

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eleventh  
Legislature***

OF THE

**STATE OF MAINE**

**SECOND REGULAR SESSION**

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

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**HOUSE**

Friday, April 13, 1984

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

Prayer by Senator Michael Carpenter of Aroostook.

The Journal of Thursday, April 12, 1984, was read and approved.

**Bond Issues  
Tabled and Assigned**

An Act to Authorize a Bond Issue in the Amount of \$1,500,000 for the Elimination of Asbestos Hazards in Public School Buildings (S. P. 582) (L. D. 1690) (C. "A" S-413)

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) (C. "A" S-400)

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) (C. "A" S-399)

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 (H. P. 1726) (L. D. 2279) (C. "A" H-698)

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) (C. "A" H-699)

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 (H. P. 1772) (L. D. 2340) (C. "A" H-700)

An Act to Reallocate Unsold Bonds as Previously Authorized by Private and Special Law of 1971, Chapter 140, for the Development and Improvement of State Park Facilities (S. P. 814) (L. D. 2191) (C. "A" S-402)

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) (C. "A" S-401)

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

On motion of Representative Mitchell of Vassalboro, under suspension of the rules the preceding Bond Issues were tabled and assigned for Tuesday, April 24, 1984, pending passage to be enacted.

**Emergency Measure  
Later Today Assigned**

An Act to Raise the Annual Public Utilities Commission Regulatory Fund Assessments to \$1,594,000 and to Allocate those Funds for Fiscal Year 1985 (H. P. 1809) (L. D. 2391) (S. "A" S-403; H. "A" H-684)

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

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

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

**Passed to Be Enacted  
Emergency Measure**

An Act Making Appropriations from the General Fund to Implement Certain Recommendations of the Governor's Commission on the Status of Education in Maine for the Fiscal Years Ending June 30, 1984, and June 30, 1985 (H. P. 1743) (L. D. 2297) (C. "A" H-716)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 107 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Enactor****Later Today Assigned**

An Act to Limit the Authority of the Public Utilities Commission to Award Compensation to Intervenor (S. P. 763) (L. D. 2071) (H. "A" H-683; C. "A" S-370)

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

Representative Connolly of Portland moved that the Bill and all accompanying papers be indefinitely postponed.

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

**Enactor****Later Today Assigned**

An Act to Provide Policy and Guidelines for Creation and Operation of Boards and Commissions (H. P. 1780) (L. D. 2345) (H. "A" H-720)

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

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

**Passed to Be Enacted**

An Act to Fairly Apportion the Cost of Canceled Electric Generating Facilities (H. P. 1826) (L. D. 2421) (H. "B" H-719; C. "A" H-675)

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.

**Finally Passed**

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

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

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

**House at Ease**

Called to order by the Speaker.

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

The following Communication:

STATE OF MAINE  
Department of Audit  
State House Station 66  
Augusta, Maine 04333

April 13, 1984  
TO GOVERNOR JOSEPH E. BRENNAN AND MEMBERS OF THE ONE HUNDRED AND ELEVENTH LEGISLATURE

In compliance with statutory requirements, I submit herewith the 64th Annual Report of the State Auditor for the fiscal year ended June 30, 1983.

We have made extensive examination of major pertinent transactions. We do not make a detailed examination of all recorded transactions on the general books of the State for the year. We did, however, make a detailed examination of accounting records, procedures and internal controls, and verified financial transactions on a selective basis in our post audits of the activities of the various State Departments, Agencies, Boards, etc. during the year. The results of these audits, together with comments, observations and audit findings and recommendations are contained in our individual audit reports submitted to the respective State Departments, Agencies, Boards, etc.

Based on the scope of our examination, it is our opinion that, except for the exclusion of certain trust and operating fund transactions and balances recorded and controlled locally by State agencies and not reflected herein, the financial position and operating results of the various State Departments, Agencies, Boards, etc., of the State of Maine for the fiscal year ended June 30, 1983 has been fairly presented in conformity and

with generally accepted accounting principles applied on a consistent basis.

Statements and schedules pertaining to the financial position of the various operating funds of the State of Maine at June 30, 1983 may be found in the Annual Report of the State Controller.

I would like to express my special appreciation to the staff of the Department of Audit for their continued loyalty and devotion to duty and to the State officials for their cooperation with this department.

Respectfully submitted,  
George J. Rainville  
State Auditor

Was read and ordered placed on file.

**Passed to Be Enacted  
Emergency Measure**

An Act to Fund and Implement Certain Collective Bargaining Agreements and to Fund and Implement Benefits for Certain State Employees (H. P. 1865) (L. D. 2469)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 101 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

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

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

The Chair laid before the House the following matter:

An Act to Limit the Authority of the Public Utilities Commission to Award Compensation to Intervenor (S. P. 763) (L. D. 2071) (H. "A" H-683; C. "A" S. 370) which was tabled and later today assigned pending the motion of Representative Connolly of Portland to indefinitely postpone in non-concurrence.

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

Mr. RIDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you vote against the pending motion so that we can send this bill on its way. I'm not going to debate this thing that much, I think everybody understands what it is all about.

I feel very strongly that this motion should be defeated, and I would just like to point out one other thing, that we already have in place the mechanisms for anybody that has any information or any problems with what is going on with any of the utility companies, we have a public intervenor that you can get in touch with and he can carry it from there. He has a staff working for him and also the Public Utilities has a whole battery of lawyers. I think they are very capable and have been doing a good job and if the time comes that they aren't, then I am sure the necessary steps can be taken to see that they do do a good job.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: I would hope that this body would support the motion to indefinitely postpone. This bill as it presently stands is perhaps the single-worst piece of consumer legislation that has been before this legislature this session.

We attempted last night after extensive debate to offer an amendment that would have allowed the Public Utilities Commission, under certain, very tightly regulated situations the authority to award compensation to intervenors, and this House, by a very close margin, defeated that amendment. The legislation as it now stands

would completely deny the Public Utilities Commission the authority to award compensation.

Earlier this morning, we enacted the cancelled or abandoned nuclear plant bill. That is going to give the authority to the Public Utilities Commission to make a determination on up to \$400 million worth of investments in nuclear power plants. Those issues are going to be pending before the Public Utilities Commission later on this year, probably starting right after this legislature adjourns. If this legislation that we have before us now, which denies the authority to compensate intervenors, if that passes, there is probably not going to be a fair hearing before the Public Utilities Commission. Intervenor and experts who would represent the consumer will probably not be able to testify as a result of our passing this legislation.

I have a letter from the Chairman of the Public Utilities Commission, Peter Bradford, in which he said the PUC is strongly opposed to this legislation. I would read one sentence from his letter: "Our concern with the legislation is that it terminates an important and relatively inexpensive method of assuring that the Public Utilities Commission has the benefit of all relevant analysis in the major rate cases before it."

It would seem to me, as I said last night, if this legislature truly wants to provide an equal balance and provide a voice for the ratepayers and the consumers of this state, vis-a-vis the utility companies and their lawyers and their staff, that we cannot allow this legislation as it presently stands to be enacted.

I would hope that you would support the motion to indefinitely postpone.

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

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: As Mr. Connolly has stated, we debated this bill long and hard last night. I made a very brief presentation to you which I would like to remind you of before we go to the vote, that this legislature has already structured the public advocate and have him in place. Where we refer to him as one person, this is a fairly elaborate staff. We have developed a considerable capability in this staff of the public advocate to deal with these matters and to represent the public adequately.

He was also put in place, if you will recall, to be the watchbird watching the public sector counsel within the Public Utilities Commission itself. He was to motivate that group into action in preserving and protecting the interests of the consuming public.

Now, we have got watchbirds watching the watchbirds, and this here proposes another level or makes it that much easier for intervenors to take advantage and explore the opportunity for the deep pocket, as I pointed out to you last night.

I would hope that you would defeat the motion to indefinitely postpone which we have before us.

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

Mr. MATTHEWS: Mr. Speaker and Members of the House: I hope that you will support the motion to indefinitely postpone this bill. The argument against allowing the using and the consuming public to present a new piece of evidence before the commission is that we have a public advocate to do that. To some extent, that is correct. We happen to be blessed with probably one of the best consumer representatives in Paul Fritzsche that I think the country could have. He's an excellent public advocate, he's done a fantastic job and it has been an honor and a pleasure for me to work on the same committee with him. But I want you to think about one thing today. If you say no to any limited intervenor funding whatsoever, administrations down on the second floor of this State House change and I want to read into the record what the role of the public advocate is.

The public advocate shall be appointed by the Governor, subject to review by the legislative committee having jurisdiction over the public

utilities and to confirmation by the legislature, and shall serve at the pleasure of the Governor.

I have never wrestled with any question more controversial to me. We happen to have an outstanding public advocate, but the Governor will not stay there indefinitely and, believe me, the public advocate, Paul Fritzsche, won't be there either, I am sad to say. Are you going to leave the consuming public and their interests up to the whim of the Governor completely? I cannot believe that this legislature would do that.

If you support the indefinite postponement here today and allow this bill to come back to a posture of accepting the majority report out of that committee, what you are going to do is allow for very, very limited intervenor funding. With a check and balance from the public advocate and his review of that intervenor or intervenors, the commission, with very strict guidelines in awarding compensation, there are some very, very tough checks and balances.

