far as the inflation rate, it has gone up 15 percent in the past three years. Those employees on minimum wage, zero. All we are saying is give them 2 percent; it is 6 percent right now which comes out to 2 percent per year—big deal—that is no big deal to me.

I for one believe we keep ignoring the minimum wage as we have kept ignoring indexing, as you people know, and I, as a Democrat, did fight for indexing in this House but we refused to handle it—what happened? The people took it into their hands. Well, I might suggest that the people may take it into their hands, the minimum wage, and tie it to inflation and give themselves a good raise, a real good raise which they deserve, the good working people of the State of Maine, but we, the great intelligent people of this House, probably think they are too stupid to do it or too lazy to do it.

We might have some good news in the future. I, myself, think it would be good news if it would move.

Why is it that a House which is dominated by Democrats is voting against the minimum wage? It boggles the mind of people that have not been involved in politics too too long.

I remember when I first came here, this House was Republican, the Senate was Republican, we had a Democrat for a Governor, and guess what? The best legislation for working people was passed in this House and other body—why, why is that? Today we have a Democratic controlled House, a Democratic controlled Senate and we have a Democrat for a Governor and we can't seem to do a darn thing to help our working people. Why? Well, I have come to the point where I think I know—maybe I am wrong, I can stand to be corrected, but when you have working people, Democrats, who supposedly represent the working people here and before we had Republicans who supposedly represent the business people, not all, just like Democrats, not all, but in those days the reason was that a Republican that was running for office said, hey, I had better do something for those little working



people; otherwise, they might find some opposition and they might work their butts to get me out of here. Well, today the situation is reverse. We have Democrats here that are afraid that the business people are going to put up some money to defeat them. They will put up candidates to defeat them if they vote for the working people, that is my opinion. I may be wrong but I think I am right, that is the fear of those people. I say, stand up and be counted for what you are.

I have never in my whole life, in all my 10 years in politics, I have never ever promised a thing to my constituents except to do the best I can for them and when I sit here, I think, how would they vote if they had the opportunity to vote? I believe in my opinion that I am doing what is right for my people and I am going to vote for minimum wage until I hear from my people that they don't want it.

How many people here have sent out the questionnaire if they wanted an increase in the minimum wage? I will tell you, my people want it. I wouldn't fear putting it out to referendum, not one bit, because that is the way we can go. I can vote for it here but I can also send it out.

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I hadn't intended to speak on this minimum wage bill yesterday nor today. I have served in this legislature going onto 12 years and it is the first time that I have spoken before you on an issue that concerns me primarily, I guess, on the timing of the bill that we have before us.

Yesterday there was mention that some of us may not have a heart. When I leave this body, hopefully in the next week or two to go back to what I normally do full-time, I am going to have to make a decision on employees that I hire for the summer program. We are just a small town in central Maine and we use five to six employees in a summer program for recreation or maintenance. Some people probably agree with me today but I did an analysis last night and I am going to be faced with either not hiring one of those individuals or I will have to cut back the hours. You might say that is not going to be a substantial loss; however, if I do cut back on those individuals that I normally hire for 25 hours, I am going to have to go with 20 to meet my budget that was approved in March. I am sure that there are a lot of communities out there that are in the same situation that I am.

Just to give you a simple figure on what it means to those five or six individuals, if I hire them as I normally do in the summer at \$3.35, they would receive \$670 for an eight-week program. If this bill passes, I would only be able to use them 20 hours and they would receive \$568, so there is a loss to those students out there of \$102.

The students that come in and talk to me in a small community are not interested so much in the hours or the hourly pay, what they are concerned about is the amount of money that they are going to earn during the summer that will help buy those clothes and necessities to start school the next Fall.

I also wanted to mention that it will mean an increased cost in our Workers' Compensation, it means an increase in our Social Security, it is not substantial but it is an increase. Our budget is put together and our budget is close. Where do I take those funds from? There is only two accounts that I am allowed to overdraft and that is winter maintenance and general assistance.

I wanted to mention one other program that is close to a lot of our communities, it is the JPTA act that was formerly CETA. We received an application two weeks ago that these students will be able to work 25 hours. Now my concern is that if this bill passes, there is going to have to be adjustments in those hours. There is only so much money there and I would imagine that they would either allot those students less hours or there would be some layoffs. I haven't talked to those people because I sent my application

in last week for three additional students.

I also further mentioned that a lot of your small communities have ambulance and fire personnel that are on an on-call basis. We are one of those communities. We normally run about 2,000 hours a year and if this bill passes, it is going to be a one-half year cost to us. It is only \$400 if this should pass, but I guess it concerns me that, if this should go into effect this summer, I have to make a decision of hiring only four or I cut the hours back, that is why I am going to vote against this bill today.

Mrs. Beaulieu of Portland was granted permission to speak a fourth time.

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: The issues raised by Representative Strout have certainly been discussed by the majority of the people on our committee. There is no doubt that we wish to take some action concerning these particular areas. If you had a federal program, it is possible to amend the bill to say that the federal wage would prevail if it is a federally funded program. We are not going to have the opportunity to address those issues unless we get a favorable vote here today to give us an opportunity to get the issue to second reading. That question before you is a critical question.

We ask you to reconsider so that we can recede and concur and then do the job to address the concerns that have been raised by so many of you.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Cooper.

Mr. COOPER: Mr. Speaker, Ladies and Gentlemen of the House: I had not intended to address the body today but because of the item that Mr. Strout brought up, I feel that I should. I didn't want to speak because I am still trying to collect data. This has happened quite quickly and I think the gentleman from Fairfield was correct when he said that there really wasn't time to do a good study of this issue. I am still trying to get any facts together that I can.

One of the things that I have done is check with my local job training apprenticeship program in Cumberland County which has a county commissioner. I was in part responsible for running and it is called the Training Resource Center. I also checked with the state program and one operated by the Penobscot Consortium to find out what the effect would be on the summer youth program.

The summer youth program, for some of you who are not familiar with it, is a program targeted to AFDC recipient youth whose parents are AFDC recipients or who are handicapped or the income guideline—I don't know exactly what it is, I do know that if you are earning minimum wage, you earn too much, so it is targeted at a very poor group of people and the United Way Social Planning Committee on which I serve in Cumberland County has determined that idle youth is one of the top five problems that exists in that county so this program will affect it.

The figures, again, were off the top of the head of the people that I talked to because of the shortness of time, but it was their guess that they would probably go with the new minimum wage. It is what they have done. In fact, they thought that unions might be upset if they didn't and in fact it is somewhat of a tradition that they do this and their intent at this point was to continue with the new minimum wage if it increased.

There was a possibility of cutting back on hours. There is concern that once you go below a certain number of hours, it is not a useful program to help train youth in the work ethic because they are going a couple of days a week or for a few hours each day a week, so if you cut back to 15 or 20 hours, it gives them a little money, probably not enough to do too much, but it also does not help them develop the work habits that we hope they will develop. So, the alternative to that is to hire less students for the summer, but it appears that the result would be probably a loss of between 150 to 200 jobs for students this summer if this went into effect this summer.

I would ask you to carefully consider this. As I said, I am still trying to get more information on other things but at least so far it appears that in fact there would be a loss of jobs, which has been debated here at great length, as far as the general populace goes. As far as youth goes, it seems to me almost certain that there would be a loss of jobs and I would ask that you keep that in mind as you vote on this bill today.

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

Mr. MATTHEWS: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from East Corinth. My question to Mr. Strout is that if he has served in this legislature, and from what I have seen in my term, served very admirably, served for the last 12 years in this body, was he a part of the Republican legislature at that time that voted for a higher minimum wage and how did he vote?

The SPEAKER: The gentleman from Winslow, Mr. Matthews, has posed a question through the Chair to the gentleman from Corinth, Mr. Strout, who may respond if he so desires.

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

Mr. DIAMOND: Mr. Speaker, Men and Women of the House: I hate to prolong the debate on this issue anymore and if I didn't believe in the matter before us so strongly, I wouldn't do so.

We have talked about so many different things today, this afternoon, this morning and yesterday that I afraid that possibly the overall bigger picture might have been lost in the debate over whether or not our business climate is 43rd in the country or 44th or whether or not we are going to lose two jobs or 20 jobs, whether or not we are going to gain jobs from the passage of this proposal.

There are several questions that have been raised by the opposition on this and basically they are two: One is, what is the impact going to be on the business climate of this state? It is a legitimate question and I respect the fact that members of this body are so sensitive to that concern. It is something that we have all been concerned about for the last few years and all of us, both Democrats and Republicans, have been working to better that business climate.

The concern is, what will increasing our minimum wage do, what kind of an impact will that have and how attractive will Maine become if we do that and how attractive will it remain if we don't enact this law? I think if you will look at the statistics, there are a number of things that businesses look at in deciding whether or not a state has an attractiveness to them as far as the business climate goes. It goes way beyond whether or not we have a minimum wage that is equal to that in most other states, there are several factors. You have to look at the cost of labor in general, and if you look at Maine's labor costs and the average wage of Maine workers, it is substantially lower than that nationally. Maine is attractive if you will look at labor costs. I believe we are 16 percent below the national average and if you deduct the paper industry, we are 25 percent below the national average. So again, if you take a look at whether or not the cost of labor in Maine is something that is going to discourage business, it is not now and it won't be if we increase the minimum wage.

You have to look at transportation costs; that is something that has no relation on this argument here but that is something that business look at in determining whether or not a state is attractive from a business standpoint. You have to look at the available natural resources and we have an abundance of that and we have been able to capitalize on many of those.

We also have to look at the work ethic of the people of our state, something that has been vital to our success as a state in the past. In fact, a few years ago, the work ethic was in some sense our greatest state export. A lot of our people were being drawn into other states where the jobs paid much higher than they pay in Maine because of the strong work ethic; that is some-

thing that people around this nation respect and recognize.

Maine people work hard and they work for every penny that they get. If you simply imply that if we raise our minimum wage, something involves 20 percent of the work force of this state, then it simply does not take into consideration the other factors that businesses look at in determining whether or not they are going to locate or relocate or stay in Maine.

The other argument that the gentleman from East Corinth, Mr. Strout, brought up was the potential for lost jobs, that if we are actually going to lose jobs and in the long run we will be worse off than we are now. I don't buy that argument, it doesn't take into account an economic reality.

I don't think, except for probably Mr. Dillenback, that there are any economic experts in this body, I certainly am far from one, but I think it is generally accepted that those people who make less wages than those at the top tend to put their money more directly back into the economy.

We have talked and President Reagan has talked about the fact that if you give tax benefits to those at the top of the ladder, if you give the big corporations tax cuts, that they will take that money and they will reinvest it in retooling factories and creating jobs. That remains to be seen. I don't believe it is going to happen. But one thing that all sides agree on is the fact that if you give money to those people at the bottom of the ladder, either directly through a government subsidy or indirectly through encouraging a higher based wage, that that money does go back into the economy at a far greater rate. They spend that money on food, clothing, shelter, the essentials of life, and those are the things that have the so-called trickle down effect on society and our economy, much more so than investing in Taiwan expansion of Bass or some other shoe company.

We have two important factors that we have to look at and the arguments have been made very well by those people who have been trying to defend those positions but they are wrong in my opinion. I don't think we are going to find a loss of jobs if the economic theorists are correct. Stimulating the economy by allowing those people at the very bottom of that ladder to go out and buy a little more than they have in the past is going to create jobs.

Then we have to look at the arguments for this proposal, they are very significant, they are substantial arguments. What will happen if we give the people at the bottom of the ladder an increase in minimum wage? Certainly it is going to help them as individuals. We talked about the working poor, we are trying to help them. Right now the working poor, those people who work at minimum wage, are \$3,000 below the poverty level if you look at them as a member of a household of four. We subsidize them. Their businesses don't subsidize them, their employers don't subsidize them, the government subsidizes them through food stamps, through other forms of assistance, and it is not government at the federal level necessarily, it is government at this level, government at the local level. We take care of those businesses by underwriting their costs so they can pay their employees less.

If we give those people that minimum wage increase it is going to cut down state government costs. Representative Beaulieu pointed that out in talking about what an impact it would have on health costs and dealt with the argument from the gentleman from Hampden. It will reduce costs to municipalities because it will reduce the burden of general assistance on them. It will get people working; it will encourage them to work.

So many people in this body, time and time again, get up and criticize those people who say they are the welfare cheats, the people who take advantage of the system. Well, in some ways government encourages that and we know it and we try to fight it, but if you can make working more attractive to them by providing them with

a little greater reward financially, then it is going to become something that will be more appealing to them and they are going to be less likely to take advantage of the system.

It will stimulate the economy, as I pointed out, and we have the economic background to prove it. It will provide dignity for those people who work at that base wage. Most importantly, I think, it is going to show a recognition on the part of this legislature and of this state that our people do not receive sufficient compensation for their efforts—\$3.35 an hour was determined to be the minimum standard as of 1981 and even then we realized that it was less than adequate. In fact, if you look at the real standard, an employee would have to make \$4.75 an hour to meet the poverty level that I just talked about. The \$3.35 was adequate in 1981; there is no reason to believe that it is adequate now. The cost of living has gone up 16 percent, their buying power has decreased by 16 percent.

We have an opportunity to do something for the people at the bottom of the ladder, something that should have been done a long time ago and something that won't be done at the federal level, unfortunately.

Once again, I must point out that we have done a lot at this level and at the federal level over the last three and a half years to help those people at the top of the ladder. We have given them all kinds of breaks, we have given businesses, those people who are employing the people we are talking about, tremendous advantages—accelerated cost recovery, safe harbor leasing, you name it, you can go right down the list. I have a list here a mile long, not quite a mile long, that deals with the benefits that this legislature has passed such as tax conformity in the past and full conformity coming up shortly. We have done a lot and here we are asking to do something to give people who work 40 hours a week, and not a lot of these people do that, \$8 a week more to help them increase their buying power and help get them back on their feet and keep their motivation to work there. I just can't believe that we would fail to enact this piece of legislation when it is of such a vital interest to the working people of this state, 20 percent of our work force.

I appreciate your listening to me, I plead with you to support this proposal. Mr. Speaker, I believe the motion is to accept the "Ought Not to Pass" recommendation?

The SPEAKER: The Chair would answer in the affirmative.

Mr. DIAMOND: Then I would ask you people to vote to oppose that motion.

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

Mr. MAYO: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I just want to say that there is a way to address the concerns that the gentleman from Corinth, Mr. Strout, and Representative Cooper have raised, but those must be done in the form of amendment at second reading. I plead with you to let this bill go to second reading so we can address those concerns.

I would also like to concur with the good gentleman from Madawaska, Mr. McHenry. This is a question of personal courage. I intend to go home to my town of Thomaston tonight with my head held high saying to myself that I have done the right thing, not the politically expedient thing.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Tuttle.

Mr. TUTTLE: Mr. Speaker, Ladies and Gentlemen of the House: I will try to be brief. I haven't said anything on this issue so far but I think I have an input that probably a lot of you don't. I come from a working class family. Many of my relatives, including myself, have worked for the minimum wage in the shoe shop, in the textile mill and as common laborers in the State of Maine.