One other check that unfortunately is not in this bill, which was in the majority report out of the committee, was to also scrutinize what the utilities can pass through the rates. That was supported by the gentleman from Eastport, the gentleman who happens to be an outstanding Chairman from Bangor, and the members of the committee, the majority members of the committee. Let us get back to the majority report out of the Public Utilities Committee and let's have all the fair testimony before the Public Utilities Commission, the utility point of view and the consuming public's point of view, and I might add, that's business and industry's point of view also in many instances who oppose the utilities nine times out of ten in their rate cases.

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

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: I feel compelled to rise, particularly after the comments of Representative Paradis. He has expressed the concern that because we have a public advocate, then it is not important for the Public Utilities Commission to be able to award fees to a person who intervenes. I would like to stress very clearly that yes, we have a public advocate, but if the public advocate is able to present the necessary information, then the intervenor gets no funding.

I want to share with you a letter that many of you have, but in the waning days of the session we get so many letters we lose a lot of them. But from Commissioner Bradford, another point: Remember, under current law, under current statute, the only time the PUC will award intervenor funding is if the public advocate and his staff have certified that they will be unable to present the issue themselves, that is the first qualification; (2) if the commission believes that the issue can make a significant contribution; (3) the commission finds that the issue will be presented responsibly; and (4) the commission is satisfied that funding is necessary because the cost of the presentation would otherwise impose a significant hardship on the intervenor. Those are pretty strict guidelines for allowing funding.

I think it is very important to look at the other side of the coin, and again from Commissioner Bradford's letter. It says: The utilities themselves are currently permitted to recover their rate case costs in all but the most extraordinary circumstances. Such a result would assure that the ratepayers continue to pay hundreds of thousands of dollars for the presentation of the case designed to raise their rates, while the much smaller sums necessary to present other perspectives in the rare cases in which the staff and the public advocate cannot do so would be unavailable.

Why would we wish to tie our hands unnecessarily? I hope you will support the motion to indefinitely postpone this bill.

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

Mr. BRODEUR: Mr. Speaker and Members of the House: Presently, I see the state as having several tools to save the consumer money, and

by consumer I mean the average family or the elderly widow who may be stretched out to pay her electric bill or might have to decide whether she was going to keep her temperature at just barely enough to survive and be warm, but also small and large businesses who also have electric bills or whatever kind of bills in whatever kind of public utility and I see the tools as being the Public Utilities Commission, the Public Advocate and also the intervenor. It seems to me that when we have tools to save money we like to use them and we like to have all the tools that we can have.

I would like to have you remind yourselves of who you represent. Some of you may think of yourselves as representing the average family, the elderly person, but also representing small business or a large business. It seems to me that when we look at this bill, we have to look at what is going to be best for those kinds of people. Do we represent the family, the elderly, the small or large businesses or do we represent the public utilities? I would hope that we represent the former and not the latter.

I think this is a bill that is to save money or used to stop having this tool to save money and I would hope that you would vote for the consumer to save money in voting yes to indefinitely postpone this bill.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I have listened with interest to much of the debate, I have listened with interest to many of the technicalities which are included in the bills, but I think it is important that we just simply get to the bottom line of the issue. I am a rather simple person, many of you will agree with that, I am sure, in fact probably all of you, but that is the way I operate best. Let's put into perspective what we have done in the past and what, I am afraid, we might do in the future.

The Public Utilities Commission was created to protect the ratepayers against the terrible utilities. Then comes the public advocate with that huge staff and huge office to protect the ratepayers against the Public Utilities Commission which is protecting the ratepayers against the terrible utilities, and now we are proposing to pay intervenors to watch over the Public Advocate's Office that protects the ratepayers against the PUC which protects the ratepayers against the terrible utilities. That, folks, is the bottom line. It doesn't sound like America to me, it doesn't sound like America to me at all.

Who is paying the tab for all of these groups, offices, intervenors, extraventions, which I suppose will be brought along later to watch over the intervenors—who pays for it all? You and I. I urge you to vote against the motion for indefinite postponement.

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

Mr. WEYMOUTH: Mr. Speaker, Members of the Legislature: I would hope you would vote not to go along to have this bill killed. This is a good bill, it is a reasonable bill.

All we are doing here, according to Mr. Brodeur, is that we get the necessary tools; we already have the necessary tools.

I would like to bring to your attention that the Public Utilities' staff at the present time is a staff of 55. They spend over \$2 million. The Public Advocate's Office has a staff and has a budget of over \$300,000. I think this is sufficient. Both of these are working for the consumer. I would urge you to kill this amendment and to go and pass the bill.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I had not planned to get into this debate but the remarks of the gentleman from Livermore Falls, Mr. Brown, brought me to my feet, particularly in my role as the class historian here.

I would like to correct a statement that he made. He said that the PUC originally was set up to regulate the terrible utilities. That is entirely false. If anybody knows the history of how the Public Utilities Commission was set up, they would know that it was set up by the utilities themselves. In fact, the man who invented the Public Utility Commission was a man by the name of Samuel Insol who ran a huge utility chain that included the Central Maine Power Company at one time. It was set up because at the time, prior to the setting up of the Public Utilities Commission, the utility companies had to go, like cable companies do now, to local communities. Mr. Insol came from Chicago, he was having a lot of trouble with the authorities in Chicago and so he hit upon this idea of setting up public utilities commissions.

For many years in the State of Maine, the Public Utilities Commissions worked very, very closely with the utilities. In fact, at one time we had in the State of Maine, the Chairman of the Public Utilities Commission was also the Executive Director of the Associated Industries of Maine. I, myself, have been involved in incidents where we have had the chairman of the Public Utilities Commission in this state have his opinions written by the utility companies, so it is only in very recent years that the Public Utilities Commission has even moved away from the utilities. I wanted to make that very plain and I do hope you will support the gentleman from Portland, Mr. Connolly, in what he is trying to do today.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: The good gentleman from York, Mr. Rolde, who I respect a great deal, especially for some of his historical background, has given us a great history lesson this morning, I do appreciate that. I would like to address a question through the Chair, if I may, to the gentleman from York, Mr. Rolde.

The SPEAKER pro tem: The gentleman may pose his question.

Mr. BROWN: Mr. Rolde, would you join with me next year in offering a bill to abolish the PUC?

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

The Chair recognizes that gentleman.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: In response to the gentleman, I am not sure that I would join him. I have thought about doing it myself.

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

Mr. MATTHEWS: Mr. Speaker, Members of the House: I cannot sit down any longer and listen to the gentleman from Livermore Falls propose to you that the Public Utilities Commission is there to protect the consumers. I think the Representative from York has done a good job but I just want to add one more thing.

That body at the Public Utilities Commission is supposed to make decisions in the best interests of the utilities and the ratepayers and the consuming public and I think they do a fair job. If the gentleman from Livermore Falls has a problem with making decisions based on fairness and attributes that as being anti-utility, then I would ask that gentleman to get up here and explain himself.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I have been somewhat amused by some of the remarks being made to the effect that we shouldn't encourage someone to intervene in these cases because we have already hired a Public Utilities Commission and a Public Advocate, and it occurred to me that if I were swimming off a beach and a lifeguard was hired to watch that beach and I was going down for the third time and perhaps he broke his leg on the way to the water, I would hope that someone else would be encouraged to help me.

Mr. Connolly of Portland requested a roll call.

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

The SPEAKER pro tem: 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 in non-concurrence.

The Chair recognizes the gentleman from Milo, Mr. Masterman.

Mr. MASTERMAN: Mr. Speaker, I request permission to pair my vote with the gentleman from Eagle Lake, Mr. Martin. If Mr. Martin were present and voting, he would be voting yes; I would be voting no.

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

Mr. DUDLEY: Mr. Speaker, I request permission to pair my vote with the gentleman from Portland, Mr. Baker. If Mr. Baker were present and voting, he would be voting yes; I would be voting no.

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

Mr. BRANNIGAN: Mr. Speaker, I request permission to pair my vote with the gentleman from East Machias, Mr. Randall. If Mr. Randall were present and voting, he would be voting no; I would be voting yes.

The SPEAKER pro tem: 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 488

YEA—Ainsworth, Allen, Andrews, Beaulieu, Bost, Brodeur, Brown, A.K.; Carroll, D.P.; Cashman, Chonko, Clark, Connolly, Cox, Crouse, Diamond, Gauvreau, Handy, Hayden, Higgins, H.C.; Hobbins, Jacques, Jalbert, Kane, Kelleher, Ketover, Kilcoyne, LaPlante, Lisnik, Locke, Macomber, Mahany, Manning, Martin, A.C.; Matthews, Z.E.; Mayo, McCollister, McHenry, Melendy, Michaud, Mitchell, E.H.; Mitchell, J.; Murray, Nelson, Paradis, P.E.; Paul, Reeves, P.; Richard, Rolde, Rotondi, Scarpino, Smith, C.B.; Soule, Stevens, Theriault, Thompson, Tuttle.

NAY—Anderson, Armstrong, Bell, Bonney, Bott, Brown, D.N.; Cahill, Callahan, Carroll, G.A.; Carter, Conary, Conners, Cooper, Cote, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Erwin, Foster, Greenlaw, Hall, Hickey, Higgins, L.M.; Holloway, Ingraham, Jackson, Joseph, Joyce, Kelly, Kiesman, Lebowitz, Lehoux, MacBride, MacEachern, Martin, H.C.; Matthews, K.L.; McGowan, McPherson, McSweeney, Mills, Moholland, Murphy, E.M.; Murphy, T.W.; Norton, Paradis, E.J.; Parent, Perkins, Perry, Pines, Pouliot, Reeves, J.W.; Ridley, Roberts, Robinson, Roderick, Salsbury, Seavey, Sherburne, Small, Smith, C.W.; Soucy, Stevenson, Stover, Strout, Tammara, Vose, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilston.

ABSENT—Benoit, Carrier, Crowley, Gwadosky, Livesay, Masterton, Maybury, Michael, Nadeau, Racine, Sproul, Swazey, Telow.

PAIRED—Baker-Dudley, Brannigan-Randall, Masterman-The Speaker.

56 having voted in the affirmative and 76 in the negative, with 13 being absent and 6 paired, the motion did not prevail.

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

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

An Act to Provide Policy and Guidelines for Creation and Operation of Boards and Commissions (H. P. 1780) (L. D. 2345) (H. "A" H-720)

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.

The Chair laid before the House the following matter:

An Act to Raise the Annual Public Utilities Commission Regulatory Fund Assessments to

\$1,594,000 and to Allocate those Funds for Fiscal Year 1985 (H. P. 1809) (L. D. 2391) (S. "A" S-403; H. "A" H-684) which as tabled earlier and later today assigned pending passage to be enacted.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 107 voted in favor of same and none against, the Bill was 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, ordered sent forthwith.

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 applause of the House, and Speaker Martin resumed the Chair.

#### (Off Record Remarks)

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

#### Papers from the Senate

The following Joint Order: (S. P. 918)

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, April 24, 1984, at 2 o'clock in the afternoon

Comes from the Senate, read and passed.

Was read and passed in concurrence.

#### Orders

On Motion of Representative McSweeney of Old Orchard Beach the following Order:

ORDERED, that Representative Frederick F. Soucy of Kittery be excused the Week of April 23, 1984 for personal reasons.

Was read and passed.

#### House at Ease

The House was called to order by the Speaker.

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

#### Consent Calendar

##### First Day

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

(H. P. 1799) (L. D. 2380) Bill "An Act to Establish a Regional Fuel Tax Agreement" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-729)

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

By unanimous consent, ordered sent forthwith to the Senate.

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

RESOLVE, to Amend the Law Concerning Authorization for the Public Advocate to Intervene in Workers' Compensation Proceedings Before the Superintendent of Insurance (Emergency) (H. P. 1868) (L. D. 2470) (Presented by Representative Gwadosky of Fairfield) (Cosponsors: Senators Violette of Aroostook, Collins of Knox and Representative Higgins of Scarborough) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Committee on State Government suggested.

Under suspension of the rules, the Resolve was read twice.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I think I can see some worried looks coming across people's faces out there

relative to this particular piece of legislation.

Briefly what it does is, it makes it clear that if the rate case that was filed on Workers' Compensation increase last year is dismissed for some technical reason, that one additional case that is filed to take its place, the Public Advocate's Office will be authorized to become involved relative to a piece of legislation that we passed earlier this year. That particular Resolve that was passed from the State Government Committee pertained to the rate case specifically filed in December of 1983; that case may be dissolved and another one brought right in behind it so we need legislation to make it clear that that money can be used for this next case but that one case only.

Thereupon, the Resolve was passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

#### Orders

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

ORDERED, that Representative Carolyn T. Mahany of Easton be excused March 27 and March 29 for personal reasons.

Was read and passed.

#### Passed to Be Enacted Emergency Measure

An Act to Reduce Minimum Fees and Provide for Implementation of the Chemical Substance Identification Law (S. P. 915) (L. D. 2463)

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

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Michaud.

Mr. MICHAUD: Mr. Speaker, Men and Women of the House: I would urge you to vote in favor of this piece of legislation. This is a good piece of legislation, it refines the laws that we passed last year dealing with chemical identification.

There have been many concerns by members of this body on how this new law will affect small businesses. One of the key factors of this law or any law that is passed by this body is how it is going to be implemented and administered in a reasonable and prudent way.

I don't believe that the Department of Labor either intends or wants to make a mistake in implementing this law. As legislators we have a responsibility to see that the laws we pass are carried out as we intend, especially with this law. I fully expect that we will take extra care with this law to oversee that the Department administers this law as we intend it to be.

I believe that there is enough safeguards in this bill to address many of your concerns that you had with the original bill that was passed last year.

I talked to the Assistant Commissioner of the Department of Labor this morning and he assured me and agreed that the letter they will send out to businesses, he will let the members of the Committee on Energy and Natural Resources review that letter and give out input on the letter before they send it out.

This is a good piece of legislation and I would hope that you would support it. It is an emergency measure so we will need 101 votes. This L. D. will enhance the safety of the work place.

I might remind you that if we fail to enact this legislation, we will be stuck with the law that is on the books that we passed last year, so I would urge every member of this body to vote in favor of this bill.

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

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: I don't know how good this is, as the gentleman from Millinocket said it was. Only time will tell how good it is. I will say to you that it is an awful lot better than what we were left with last year. It is an awfully lot better now than it was when we first started working

on this draft two days before we had to have all the bills in from the committee, so we are in a lot better position than we have been in the past.

As you know, my great concern with the present legislation was the concern with how the department would implement it. This morning we had a meeting with the department personnel and we have hammered out an agreement that before the letters go out to the employers, the department will draft the letter, send it to all members of the Committee on Energy and Natural Resources for review and comment and have assured us that they will seriously consider any of our criticisms or comments before the final letter is put together and sent out. I think in that way we will assure that the employers of the state will be properly notified with the right information so they can determine whether they are or are not in fact involved and will not have a lot of correspondence and phone calls floating back and forth trying to gain information as happened in the implementation of last year's law.

Therefore, I am satisfied that we have made a substantial improvement and I shall support this legislation and I urge you to also.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 101 voted in favor of same and 26 against, and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

#### Passed to Be Enacted Emergency Measure

An Act to Amend Certain Motor Vehicle Laws (H. P. 1820) (L. D. 2412) (H. "B" H-725 to H. "C" H-685; H. "D" H-722)

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

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair.

The SPEAKER: The gentleman may pose his question.

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: Several amendments went through very quickly on this particular piece of legislation last night and I would like someone, I assume on the Transportation Committee, to explain H-722 that we passed regarding attorneys for the Secretary of State's Office?

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

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: In the Motor Vehicle Division, we have four people that do investigative work, they are members of the bar and they are attorneys and we have one particular man that we had in mind and we felt that due to the fact that he has to perform all the duties, he does all the investigating work and takes these cases right to the courthouse door and then he has to turn them over to a member of the Attorney General's Office, he has to educate him in what the charges are and do all the work, and many times these cases do not get into court as quick as we would like to have them, we don't get the action we would like to have and we just thought that where he did all the work that we would like to have the privilege of having him being able to take his case into court.

It doesn't say that he will always do this, he will work through the Attorney General's Office if he is asked to do so, but we feel that this is a very simple amendment. He is already on the payroll of the State of Maine, he is already in place and it is just a matter of giving out the authority to have this man do this work.

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

Mr. BRANNIGAN: Mr. Speaker, Men and

Women of the House: I am not sure I heard the explanation clearly as to the need for the Secretary of State to have his own attorney. It just seems to me that it is not necessary, and I would pose that question—it is not part of the Transportation Committee's recommendation. There was an amendment placed on last night and it was not part of this bill originally which is quite obvious—I won't pose that question. Naturally it was put on by Mr. Carroll.

I just believe that there is a problem when we begin to take the Attorney General's Office out of the work of the different departments of our state government. I think it is very important that we have one very powerful and very effective and efficient law office for the State of Maine. It seems to me that there have been other attempts in this legislature this year to change that, to give attorneys here, to give attorneys there without central control, without control by this legislature which controls the Attorney General's Office, or at least it does every two years.

I think there is something very bad about this kind of amendment especially, when it does not go through the hearing process. When one other department wanted to follow this route, it was heard by State Government Committee and I think that is where it should be heard. It is a change, major change, in state government when we begin to have these departures from pretty much the norm. There are, as you know, in the Transportation Department attorneys, but on the whole, the work of state government, legal work, is done by the Attorney General's Office.

I think this is a dangerous precedent, especially not having been heard by State Government in deciding. When State Government did hear it, dealing with another department, they decided definitely that they would not approve of such a move, so it seems to me that this is not a good move.

Whereupon, on motion of the gentleman from Portland, Mr. Brannigan, the House reconsidered its action whereby the bill was passed to be engrossed.

On motion of the same gentleman, the House reconsidered its action whereby House Amendment "D" (H-722) was adopted.

The same gentleman moved indefinite postponement of House Amendment "D."

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: It seems a little unusual that my co-chairman from another committee, because he couldn't achieve what this was about to achieve, it is sour grapes and so he tries to kill this amendment. That is what it is all about and we will call it just the way it is.

We asked the counsel from the Attorney General's Office to work with us on the registration plate amendment and he tried to draft up a piece of legislation so weak, with so little power in it, that we were thoroughly disgusted because he was in fear of drafting an amendment to give us the authority to tell people that they couldn't disfigure their license plates, so he drafted up an amendment and I killed it in the House and you concurred with me.