I am sure that we all realize, as was mentioned before, that often working for the minimum wage is the same as working for the maximum wage. I would like to read a quote that I read last night

from Thomas Jefferson, something I think that applies to this issue and to us today. He said: "History shows us that if those who can most afford it forget about those who can least survive based on the premise of expediency or profit alone, then those who support this wrongdoing will not long prevail."

I think as Mr. Connolly has said, the State of Maine has always been known for its motto, "Dirigo" which is "I Lead." I hope that the Maine Legislature would go on record today in leading the fight for the working poor of the State of Maine and support this legislation and go on record again as leading once more.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. McHenry.

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: Just a little bit of information here. We all know that it is 20 percent of the people of the State of Maine that are working for minimum wage but do we also know that we are the state with the highest percentage of millionaires? Not because we are a vacationland, Florida is more of a vacationland than we are and I would hope that the Democrats that are voting against this, because the Republicans are 100 percent, they are totally supportive of killing this bill, but there are two Democrats that did get up out of the 20 and explained why they did what they did and I wish the other 18 would get up and tell us why.

The SPEAKER: A roll call has been ordered. The pending question is on acceptance of the Minority "Ought Not to Pass" Report.

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

Mr. MACOMBER: Mr. Speaker, I ask leave of the House to pair my vote with the gentlelady from South Portland, Ms. Benoit. If Ms. Benoit were present and voting, she would be voting no; I would be voting yes.

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

Mr. RICHARD: Mr. Speaker, I ask leave of the House to pair my vote with the gentleman from Lewiston, Mr. Telow. If Mr. Telow were present and voting, he would be voting yes; I would be voting no.

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

#### ROLL CALL NO. 474

YEA—Allen, Anderson, Armstrong, Bell, Bonney, Bott, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Conary, Conners, Cooper, Cote, Crouse, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Greenlaw, Gwadosky, Higgins, L.M.; Holloway, Ingraham, Jackson, Joseph, Kiesman, LaPlante, Lebowitz, Livesay, MacBride, MacEachern, Manning, Masterton, Masterton, Matthews, K.L.; Maybury, McGowan, McPherson, Moholland, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Parent, Perkins, Pines, Pouliot, Randall, Reeves, J.W.; Ridley, Roberts, Robinson, Roderick, Salsbury, Scarpino, Seavey, Seherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Soule, Sproul, Stevenson, Stover, Strout, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

NAY—Ainsworth, Andrews, Baker, Beaulieu, Bost, Brannigan, Brodeur, Carroll, D.P.; Carter, Cashman, Chonko, Clark, Connolly, Cox, Crowley, Diamond, Erwin, Gauvreau, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Jalbert, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, Lehoux, Lisnik, Locke, Mahany, Martin, A.C.; Martin, H.C.; Matthews, Z.E.; Mayo, McColister, McHenry, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Nelson, Norton, Paradis, P.E.; Paul, Perry, Racine, Reeves, P.; Rolde, Rotondi, Stevens, Swazey, Tammara, Theriault, Thompson, Tuttle, Vose, The Speaker.

ABSENT—Carrier, Carroll, G.A.

PAIRED—Benoit, Macomber, Richard, Telow.

77 having voted in the affirmative and 68 in the negative, with 2 being absent and 4 paired,

the motion did prevail.  
Sent to the Senate.

The Chair laid before the House the first 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 10, 1984 (under suspension of the rules) by Representative Mitchell of Vassalboro.

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

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: This bill was vetoed a couple of weeks ago by the Governor. It was the original General Fund bill to inject some money into the Fisheries and Wildlife Department. The other bill which accomplished the same thing is now on the Governor's desk. It has been passed by both Houses and hopefully the Governor will sign it. So at this point this bill becomes moot and I would urge you all to vote to sustain the Governor's veto.

The SPEAKER: The pending question is, shall this Bill become law notwithstanding the objections of the Governor. According to the Constitution, the vote will be taken by roll call. This requires a two-thirds vote of all those present and voting. All those in favor of this bill becoming law notwithstanding the objections of the Governor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 475V

YEA—Anderson, Armstrong, Bell, Bonney, Bott, Brown, D.N.; Cahill, Callahan, Conary, Connors, Curtis, Davis, Day, Dexter, Dillenback, Drinkwater, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Lebowitz, MacBride, Martin, A.C.; Masterman, Masterton, Matthews, K.L.; Murphy, E.M.; Murphy, T.W.; Parent, Pines, Racine, Randall, Reeves, J.W.; Robinson, Roderick, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.W.; Sproul, Stevenson, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilston.

NAY—Ainsworth, Allen, Andrews, Beaulieu, Bost, Brannigan, Brodeur, Brown, A.K.; Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Dudley, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Jalbert, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kiesman, Kilcoyne, LaPlante, Lehoux, Lisnik, Livesay, Locke, MacEachern, Macomber, Mahany, Manning, Martin, H.C.; Matthews, Z.E.; Maybury, Mayo, McCollister, McGowan, McHenry, McPherson, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Paul, Perkins, Perry, Pouliot, Reeves, P.; Richard, Ridley, Roberts, Rolde, Rotondi, Smith, C.B.; Soucy, Soule, Stevens, Stover, Strout, Swazey, Tammaro, Theriault, Thompson, Tuttle, Vose, The Speaker.

ABSENT—Baker, Carrier, Foster, Telow.  
50 having voted in the affirmative and 96 in the negative, with 5 being absent, the Governor's veto was sustained.

The Chair laid before the House the second tabled and today assigned 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) (H. "A" H-631).

—In House, Passed to be Enacted on April 9, 1984.

—In Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-371) as amended by Senate Amendment "A" (S-393) thereto in non-concurrence.

Tabled—April 10, 1984 by Representative Carter of Winslow.

Pending—Further Consideration.

On motion of Representative Carter of Winslow, the House voted to recede and concur.

#### Bills Held

Bill "An Act to Limit the Authority of the Public Utilities Commission to Award Compensation to Intervenor" (S. P. 763) (L. D. 2071).

—In House, Passed to be Engrossed as amended by Committee Amendment "A" (S-370) and House Amendment "A" (H-683) in non-concurrence on April 10, 1984.

HELD at the request of Representative Connolly of Portland.

Representative Connolly of Portland moved that the House reconsider its action whereby the Bill was passed to be engrossed.

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

Bill "An Act to Amend the Forest Fire Control Laws and Change the Method of Funding Forest Fire Control Services" (Emergency) (H. P. 1581) (L. D. 2093).

—In Senate, Majority "Ought to Pass" in New Draft Report of the Committee on Taxation read and accepted and the New Draft (H. P. 2347) (L. D. 1782) passed to be engrossed in non-concurrence.

—In House, House Insisted on its former action whereby the Bill and Accompanying Papers were Recommitted to the Committee on Taxation on April 9, 1984.

HELD at the request of Representative Jackson of Harrison.

On motion of Representative Jackson of Harrison, the House reconsidered its action whereby it voted to insist.

The same gentleman moved that the House recede and concur.

On motion of Representative Higgins of Portland, tabled pending the motion of Representative Jackson of Harrison to recede and concur and later today assigned.

#### Passed to Be Enacted

An Act to Amend the Laws Regarding Bail (H. P. 1844) (L. D. 2439) (H. "A" H-686).

An Act to Clarify Certain Portions of the Reapportionment Laws (S. P. 862) (L. D. 2342) (H. "B" H-670).

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.

#### Senate Papers

Bill "An Act Making Authorizations and Allocations Relating to Federal Block Grants for the Expenditures of State Government for the Fiscal Year Ending June 30, 1984" (Emergency) (S. P. 914) (L. D. 2461).

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

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

Under suspension of the rules and without reference to a Committee, the bill was read twice and passed to be engrossed in concurrence.

Bill "An Act to Provide Funding from the Blueberry Industry Tax to Promote Market Development for the Blueberry Industry" (S. P. 775).  
Came from the Senate Indefinitely Postponed.

(The Committee on Reference of Bills had suggested reference to the Committee on Taxation.)

On motion of Representative Michael of Auburn, the Bill was indefinitely postponed in concurrence.

#### Non-Concurrent Matter

An Act Relating to Enforcement of Land Use Laws (S. P. 900) (L. D. 2418) (H. "A" H-676) which was Passed to be Enacted in the House on April 10, 1984.

Came from the Senate, Passed to be Engrossed as Amended by House Amendment "A" (H-676) and Senate Amendment "A" (S-394) in non-concurrence.

The House voted to recede and concur.

#### Orders

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

ORDERED, that Representative Nancy N. Masterton of Cape Elizabeth be excused April 12 and 13, 1984 for personal reasons.

Was read and passed.

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

The following Communication:

Committee on Aging, Retirement and Veterans  
April 10, 1984

The Honorable John L. Martin

Speaker of the House

111th Legislature

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Aging, Retirement and Veterans during the second regular session of the 111th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	8
Unanimous reports	6
Leave to Withdraw	5
Ought to Pass	1
Ought Not to Pass	0
Ought to Pass as Amended	0
Ought to Pass in New Draft	0
Divided reports	2

Respectfully submitted,

CHARLES G. DOW

Senate Chair

DANIEL B. HICKEY

House Chair

Was read and ordered placed on file.

The following Communication:

Committee on Agriculture

April 10, 1984

The Honorable John L. Martin

Speaker of the House

111th Legislature

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Agriculture during the second regular session of the 111th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	17
Unanimous reports	14
Leave to Withdraw	3
Ought to Pass	3
Ought Not to Pass	1
Ought to Pass as Amended	4
Ought to Pass in New Draft	3
Divided report	3

Respectfully submitted,

EDGAR E. ERWIN

Senate Chair

JOHN M. MICHAEL

House Chair

Was read and ordered placed on file.

#### Passed to Be Enacted

An Act to Establish a Right of Action for Wrongful Imprisonment (H. P. 761) (L. D. 992) (H. "A" H-664 to H. "A" H-591).

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

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

Mr. HIGGINS: Mr. Speaker, I wish we might have a brief explanation of what this bill does, please.

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

The Chair recognizes the gentleman from

Westport, Mr. Soule.

Mr. SOULE: Mr. Speaker, Ladies and Gentlemen of the House: This was the result of a bill that was introduced in the last session by an individual who had been imprisoned and later pardoned and was in seeking some compensation for his wrongful imprisonment.

The Judiciary Committee studied this bill for a long time. We finally determined that under current law there was really no right of action available to him, and based upon the evidence that we heard under the circumstances of a regular committee hearing, there was really no way that we as a committee should be giving money to a person as compensation for that kind of a wrong. What developed from that is the bill that you now have before you. This provides a right of action for somebody to sue the state in the event that they have been wrongfully imprisoned.

The safeguards are as follows: It requires that the person must have been convicted for a crime, they must have either served time in a penal institution or paid a fine, they must have been pardoned before they can even bring the action. Once they have that right to bring the action, they have to prove by a preponderance of the evidence that they were wrongfully imprisoned before a court, before a judge.

In addition to that, there is a limitation of their recovery, a dollar amount limitation of \$100,000. There is further a two year statute of limitation from the date of the conviction.

It was the thought of the committee that there ought to be some method for those very, very rare cases where somebody is wrongfully imprisoned to have redress against the state. That is the reason for the bill and that is what the bill does.

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

An Act Relative to Group Legal Insurance (S. P. 906) (L. D. 2437) (H. "A" H-689).

An Act to Amend the Provisions of the Law Relating to the Control of Hazardous Air Pollutants (H. P. 1854) (L. D. 2455).

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.

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

On motion of Representative Clark of Millinocket,

Recessed until 2:15 in the afternoon.

#### After Recess

The House was called to order by the Speaker.

The Chair laid before the House the following matter:

Bill "An Act Relating to Municipal Cost Components for Fiscal Year 1984-85 and Providing for a Study of the Unorganized Territory" (Emergency) (H. P. 1857) (L. D. 2458) which was tabled and later today assigned pending passage to be engrossed.

Mr. Rolde of York offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-702) 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: The reason I am putting in this amendment today as sort of a history of two committees going on a parallel course without either realizing what the other was doing, speaking of the Audit Committee and the Taxation Committee. This relates to a bill that we put out about the Unorganized Territories and we didn't realize that the bill that was put out by the Taxation Committee would be a better vehicle in which to do the things we want it to do. Those

things deal with a fee that was being levied on some of the unorganized territories in order to pay the Land Use Regulation Commission. This amendment, as our bill did, would hold that up for a year.

The difference with what our committee did, we originally just repealed it. There were some real problems with doing that, so we would be holding it up for a year while a study commission would be looking at this problem.

Another area we addressed is the question of municipalities in the unorganized. When they come up with a land use plan and their relationship to the Land Use Regulation Commission, this would allow the, once they have their own plan, to be on their own basically. Right now, even after their plan is adopted by LURC, they would have to wait four years under present law.

That is basically what this particular amendment would be doing and I hope you will adopt it. It has been worked out between the two committees and I move its passage.

Thereupon, House Amendment "A" was adopted.

Mr. Rolde of York offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-703) 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: Briefly, to explain this amendment, I mentioned that there would be a study commission looking into this whole area. This amendment simply adds two people to that study commission. This, again, is falling in line with what the Audit Committee had proposed and those two people would be the Executive Director of the Maine Land Use Regulation Commission and one municipal officer from the Unorganized Territory. The rest of the people would be legislators on that committee.

Thereupon, House Amendment "B" was adopted.

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

The Chair laid before the House the following matter:

Bill "An Act to Limit the Authority of the Public Utilities Commission to Award Compensation to intervenors" (S. P. 763) (L. D. 2071)—In House, Passed to be Engrossed as amended by House Amendment "A" (H-683) in non-concurrence on April 10—which was tabled and later today assigned pending the motion of Representative Connolly of Portland to reconsider.

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

Mr. CONNOLLY: Mr. Speaker, we have an amendment that is being drafted and it isn't ready at this point. We need to discuss it with the committee, so I would appreciate it if somebody could table it until later this afternoon.

Whereupon, on motion of Representative Diamond of Bangor, tabled pending the motion of Representative Connolly of Portland to reconsider and later today assigned.

#### House at Ease

Called to order by the Speaker.

The Chair laid before the House the following matter:

Bill "An Act to Revise the Wood Measurement Law" (S. P. 889) (L. D. 2402) (H. "A" H-691 to S. "A" S-372) which was tabled and later today assigned pending passage to be engrossed as amended.

Mr. Jacques of Waterville offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-704) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Senate Amendment "A" as amended by House Amendment "A" thereto and House Amendment "D" in non-concurrence and sent

up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act Relating to Municipal Cost Components for Fiscal Year 1984-85 and Providing for a Study of the Unorganized Territory" (Emergency) (H. P. 1857) (L. D. 2458) (H. "A" H-702 and H. "B" H-703) which was tabled and later today assigned pending passage to be engrossed as amended.

Mr. Higgins of Portland offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-705) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendments "A", "B", and "C" and sent up for concurrence.