Then we had another study in which we had to work on it and we were very disappointed he did not understand the subject nor the subject matter after many meetings. We do have people down in Motor Vehicle, they are special investigators, they are trained in the field, they have gone on to become attorneys, they are already on the payroll, it is no extra cost to the State of Maine, they could be utilized in the Motor Vehicle Division and they could speed up the process down there and not take so long in cases where people have violated the laws in the Motor Vehicle Division. We could have them come in if they have violated the law, go through the due process, settle the case and be on their way home in just a matter of days. As it is now, the process moves slowly and we don't accomplish what we feel we should be accomplishing down there.

I think it is a difficult day for me, as you can



see, because I know that what went on last night, what went on this morning, I didn't enjoy it, having been here 14 years and being accused of being sneaky and underhanded, I didn't like it. I don't have to be sneaky and underhanded because I told that attorney that I was disappointed in his work in our committee and there is nothing sneaky about it, it is above board, it is an amendment that was offered in this House and was accepted by this House.

I hope that you would not indefinitely postpone this amendment and to leave it on there so the Motor Vehicle Division can operate efficiently. He is not going to be the personal attorney for the Secretary of State, he is going to be working down there in the Motor Vehicle Division.

Down in the Department of Transportation we have attorneys that are specialists and they work on right-of-ways and they are specialists in their fields. If we were to send up here and ask for an attorney on right-of-ways, we would get one one week, two weeks later we could another one that would need to be schooled by another man and tell what the case was all about. That is the problem as I see it in the Motor Vehicle Division and that is the purpose of this amendment.

I would hope that you would oppose the motion to indefinitely postpone this amendment.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I can understand Representative Carroll's problem. Every department in the state has the same problem. They would all like to have their own lawyer, a man that they could talk to, the man they could tell how they wanted the job done. But we have something in this state which I think is rather unique and honest, we have an excellent Attorney General's Office, supposedly unbiased, an office that is honest and an office that can make a decision. I think that office should be the one that should handle this whole situation throughout all departments. We don't need to have every department set up its own law firm and I think Representative Brannigan from Portland is absolutely right. Let's keep our Attorney General and let's keep that department.

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

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: I know nothing of the problem that Representative Carroll is speaking about but I know that in the Department of Agriculture we have a very difficult time getting any prosecutions against potato violations. They are backed up and backed up and nothing is done. I can sympathize with the Transportation Department's problems.

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

Mr. HAYDEN: Mr. Speaker, Ladies and Gentlemen of the House: As I understand it, the pending motion is the indefinite postponement of this amendment. I haven't been around this legislature very long but you always hear stories, you know, of the diamond and the dust that was sort of slipped through when the wind started blowing at the end of the session and in spite of my respect for the people that may be supporting this amendment, I think there is such a thing. It is a diamond for the Secretary of State but I think it is a bit of poison for the people of this state.

Think about this—do we want to have some Secretary of State, the one we have now or anyone in the future, having his own legal staff, having criminal jurisdiction over important people that get stopped for drunk driving, over people with a great deal of influence that have problems with their drivers' licenses. What this does, this is a diamond for one agency of government and if that agency is saintly and if that attorney is skilled, we don't have anything to worry about. But if something every goes, not awry, not if something becomes evil, but if something be-

comes a little human, a little uneven, uneven in motivations, uneven in skills, then what we would have here is an independent agency, state government with jurisdiction over civil and criminal matters that is unique, it is bad policy and it is a tremendous amount of power and it is giving a bureaucrat power in the courts when the issues that come up that are the every day issues and the ones that come to mind, I am sure there are others, but the ones that really come to mind to me, are the ones about driving licenses, drunk driving, driving, things that have to do with people's cars.

All of us know, in fact all of us probably get a little bit advantage that we shouldn't get and I think anything that we ever consider doing that would expand special advantage and would give somebody a little bit of leverage with one office in this government or with one head of some agency is dynamite. I don't care if the head of that agency is my friend, this is a dangerous policy. You know you see this, you see this over and over again, it is turf, that is what this whole world is about, this world inside this statehouse dome is power. This gives one man, whether he is friend or foe, too much power.

If I got too much power, I think I am dangerous; if you had too much power, I think you are.

I think this amendment is a dangerous idea and I think the gentleman from Portland should be commended for siting it. We have a chance to do some good here amongst all this confusion and I hope we do.

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

Mr. BRANNIGAN: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Carroll, just to clarify, I did not support, I went down to State Government and opposed the Department of Business Regulation having their own attorney. This is no sour grapes on my part. I am in the same position here as I was before the State Government Committee as were other members of my committee and I don't believe you did anything underhanded. You presented it, it was here and I don't accuse you of that either. I understand the frustrations as others have said, but what I say is, that if we are not being served well by this Attorney General, in another year we can vote him out. If these kinds of things happen in all those departments, we lose control, we should not lose control of the attorneys of this state and so I urge you very strongly to indefinitely postpone this matter.

When the vote is taken, I would ask that we have a Division.

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

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

The SPEAKER: The gentleman may pose his question.

Mr. RIDLEY: Mr. Speaker, Ladies and Gentlemen of the House: In the Statement of Fact in the last sentence it said there would be no increased cost to the state of this amendment. Could someone please expound on that a little bit?

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

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: The reason I said there was no increased cost is because he is already on the payroll, he is already working for the department; it is just a matter of using his expertise that he is trained for.

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

A vote of the House was taken.

77 having voted in the affirmative and 17 in

the negative, the motion did prevail.

Whereupon, the Bill was passed to be engrossed as amended by House Amendment "C" as amended by House Amendment "B" thereto in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

#### **Passed to Be Enacted Emergency Measure**

An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine (S. P. 911) (L. D. 2462) (H. "A" H-711; H. "B" H-721)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House necessary, a total was taken. 101 voted in favor of the same and 31 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

#### **Orders Tabled and Assigned**

On motion of Representative Higgins of Scarborough, the following Joint Order: (H. P. 1867)

Ordered, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a bill "An Act to Authorize a General Fund Bond Issue in the amount of \$3,235,000 to clean up and Mitigate Threats to Public Health and the Environment from Uncontrolled Hazardous Substance Sites."

The Order was read.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I understand that this is going to be tabled and that is fine with me but I did want to just make a brief remark regarding it and that is that members of the Appropriations Committee who were involved with the bond issues, at least from the Republican side, felt that this was the one issue that was very, very important and had to be dealt with in June of this year that needed to be on the ballot at that time. Several members of both parties and those who are interested in hazardous substances in the toxic waste problems and having it funded have come to us and said, "aren't you going to deal with that problem this year or in immediate fashion?" My answer to them simply was "yes." This was an attempt on my part to at least show that we are committed to that one particular project at this time.

On motion of Mr. Carter, tabled pending passage and specially assigned for April 24, 1984.

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

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

Representative Higgins from the Committee on Taxation on Bill "An Act to Replace the Franchise Tax on Financial Institutions" (Emergency) (H. P. 1787) (L. D. 2363) reporting "Leave to Withdraw"

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

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

#### **Divided Report Later Today Assigned**

Majority Report of the Committee on Taxation on Bill "An Act to Equalize Taxation of Leased Aircraft used in Interstate Commerce" (Emergency) (H. P. 1823) (L. D. 2416) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Equalize Taxation of Aircraft" (H. P. 1869) (L. D. 2471)

Signed:  
Senator:

TWITCHELL of Oxford  
Representatives:

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

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

Signed:  
Senator:

WOOD of York

Representative:

ANDREWS of Portland

Reports were read.

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

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

#### Orders

On motion of Representative Jacques of Waterville, the following Joint Resolution: (H. P. 1866) (Cosponsors: Representatives McGowan of Pittsfield, Wentworth of Wells, and Speaker Martin of Eagle Lake)

JOINT RESOLUTION IN TRIBUTE TO THE HONORABLE ANTOINETTE C. MARTIN OF BRUNSWICK

WHEREAS, the Members of this Legislature have learned that one of the crown jewels in its midst is concluding her legislative career at age 74; and

WHEREAS, the grand character and personality of this charming gem truly personifies the title of gentle lady; and

WHEREAS, as a "country girl" she knows animals and that "while a fox is a fox and a wolf is a wolf and a bear is a bear, man can be a lamb today, a wolf tomorrow, play dove in the morning and a hawk in the evening, talk like a parrot or be mute as a fish;" and

WHEREAS, being from the old school and a skilled politician, she can stand her ground; for, as even the most powerful of leaders have found, the only way to fight her is with a hat—and that is to grab it and run; and

WHEREAS, her dedicated public service for the past 10 years may, in the grand scheme of things, seem a minor courtesy bestowed upon the State but, "courtesies of a small and trivial character are the ones which strike deepest in the grateful and appreciating heart;" now, therefore, be it

RESOLVED: That We the Members of the 111th Legislature of the State of Maine, now assembled in Second Regular Session, take this opportunity on the eve of her retirement, to pay this tribute to the Honorable Antoinette C. Martin, Representative from Brunswick, and to express our thanks for the many spiels she so nervously delivered, for hitting the nail on the head so many times and for the "bear facts and the buck fever," to mention a few, and to wish her well and Godspeed on her forthcoming retirement; and be it further

RESOLVED: That the Clerk of the House prepare a suitable copy of this Resolution for presentation to "Toni," in token of our esteem for a dear colleague.

The Resolution was read.

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House and even the Pages because they are my friends and I love every one of them, I haven't got any words to say. I just want to thank you and I had 10 beautiful years here. Outside of my married life and my children, these have been the 10 most beautiful years of my life and I have learned a lot. I think that everybody in this state should have a chance to come here

to see how we work and then they wouldn't complain so much and they wouldn't gripe so much. It is true, I think if they understood the process, they wouldn't have so much to say. I gripe myself, I think it is slow, I have been waiting for a bill all afternoon and it hasn't come out yet. I know I will go home in the dark if I have to wait for it but I am going to wait for that one bill because that is the last good deed I am going to do for a long time.

I thank you all and I think it has been great working with you. I noticed that out of our class, there is only about five of us left, two ladies and we are both going out at the same time. MacEachern is one of them that came in with us; Mr. Cox was one of us; Don Hall and even our dear friend down there—only he has got an "R" behind his and we all have a "D" behind ours.

Thank you all very, very much. (Applause, the Members rising)

Thereupon, the Joint Resolution was adopted and sent up for concurrence.

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

#### Passed to Be Engrossed

Bill "An Act to Equalize Taxation of Aircraft" (H. P. 1869) (L. D. 2471)

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

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

House Amendment "A" (H-731) was read by the Clerk and adopted, the Bill passed to be engrossed as amended by House Amendment "A" and sent up for concurrence.

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

#### Finally Passed Emergency Measure

RESOLVE, to Amend the Law Concerning Authorization for the Public Advocate to Intervene in Workers' Compensation Proceedings Before the Superintendent of Insurance (H. P. 1868) (L. D. 2470)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 105 voted in favor of the same and 11 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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 occupied his seat on the floor.

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

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

—In House, Minority "Ought Not to Pass" report of the Committee on Labor read and accepted on April 10, 1984.

—In Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-410) in non-concurrence.

Pending—Further Consideration.

On motion of Mr. Martin of Eagle Lake, the House voted to recede.

The same gentleman offered House Amendment "C" (H-734) and moved its adoption.

House Amendment "C" (H-734) was read by the Clerk.

The SPEAKER pro tem: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Members of the House: I don't think there was an issue during this session or for that matter last year which has caused more problems than this particular issue. For a moment I would like to tell you why I think that is so.

The amendment that I am offering under House Amendment "C" is no magical solution. I suspect that part of the problem and why we are where we are today is caused by many factors and there are many members of the House from both parties who are truly concerned about the impact of minimum wage on both sides of the issue. No one, I think, has the answer or can be sure what that answer is. To some degree we are hoping that we know what we are doing is correct.

Some members of the House are concerned about driving businesses outside of the state; some members are concerned about the salary that people are taking home, those people in particular on the lower echelon of the economic scale who are at minimum wage, a group of people in our state who do not receive an increase and never have received an increase except through the state legislature or through the national congress.

There are many people who are voting on this issue that are not voting on the issue of minimum wage at all. It is caused by all kinds of factors and it is caused on legislation that is pending or was pending during this Special Session or this Second Session or during the Regular Session of last year. There are people who were concerned that were pressured by both sides, whether it be by the employers or by the labor unions or by people who were in favor of a fish and game bill, of ethanol or whatever the issue was, and so what happened, I think, in part because the bill came in late for whatever reasons and I think there is enough responsibility to be shared by most everyone, including myself, it creates a problem for us at this time of the year, at this time of the session.

There is not a member of this House of either party who can say that I have asked them to vote for this thing or else; there is no member of my party that I have threatened or twisted their arms, and I have made the decision to offer this amendment finally, after realizing what would happen if nothing happened.

Earlier today I tried to think of all kinds of possibilities of things that we could present, including doing for the working men and women of Maine the same thing we had done for the business community of Maine dealing with tax conformity—the possibility of a study committee and then that would go into play. If the study committee reported favorably, minimum wage would then be triggered.

There was a possibility, perhaps, of it being based on the CPI, which has been suggested before; some people suggested the possibility of tying it to a state contract and the increase that state employees would get and that ought to be the state average.

I think it is fair to say that every thought that anyone has had I have listened to, because I didn't know what the right answer was. There are some people in this House from both parties who firmly believe that the minimum wage should not be increased at all now, tomorrow, next year or forever, and that the increase in the minimum ought to occur—ought to occur—in the national congress. I understand that position but I also reject that position. I reject it, I guess, in part because I, even though a Democrat, am a state's righter, sometimes sick of what the national congress does whenever controls it, that the reason in the thirties that the national congress took over all this control from the states was because the states abrogated their responsibility, and feel that that is not something that we should do.

There are some people in this House who firmly believe that an increase ought to be given, but not sure when. The gentleman from Mt. Desert, who is not here, came earlier today and suggested a possible solution, tying it with the unemployment rate. Not a bad idea if you could figure out a way to make it work because it might be something that would work in the future.

I think a number of people in this House have



tried to figure out solutions as to how we might resolve this issue, because I think to the vast majority of the members of this House, regardless of party, there is a true understanding about the fact that people cannot live on the minimum wage. Some people would argue that people are on minimum wage because of their lack of education, their lack of desire to move forward in society, or their lack of whatever. Well, I know that in those areas, those people that represent the mill communities, that if mills were not located in places such as Westbrook and Baileyville and Millinocket, the salaries would be substantially different than they are now, because if there is one industry that has carried its freight, it has been the paper industry. They have been the backbone of this state both in creating jobs and in leading the way for people's salaries.

With all that in mind, I tried to figure out a couple ways to handle this. There are two amendments that were distributed to you. One called for 10 cents this year, or I should say this coming January, and the other called for 10 cents the following January. House Amendment "C" calls for an additional 10 cents in the third year, and you may ask why. That is certainly more than what the President of the Senate put in over a longer period of time—why 30 cents over the three years rather than 20 cents in January?

Let me tell you a little reasoning as to why it is where it is, not my words but the words of others who have come to me. What the 30 cents does in effect is set a state policy over the next three and a half years, because if there is one thing that the business community said—plan, we need time to implement whatever it is you are going to do. There are some people in the business community who want to plan by making it zero; I understand that. There are others in the business community who have every desire to also pay their people what they are worth, and what this does is, it handles it not for one year this session but for a couple of sessions, a couple bienniums, perhaps, unless the federal government eventually takes action.

To be realistic, knowing the policy of the present administration, without being political, they have indicated that they do not intend to introduce an increase in the minimum wage at this time. I would suspect that if odds are correct and my friends on the other side of the aisle are correct, that their candidate for President will be reelected, without my help of course, and I understand that, but I also have a responsibility to those people that I represent, that we are responsible for here in Maine, to see if we can be of assistance. That is why the amendment is drafted the way it is, not in a way to get more over a longer period of time because what we are doing, this 30 cents, will be quickly eaten up in inflation. But I can guarantee you this, that what they get out of this is better than zero.

Those are the options. Unfortunately as it may be, I think that is where we are today. I know that many of you would have liked, perhaps even I, and I think my thoughts were issued many months ago, that this issue would have disappeared from this session. It did not and it has not and it is before us, and we have a responsibility and a duty to now face it even though it may not be what we would like to do.

So, I suspect from both sides of the aisle, both positions where we were, that no one is happy, and if that is true, then let me suggest to you that perhaps it is a decent compromise that is worth voting for. I would ask you to consider that before you cast your votes today.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Auburn, Mrs. Robinson.

Mrs. ROBINSON: Mr. Speaker, Ladies and Gentlemen of the House: Although I serve on the Labor Committee and signed the "ought not to pass" report, I have stayed out of the debate so far this session because I felt that we thoroughly aired this issue and debated it long enough last year. I feel that in the past couple days we have also thoroughly aired this issue, and so I would

urge us to get on, cast our vote, and I would ask for a roll call.

A roll call has been requested.

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

At this point, Speaker Martin resumed the Chair and Representative Gwadosky of Fairfield returned to his seat on the floor.

The SPEAKER: The pending question is on the motion of Representative Martin of Eagle Lake that House Amendment "C" be adopted. All those in favor will vote yes; those opposed will vote no.

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

Mr. SWAZEY: Mr. Speaker, I request permission to pair my vote with Representative Connors of Franklin. If he were here and voting, he would be voting no and I would be voting yes.

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

Mr. GAUVREAU: Mr. Speaker, I request permission to pair my vote with the gentleman from Mt. Desert, Mr. Zirkilton. If he were present this evening, he would be voting nay; if I were voting, I would be voting yea.

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

Mr. RICHARD: Mr. Speaker, I request permission to pair my vote with the gentleman from Lewiston, Mr. Telow. If he were present and voting, he would be voting no and I would be voting yes.

The SPEAKER: The Chair recognizes the gentleman from Baileyville, Mr. Tammaro.

Mr. TAMMARO: Mr. Speaker, I request permission to pair my vote with the gentleman from East Machias, Mr. Randall. If he were here, he would be voting no and I would be voting yes.

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

Mr. SOULE: Mr. Speaker, I request permission to pair my vote with the gentleman from South Portland, Mr. Kane. If he were present and voting, he would be voting yes; I would be voting no.

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

Mr. PERKINS: Mr. Speaker, I request permission to pair my vote with Representative Benoit of South Portland. If she were here, she would be voting yea; I would be voting nay.