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

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

The following Communication:

Committee on Fisheries and Wildlife

April 10, 1984

The Honorable John L. Martin

Speaker of the House

111th Legislature

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Fisheries & Wildlife during the second regular session of the 111th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	8
Unanimous reports	7
Leave to Withdraw	3
Ought to Pass	3
Ought Not to Pass	0
Ought to Pass as Amended	1
Ought to Pass in New Draft	

Divided reports

Respectfully submitted,

RONALD USHER

Senate Chair

ROBERT MacEACHERN

House Chair

Was read and ordered placed on file.

#### Emergency Measure Failed of Final Passage

RESOLVE, to Establish a Select Committee Concerning Forest Practices in the State (H. P. 1776) (L. D. 2354) (S. "B" S-381).

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

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

Mrs. CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: I am opposing this Resolve today in two areas. The first one is that it had received no public hearing, and secondly, and I think most importantly, it attempts to establish a select committee on forestry without including the Maine Forest Service. Personally, I feel they are the data source that we need and to do that would be like having a medical study and not including doctors.

I would request the yeas and nays.

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

Mr. MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: May I pose a question to the Chair.

The SPEAKER: The gentleman may pose his question.

Mr. MCGOWAN: Mr. Speaker, during the course of a legislative study, is it possible that the Maine Forest Service could serve as staff and guidance to that select committee?

The SPEAKER: The Chair would answer in the affirmative.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: Just very briefly, I just want to agree with the gentlelady from Woolwich, Mrs. Cahill. This bill should be defeated today. Just to recap the reasons, I guess the biggest reason is that it did not have the advantage of going to public hearing. I frankly don't understand what the objections of the sponsors were to having it go to public hearing.

Again, let us recap that this same issue has been before the Energy and Natural Resources Committee for several terms, has been turned down each time, should be turned down again today. There may be some merits, but I think those merits deserve the right to be discussed in an open forum.

I guess those reasons are substantiated if you go back a few days to the discussion that was held on the floor of the House concerning the membership of the committee. There was a lot of dissent as to who should serve, from where they should come, from whom they should be appointed. Those are questions that are normally reserved for a committee, a joint standing committee normally, another good example of why the bill should not pass.

I would urge you to vote against the motion today.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: This bill is the result of a bill that was introduced earlier in the session to attempt to put some sense into the methods of harvesting forestlands in the State of Maine.

The original bill was my bill and this is also my bill. The reasoning behind it is, as I have explained before on the floor of the House in this session, there is a lot of clear cutting going on, there is a lot of cutting of deer yards, destruction of the land that shelters our wildlife, destruction of stream beds, stream banks and other things, creation of erosion programs and problems in the woods.

The bill was a very complicated bill to put together and we were unable to get anything together that made much sense during this short term, and that is the reason that this study order is in here, in order to give that select committee the opportunity to study the thing and come up with a comprehensive bill that will be not only to the benefit of the future of our forests and our wildlife but also to the advantage of the landowners and the paper companies. We don't try to lay the blame for this on anyone. As a matter of fact, most of the paper companies have been very cooperative and receptive to this idea. And whether the committee is made up of this person or that person or this organization or that organization, to me it doesn't make that much difference.

I feel that we have got a good cross section of the State of Maine represented in the present structure of the bill. Any state agencies, I am sure, will be at the disposal of this committee, and any staff people that the legislature has available will also be at the disposal of this committee. I think by conducting a good strong survey of what is going on, this committee can come up with a good bill for the next session that will be beneficial to everybody.

I hope you will go along with passage.

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

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I am opposed to the Resolve which we have before us today also. I think Mr. MacEachern hit right on it. The basis of this resolution is to form a committee which will establish cutting operations and thereby set some precedents and set some rules here for the people involved in the wood business. I am not in favor of that at all in my district, and although this measure has just been before us for a very short period of time, I have had occasion to talk to several people involved with the forestry business and they are certainly not in favor of this nor the way the committee is structured, in par-

ticular, in that it has no forester representative on the committee at all.

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

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: What I am hearing from the back corner here on the right, I get the impression that the intention of this study is preordained, it's aimed at stopping clear cutting. I seem to hear that every time he speaks.

I would bring to your attention that there was a bill that went through its proper course two years ago, was put out to a study in the Energy and Natural Resources, that was L. D. 2368, An Act to Clarify the Timber Harvesting Provisions of the Allagash Wilderness Waterway statutes. We went onsite on the waterway and stomped our feet on the land in question and did quite a lengthy study and one of the things that was concluded in that study was that there was a necessity and it was appropriate that there be clear cutting under certain circumstances.

I think this is the conclusion that any rational person is going to come to when he goes up there and looks at some of the lands in northern Maine that are presently being devastated by the budworm.

I hear all of this anxiety about the clear cutting; I think that that is a natural, normal forestry practice in some circumstances, and when I hear the complaint that we need a study because someone is cutting deer yards, there are laws against that right now and if someone is cutting a deer yard there can be action taken against them. LURC keeps their eye on that pretty carefully whenever there is any cutting going on in an area and I don't know that we need another study to do either, look at the clear cutting practices or take some action because some knothead cuts a deer yard.

I hope you will vote against enactment of this bill.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: That is a misstatement of fact that you just heard. This is not directed at the cessation of the practice of clear cutting. It is to study the whole process of timber harvest in the State of Maine with the idea in mind of the preservation of not only the forests but also the wildlife of the State of Maine and the fish for our future generations.

I am very concerned. I am a native of Maine and I have lived here all my life. I have enjoyed the streams, the woods and the fields and everything about us and I would like to still enjoy it and I would like to have my grandchildren enjoy it, and this is an attempt to try to preserve some of that for my grandchildren. I have seen areas in the state that were clear cut that was done scientifically and I have no objection to that, but I have seen other areas that were literally raped by whoever cut them and that disgusts me because that destroys the habitat, the feed and whatever of any wildlife that might be on that land for the next 50 years. That really bothers me and it worries me for the sake of future generations.

There was mention made here a little while ago of something about public hearings and all of that. This study committee is not going to make rules and regulations, it isn't going to pass laws, it is going to make a recommendation to the next session of the legislature and when that recommendation is considered, it will have all the benefits of a public hearing, public input, and so forth. We have a provision in the bill for a member of the Maine Foresters Association to be a member of that committee and I would assume that anybody that belongs to the Maine Foresters Association is a forester, so that takes care of that complaint.

We also have been assured that any personnel who works for the Maine Forest Service will be available to this committee, so I don't see why the big concern about it.

The SPEAKER: The Chair recognizes the gen-

tleman from Livermore Falls, Mr. Brown.

Mr. BROWN: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Lincoln, Mr. MacEachern.

The SPEAKER: The gentleman may pose his question.

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: Mr. MacEachern, you intimated in your earlier remarks that this Resolve is nothing new, that it was actually part of a bill that was submitted earlier this session; apparently it didn't go very far. Could you give us the L. D. number on that bill and the committee to which it was referred, please?

The SPEAKER: The gentleman from Livermore Falls, Mr. Brown, has posed a question through the Chair to the gentleman from Lincoln, Mr. MacEachern who may respond if he so desires.

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: The answer is no because it never became a bill. The reason it never became a bill is the fact that we couldn't get it together in a sensible form in time for the deadline.

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

#### ROLL CALL NO. 476

YEA—Ainsworth, Allen, Baker, Beaulieu, Bonney, Bost, Brannigan, Brodeur, Brown, A.K.; Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cooper, Cote, Cox, Crowley, Day, Diamond, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Hobbins, Jacques, Jalbert, Joseph, Joyce, Kelleher, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A.C.; Martin, H.C.; Matthews, Z.E.; Mayo, McCollister, McGowan, McSweeney, Melendy, Michael, Mills, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Norton, Perry, Pouliot, Racine, Reeves, P.; Richard, Ridley, Roberts, Roderick, Rolde, Rotondi, Smith, C.B.; Soucy, Stevens, Strout, Swazey, Tammaro, Theriault, Tuttle, Vose, The Speaker.

NAY—Anderson, Bell, Bott, Brown, D.N.; Cahill, Callahan, Conary, Connors, Curtis, Daggett, Davis, Dillenback, Drinkwater, Dudley, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Kelly, Kiesman, Lebowitz, Livesay, MacBride, Masterman, Matthews, K.L.; Maybury, McPherson, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Parent, Paul, Perkins, Pines, Randall, Reeves, J.W.; Robinson, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.W.; Sproul, Stevenson, Stover, Walker, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Andrews, Armstrong, Benoit, Carrier, Crouse, Dexter, Higgins, H.C.; Kane, Master-ton, McHenry, Michaud, Nelson, Paradis, P.E.; Soule, Telow, Thompson, Webster.

81 having voted in the affirmative and 53 in the negative, with 17 being absent, the motion did not prevail.

Sent to the Senate.

#### Later Today Assigned

An Act Regarding Franchising and Regulation of Cable Television Systems (S. P. 903) (L. D. 2423).

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

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

#### Passed to Be Enacted

An Act Clarifying the Extension of Consumers' Freedom of Choice Regarding Insured Mental Health Services (H. P. 1847) (L. D. 2442) (S. "A" S-395).



An Act to Require Maintenance of Financial Responsibility by All Motorists (H. P. 1843) (L. D. 2447) (S. "A" S-392).

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.

#### **Matter Pending Ruling**

Bill "An Act to Fairly Apportion the Cost of Canceled Electric Generating Facilities" (H. P. 1826) (L. D. 2421).

Tabled—April 10, 1984 by Speaker Martin of Eagle Lake.

Pending—Ruling of the Chair.

The SPEAKER: The gentleman from Portland, Mr. Connolly, has requested a ruling from the Chair in reference to Joint Rule 37 and its germaneness to being before this body at this time. The Chair would rule that this matter is germane and is properly before the body for the following reasons: This is a bill that was presented by the Chief Executive. The document does contain on the jacket that it is a Governor's Bill. L. D. 2421 and L. D. 1829 do deal with the same subject matter; however, the direction with which they were dealing and the method in which they were dealing with the issue are different. That particular bill was defeated earlier in this session and is in the legislative files.

Since it is a Governor's Bill, Joint Rule 4 does not apply since the Constitution takes precedence over the rules of this House.

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

Mr. VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to go through the entire explanation of this bill again. I feel that I explained this thing thoroughly yesterday.

However, I once again request that you accept the Majority "Ought to Pass" Report and reiterate briefly my reasons. The existing law in question, under the present financial status of the Central Maine Power and some of the other facilities, will not prevent a rate relief going to these particular companies according to a letter I received from the Chairman of the Public Utilities Commission. The law in place is objectionable to Moody Investors out of New York and another gentleman, Mr. John Spellman, of Moody's testified that the reason for the downgrading of the bonds of Central Maine Power, one of the reasons was because of this bill being in place. It has an adverse effect on the ability of the company to raise money and, therefore, is a cost to the ratepayers.

As I stated before, it will not have an effect on rate relief; therefore, there is no real reason at this time for this bill to be in place.

If we remove this bill, I am not going to stand here before you today and say that the bond ratings will be upgraded, but I am going to say that it definitely is a factor in the grading of those bond issues. So what I am saying here, this is in reality a consumers' bill. If you have a low bond rating and you have to raise some bonds, it is going to be higher cost and obviously that is going to be a higher cost to the consumer since it is going to be reflected through the rates. Therefore, I see no need for this bill to be in place and if we remove it, it will be one of the balancing factors, as I pointed out before, to perhaps at least keeping the bond rating where it is or upgrade, hopefully, and therefore be less of a cost to the consumers.

I once again reiterate my request that you accept the Majority "Ought to Pass" Report.

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

Mr. BOST: Mr. Speaker, Men and Women of the House: It is with some difficulty that I rise to defend the Minority "Ought Not to Pass" Report and oppose my good Chairman, Representative Vose. I agonized over my decision to keep 52-A in statute and found compelling arguments on both sides of the issue. However, let me briefly explain why I am opposing this effort to delete our so-called cancelled plants law.

To begin with, I believe that most of those who now favor repeal believe it is a just and fair law, having a distinct purpose in protecting the utility consumer. However, it serves to make some people edgy such as Central Maine Power Company and a New York investment firm; hence, the move to delete the law, which leads me to my second concern, that being of an accountant somewhere in New York City determining state policy here in Maine. The reaction on this end was swift. The bond rating at CMP went down a notch and we reacted with L. D. 2421. Is this the kind of precedent that we want to set? If Moody's is looking for stability and consistency as part of their criteria in assessing the regulatory climate here in Maine, what sort of signal are we sending by repealing laws just because investment firms are uncomfortable with them?

During the public hearing, Moody's was repeatedly questioned as to whether, as Representative Vose just explained, if we remove what was called the "symbolic blockage" created by 52-A, whether or not the bond rating would subsequently rise as a result, the answer was that it would not, that there were other factors involved in that rating. When asked if the bond rating would decline further if 52-A stayed on the books, no real answer could be given either way.

The underlying purpose of Section 52-A is to protect the consumer and to encourage accountability by those making investment decisions with ratepayers' money. Under the current consumer-oriented Public Utilities Commission, the likelihood of utilities accelerating their cost of recovery of cancelled plants, such as Seabrook and Pilgrim Projects, is not likely. At least it does not appear imminent. However, Commissioners and Commissions change. Public policy protecting the consumer should not change so easily.

Few bills were introduced so late in the session and required such swift 11th hour action by committee as this bill. I feel that this type of statutory surgery may require a little bit more time in order to consider some of the many ramifications.

Please remember, we are currently operating in somewhat of a buffer zone here. The tremendous cost of these cancelled generating facilities leaping beyond our wildest expectations have yet to make their impact on the ratepayer but we are on the verge. The magnitude alone indicates that we should be very careful before we erase laws designed to protect the consumer.

In summary, I appreciate arguments on both sides of the issue, both sides agree that changes in 52-A would be more symbolic than substantive. We simply disagree on who we should be symbolically protecting.

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

Mr. CONNOLLY: Mr. Speaker, Members of the House: Last night when we began the debate on this issue, the Chairman of the Public Utilities Committee laid out his arguments why he felt it was proper that we enact this bill and as he ended his remarks he asked a rhetorical question—is the law that this bill is attempting to repeal, is that necessary? He said that he had come to the conclusion that the law that is on the books now is not necessary and that is why he supports this legislation to repeal it. His major argument that he used last night and that he also used again this afternoon was the effect that the law that is on the books now, the law that we enacted, those of us right here in this room enacted last year in the legislature to provide some consumer protection, he said that the folks on Wall Street and in particular Moody's Investment Service didn't particularly appreciate the law.

Then proponents of this legislation go on to say that the reason they want to repeal it is because Moody's has downgraded already the bond rating of Central Maine Power and other utilities in this state and, in fact, there is a story on the wire services this afternoon that a 90 day notice

has been given to Central Maine Power that they and seven other utilities across New England may be downgraded even further. Then they leave you but they try to infer that the reason that the bonds are lowered is because of this law that we enacted last session of the legislature, and that simply is not so.

The reason that the bond rating for Central Maine Power and other utility companies across New England where there is no law similar to this one, the reason that those companies have had their bonds lowered is because of their poor investments in Seabrook, pure and simple, and that was attested to pretty much straightforwardly by the folks from New York who testified at the public hearing.