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

Mr. MITCHELL: Mr. Speaker, I request permission to pair my vote with the gentleman from Brunswick, Mr. Livesay. If he were here, he would be voting no; if I were voting, I would be voting yes.

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

Mr. NADEAU: Mr. Speaker, I request permission to pair my vote with the gentlewoman from Cape Elizabeth, Mrs. Masterton. If she were here, she would be voting no; if I were voting, I would be voting yes.

The SPEAKER: The Chair recognizes the gentleman from Eliot, Mr. McPherson.

Mr. McPherson: Mr. Speaker, I request permission to pair my vote with the gentleman from Westbrook, Mr. Carrier. If he were here and voting, he would be voting yes, and I would be voting no.

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

Mrs. NELSON: Mr. Speaker, I request permission to pair my vote with the gentleman from Biddeford, Mr. Racine. If he were here, he would be voting yes; I would be voting no.

The SPEAKER: The Chair recognizes the gentlewoman from Lewiston, Mrs. Cote.

Mrs. COTE: Mr. Speaker, I request permission to pair my vote with the gentleman from Portland, Mr. Baker. If he were here, he would be voting yea; if I were voting, I would be voting nay.

The SPEAKER: The pending question before the House is on the adoption of House Amend-

ment "C". Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 489

YEA—Ainsworth, Allen, Andrews, Beaulieu, Bost, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cox, Crowley, Diamond, Erwin, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Jalbert, Joyce, Kelleher, Kelly, Ketover, Kilcoyne, Lehoux, Lisnik, Locke, Macomber, Mahany, Martin, A.C.; Martin, H.C.; Matthews, Z.E.; Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, E.H.; Moholland, Murray, Norton, Paradis, P.E.; Paul, Perry, Reeves, P.; Rolde, Rotondi, Stevens, Theriault, Thompson, Tuttle, Vose, The Speaker.

NAY—Anderson, Armstrong, Bell, Bonney, Bott, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Conary, Cooper, Crouse, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Joseph, Kiesman, LaPlante, Lebowitz, MacBride, Manning, Masterman, Matthews, K.L.; Maybury, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Parent, Pines, Pouliot, Reeves, J.W.; Ridley, Roberts, Robinson, Roderick, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stevenson, Stover, Strout, Walker, Webster, Wentworth, Weymouth, Willey.

ABSENT—MacEachern.

PAIRED—Baker-Cote, Benoit-Perkins, Carrier-McPherson, Connors-Swazey, Gauvreau-Zirkilton, Kane-Soule, Livesay-Mitchell, J.; Masterton-Nadeau, Nelson-Racine, Randall-Tammaro, Richard-Telow.

65 having voted in the affirmative and 63 in the negative, with 1 being absent and 22 paired, the motion did prevail.

Senate Amendment "A" (S-410) was read and indefinitely postponed.

Thereupon, the Bill was passed to be engrossed as amended by House Amendment "C" in non-concurrence and sent up for concurrence.

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

#### Reports of Committees

##### Ought to Pass in New Draft

Representative Kilcoyne from the Committee on Taxation on Bill "An Act Providing for Administrative Changes in Maine Tax Laws" (H. P. 1747) (L. D. 2301) reporting "Ought to Pass" in New Draft (H. P. 1871) (L. D. 2473).

Report was read and accepted 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.

##### Ought to Pass as Amended

Representative Jackson from the Committee on Taxation on Bill "An Act to Amend the State Income Tax Credit for the Installation of Renewable Energy Systems" (H. P. 1831) (L. D. 2432) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-732).

Report was read and accepted and the bill read once.

Committee Amendment "A" (H-732) was read by the Clerk and adopted.

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

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

#### Divided Report

Majority Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-733) on Bill "An Act to Replace the Franchise Tax on Financial Institutions" (Emergency) (H. P. 1802) (L. D. 2394).

Signed:

Senators:

WOOD of York

TWITCHELL of Oxford

Representatives:

CASHMAN of Old Town

DAY of Westbrook

INGRAHAM of Houlton

JACKSON of Harrison

KANE of South Portland

KILCOYNE of Gardiner

MASTERMAN of Milo

McCOLLISTER of Canton.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (H.P. 1870) (L. D. 2394) on same Bill.

Signed:

Representative:

ANDREWS of Portland

Reports were read.

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

Committee Amendment "A" (H-733) was read by the Clerk and adopted and the Bill assigned for Second Reading later in today's session.

### House at Ease

The House was called to order by the Speaker.

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

#### Passed to Be Engrossed Emergency Measure

An Act to Amend Certain Motor Vehicle Laws (H. P. 1820) (L. D. 2412) (H. "B" H-725 to H. "C" H-685).

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 104 voted in favor of the same and 3 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

#### Passed to Be Enacted Emergency Measure

An Act to Establish a Regional Fuel Tax Agreement (H. P. 1799) (L. D. 2380) (C. "A" H-729).

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 103 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

#### Enactor Indefinitely Postponed

An Act to Increase the Minimum Wage over a 3-year period to \$3.65 (S. P. 835) (L. D. 2236) (H. "C" H-734).

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

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

Mr. WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: I am somewhat apologetic for getting up at this time of the night to talk on this, I really am, I realize that it is late and everybody wants to go home, but I feel that it is the most important bill of the session and even though we have plowed and harrowed and, believe me, completely fertilized this ground for the last week or so, I think I should call your attention to a few of the facts again.

In the first place, the gentleman from Eagle Lake, Representative Martin, when he introduced the amendment, if you will recall, he said that the present administration might not increase the minimum wage on the federal level, in case the President is reelected, during his next term. Well that is roughly four years from now.

This amendment that has been placed on here gives a 10 cent increase each and every year.

Now at that time, assuming that the administration does not increase the minimum wage, the State of Maine would be 30 cents higher than any other state in the union with the exception of Alaska, Hawaii and the District of Columbia.

A number of people have already said that there are businesses that simply can't afford this sort of thing because they can't compete out of state. I will give you a couple of instances. Kent Manufacturing Company in Fort Kent wrote a letter and said that they would have to give serious consideration to transferring their manufacturing outside of the state. This is an organization of several hundred employees and this is not a company which is all ready to go out of business. They have been quite successful in business but it makes no economic sense for them to produce things in this state that they can produce and sell at a better advantage by producing them in some other state, and they do have facilities presently in other states.

Another instance is Hathaway Shirts. They, I understand, employ 1200 people in the State of Maine. They also make shirts outside of the State of Maine, and if they can produce shirts at their other facility where they presently hire 600 people at a better economic advantage, then is there any reason for them to continue to do business in this state?

This state is not an island unto itself, it must do business outside of state, we must have a balance of payments, we must export something. Many of the things we could possibly export, we don't choose to do so. Certainly one of the things that we could export would be electrical energy. We have already tied that up to a point where we have to import electrical energy and send out dollars to Canada. It is true in almost everything. For instance, we educate our youth very well, we spend millions and millions of dollars every single year educating our youth but we refuse to supply jobs for them. There is no place to put them to work so what do we do? We export our youth and we do so year in and year out. We must provide jobs for people, that is what we need.

Our unemployment rate, as I explained the other day, is the only state in the union where the unemployment rate went up last year. Currently it is 9 percent and certainly it doesn't make any economic sense for us to increase that and it doesn't make any sense for the people who are involved that that should be increased. It is currently the highest in New England. We are not going to improve that situation by driving business out of the state.

I have compassion for people who are on the low end of the totem pole as far as pay is concerned, really, I sincerely do. I worked in that category for many years and I know what it is like, but many of these people, as I explained previously, are people who receive a base pay of \$3.35 an hour but they have other income as well, such as tips, commissions, this sort of thing. I have tried to substantiate the figure that has so frequently been used here that there are 100,000 of them. I cannot substantiate that figure through the Department of Labor, neither can I substantiate what percentage of them get increased income other than the straight \$3.35 an hour which they are guaranteed.

Another thing that makes me suspicious of the whole thing is recently there has been rulings and controversies, basically union pushed again, for the people who work at home knitting, knitting sweaters, knitting mittens, knitting all this sort of thing by hand and these people can earn more money at home and run their home in an efficient fashion but we want to cut that out entirely. Does that sound compassionate to you?

My personal feeling is that this bill should have a substantial economic impact statement with it because guess who employs the most people in the State of Maine, it is the State of Maine. It certainly should be obvious to everybody that if you raise the bottom of the pay scale, the top must necessarily go up accordingly.

I also explained to you what effect it would

have on our hospitals, medical care. A tremendous amount of people are employed in the medical field taking care of people who are ill and we have gone to great lengths in this House in the short time that I have been here to effect hospital costs containment. It has been a great concern to everybody how much hospital costs go up each and every year, about twice as fast as the inflation rate.

We took steps to overcome that and here we are about to pass a bill that even at an additional 20 cents an hour would have increased the hospital costs by some \$11 million bucks. Does that make a lot of sense? Guess who is going to pay? Not only the individual is going to pay but all the taxpayers across the state are going to pay and a lot of it from the federal government. If you don't pay for it one way, you are going to pay for it another way.

Another thing I wish to call to your attention is that at 10 cents an hour, it is not 10 cents an hour, don't let that mislead you the least bit because for every nickel that you are going to pay in direct pay, there is also the fringe benefits that have to be considered. I would guess, and I have no figures to back it up, but I would guess that for each 10 cents an hour that you are going to pay out in direct pay, there is probably roughly another 4 cents attached to it because of Workers' Compensation, the unemployment insurance, vacations, holidays and everything that you can think of that is directly related to a working person.

We are one of the very poorest states in the nation. We have one of the poorest business atmospheres in the nation. Why on earth should we sit here tonight and try to make those conditions worse, including unemployment, hospital costs and direct cost to the taxpayers of the State of Maine through the employees that it has on its payroll, because every single union contract that is written from now on will reflect those costs in and with the 10,000 people right now, who are negotiating a new contract and have been negotiating for roughly the last year, that is going to reflect in that contract. The figure that they have been talking about so far is three and a half percent. Now if you raise this, let me see, it would be another three percent that we would raise in one year's time, then that three percent on top of the three and a half percent is going to be reflected in the contract.

There is another thing that I wish to call to your attention, that this increase in pay, without any increase in production, creates inflation. It is an inflationary thing and always has been across the nation because you are paying something and you are getting no return. For that reason, it is inflationary.

I remember in 1981 that the inflation rate was over 13 percent. It has been down as low as three and a half percent and I guess now it is about five percent. Can you people honestly say that you want it to go up 13 percent again because every single nickel that you have is worth that much less and this is certainly going to contribute to it. If, in fact, the federal government went up and the State of Maine went up in exactly the same fashion, we would, in the State of Maine, be at no economic disadvantage from the effects of the increase in the minimum wage but if we should go up by ourselves, then it does have a very detrimental effect to the state for the very simple reason that we won't be able to be competitive with the states that surround us.

For that reason, I sincerely hope and I make a motion right now that this bill and all its accompanying papers be indefinitely postponed and I would ask for a roll call.

The SPEAKER: A roll call has been requested.

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

Mr. DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: My friend and neighbor from Hampden, Mr. Willey, is right in that the hour is late and we have debated this issue sufficiently, without question we have debated it thoroughly, but I think he is wrong on the points

he made in this argument, and once again, very briefly, I would like to go over the reasons why I believe we should defeat the motion to indefinitely postpone and go ahead and enact this piece of legislation.

It has been pretty clear through the debate that there is a disagreement over whether or not this is going to have a substantial impact on the businesses of this state and our state's ability to attract businesses to this state. I am convinced that it will not have a detrimental impact and I don't think any arguments that have been given in this body can make that argument any stronger. I do believe to the contrary, that we would be better off by passing a minimum wage because of the fact that such a stimulation of the economy at that level will most definitely have a positive impact and there are economists throughout the state that would agree with that. But the arguments aren't going to be repeated here tonight and shouldn't be repeated here. We have to look at the fundamental question.

This state has an obligation, in statute, as does the federal government to make sure that the working corps of this country and of this state gets a base amount of compensation for their efforts.

The gentleman from Hampden is right, we have people who work hard and work for everything they get and we have an obligation to recognize certain facts. The facts are that the minimum wage in this state and in this country has not been increased since 1981; the cost of living has gone up 16 percent. If we recognize our obligation to take care of the people, the working corps of this state, we have an obligation to adjust that minimum wage, the minimum wage that is established in Maine statute and also in Federal statute.

There are a number of factors we have to look at—what is the impact going to be? Yes, a higher minimum wage in Maine is something that businesses will look at, but there are other considerations they will look at in determining whether they are going to stay in Maine or whether or not they are going to come to Maine. We talked about those the other day. The business climate involves transportation costs, labor costs, and our labor costs are significantly lower than the national average; the attractiveness of the state because of its natural resources, a number of factors that go well beyond the arguments that have been debated and mentioned here in the discussion of this piece of legislation.

But the most important thing we have to look at is the consideration, the one legitimate consideration, that I believe I have been sensitive to in this debate and that has been raised by the opposition, and that is whether or not Maine businesses, both those presently located in the state and those who would like to come to Maine, are going to be able to implement this law in a way that is not going to adversely impact their businesses. I think the amendment we attached earlier this evening does just that. It is a responsible action on the part of this body, it recognizes that businesses do have planning and must take into consideration budgets that go well beyond the calendar year, and it phases in an increase that we think is responsible—10 cents an hour for 1985, another 10 cents an hour for 1986, and another 10 cents an hour for 1987.

There is not question that the people of this state deserve that increase. I don't think anybody in this body disagrees with that, and I think it is important to recognize our fundamental responsibility to the people of this state, the working people of this state, the people who really go out and work for a living and are forced to receive a minimum wage of \$3.35 an hour. If those people have a family, they are living under the poverty level and the average family of four is living \$3,000 underneath that poverty level.

Through our system we can save money, if you want to look at it simply in the terms of dollars and cents, by enacting this piece of legislation. We are subsidizing those businesses who pay minimum wage. And if you want to look at

it simply in terms of what it is going to mean to state government, it is going to lower our costs, lower the costs of food stamps, lower the cost of general assistance to the local municipalities, reduce our costs to the medical services that we pay for poor people in this state.

It is important for us to take an action that is going to recognize the legitimate concerns of the business community but also recognize our obligation to help the poor working people of this state.

I think it's a modest increase we are proposing, it is a reasonable one, it is a practical one and it is a responsible one. I think tonight we have an obligation to enact this and send it to the other body and I think we will all be much better off if we do so.

Again, I ask you defeat the motion before us, which is to indefinitely postpone, so that we are, indeed, in a position to enact this legislation.

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 Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: Obviously, there is a difference in philosophy in the House and it can only be proven a year or two from now because I know what the unemployment rate is in the State of Maine now and we'll have the figures, unfortunately, later. I'm not talking for industry, we don't have much in my area, but what we do have for small industry, the people don't all work for minimum wage because they start at minimum wage and eventually, if they are any good and can produce, in most cases they earn more.

I wouldn't have stood up if it wasn't for the school children in the towns in my area who have a job for the summer raking beaches and doing town jobs at minimum wage so they will have some money for college or business school in the fall. The towns in my area have all had their town meetings in March and raised a certain amount of money for these projects. That means all the children that figured on having these little summer jobs, there are going to be one or two left out because there just isn't going to be money enough, as they had proposed, for them to have these jobs. I feel rather bad about that because they look forward to this for some education money to go to one of the business schools in Bangor or go on to the University of Maine. It certainly doesn't pay the whole of it but it helps. Their parents don't have a lot of money. So there is more than industry involved and there is more than a dime involved.

Twice I voted in this House, at least twice, maybe more, for an increase in the minimum wage, and both times my people got hurt because it was like throwing them a few crumbs and we give the other people a loaf of bread. This hurts me too.

This is basically a difference in philosophy from the man in Bangor that just spoke. He believes what he believes, and I know he is sincere, but I believe what I believe and I believe I can't prove what I am telling you until two years from now when I can show you the unemployment rolls, and then I can prove what I am saying. Unfortunately, that is two years away, but I can prove it sooner than that when the little jobs start, the summer jobs for the kids out of school that are figuring on going to college on the few dollars that they are going to get. I can prove that sooner than a year, but that is too late also, the vote is going to be taken tonight. It is a most unfortunate thing, but that is the way it is.

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

Mr. COOPER: Mr. Speaker, Ladies and Gentlemen of the House: I'm not standing before you today thinking I am going to change many minds, but as a Democrat who has been opposing the bill to increase the minimum wage, I do feel an obligation to explain my reasons for doing so and a little bit of my philosophy, I guess, behind

it.

The Portland Press Herald today has an article on minimum wage, and I am not going to bore you with the article, it is a rather long one. One quote I would like to make is from a Dr. Mark Killingsworth from Rutgers University, an economist who did research for the federal Minimum Wage Study Commission. His quote is: "If I were a representative of low wage workers wondering whether to support an increase in the minimum wage, I don't think the answer is obvious." I guess that is the problem that I and many others are facing.

A couple of days ago, I stood briefly and offered a few facts in support of Representative Strout. I had not intended to speak that day and I said so, you probably don't remember because about 40 other people said they also didn't intend to speak that day. I had a reason for not speaking, though. I have always had my doubts about this, I guess, since it came up, my fears of the impact of an increase in minimum wage, but I wanted to leave myself open to persuasion and therefore didn't want to commit myself on the record. When I made my comments, I simply said I wish you would consider that when you vote and I sat down. I did not ask you to support or vote to defeat the bill at that time.

I have been receiving some facts, they are still coming in. Things happen very quickly here. Once we sent the bill to committee, the hearing was quick, it came before us quickly, so I have been asking for facts and figures. It is very difficult because analyzing these figures is just about impossible. I guess if you are an expert, you can do something with them, if you're not, you can't do anything with them.

The concern that I have, as has already been stated, is jobs. At the public hearing there was a statement that the '71 to '74 period, when we had a higher minimum wage than the national minimum wage, there was no adverse impact on Maine's employed. That gave me pause and I started to reconsider my position, and when I was approached by some lobbyists out here, I asked for some data on that. I also asked the Department of Labor for some figures on that. What I found was that it didn't seem as though those figures held up, that Maine's employment increased during that period but it did not increase as fast as the U.S. average, which seems to indicate that it hindered our growth.