The present law is a good law and it is necessary. There is an emergency provision in the law that is on the books now that allows the Public Utilities Commission, Peter Bradford and the other two commissioners, to deal with the situation of investments and passing those investment costs on to consumers if there is an emergency. In fact, after the legislature adjourned last year, there was a rate case that was pending before the PUC and one of the issues in the rate case was whether or not a \$14.2 million, I believe, investment in the Pilgrim II nuclear plant in Massachusetts which had been cancelled, whether those costs should be passed on to the customers of Central Maine Power. In fact, the PUC's own hearing officer recommended to the three commissioners that they pass on that \$14.2 million to the ratepayers completely, nothing picked up by the bond holders or the stockholders, and it was only because of the existence of this law and the intervention of Paul Fritzsche from the Public Advocate's Office in arguing that this law would perhaps prevent them from passing on that \$14 million to customers, the PUC ultimately ruled that Central Maine Power couldn't pass on that \$14 million expense to its customers.

So the law is a good law. It does offer consumer protection and it does work, and if the utility finds itself in a crisis emergency situation, there is a provision in the law that allows them to go to the PUC and try to recover their costs.

Last week we all got a copy of the CMP's annual report and if you took the time to read it, there are three instances in here where Central Maine Power President John Rowe says that it is the intention of his company to come back to the Public Utilities Commission and again ask for this \$14 million and ask for its investment in Sears Island, which has also been closed down. Even with the law on the books, Mr. Rowe agrees that he legitimately can petition the PUC and perhaps recover his cost.

One of the arguments that has been used in the halls in support of this legislation, and it is used somewhat by some of my liberal friends, is what can be wrong with the bill that is proposed because Peter Bradford and the Commissioners are in support of it? I would just like to diffuse that argument by saying that when we enacted this quick bill last session of the legislature, Peter Bradford and the Public Utilities Commission were not in favor of that law that we put on the books. This legislature, in its wisdom, said that we were going to put that law on the books.

The Public Utilities Commission is, in my opinion, a consumer-oriented commission but they would like, as most state agencies, no or little interference from the legislature. They don't like the legislature telling them how to run their business and we last year, in our wisdom, decided that we would enact this legislation and it has proven to work.

The final point or the final argument that I would like to try to deal with is one that some others have used. If we don't enact this legislation, it really is a question of paying now or paying later. If we enact this law, then we will have to pay now; if we don't enact this legislation, we are still going to have to pay but it is going to be later down the road.



I just want to tell you, and if you talk to the people who know it they will verify this, that if this legislation goes through, the ratepayers for all the utility companies in Maine will be asked over the next year or so to come up with \$395 million, all to be paid for by the ratepayers in the State of Maine for Sears Island, for Seabrook I, for Seabrook II and for Pilgrim II. If we don't enact this legislation, those costs will not be borne by the ratepayers now and there is a good possibility that at least some of those costs will be borne by the stockholders and I think the stockholders bear some responsibility.

One of the Governor's aides spoke about this legislation prior to the hearing and called it a symbolic issue. He was the one that first used the word symbolism. He said, "the administration plan in effect calls for a symbolic change to remove the language that Moody analysts found objectionable while preserving its intent." They see it as a symbol. They want us to pay homage to the utility companies and to Wall Street. I think that the only thing that Wall Street would probably accept from us is if we passed a bill that said all the costs for everything had to be passed on to the ratepayer. It is sort of like being asked to offer up our first born child to the utility companies.

This legislation that is here before us today is bad, it is anti-consumer, it should not pass. Mr. Speaker, I would ask that the bill be indefinitely postponed and would ask for a roll call.

**THE SPEAKER:** The gentleman from Portland, Mr. Connolly, moves that this bill and all its accompanying paper be indefinitely postponed.

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

**Mrs. ROBINSON:** Mr. Speaker, Ladies and Gentlemen of the House: I certainly am not offering up my first born child to the utility companies but I would like to tell you why this is a good bill by trying to answer point by point to the points that were made by the two previous speakers.

First of all, I am as unhappy as anyone is that state policy perhaps is being determined in New York City. However, I don't like to cut off my nose to spite my face, and because of the action of Moody's Investment Company by downrating the bonds of Central Maine Power Company, it means that all the money that needs to be borrowed by the power companies, and that is lots of money just like state government borrows lots of money every year, the interest rate is going to be higher and when the interest rate is going to be higher, the ratepayers across Maine, or certainly in the Central Maine Power Company's area, are going to have to bear the brunt of those higher costs and that is exactly why we are entertaining this bill right now, because we are concerned about the consumers' pocketbooks. So, as I say, if we want to kill the bill, we can cut off our noses to spite our faces but I don't think that is good state policy.

Moody's did indicate that this bill might help the bond rating. They did not say it would help, they did not say it would not help, but they did say that it might help Maine's bond rating. Incidentally, CMP's rating is below average for the various power utilities in this country.

Representative Bost from Orono said that this bill was very late in the session and therefore we should kill it. I would like to point out to the members of this body that the action of Moody's Investment Services, which will be costing our ratepayers many dollars, was taken very recently and we are responding to an emergency by trying to deal with this bill in an expeditious manner.

One of the previous speakers went on to say that the whole reason for this happening is that Seabrook is a terrible investment. In fact, when Moody's was asked point blank "was Seabrook a prudent investment" said, "we cannot answer that question." I personally feel that it is the Public Utilities Commission that should determine whether that investment was prudent or not. I don't believe that Representative Connolly or any other Representative in this body should

be sitting here trying to decide if an investment was prudent or not without being given all the facts. We have hired a Public Utilities Commission to look after the rates for us, and one of the things they are supposed to do is decide whether Seabrook is prudent when the appropriate time comes.

All the bill does is, it will give the PUC the latitude to decide what should be done. It is absolutely false to say that this law is mandating the pay now-pay later whole concept. The law mandates nothing. It gives the PUC the chance to decide, and if the PUC feels that these investments were imprudent and that the stockholders should have to bear the brunt of it, they could decide that, and if the PUC decides that it is in the best interest of the ratepayers across Maine, who need to be able to turn on their electric light switches and get a little bit of power, if it is in the best interest to start paying now for any cancelled plants, the bill gives them the latitude to do that. But all the bill does is gives the PUC that chance to decide this.

Everyone talks about this great bill that the legislature in its wisdom passed last year and I have a feeling that the rank and file in this body don't even know about this great bill since it did go under the gavel. This bill was the subject of great deal of compromise in the Public Utilities Committee last year and we did come up with a unanimous report. Some of us felt kind of uneasy with that bill last year and we felt that by including a clause in that bill saying that if the utilities were in financial jeopardy that the PUC could step in in the cancelled plant issue, then we had done enough. In fact, we got a letter which Representative Bost read to us yesterday from Peter Bradford which said that in fact that is exactly the way the PUC did interpret that law. However, Moody's didn't see it that way, so all we are doing is rewriting last year's law but we are saying the same thing that we said last year. We are saying that the PUC may have the latitude to decide these issues that have a great deal to do with the future of power in the State of Maine.

The first test to see if last year's law is working, in my opinion, is Moody's action last week, which shows me that last year's law is not working. I feel that we should rewrite this law slightly just to satisfy the investment houses which will then satisfy all of us electric payers' pocketbooks, and I feel that we should remember that this law does not mandate anything, it only gives the PUC the latitude to deal with the issue.

For these reasons, I hope that you will vote against the motion to indefinitely postpone this bill.

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

**Mr. MATTHEWS:** Mr. Speaker and Members of the House: To preface my comments here today, first I want to take the opportunity to say that I respect and admire the fellow colleagues on the Public Utilities Committee. It has been a long session and I have enjoyed this past session working with that committee and I have enjoyed this past session working with that committee and in the last session. We have struggled with a lot of issues that are very controversial by nature but extremely important for the utility companies, industry, business, the consuming public, residential ratepayers.

This issue here today, as I see it, is an issue which goes to the heart of fairness, responsibility, fiscal management, prudent business policy, prudent state policy. We worked in the committee last session to enact legislation which would protect the very parties I have just mentioned. We passed that bill, a unanimous "ought to pass" out of the committee. Yes, it was debated heavily as any issue should be debated. Now, at the eleventh hour, we have a bill to rewrite what we did last session and its title, in case a lot of us here don't know, I have called the Seabrook II Bailout Bill, and that is what this bill is in my estimation.

If this legislature takes this action today to

repeal the bill that we have just worked on and has not even been in existence for a year, in my estimation the people of the State of Maine will be sorely hurt by this bill, and the legislature, the Public Utilities Commission, the regulatory environment of the State of Maine, will be taking a giant leap backwards.

If you look across the country today at legislatures and commissions and utilities, they are dealing with the similar problems that we have in this state, and enacting, I would submit to you, legislation dealing with construction work in progress, dealing with certification and reviewing big projects before they are stated upon, enacting legislation similar to the legislation we have passed. Ladies and gentlemen of the House, if this bill is passed today, we are going to be making a big, big mistake.

It gives me a lot of pleasure today to be standing up fighting for business and industry in the State of Maine who pay a large share of those utility rates, for the consuming public, and I believe we have had some excellent people at the Public Utilities Commission who I believe have not been making decisions in the best interest of the residential ratepayer but have been making decisions in the best interest of the regulatory environment in the State of Maine and down the road in the best interest of the utilities, that have not always made decisions, in my estimation, for their betterment, long term.

I hope that this legislature today, that this House, will vote to indefinitely postpone this bill. Ladies and gentlemen, we have dealt with this cancelled plant bill all session long this second session. Who do you suppose submitted that bill to our committee to repeal the existing 52-A? The utilities submitted that bill. We dealt with that bill, we worked on that bill, all of us did, put that bill to rest, then, lo and behold, I believe on March 16, Moody's Investment House of New York decided to write policy for the State of Maine, to circumvent the legislative and democratic process of the State of Maine, to act as a legislator and the governing body for the people of the State of Maine. I am not prepared to allow that to happen, and I believe sincerely that you are not either. If for no other reason than protecting the democratic process, the legislative process that we have in the State of Maine, if for no other reason, vote to kill this bill today because this bill today runs against every democratic ideal that this country stands for.

I know you are probably thinking that I am emotional on this bill, I guess I am, but we have all been emotional, we have debated this issue a long time. I respect all of you, you have made decisions that I believe are in the best interest of the people of Maine. I am proud to serve with you, and especially all members of the committee regardless of how this turns out. But I really believe that passage of this bill would be a big, big mistake for the people in the State of Maine, all the people of the State of Maine, and I hope that you will vote for indefinite postponement.

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

**Mr. RIDLEY:** Mr. Speaker, Ladies and Gentlemen of the House: I, too, served on the Public Utilities Committee for the two terms that I have been here, and we have really had some pretty tough items to wrestle with. This probably was the hardest bill for me to explain to my people back home last weekend. It boils down to this, if I can relate it to you in just plain old country language, you are going to have to pay for this thing down at Seabrook anyway and this kind of leaves it up to the commissioners as to when you are going to pay for it. If you prolong it, that just means that there is that much more interest that is going to have to be paid on the money that is owned and it gives the PUC commissioners a chance to determine if and when and how much is going to be paid.

The other bill that this one is going to replace would do essentially the same thing, other than it would hold it off until the plant would have gone on line and I don't know what figure they

would come out with on that or what date. But believe me, this bill here is going to help the consuming public. I know it is kind of hard to see how it is going to but it definitely will. I hope that you will go along with the majority "Ought to Pass" Report.

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

Mr. VOSE: Mr. Speaker and Members of the House: Once again I would like to address the consumers' relief act and read into the record the paragraph from Moody's Report dated March 19, 1984.

"A 1983 Maine law throws roadblocks in the way of amortization of cancelled plants and therefore creates uncertainty over regulatory treatment of Central Maine's substantial investment in Seabrook Unit II. Should the nuclear unit be cancelled"—which we know it has been—"possible cancellation of other coal fired units, including the cancellation of the Sears Island project on March 15, 1984, may threaten other writeoffs depending on PSC interpretation of the 1983 law. In the absence of supportive rate treatment, Moody believes the company's financing flexibility may be reduced." This is precisely what I am talking about.

We are not saying that this bill is directing the commissioners to give any rate relief to the company, this does not do that. It simply takes out an act that restricts them unless their financial integrity is threatened, and it is pretty obvious that it is threatened. That is the point that I am trying to get across.

Once again I reiterate that a letter from the commissioners did, in fact, state that rate relief is almost a surety. Therefore, if that be the case under the existing law and the existing law is a contributing factor for a downrating of the bond issues, then we should eliminate this law, and that is what this bill is all about.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I have got a question I would like to ask after listening to this debate. My understanding, it has been said again and again that the basic reason for this bill being here now is because of the action of Moody's investor service and that the problem is that by downgrading Central Maine Power Company, if they go out with a bond issue, it will cost some more money, and that is very understandable. I guess my question is, can anybody say what the plans are of the Central Maine Power Company for going out to bond issues, how soon will they be going out to bond issues and how much will they be going out for?

The SPEAKER: The gentleman from York, Mr. Rolde, has posed a series of questions through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Eastport, Mr. Vose, who may respond to the question.

Mr. VOSE: Categorically, I understand \$50 million over a 30 year period at a cost to the ratepayers of \$22 million.

The SPEAKER: The Chair recognizes the gentleman from West Gardiner, Mr. Weymouth.

Mr. WEYMOUTH: Mr. Speaker, Ladies and Gentlemen of the House: I will not get emotional on this bill, but I would ask that you go along with Chairman Vose who has done a great job of explaining this bill.

I would like to bring to Mr. Matthew's attention that this is not a utility bill. This is a bill by the Governor of the State of Maine and I think we ought to go along with the Governor because he recognizes there is a problem here. I think he has come forward has come forward with this bill and I think it is time that we go along with him.

I would ask you to support Chairman Vose.

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

Mr. BAKER: Mr. Speaker and Members of the House: A lot of talk has been said about the decision of Moody's investment firm. We are told

that the factor that may have tipped the scale was a decision made by this legislature last year.

Basically, the decision of downgrading the bonds is based on poor investments by the utilities. When I asked a representative from Moody's investment firm at the hearing if we were to repeal this law that would upgrade the bonds could not guarantee an upgrading of the bonds. No guarantee. There is no guarantee or no control by ratepayers over those investment decisions.

I used to think that when a person legally gambled on the stock market and made an investment, that the justification for making them was that they took a risk. What is being said now is that the ratepayers are going to assume the costs of those risks. That is a pretty strange way to run an investor-owned utility from my point of view.

What I find most frightening about the action that we may take in repealing this law is that an investment firm which is not elected can come in and say—our reading of the legislation is such, our interpretation is such that we don't like it.

I have heard a lot of criticism and ranting and raving against the evils of big government. We always say things about the government, we don't like the government doing this, we don't like the government doing that. The government can rise and fall by the democratic election of people. We can set a policy today and some of us may not be here for the policies that we choose to set. That is probably the way it should be. Who has control over the investment banks in New York? Who elected them to set public policy? Who can balance and check their power to dictate terms to this body?

We were told that this is really an ephemeral issue, it's symbolic. It, indeed, is more than symbolic, but I believe that if we were to knuckle under simply because an investment banking firm does like or interprets the law differently, which by the way I believe they claimed they didn't fully understand, they claimed that at the hearing, this will be, in my opinion, to borrow a phrase often used by conservative colleagues in this House—the camel's nose under the tent—because if we decide we are going to change this law because of what Moody's does, what is to prevent them from coming in anytime we try to pass a law to protect the consumers and ratepayers of this state, what is to prevent them from coming saying, well, we're downgrading the bonds and that is because of that law, you changed the law. That, to me, is far worse than anything this state legislature can possibly do.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I am not on the PUC Committee, but you know, a person who owns stock in a utility usually they are called the widows and orphan stockholders. Why? Because a utility is a safe investment for those people.

The rhetoric that you have been hearing, all you are talking about is somebody forcing something on you. It is just common sense. If the utility loses this money on these plants, if they have to pay more money and interest costs, which will happen if the bonds are rated low, who is going to pay for it? It is not going to be the stockholders. This is ridiculous; this isn't the ethanol plant.

What is going to happen is that the PUC is going to see how much money the public utility needs, they are going to give a fair return to the stockholders and they are going to raise your light bills to compensate for it. You should vote for this bill. You are talking about things that have nothing to do with it. If the cost is there, if the loss is there, there is going to be a fair return to the stockholders and you, the people who pay the light bills, are going to have to pay for it. So this is ridiculous, vote for the bill.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. McHenry.

Mr. MCHENRY: Mr. Speaker, Ladies and Gen-

tlemen of the House: I would like to know how many other utilities have invested in these plants, and those that have, if I am correct in my assumption, their ratings have gone down also because it was a poor investment.

What are we saying here? Are we saying that our Public Utilities Commissioners will not be able to look at whether these investments by these utilities were prudent, reasonable and justifiable before passing the cost on to our consumers, the ratepayers? Is that what we are saying, that they will blindly pass it along? If we leave the law the way it is, they must justify why this is going to be passed on and maybe the whole cost will not be passed on. Maybe I'm wrong in my assumption, but I would like to have someone tell me if I am right or wrong.

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

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

Mr. VOSE: Mr. Speaker, in answer to Representative McHenry's question, I believe it was in 1973, when the investment was made in Seabrook or was started to be made at that time, the only question I think the commission asked Central Maine Power at that time and some of the others is, why did you wait so long, because the investment in Maine Yankee was a very prudent investment at that time. As a matter of fact, according to my information, it saved the ratepayers roughly \$650 million over the years.

If I had Monday morning's paper on Saturday before I went to the race track, I would be in terrific shape, there isn't any question about that.

We did enact a bill recently to give the commission the authority to give prior approval. As a matter of fact, they must have prior approval before any construction begins. I thought that was a good bill and if they try to do anything else, they have to have prior approval from the commission.

Let's analyze the prior approval bill which this House supported. Had the prior approval bill, which all of the good people here that are arguing against this bill supported, been in effect in 1973, they would have gotten prior approval without any question about it. Therefore, once again they would have had rate relief.

This bill does not address your question, sir. All this bill does is give the commission the authority to grant rate relief. It doesn't direct them to do so. They once again have to go into a full-blown rate case, which they have to do anytime they want a rate increase. They have to justify the financial need for a rate increase. The commissioners therefore, as judges, have to determine whether or not they are going to give them that. And if they are in trouble financially, who does it hurt? It hurts us, the consumers.

In this bill here, what we are talking about is do we want a poor bond rating?

The gentleman from Portland has said, is this legislature going to be dictated by people on Wall Street? We're all dictated; they tell us what to do all the time. That is where the financial hub is of this country. Sure they dictate, they are going to tell you what you are going to do, they are going to tell you where your money is, they are going to tell you what the interest is, the whole bit. They are the power, there's no question about it. I wish I could go down and convince Moody's not to downgrade because of this bill.

Another thing that was said because of the existing law by the gentleman from Portland when he asked to question of Moody Investors, which is Mr. Spellman, Vice President, one of the vice presidents, he said, will passage of this bill upgrade? Well, you know as well as I do that before they go in to upgrade or downgrade any bonds or anything like that, they have to go into another study. They may be other factors. He couldn't answer that bill here in the affirmative, but what he did say is that this bill was a contributing factor in downgrading, and that is all

we are trying to do, we are trying to get rid of it. Once again, I hope you support this bill.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: I would just like to respond briefly to the remarks of the chairman of the committee. He said that all this bill does is give the PUC the authority to act. And as I said when I spoke, the PUC already has that authority. There's an escape clause in emergency situations, and I would like to quote from Governor Brennan in a newspaper story on this bill dated April 3 that appeared in the Bangor Daily.

Governor Brennan said: "The fact is, under the present law the PUC can act right now." They have the power to do it, there is no reason that we should pass this legislation today.

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

Mr. BRODEUR: Mr. Speaker and Members of the House: I would like to pose a question through the Chair. As I understand from what Representative Connolly from Portland said, that this cost would be about \$395 million to the State of Maine, and from my understanding, with an inflation of about \$1.1 million, that would be \$360 per person or about \$1,440 for a family of four. If we pass this bill, could this \$1,440 be passed on to the consumer without the stockholder taking up any of the cost?

The SPEAKER: The gentleman from Auburn, Mr. Brodeur, has posed a question through the Chair to the gentleman from Eastport, Mr. Vose, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. VOSE: Mr. Speaker, in answer to the question by the good gentleman from Auburn, I would have to say that I would let that rest in the hands of the Public Utilities Commissioners who we have trusted so many times in rate cases. I simply can't answer just how much money is going to come out of this or who is going to pay or just when.

Once again, I don't think we are arguing the fact whether or not we are giving them carte blanche, as the Bangor Daily News article said, as Representative Connolly said. We're not directing them to do anything. We're simply giving them the authority which they had before the bill was enacted. We're the ones who put a lid on them. That is what we did, and because of it now, it is downgraded, it is that simple. That is all we are arguing about here.

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

Mr. HAYDEN: Mr. Speaker and Members of the House: My mind just got made up and I don't know if any of your's did, but I want to tell you why.

The gentleman from Auburn asked a question. He said, he has figured out the number of people who are ratepayers in this state, and is it possible that without this bill the Public Utility Commission could pass on the costs of these facilities, these investments that might have gone a little awry, onto the ratepayer without any of the stockholders taking the responsibility for it?

My friend, the gentleman from Eastport, who has done a splendid job of explaining the pros and cons of this bill, said he can't speak for the Commission. Well, when you think about it, if this happens tomorrow, I think the odds of that happening probably are pretty slim because we do have a Commission that has a reputation in Moody's and investment houses across the land where they don't worry too much about the the consumer or being very consumer oriented. But we don't always know that we are going to have that Commission, and when I heard the answer of the gentleman from Eastport, all of a sudden it all made sense. I couldn't figure why this bill had so many strange bedfellows. On the one hand, you had the pro consumer commission; on the other hand you had the utilities working the strings of the puppet making and the arms go up and down. You had the Governor's Office on one side, you had people saying that we have

to do something to get Moody's off our back and it all didn't make sense but now it does to me. This is the way I see it and this is why my mind is made up that I am going to vote for the motion to indefinitely postpone.

Our pro consumer commission, they want this bill, they don't want it to protect Moody's, they want it because it is more power. Now Peter Bradford and the Commission, they know which way they are going but it is tense, and no matter where your heart lies, when you sit at the head of a powerful commission, it is kind of hard to say no to power. I think probably we are all in politics because we like power. So there is a chance to get a little more power here. Now it is pretty hard to kick a gift horse in the mouth, that is why he wants this bill.

Why do the utilities want the bill? The utilities want the bill because if the mood ever changes in the commission, they are not going to have to worry about the legislature anymore, they are not going to have to worry about the people of Maine anymore; now that makes sense.

Why should we want the bill? The only reasons left that I can see why we would want the bill is because we recognize whether we want it or not that Moody's can sit in New York and say, we disapprove, and like somebody operating a puppet in a Punch and Judy Show, we, the legislators, have to respond and vote yea or vote nay but it just doesn't make any sense.

The Moody's people, they weren't born yesterday, they look at this thing and they look at the value of Seabrook bonds, they look at the value of CMP bonds. They know that we have a very pro consumer commission, they are not going to say, if you pass this symbolic bill, we are going to look more favorably on you as an investment. The quality of investment, pro or con, isn't going to change one iota. If we know that, they sure know it, so if the answer for voting for this bill is to satisfy Moody's because their problem will make us more secure, that just makes no sense to me at all. Moody's wasn't born yesterday. These people, they don't die of bleeding hearts up there and they know that a symbolic bill isn't going to make a tinker's bit of difference.

So now it all makes sense. This bill has got a lot of strange bedfellows and they all make me nervous. Maybe I am wrong because I am no authority on utilities, but the gentleman from Orono, who also did a good job of explaining this bill, stood up as a freshman legislator and tried to face down some very formidable advocates and what he said was, why don't we just give this thing a little time? I have a feeling that the longer we look at it, the more sense all those bedfellows will make.

I don't mind giving you this a summer just to simmer and see what happens and see who is left in that bed come January. I don't think the State of Maine is going to be any the worse for that. Maybe then we will decide that the Commission, the utilities and Moody's is right but sometimes letting something simmer for awhile makes some sense. And from somebody that is not an authority on this, it makes some sense to me and that is why I am going to vote for now to indefinitely postpone this measure.

The SPEAKER: The Chair recognizes the gentleman from West Gardiner, Mr. Weymouth.

Mr. WEYMOUTH: Mr. Speaker, Ladies and Gentlemen of the House: I would like to answer Mr. Brodeur's question also. If Mr. Brodeur had been following the stock market, and I am glad that Mr. Hayden is not my stockbroker, Mr. Hayden would see that less than three months ago Central Maine Power stock was selling at around \$15; if Mr. Brodeur needs today's paper, which I have, it is today at eleven and a fraction of a point. I think the stockholders have taken a beating. In my mind, I think that is enough of a beating.

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

Mr. MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: Like the Long Ranger, the Governor has come galloping into this chamber

with a letter and I think has saved this bill. I want to read a portion of his letter and I hope you can find it on your desks, I had a hard job finding it on mine, but I want to read just a portion of this letter into the record.

"The existing law states that the PUC shall not delay the start of any recovery of the cost of a cancelled plant if the utility is in severe financial difficulty. The Commission has stated that Central Maine Power would be in such a position if Seabrook II was cancelled and a prompt decision would have to be made on the amount, if any, and the method of recovery."

"Since the Commission has indicated that they do not believe that the existing cancelled plant legislation will provide any protection to consumers and since investors have raised CMP's cost of borrowing because of the statute that was passed last year, it is best to be practical as the statute is no longer assisting consumers but only raising their costs through higher borrowing cost of utilities." Then he urges our support which "may" and that is the critical word in that last sentence, may save the ratepayers money.

I don't have a crystal ball on my desk and my seatmate doesn't have a crystal ball on his desk. In 1972, when the utilities were investing in Seabrook, I was a Sophomore in high school and the Public Utilities Commission of this state was writing letters urging the utilities to invest in Seabrook II and in nuclear plants, and I sit here now as a legislator and say that that wasn't the best investment. I also don't have a crystal ball which tells me what will happen. All I know is that in that committee when we wrestled with this issue, and it was a tough issue to wrestle with, we thought for a minute that that \$22 million that Representative Vose was telling you about that could be interest costs if the bond is downgraded will be passed on to the consumers in your district and in mine. I just want to ask you to try and relate to the process that we have in this legislature and to go along with the Majority Report of that committee that thought very hard and long about that bill.

Representative McHenry had asked a couple of questions and he is on Local and County Government and I respect what he does not that committee because he is the Chairman and they work together and they work out bills, and I ask you to take a look on what our committee had to do with this bill and it was a tough decision, believe me, one of the toughest decisions that we have had to make in the last four years that I have been on that committee and ask you to vote for the Majority Report because I don't have a crystal ball and my seatmate doesn't have a crystal ball and the opponents of this don't have a crystal ball and I hope that you will go along with the Majority Report on this bill.

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

Mr. MATTHEWS: Mr. Speaker, Members of the House: I just want to respond. I also got a quick note here and just something for the record, I think a little food for thought for all of you to think upon—Central Maine Power Company and Bangor Hydro-Electric Company more than doubled their investment in Seabrook II in 1979. That was after Three Mile Island, so we are not talking about 1972 or 1971 or 73, it is 1979.

There are a couple of other points, again food for thought, that I would really ask you all to think about when you make your decision here today and I would ask the members of the committee on the other side of this to correct me if I am wrong. On March 15th, unless I am mistaken, we gave that bill, L. D. 1829, the same bill almost in essence to change the law, a "Leave to Withdraw" from the committee. On March 16th, Moody's released their report downgrading Central Maine Power Company's bond rating. Just a little food for thought.

Another question that I asked the gentleman from Moody's Investment Company was, what kind of procedure was Moody's following? Were they going to be traveling across the country to other states, I assume New Hampshire, and ad-

vocating that New Hampshire also change its regulatory environment, and that gentleman said they had no plans but I kind of questioned that.

Mr. Spellman responded in the committee, talking about regulatory environment, said that Moody's would rather see an unrestricted, unregulated utility environment for the State of Maine. Think about that for a minute, think about some of the things that we struggled through for years and years and years in this state to have a sound, prudent, regulatory environment, one fair for the consuming public, one fair for the business industry in the State of Maine, fair for the utilities, think about the comments by Mr. Spellman that they would like a totally unrestricted, unregulated environment for the State of Maine.

There are some bad, bad vibrations from this bill and I guess that is where I really come down on this bill, because this issue has been debated, debated and debated, when something like this at the last minute the next day after we killed the utility bill to change the law, Moody's released its downgrading. There are just a lot of circumstances, ladies and gentlemen of the House, that don't set right with this country boy from Winslow.

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

Mr. COX: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Eastport, Mr. Vose.

The SPEAKER: The gentleman may pose his question.

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: This \$50 million bond issue that we are talking about, when is the intention of releasing that issue?

The SPEAKER: The gentleman from Brewer, Mr. Cox, has posed a question through the Chair to the gentleman from Eastport, Mr. Vose, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I would be glad to answer that question. As far as I can understand the release of that is that they have periodic bond issues that are almost as much as \$50 million a year, Central Maine Power, so therefore we are talking about annual bond issues. Obviously, when they have a bond issue and the rate is down, the interest is up and it is going to cost the ratepayers, but I am not absolutely sure of that annually. That is the only thing and I meant to check on that and I apologize that I did not, but that was the information that I received.

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

Mrs. REEVES: Mr. Speaker, I would like to pose a question through the Chair. If we repeal 52A today, will Moody's bond rating be changed?

The SPEAKER: The gentlewoman from Pittston, Mrs. Reeves, has posed a question through the Chair to anyone who may respond if they so desire.

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

Mr. VOSE: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentlelady from Pittston's question, I believe I addressed that once before. No, it was very emphatically said, in answer to questions by several of us, would you go right out and would you upgrade the ratings? No. On their next study or their next survey that they make, if this particular law is removed, it would remove one of the objectionable items that they consider.

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

Mrs. REEVES: Mr. Speaker, Men and Women of the House: Last year when we passed 52-A we sent a legislative message to the Public Utilities Commission that if possible we would delay passing on the cost of cancelled nuclear plants to the ratepayers.

Now CMP has told the PUC that they are coming in this June, after the legislature goes home, with a very large rate case, much larger than any

other rate request that they have put in before. It is quite likely that large rate increases will be agreed on by the PUC and that our constituents will be paying these rate increases next year.

If we hold the line with 52-A and say that our message to the PUC is "please protect the consumers as much as possible," we will have done everything that we can at the legislature to protect the interests of the ratepayers. If we repeal 52-A, it does not have any effect on Moody's bond rating and we will have to answer to our constituents that we participated in agreeing that they should pay these enormous costs.

I hope that you will vote to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. McHenry.

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I don't know if the gentleman from Pittsfield was implying because I serve on the Local and County Government Committee that I don't have the right to ask questions, but maybe it would help for him to know that I did serve on the Public Utilities Committee at one time. My questions have not been answered and the question was, have other utilities, who have invested from other states, who have invested in these projects such as Seabrook, have their bond ratings gone down? I asked that because I believe that Moody's has based their decision on more than one thing. Probably this was considered but who knows, maybe they probably considered having a Democratic House here and that might affect their decision also. Anything they have considered was probably considered, but does that mean they based their decision, the majority of their decision, just because of this one issue? I don't believe so. What I believe is that anybody who has invested in these nuclear plants were downgraded by Moody's throughout the United States.

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

Mr. MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: The answer to Representative McHenry's question is yes. Several of the other utilities across the country have had bond ratings decrease from investments not only in nuclear power plants but several other power projects.

We asked earlier in the year about the present bond rating for Maine's largest utility and experts told us that it was a bond rating comparable to a growing utility or a utility that had a lot of money tied in power production such as Seabrook.

Another question would be, and I won't pose a question to Mr. McHenry but I would pose a question to the general membership of this House and that is, if Public Service of New Hampshire, who is a 35 percent shareholder in Seabrook should experience financial failure, then where would the rest of that responsibility go? I think that is something that we weighed out and made the decision that we did and I urge you to defeat the motion of indefinite postponement.

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

Mr. VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I would also like to answer that question since I have benefit of some information here that I received. This is, two Seabrook related ratings lowered, eight placed on credit watch by S & P., which is Standard & Poor Corporation. This is from New York: "Standard & Poor lowered the ratings on securities of Public Service Company of New Hampshire and Massachusetts Municipal Wholesale Electric Company and places ratings of eight over Seabrook nuclear project owners on credit watch. Standard & Poor has put Central Maine Power on notice and seven or eight other utilities that they may be downgraded in 90 days, which may push them down to the non-investment grade."

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

Mr. SCARPINO: Mr. Speaker, Ladies and Gen-

tlemen of the House: Just something very short. A long time ago, a little longer than I like to think, about 25 years ago when I was in the Navy and was a newly promoted noncommissioned officer, they sent me to leadership school and the first thing they taught me in leadership school was when you accept total authority, you also must bear the total responsibility. Now it seems to me that the ratepayers didn't bear much of the authority when these decisions were made to invest in Seabrook. It would also seem to me that at this point we may be asking them to bear more of the responsibility than is their fair share.

Yesterday, I heard Republicans defined as heartless people in a lot of ways. When I think something is wrong, they are right, I can be a pretty heartless person. In this particular case, I happen to think that this bill is wrong and that the utilities are wrong and that the Governor is wrong and I am willing to be just as heartless with them as I am with anyone else.

I would urge your support of the indefinite postponement of this measure.

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

Mr. BOST: Mr. Speaker, Men and Women of the House: Just to further answer Mr. McHenry's question, and he happens to be my other Chairman, about the regulatory climate, Maine's compared with the other states with cancelled nuclear facilities, we asked a very straightforward question of the representative from Moody's at the public hearing and the answer, rather sharp, to several members of the committee—the question was, how do you perceive the regulatory climate in the State of Maine? He thought for a long while and answered, average.

A roll call has been requested.

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

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Connolly, that this bill and all its accompanying papers be indefinitely postponed.

The Chair recognizes the gentlewoman from Bath, Ms. Small.

Ms. SMALL: Mr. Speaker, I request leave of the House to pair my vote with the gentleman from Portland, Mr. Brannigan. If Mr. Brannigan were present and voting, he would be voting yes; I would be voting no.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Connolly, that this bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 477

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Bost, Brodeur, Brown, A.K.; Carroll, D.P.; Carter, Cashman, Chonko, Clark, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Gauvreau, Handy, Hayden, Hobbins, Jackson, Jacques, Kelly, Ketover, Kilcoyne, LaPlante, Lisnik, Locke, Macomber, Mahany, Matthews, Z.E.; Mayo, McCollister, McHenry, Melendy, Michael, Michaud, Mills, Mitchell, E.H.; Mitchell, J.; Murray, Paradis, P.E.; Paul, Reeves, P.; Rolde, Rotondi, Scarpino, Smith, C.B.; Theriault, The Speaker.

NAY—Anderson, Armstrong, Bell, Bonney, Bott, Brown, D.N.; Cahill, Callahan, Carroll, G.A.; Conary, Curtis, Davis, Day, Dillenback, Drinkwater, Dudley, Erwin, Foster, Greenlaw, Gwadosky, Hall, Hickey, Higgins, L.M.; Holloway, Ingraham, Jalbert, Joseph, Joyce, Kane, Kelleher, Kiesman, Lebowitz, Lehoux, Livesay, MacBride, MacEachern, Manning, Martin, H.C.; Masterman, Matthews, K.L.; Maybury, McGowan, McPherson, McSweeney, Moholland, Murphy, E.M.; Murphy, T.W.; Nadeau, Nelson, Norton, Paradis, E.J.; Parent, Perkins, Perry, Pines, Pouliot, Racine, Randall, Reeves, J.W.; Richard, Ridley, Roberts, Robinson, Roderick, Salsbury, Seavey, Sherburne, Smith, C.W.; Soucy, Sproul, Stevens, Stevenson, Slover, Swazey, Tannaro, Tuttle, Vose, Walker, Wentworth, Weymouth, Willey, Zirkilton.



ABSENT—Benoit, Carrier, Connors, Dexter, Higgins, H.C.; Martin, A.C.; Masterton, Soule, Strout, Telow, Thompson, Webster.

PAIRED—Brannigan, Small.

55 having voted in the affirmative and 82 in the negative, with 12 absent and two paired, the motion did not prevail.

Thereupon, the Majority "Ought to Pass" Report was accepted and the Bill read once.

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

Mr. VOSE: Mr. Speaker, I move that we suspend the rules to give this Bill a second reading.

The SPEAKER: The gentleman from Eastport, Mr. Vose, moves that the rules be suspended for the purpose of giving this bill its second reading. Is there objection? There is objection.

Whereupon, the Bill was assigned for Second Reading tomorrow.

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

#### Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-698) on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$1,500,000 for the Design, Construction and Equipping of a Crime Lab and Morgue" (Emergency) (H. P. 1726) (L. D. 2279).

Signed:

Senators:

BROWN of Washington  
NAJARIAN of Cumberland

Representatives:

LISNIK of Presque Isle  
CONNOLLY of Portland  
CHONKO of Topsham  
KELLEHER of Bangor  
CARTER of Winslow

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

Signed:

Senator:

PERKINS of Hancock

Representatives:

JALBERT of Lewiston  
SMITH of Mars Hill  
MASTERTON of Cape Elizabeth  
BELL of Paris

Reports were read.

Mr. Carter of Winslow moved acceptance of the Majority "Ought to Pass" Report.

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

Miss BELL: Mr. Speaker, Men and Women of the House: Before you you will see a number of bond issues tonight, you will see that most of them are divided at least 8 to 5. I would like to state at the onset that all of these issues are deserving and have their individual merits.

The total of the bond issues are \$41.7 million. What the Minority members are proposing is that we pass the \$3.2 million hazardous waste proposal and wait until the Special Session to hear the education proposals for the University of Maine and the Vocational Technical Institutes which we understand total \$30 million. We are also proposing that we send these bonds out in November rather than June.

The question we are struggling with is, can we afford to send out \$41.7 million in bonds in June and then another \$30 million in November. As you may be aware, when Moody's dropped Maine's bond rating to Double A in 1974, the total debt was \$280 million; today, that figure stands at \$300 million.

If we enact the eight bond proposals at this point, we would be approving \$41.7 million. We are anticipating \$30 million of bond proposals for the University and VTI's during the Special Session. This biennium we will retire \$65 million in bonds. We have already authorized \$37 million at the polls last November.

There has been a bipartisan agreement in the past to authorize 90 percent of the bonds we have retired to decrease the state's bonded in-

debtedness. If we pass the \$41.7 million, we will be approving 120 percent of the bonds we are retiring. If we approve the additional \$30 million for the University of Maine and VTI's, the total will be \$71 million; that is 180 percent of the bonds we are retiring this biennium. The present cost of interest to the State of Maine in this biennium alone is \$38 million, \$38 million for interest on bonds presently.

Today, I talked to the Department of the Treasury to see how much in FY-84 we would be spending on bonds. Catch this—the principal we will be paying in this present year is \$40 million; the interest alone is \$19.6 million, for a total in his budget of \$52.5 for one year, principal and interest in the State of Maine.

We also questioned the wisdom of placing these bonds out to the voters in June which is one and one half months away. Just merely getting them on the ballot, the mechanics, these have to be approved by the 13th and signed by the Governor by the 23rd. Certainly this is moving right along, close to that deadline. There is a lack of time between now and the primary to discuss the merits of the individual proposals. Also, traditionally there is a low voter turnout during the primary. We strongly believe that the proposals are deserving and have merits on an individual basis. We are concerned, however, of giving education its equal day in court. We are concerned about the total amount and the decision to send these to the voters in June.

I hope that you will support our position on \$3.2 million for hazardous waste. We do feel that that is a public safety issue and that the rest of the bonds can wait until the November election. I urge your support for our position.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: We have heard the gentelady, Representative Bell from Paris, speak about assumptions, what might take place in June or what might take place in September, it could possibly not take place at all. You have heard me expound before on the word "assume" and you can break it down in three words if you want to but I am not going to belabor the issue.

We are talking here about items of an emergency nature, items that have to be dealt with, and since we are speaking about all the bond issues, let me call your attention to one of the bond issues that deals with asbestos removal in school buildings, deals with either removal or incapsulation of any asbestos found in public school buildings. Clearly, that is an emergency. You can't delay that because if you do, you could be placing the life of a child in jeopardy.

You can argue or debate the merits of all the bond issues as to why they should or should not be voted upon in June. The one that deals with historic buildings, if you don't take advantage of the summer construction season, you may find that next summer some of those buildings are gone.

You take the merits or the pollution abatement and dealing with hazardous waste, if you don't take advantage of June, again you lose the construction season that is available this summer and the chances of losing federal matching money increase as time goes by. The federal government used to contribute 75 percent on pollution abatement programs and they are now going down to 55 percent, so it behooves us to act as soon as possible.

Last Fall, some of these issues were turned down by the voters at the polls and they wanted a choice. Well, we have given them a choice. At the same time we are trying to preserve and enhance our bond rating. If you will notice on the current bond issue, we have made some changes in committee, we have changed, for example, the one dealing with the crime lab and the morgue, we have changed the length of term from 20 years to five years. The interest rate that we will have to be paid over the five year term is \$309,000. We have changed the term of every bond issue that is going to appear before you

from 20 years down to five and ten years. That should in no way jeopardize our bond rating; if anything, it should improve it.

We talk about the total number of bonds that we are retiring. It is true that we are retiring \$65 million in this current biennium, and depending upon how you figure these bond issues, to me there is plenty of room without jeopardizing our bond rating to—again assuming that the public buys every one of these bond issues in June, which could be a rather big assumption, but apparently we are going to outguess the end result of what will take place in June by saying that all of these bond issues will pass and currently will exceed the amount of bonds that we are retiring.

We are also assuming that there is going to be educational bond issues in June of \$30 million but I haven't seen anything of a bond issue in June. I think we should deal with what is before us here and now, today, not what might come down the pike in June or September. We should not try to outguess what the electorate is going to do in June. They want a choice, we have emergencies that must be dealt with and this is the vehicle, one of the vehicles, by which they can utilize their option and I would urge you to support the motion of "Ought to Pass."

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: The hour is getting late and I am certainly not going to bore you with any of my oratory, good or bad. We have got two or three bills here that concern themselves with the Appropriations Committee and these bills here eventually, regardless of what we do, are going to need two-thirds of those elected, not two-thirds of those present and elected but two-thirds of those present and in their seats in the legislature, so we have got a long way to go.

I suggest that without any further debate on these Appropriation Bills tonight that we accept the Majority "Ought to Pass" Report and then later on we will have plenty of time to argue about them, because if we don't we may be here arguing about them for an hour and a half, we will turn around later on at the propitious time, when we need the two-thirds of those present and voting, we will start all over again and it will be another two hours. As far as I am concerned, if you continue the argument, you are losing one customer and I am on these reports.

I hope that we accept not only this report, my name is on one of them, the Majority "Ought to Pass" Reports of the committee. I am not too fussy about bond issues under \$2 million on any bond issue anyway, but that is all right, that is not the point and I am not going to argue that point. The next report is also a split report—I mean we will be right back at it again and I, for one, don't want that, we have had that all session. I have kept comparatively quiet because I was not on those committees, I am on this committee, I am former Chairman of this Committee, the ranking member of this committee and that is the way that I am going to go and I am not going to sit here now until seven thirty and wait later on and sit for another two hours to listen to the same thing all over again.

I move that we accept the Majority Report and then I am going to make the next motion, unless you recognize Mr. Carter, that we move that Majority "Ought to Pass" Report and get the thing moving. I would ask for a roll call.

Mr. Speaker, I withdraw my request for a roll call.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, withdraws his request for a roll call.

Thereupon, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-698) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (H-698) and sent up for concurrence.

### Divided Report

Majority Report of the committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-699) on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$1,500,000 for Restoration and Preservation of Historic Structures" (H.P. 1727) (L.D. 2280).

Signed:

Senators:

BROWN of Washington  
NAJARIAN of Cumberland

Representatives:

JALBERT of Lewiston  
LISNIK of Presque Isle  
CONNOLLY of Portland  
CHONKO of Topsham  
CARTER of Winslow  
KELLEHER of Bangor

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

Signed:

Senator:

PERKINS of Hancock

Representatives:

SMITH of Mars Hill  
MASTERTON of Cape Elizabeth  
BELL of Paris  
ARMSTRONG of Wilton

Reports were read.

On motion of Mr. Carter of Winslow, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-699) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (H-699) and sent up for concurrence.

### Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-700) on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$15,735,000 to Plan, Construct and Equip Pollution Abatement Facilities and to Abate, Clean Up and Mitigate Threats to Public Health and the Environment from Uncontrolled Hazardous Substance Sites" (Emergency) (H. P. 1772) (L. D. 2340).

Signed:

Senators:

BROWN of Washington  
NAJARIAN of Cumberland

Representatives:

JALBERT of Lewiston  
LISNIK of Presque Isle  
CONNOLLY of Portland  
CHONKO of Topsham  
CARTER of Winslow  
KELLEHER of Bangor

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-701) on same Bill.

Signed:

Senator:

PERKINS of Hancock

Representatives:

SMITH of Mars Hill  
BELL of Paris  
ARMSTRONG of Wilton  
MASTERTON of Cape Elizabeth

Reports were read.

On motion of Mr. Carter of Winslow, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-700) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was given its second reading, passed to be engrossed as amended by Committee Amendment "A" (H-700) and sent up for concurrence.

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

### House Reports of Committees Unanimous Leave to Withdraw

Representative Murray from the Committee on Business Legislation on Bill "An Act to Reduce the Cost of Workers' Compensation Rates to Maine Employers" (H. P. 412) (L. D. 495) reporting "Leave to Withdraw".

Representative Murray from the Committee on Business Legislation on Bill "An Act to Provide for Exclusive State Funding of Workers' Compensation" (H. P. 414) (L. D. 497) reporting "Leave to Withdraw".

Representative Racine from the Committee on Business Legislation on Bill "An Act to Provide a Transition Period for Certain Educational Equivalence Provisions in the Psychologists License Law" (H. P. 1786) (L. D. 2362) reporting "Leave to Withdraw".

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

### Passed to Be Enacted

An Act to Establish a Maine Life and Health Insurance Guaranty Association (H. P. 1852) (L. D. 2453).

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.

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

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the gentleman from Fairfield, Mr. Gwadosky, to the rostrum to act as Speaker pro tem.

Thereupon, Mr. Gwadosky assumed the Chair as Speaker pro tem and Speaker Martin retired from the Hall.

### Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act to Create the Office of Domestic Relations" (H. P. 1696) (L. D. 2230) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Revise Child Custody Terminology, Enact 'Best Interest of the Child' Criteria and Provide for Mandatory Mediation in Cases of Separation, Annulment or Divorce where there is a Contested Issue Involving Children" (H. P. 1861) (L. D. 2466).

Signed:

Senators:

TRAFTON of Androscoggin  
COLLINS of Knox  
VIOLETTE of Aroostook

Representatives:

HOBBS of Saco  
DRINKWATER of Belfast  
LIVESAY of Brunswick  
SOULE of Westport  
JOYCE of Portland  
BENOIT of South Portland  
FOSTER of Ellsworth  
HAYDEN of Durham

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

Signed:

Representatives:

CARRIER of Westbrook  
REEVES of Newport

Reports were read.

On motion of Mr. Hobbs of Saco, the Majority "Ought to Pass" Report was accepted and the New Draft read once.

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

By unanimous consent, ordered sent forthwith to the Senate.

At this point, Speaker Martin returned to the rostrum.

Speaker MARTIN: The Chair would thank the gentleman from Fairfield, Mr. Gwadosky, for presiding.

Thereupon, the Sergeant-at-Arms escorted Mr.

Gwadosky to his seat on the floor, amid the applause of the House, and Speaker Martin resumed the Chair.

### Passed to Be Enacted

An Act to Revise the Wood Measurement Law (S. P. 889) (L. D. 2402) (H. "A" H-691 to S. "A" S-372; H. "D" H-704).

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

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

Mr. DAY: Mr. Speaker, Ladies and Gentlemen of the House: I realize that this bill is going to pass; however, I do want to make some comments for the record in that in five years there were 39 complaints on wood measurement, of those about 10 were determined to have some validity and about half of them were judged to be overscaled and half of them were judged to be underscaled. In five years we harvested about 25 million cords of wood. Our normal production in this state is about 5 million a year. If you look at the complaint record that came to the state scalers in that period of time and you think of 25 million cords of wood and how many truckloads that must have there are only 39 that came in on a complaint and only about a quarter of them were judged to be valid.

You received a report called Woodcutters' Comments of nine pages. There were 97 comments on those nine pages; 88 of them had to do with not really what is wrong with the butt scale or the butt measurement or the log scale or anything else, it was the fact that somebody said, I don't think I was given the right scale. Even though we have written into this bill, we have thrown out the butt scale, we are going to butt measurement and everything else, we are still going to be measuring wood and there is still going to be complaints that we lost the ballgame because of the bad refereeing. In other words, merely having laws on the books as to what the scale is is not going to really do the job. So what I am trying to say is that the best bill in the world is probably not going to stop the arguments about whether it was scaled right or not because, after all, whether you are a buyer or a seller, you always are going to look at it from a different perspective.

There were two concerns mentioned earlier, both by Representative Dudley and by Representative Theriault that, two things probably would happen and I agree that the price of wood, if we do not have the discount and the bill does not have discount, is going to have to go down. We were told in the hearings that the cutters didn't care if the price went down as long as they got the right scale. Well, that might be nice to say but I don't think they are going to be happy with what is going to happen in terms of no discount, the price has got to adjust itself.

The other concern is, with all the comments about cutting poor trees and not cutting poor trees, I think maybe in 50 years, because of this problem of no discount and therefore don't cut the tree, leave it in the woods, we are going to wind up with a poorer quality of Maine forests because we are going to be, in essence, eyegrading on the stump, that is going to happen and that really isn't what we ought to do if any of you have ever been in the tree farming business and I have been in it for a long, long time.

I think we are going in the wrong direction in handling our natural resource by effectively saying, let's eyegrade in the woods and not cut any poor trees because we can't get paid for even a part of it.

I hope when it comes to a vote, you will think of those two items—is it really in the best interest of the biggest industry that we have in this state and provide something like 40 percent of the total balance of the trade dollars that we have with other states and other nations, is this the best way to go?

It does not address the problem that Speaker Martin mentioned at the hearing—was it really, if you write the best bill in the world, you will



not accomplish too much unless you have provided, in essence, more state scalers or more people that you can go to to settle the complaints, a board of review, people that can fact find, that would do more good than anything else. We have not addressed that so my recommendation, folks, is that this should not pass.

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 move indefinite postponement of this bill and all its accompanying papers and I request a roll call. I would like to speak to my motion.

The SPEAKER: The gentleman from Old Town, Mr. Paradis, moves indefinite postponement of this bill and all its accompanying papers. The gentleman may proceed.

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: The bill mandates the cutting operations that will be paid on a gross scale weight rather than by current practices, long established practice, of the net scale rate. In other words, we are going to change this system from the cord, which has been long established in volume practice, changing the system from the way it currently is will not improve the price at the mill or at the market place. This will result in the wood operators, which are mostly small operators in our state, having to absorb the additional expense connected with the wood measurement as described in the bill.

We can expect it in order to absorb this expense that greater efficiencies will be required and that the larger operators will compensate for this in a great measure by becoming more mechanized. The price of prepared wood will be lower and the independent woods worker will be generally, gradually, squeezed out of business.

The bill promises to curtail the sale of our budworm damaged timber that is finding its way currently into the foreign markets and the bill will jeopardize this opportunity.

The buyer mass use industry is not interested in the purchase of wood with a high water content and by scaling within 15 days, as the bill calls for, we can expect that the water content will be high and that it will work a disadvantage on this new and developing industry by calling for additional heat in order to remove the water from the product.

The trucking operation is also faced with being refused delivery operations for the entire truckload if gross volume of all wood is not acceptable at the place of delivery. This means that the operator will be required to absorb the loss; again, the loss is in inverse proportion for the size of the operator and, unfortunately, the smaller the operator, the bigger the loss is on him.

Ladies and gentlemen, this bill is quite devastating to our wood industry. We believe that it is probably the most devastating thing that could happen to it right now at this time. Everyone appears to be operating on a very marginal basis and this will cut into that margin even further. We may have large mills in our midst that are paying high wages and that are also represented by large investments and they produce a product which is very much in demand, but the base of this support stands on the shoulders of the individual. They produce a product which is very much in demand, but the base of this support stands on the shoulders of the individual small owner and the small operators in the woods who are out there with an axe and a chainsaw. This bill takes from his already meager earnings. It goes further by reducing our effectiveness in the market for the development of our injured forest product.

I see no benefit in this bill and I hope you will support the motion to indefinitely postpone it.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I am not a woodcutter. When I was old enough to try out for a woodcutter, it was with a bucksaw. It didn't take me long to realize that a bucksaw did not fit my hands. Al-

though I had been told many times that the short-end distance between two points was a straight line, I could not accomplish this with a bucksaw.

The concern today is that a woodcutter wants to know how much he has cut and wants to be paid for that—no more, no less.

I have picked a few potatoes and I got paid by the barrel. If there was scab in the field, the farmer would tell me to pick them, I picked them and I got paid just the same amount for that barrel as I would for a barrel of good potatoes. We knew at the end of the day how many barrels we were going to be paid for, and that is what this bill is all about.

I heard testimony at the hearing that they did not want more money, only to know or have some idea how much they had coming. This problem is not new, it has been around as long as I can remember. When wood was cut and hauled in four-foot lengths and scaled at the mill, I can remember the complaint "short scale". At the end of the year, the mill would have an overrun, none of which would trickle down to the cutters. Today, there is no overrun and no shortage.

Those who scale wood should be licensed, they should have someone to answer to. At the present time, they answer only to the one who pays them, and that is not good.

In yesterday's debate it was brought out about a penalty. Yes, and that is not something that is new. When a mill yard is full of wood, that is not a good time to bring in your wood. Supply and demand seems to enter at this time. Again, the scaler is in charge, not licensed, and who do you complain to? I think it is time for the woodcutters to be heard.

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

Mr. MOHOLLAND: Mr. Speaker, I move we table this one legislative day.

Whereupon, Mr. Jacques of Waterville requested a division.

Mr. Moholland of Princeton requested a roll call.

A roll call has been requested.

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

The SPEAKER: The pending question is on the motion of the gentleman from Princeton, Mr. Moholland, that this matter be tabled for one legislative day. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 478

YEA—Anderson, Armstrong, Bell, Bott, Brown, D.N.; Carter, Curtis, Davis, Day, Drinkwater, Foster, Greenlaw, Hayden, Higgins, H.C.; Higgins, L.M.; Holloway, Ingraham, Jackson, Kiesman, Lebowitz, Livesay, MacBride, MacEachern, Macomber, Martin, H.C.; Masterman, Maybury, McGowan, Moholland, Murphy, E.M.; Murphy, T.W.; Norton, Paradis, E.J.; Parent, Perkins, Pines, Randall, Reeves, J.W.; Richard, Ridley, Roberts, Robinson, Roderick, Salsbury, Scarpino, Sherburne, Small, Smith, C.W.; Soucy, Sproul, Stevenson, Swazey, Tammara, Vose, Walker, Wentworth, Willey, Zirkilton.

NAE—Ainsworth, Allen, Andrews, Beaulieu, Bonney, Bost, Brodeur, Brown, A.K.; Carroll, D.P.; Cashman, Chonko, Clark, Conary, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Dillenback, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hickey, Jacques, Joseph, Kelleher, Kelly, LaPlante, Lehoux, Lisnik, Locke, Mahany, Manning, Matthews, K.L.; Matthews, Z.E.; Mayo, McCollister, McHenry, Melendy, Michael, Michaud, Mills, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Nelson, Paradis, P.E.; Paul, Perry, Pouliot, Racine, Reeves, P., Rotondi, Seavey, Smith, C.B.; Stevens, Stover, Theriault, The Speaker.

ABSENT—Baker, Benoit, Brannigan, Cahill, Callahan, Carrier, Carroll, G.A.; Connors, Dexter, Dudley, Hobbins, Jalbert, Joyce, Kane, Ketover, Kilcoyne, Martin, A.C.; Masterton, McPherson, McSweeney, Rolde, Soule, Strout, Telow, Thompson, Tuttle, Webster, Weymouth.

58 having voted in the affirmative and 65 hav-

ing voted in the negative, with 28 being absent, the motion did not prevail.

The SPEAKER: The pending question now before the House is on the motion of Representative Paradis of Old Town that this Bill and all its accompanying papers be indefinitely postponed in non-concurrence.

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 Waterville, Mr. Jacques.

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I would like to thank you for not tabling this tonight. What really bothers me about this whole thing is that in the last couple hours I have seen the large paper companies all of a sudden turn against this bill with a lot of vim and vigor. It has gotten to the point where they are calling their contractors, who they really have by the throat, and telling them that this bill will do all kinds of damage to them and if they don't oppose it they are the ones that are going to suffer. I think that is pretty bad, but I guess that is the way paper companies are used to operating.

When the contractors have called me and expressed some concerns, I have asked them how this bill will hurt them and not one of them has been able to give me an answer. As a matter of fact, most of them don't even know what the bill does.

The gentleman from Old Town, Mr. Paradis, has brought up some concerns, but the concerns he has are all addressed in the amendment that I put on this bill yesterday. Everybody was in agreement when we presented that amendment that most of the problems were going to be taken care of. There was one more problem in this bill and it had to do with wood that was transported across state and the country line into Canada. I got together this afternoon with people from all aspects of this work to try to get everybody together and it is unfortunate that they have to wait until the eleventh hour of the eleventh day to come out with something that everybody could live with when all the time the paper companies had full intention of fighting this bill, and all this bill does is keep everybody honest.

The only people this bill is going to hurt is the ones that have been trying to cheat or are actually cheating the guys in the middle and the guys on the bottom. That is what this bill does. Why are they so afraid of it? We pass laws here every day; the laws don't hurt the honest man, the laws don't hurt the good person, the laws hurt the crooks.

I know that the gentleman from Princeton, Mr. Moholland, has some concerns about it because he makes his living hauling wood. He has one paper company in his district and it is a big one and they have some concerns and he has some concerns, and I can understand that, but it doesn't make this bad.

Now, the committee was set up with an assignment to try to improve the situation that we have for the small woodcutter. Mr. Day from Westbrook talked about some complaints. Well, if you had somebody with a sledge hammer hanging over your head and they controlled your livelihood, how many complaints would you make? It is a miracle that they got 39 complaints. And the big underlying reason why we are dealing with this issue is because the State of Maine has nothing on the books that they can use to enforce the law that was on the books to start off with.

All you have to do is read the Statement of Fact on the amendment that I offered and was put on this bill this afternoon and it will tell you very clearly what the major problem is here.

Mr. Moholland from Princeton is an honest man, Mr. Dexter from Kingfield is an honest man. This is not going to change anything that these gentlemen do in the way they operate their business. What this is going to do is give the State of Maine the tools they need to go after the guy

that is cheating somebody, and nobody likes a cheat. Everybody that testified on this bill said, we agree there are some people that are doing wrong and we think this should be addressed and we think that you people should write a bill to take care of that, and when we do, they come back and say, well, you know, there's only 10 or 20 percent of the people cheating and you are going to hurt everybody to try to get at those people that are cheating. I asked yesterday and I will ask today if anybody can tell me how this bill will hurt an honest cutter, contractor or paper company who is doing business fairly, squarely and above board? How is this bill going to hurt them?

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I probably was one of the first people in the House to bring this problem here 10 years ago to be addressed. They said it couldn't be done then and we worked on a bill then and we did make progress. The progress we made has been in place in the central part of the state and it is working.

I would like to address the gentleman from Old Town, Mr. Paradis. This is a small margin, everybody works on a small margin. Mr. Moholland works on a small margin, the people in the woods cutting work on a small margin. What this is trying to address is a standard.

I have worked quite a lot with the Weights and Measures Division here and they have said for many years that this could be done. There is a way that this can be done. There is a way that we can all work to have something on the books that we can work and work well with.

I don't know what anybody has to be afraid of when we are trying to address a problem that leaves people in limbo. Whether they haven't got the scales, whether they haven't got the weights or whatever it is, there is always that limbo left that the people, when they leave the woods after three or four weeks of cutting and in many instances they have no records, this is not right, ladies and gentlemen and this is the problem we are trying to address. I think from the testimony we heard in the committee, these are the things that we are addressing. We're not trying to hurt anybody, we are trying to make a standard like you have a standard for a bushel of potatoes or a standard for a quart of milk, and I assure you that this is something we can work with.

One other thing, in the 10 years that I have been in the legislature, I have seen the woods industry change. Someone mentioned about a bucksaw; I, too, worked with a bucksaw for many years, I have worked with a chainsaw, I have worked with a skidder, but each year—and, Mr. Day, you know this as well as anybody else—each year or 10 years the whole method changes. We have several things that make this change. One of the biggest things that is making the change in the mechanized world of harvesting timber today is the workers' comp. I had a talk with Linwood Hand this morning and he said it is one of the biggest things that is making the change today. But one thing that should never change is a standard and that is what this bill is all about.

I hope you do not vote this down.

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

Mr. MOHOLLAND: Mr. Speaker and Members of the House: I just want everybody to know that I have been lobbied by nobody, no big companies. The only thing I am talking about is my friends that worked all their life in the woods that have one skidder, one man to help them, that are very well satisfied with the bill before this one was put in.

I have been working in the woods ever since I was 15 years old. I have cut wood for \$2 a cord and I have cut wood for \$15 a cord. I have a contract with Georgia Pacific, who I worked for for 43 years, most of the people that cut this wood with one tree farmer and two men—I am speaking for Washington County, I can't speak

for Aroostook County and I can't speak for any other county, but I am just telling you how it is in Washington County.

This bill will hurt a lot of one-man operations cutting off private land that have to leave the wood laying for so long a time before they can pick it up and haul it, and I am just going on what my constituents tell me to do. There is nothing dishonest about that.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: This bill will not hurt that little two-man operation that my good friend, and I hope he stays my good friend, from Princeton, Mr. Moholland, is talking about. They will still be able to do business the way they have always done business; this is not going to change that. It is not a problem that is just in one county, there are certain problems in all the counties. No one on that committee wants to do anything to hurt the guy that probably works as hard as anybody in the State of Maine, nobody on the committee wanted to do that, but we had to set some standards, we have to protect everybody involved.

I spent a lot of time talking with people from the paper companies, with contractors here in the hall, I have run myself ragged, and the bottom line was, they said, "If you pass this law it is something we can live with." We have got a year and if by any chance something happens that is going to hurt somebody, we will be back here in January, some of us will be here, and I have assured them all that whatever the problem is, we will address it.

What this bill does is a heck of a lot better than the way the situation is now. All the men want to know is what they cut and what they are going to get paid for. We don't want them to get paid more, we don't want to take quality control away from the mills. You know, I represent an area that has probably got the most sophisticated paper machine in it on the east coast; that is S.D. Warren in Somerset. The paper is as white as snow and they have got to have quality control. I know that and the woodcutters know that. All we want to do is set a standard so everyone knows that they are getting a square deal for a square deal, that's all. We don't want to put anybody out of business, we don't want to hurt anybody, we don't want to hurt the trucker, we don't want to hurt the cutter, we don't want to hurt the contractor, we want to make sure that everybody knows that they are getting paid for what they do, and what more can we ask than that?

The SPEAKER: A roll call has been ordered. The pending question is on the motion of Representative Paradis of Old Town that this Bill and all its accompanying papers be indefinitely postponed in non-concurrence. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 479

YEA—Anderson, Armstrong, Bill, Bonney, Bott, Brown, A.K.; Brown, D.N.; Conary, Curtis, Davis, Day, Dillenback, Drinkwater, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Kiesman, Lebowitz, Livesay, MacEachern, Masterman, Maybury, McCollister, Moholland, Murphy, T.W.; Norton, Paradis, E.J.; Perkins, Pines, Randall, Reeves, J.W.; Ridley, Roberts, Robinson, Roderick, Scarpino, Seavey, Sherburne, Small, Smith, C.W.; Swazey, Tammaro, Vose, Walker, Wentworth, Willey.

NAY—Ainsworth, Allen, Andrews, Beaulieu, Bost, Brodeur, Carroll, D.P.; Carter, Cashman, Chonko, Clark, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Erwin, Foster, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Jacques, Joseph, Kelleher, Kelly, LaPlante, Lehoux, Lisnik, Locke, MacBride, Mahany, Manning, Martin, H.C.; Matthews, K.L.; Matthews, Z.E.; Mayo, McGowan, McHenry, Melendy, Michael, Michaud, Mills, Mitchell, E.H.; Mitchell, J.; Murphy, E.M.; Murray, Nadeau, Nelson, Paradis, P.E.; Parent, Paul, Perry, Pouliot, Racine, Reeves, P.; Richard, Rotondi, Salisbury,

Smith, C.B.; Soucy, Sproul, Stevens, Stevenson, Stover, Theriault, Zirkilton, The Speaker.

ABSENT—Baker, Benoit, Brannigan, Cahill, Callahan, Carrier, Carroll, G.A.; Connors, Dexter, Dudley, Hobbins, Jalbert, Joyce, Kane, Ketover, Kilcoyne, Macomber, Martin, A.C.; Masterson, McPherson, McSweeney, Rolde, Soule, Strout, Telow, Thompson, Tuttle, Webster, Weymouth.

47 having voted in the affirmative and 75 in the negative, with 29 being absent, the motion did not prevail.

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

By unanimous consent, ordered sent forthwith.

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

#### Ought to Pass in New Draft

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Making Appropriations and Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1984, and June 30, 1985" (Emergency) (S. P. 738) (L. D. 2051) reporting "Ought to Pass" in New Draft (Emergency) (S. P. 912) (L. D. 2451).

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-396).

Report was read and accepted and the New Draft read once. Senate Amendment "A" was read by the Clerk and adopted and the New Draft assigned for second reading tomorrow.

#### Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-401) on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,035,000 for Construction and Renovation of Correctional Facilities" (S. P. 827) (L. D. 2213).

Signed:

Senators:

BROWN of Washington  
NAJARIAN of Cumberland

Representatives:

JALBERT of Lewiston  
LISNIK of Presque Isle  
CHONKO of Topsham  
KELLEHER of Bangor  
CARTER of Winslow

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

Signed:

Senator:

PERKINS of Hancock

Representatives:

SMITH of Mars Hill  
MASTERTON of Cape Elizabeth  
BELL of Paris  
ARMSTRONG of Wilton  
CONNOLLY of Portland

Came from the Senate with the Majority "Ought To Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-401).

Reports were read.

Thereupon, the Majority "Ought to Pass" Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-401) was read by the Clerk and adopted in concurrence.

Under suspension of the rules, the Bill was read a second time and passed to be engrossed as amended in concurrence.

#### Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-402) on Bill "An Act to Reallocate Unsold Bonds as Previously Authorized by Private and Special Law of 1971, Chapter 140, for the De-

velopment and Improvement of State Park Facilities" (Emergency) (S. P. 814) (L. D. 2191).

Signed:

Sensors:

BROWN of Washington  
NAJARIAN of Cumberland

Representatives:

JALBERT of Lewiston  
LISNIK of Presque Isle  
CONNOLLY of Portland  
CHONKO of Topsham  
KELLEHER of Bangor  
CARTER of Winslow

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

Signed:

Sensor:

PERKINS of Hancock

Representatives:

SMITH of Mars Hill  
MASTERTON of Cape Elizabeth  
BELL of Paris  
ARMSTRONG of Wilton

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-402).

Reports were read.

On motion of Representative Carter of Winslow, the Majority "Ought to Pass" Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-402) was read by the Clerk and adopted in concurrence.

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

#### Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-399) on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$4,950,000 for Energy Conservation, Capital Improvements, Construction, Renovations, Equipment and Furnishings for Various State Departments" (S. P. 838) (L. D. 2267).

Signed:

Sensors:

BROWN of Washington  
NAJARIAN of Cumberland

Representatives:

JALBERT of Lewiston  
LISNIK of Presque Isle  
CONNOLLY of Portland  
CHONKO of Topsham  
KELLEHER of Bangor  
CARTER of Winslow

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

Signed:

Sensor:

PERKINS of Hancock

Representatives:

SMITH of Mars Hill  
MASTERTON of Cape Elizabeth  
BELL of Paris  
ARMSTRONG of Wilton

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-399).

Reports were read.

On motion of Representative Carter of Winslow, the Majority "Ought to Pass" Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-399) was read by the Clerk and adopted in concurrence.

Under suspension of the rules, the bill was read the second time and passed to be engrossed as amended in concurrence.

#### Divided Report

Majority Report of the committee on Appropriations and Financial Affairs on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$6,000,000 for the Design, Construction and Furnishing of Court Facilities" (S. P.

821) (L. D. 2201) reporting "Ought to Pass" as amended by Committee Amendment "A" (S-400).

Signed:

Sensors:

BROWN of Washington  
NAJARIAN of Cumberland

Representatives:

JALBERT of Lewiston  
LISNIK of Presque Isle  
CONNOLLY of Portland  
CHONKO of Topsham  
KELLEHER of Bangor  
CARTER of Winslow

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

Signed:

Sensor:

PERKINS of Hancock

Representatives:

SMITH of Mars Hill  
MASTERTON of Cape Elizabeth  
BELL of Paris  
ARMSTRONG of Wilton

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-400).

Reports were read.

Thereupon, the Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-400) was read by the Clerk and adopted in concurrence.

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

#### Non-Concurrent Matter

Bill "An Act to Clarify and Make Corrections in the Inland Fisheries and Wildlife Laws" (S. P. 908) (L. D. 2446) which was Passed to be Enacted in the House on April 10, 1984.

Came from the Senate Passed to be Engrossed as amended by Senate Amendment "A" (S-404) in non-concurrence.

On motion of Mr. MacEachern of Lincoln, the House voted to recede and concur.

#### Non-Concurrent Matter Tabled and Assigned

Bill "An Act to Amend Certain Motor Vehicle Laws" (Emergency) (H. P. 1820) (L. D. 2412) which was Passed to be Engrossed as amended by House Amendment "C" (H-685) in the House on April 10, 1984.

Came from the Senate Passed to be Engrossed as amended by House Amendment "C" (H-685) and Senate Amendment "C" (S-411) in non-concurrence.

On motion of Mrs. Mitchell of Vassalboro, tabled pending further consideration and tomorrow assigned.

#### Non-Concurrent Matter

Joint Resolution Requesting a Study of Costs to Maine Taxpayers for Workers' Compensation (S. P. 909) which was indefinitely postponed in the House on April 11, 1984.

Came from the Senate with that body having adhered to its former action whereby the Joint Resolution was read and adopted in non-concurrence.

On motion of Representative Mitchell of Vassalboro, the House voted to adhere.

#### Non-Concurrent Matter

Bill "An Act to Raise the Annual Public Utilities Commission Regulatory Fund Assessments to \$1,635,000 and to Allocate those Funds for Fiscal Year 1985" (Emergency) (H. P. 1809) (L. D. 2391) which was Passed to be Engrossed as amended by House Amendment "A" (H-684) in the House on April 10, 1984.

Came from the Senate Passed to be Engrossed as amended by House Amendment "A" (H-684) and Senate Amendment "A" (S-403) in non-concurrence.

Thereupon, the House voted to recede and concur.

#### Orders

On Motion of Representative Cashman of Old Town, the following Joint Order: (H. P. 1863) (Cosponsors: Representatives Kane of South Portland, Andrews of Portland, and McCollister of Canton).

ORDERED, the Senate concurring, that the Joint Standing Committee on Taxation report out a bill to the House entitled "An Act to Provide for Property Tax Relief, Income Tax Conformity and Other Changes Relating to Tax Equity".

Was read and passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

Under suspension of the rules, the following papers were taken up out of order by unanimous consent:

#### Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-413) on Bill "An Act to Authorize a Bond Issue in the Amount of \$3,000,000 for the Elimination of Asbestos Hazards in Public School Buildings" (S. P. 582) (L. D. 1690).

Signed:

Sensors:

NAJARIAN of Cumberland  
BROWN of Washington

Representatives:

JALBERT of Lewiston  
LISNIK of Presque Isle  
CONNOLLY of Portland  
CHONKO of Topsham  
KELLEHER of Bangor  
CARTER of Winslow

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

Signed:

Sensor:

PERKINS of Hancock

Representatives:

SMITH of Mars Hill  
BELL of Paris  
MASTERTON of Cape Elizabeth  
ARMSTRONG of Wilton

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-413).

Reports were read.

On motion of Representative Carter of Winslow, the Majority "Ought to Pass" Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-413) was read by the Clerk and adopted in concurrence.

By unanimous consent, the Bill was read the second time and passed to be engrossed as amended in concurrence.

#### Non-Concurrent Matter

Bill "An Act Relating to Municipal Cost Components for Fiscal Year 1984-85 and Providing for a Study of the Unorganized Territory" (Emergency) (H. P. 1857) (L. D. 2458) which was Passed to be Engrossed as amended by House Amendments "A" (H-702); "B" (H-703) and "C" (H-705) in the House on April 11, 1984.

Came from the Senate Passed to be Engrossed as amended by House Amendments "A" (H-702); "B" (H-703) and "C" (H-705) and Senate Amendment "A" (S-414) in non-concurrence.

Thereupon, the House voted to recede and concur.

#### Ought to Pass in New Draft

Report of the Committee on Energy and Natural Resources on Bill "An Act to Replace the Regional Refuse Disposal District Enabling Act (Emergency) (S. P. 809) (L. D. 2155) reporting "Ought to Pass" in New Draft (S. P. 913) (L. D. 2452).

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-405).

Report was read and accepted in concurrence and the New Draft read once. Senate Amendment "A" (S-405) was read by the Clerk and adopted in concurrence.

By unanimous consent, the New Draft was read the second time and passed to be engrossed as amended in concurrence.

By unanimous consent, the preceding matters were ordered sent forthwith to Engrossing.

On motion of Representative Connolly of Portland.

Adjourned until nine-thirty tomorrow morning.