The major point, I guess, is that it appears during that period business that had four employees or less were exempt from minimum wage in Maine and hospitals and nursing homes were also exempt for a period of time, so even if, I suppose, we were with the average, the fact that between fifteen and twenty thousand businesses were exempt tends to make a comparison between what we did then and what we are doing now very difficult. And when I looked at the figures comparing the state with the national employment increases, although I have perhaps just convinced you that the minimum wage hurt Maine, I would not say that is necessarily true. It is very difficult to make a comparison using any figures because you have got to look at trends, national trends, regional trends, and it was difficult for me looking over a 20 year period to come up with any kind of a trend that we went with or against the national employment figures. My point, I guess, is that I don't have a whole lot of faith in those figures or other figures that have been floating around.

I do put a little bit of faith in the State Planning Office, and last year when this bill was being looked at, they did an analysis for some legislator, I don't know who it was but they had it on file over there, and what they said was, do increases in the minimum wage decrease employment? Most evidence indicates that increases in the minimum wage have led to decreased overall employment. The effect is greatest in low wage jobs where employers tend to lay off or hire fewer workers at the lowest skill levels and demand more responsibility of higher paid workers.

Studies are very varied on this and you can probably pick and choose any number. They did cite a couple and they admitted that the precise impact of changes in the minimum wage on employment is not clear. One study in retail trade showed that a 5 percent increase in the minimum wage resulted in a 5 percent decrease in retail employment. Another showed a similar effect in agriculture.

I think we are all concerned about the same thing, and that is doing what is best for the people of the State of Maine. I think what separates us is an honest difference of opinion as to the impact of increasing the minimum wage. Are we going to help the poorest people on the ladder or are we going to cause a large increase in unemployment or, in fact, just less jobs coming into the state so more and more people will be unemployed that normally would be employed, and is that offset by the possible advantages of increasing the minimum wage for the poor? I am opposing the bill because I'm not sure.

The sponsor of the bill, when he testified at the public hearing before the Committee on Labor, which I attended, I believe said that this bill is a gamble, and it is, and I just feel it is a gamble with people's lives. I can't find enough facts to convince me that it is not going to hurt a great number of people by causing unemployment.

I would like to thank the Speaker, I guess, for his amendment. I think if, indeed, the bill is going to pass, the amendment at least insures business that for three years they know where they stand in the State of Maine and can come to the state or not knowing the long-term effects of coming here, or at least a three-year effect.

I have a few other facts and figures but I am not going to bother with them tonight. I don't really feel I need to debate everything that has been said over the last few days, but I just wanted to make it clear that I think we are all interested in the same thing, it is simply a philosophical difference as to whether this bill is going to help or hurt the people that we want to help the most.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: Over the period of the last two weeks when we have been debating this bill, I have remained extremely silent, as all of you I am sure know, for those of you who were here during the debate and I almost hesitate to rise this evening simply because I have been advised by those who feel that if I should be involved in the debate that it would turn it into a partisan one and that those members of the opposite party who have been voting against this bill might somehow change their vote. I doubt that tonight. I think everybody here has a clear conscience as to how they are going to vote and I don't believe that what I say here is going to intimidate or encourage members of the opposite party to vote one way or the other.

The reason that I rise is simply to try to explain to you, I guess, where I think we are coming from, or at least where I think I am coming from on this particular issue.

The other day there was a lot of talk about how the Republicans were heartless and cruel or in favor of the unemployed and all sorts of statements like that, and I can assure you that that is not true. It is a philosophical difference. We are all here to help the people in the State of Maine, and I am not here nor is any member of my party here to say that we want to keep the minimum wage low because we like people earning low wages. That's ridiculous.

The question as to whether or not we lose or gain jobs or it stays the same because of a rise in the minimum wage mandated by the state to me does not matter, not one single bit. I am willing to say, and I don't have any statistics, I am not on the Labor Committee, but I would just say that I am willing to grant those who say that any of the people who now have jobs will lose them, I am not willing to say that, I think it

might be a wash, so let's throw that argument aside.

I am opposing this bill for two reasons, first of all, the ability for Maine businesses to compete. Now yesterday or the day before, the gentledady from Vassalboro, Mrs. Mitchell, had a joint order in here which we all discussed and supported, I think, unanimously relative to shoe workers and their ability to compete nationally. I submit to you that 10 cents, it is a small raise, I grant you that, but 10 cents times a hundred thousand workers times 52 weeks a year is \$20 million. I don't for a minute think, nor do I think you think, that Maine businesses are going to subtract that from their profits. They are going to have to cut back somehow. They are going to either have to lay off the people—maybe they will, maybe they won't—or they are going to have to raise their prices, and I submit to you that they can't afford to raise their prices because the Maine consumer pays for it, the national consumer pays for it and the international consumer pays for it, and that may well be the most important reason, the ability for Maine businesses to compete nationally and internationally. It's like a \$20 million tax increase the first year, \$30 million the second year and \$60 million the third year. Maine businesses are going to have to pay that in increased wages and compensation so they are going to have to raise their prices or do without something else.

Second of all, I think by raising the state's minimum wage, and Maine being the one and only state that is above the national average, sends a clear signal throughout this nation that Maine is not interested in attracting businesses into this state.

We already know about high Workers' Comp costs, we don't necessarily have to talk about that tonight. Transportation costs are high in Maine, heating costs are high in Maine. Now the Maine Legislature can't do anything about heating costs, transportation costs, because we are here, we can't move ourselves into the sunbelt. We have to live with those, but I tell you, we can do something about this one item. We vote on it and we make that change or we don't make that change, and it sends a clear signal that Maine is not interested in pursuing a healthy business climate, and I think that is unfortunate. All the dollars we spend on advertising and promotion to encourage people to move their businesses into this state or to expand them is wasted, because whether or not those people pay minimum wage or they don't pay minimum wage, they look at what we have done as a legislature over the last two years and they are going to say, well, let's think about going to Maine, let's think about what they might do for us. First of all, they raised taxes on the largest corporations in the state last year, \$14 million, and we have got to deal with that. Second of all, they have got higher workers' comp costs. The legislature has reluctantly done something about it but has not done in my term, and again that is a philosophical difference, as much as could be done in terms of workers' comp, but the fact is, we are third or fourth highest in the nation. They take that into account. They take into account the fact that tax conformity has not been realized in its entirety in this state yet and it may not be this session, I don't know. The fact is, those three things are things that this legislature has failed to do or has done which I think really is a detriment in trying to promote this state within the nation and within the world to come here and bring those people. You can't hire people if you don't get the jobs here first. The businesses come first. If you don't have the businesses, you are not going to have the jobs.

The big question that needs to be answered is, why should Maine, this state of ours, be the only state in the nation to be above the minimum wage nationally? I have yet to hear a good reason why, and until I do I intend to vote against this legislation.

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

Mr. WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: Before we vote on this issue, I would pose a question. In reference to Joint Rule 21, is this measure properly before this body?

The SPEAKER: The Chair would advise the gentleman from Farmington, Mr. Webster, that the fiscal note which the Chair has is on the original bill. The Chair is not in a position to make any determination. Joint Rule 21 specifically directs the Office of Legislative Finance to have the sole responsibility for fiscal notes, and the Chair has none. The Chair would have to rule that the matter is properly before the body.

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

Mr. HIGGINS: Mr. Speaker, I would like to pose a question through the Chair. Earlier this evening, after the recorded vote on the previous motion, I had noticed that the gentleman from Westbrook, Mr. Carrier, had been voting against this particular piece of legislation all along, and after looking at the roll call on the previous motion noticed that he had been paired in favor of the amendment, which was opposite to his previous position, if you will. Therefore, I called him and he indicated to me that he had not wanted to vote for that other amendment. I wonder if the Chair might rule on whether or not, if that was the case, the amendment was properly passed before and whether it is properly before us now.

The SPEAKER: The Chair would advise the gentleman that the gentleman from Scarborough, Mr. Higgins, already knows the answer to that question since the Chair has already indicated what the Chair intended to do when the vote was taken.

The pending question before the House is on the motion of the gentleman from Hampden, Mr. Willey, that this Bill and all its accompanying papers be indefinitely postponed in non-concurrence.

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

Mr. NORTON: Mr. Speaker, I request permission to pair my vote with the gentleman from Brooksville, Mr. Perkins. If Mr. Perkins were present and voting he would be voting yes; I would be voting no.

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

Mr. MACOMBER: Mr. Speaker, I request permission to pair my vote with the gentlewoman 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 Lewiston, Mr. Gauvreau.

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

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

Mr. RICHARD: Mr. Speaker, I request permission 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 Chair recognizes the gentleman from Baileyville, Mr. Tammaro.

Mr. TAMMARO: Mr. Speaker, I request permission to pair my vote with the gentleman from East Machias, Mr. Randall. If Mr. Randall were present and voting, he would be voting yes; I would be voting no.

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

Mr. SWAZEY: Mr. Speaker, I wish to pair my vote with the gentleman from Franklin, Mr. Connors. If Mr. Connors were present and voting, he would be voting yes; I would be voting no.

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

Mr. STROUT: Mr. Speaker, I request permission to pair my vote with the gentleman from



Lewiston, Mr. Jalbert. If Mr. Jalbert were present and voting, he would be voting no; I would be voting yes.

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

Mr. SOULE: Mr. Speaker, I request permission to pair my vote with the gentleman from South Portland Mr. Kane. If Mr. Kane were present and voting, he would be voting no; I would be voting yes.

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

Mr. NADEAU: Mr. Speaker, I request permission to pair my vote with the gentleman from Cape Elizabeth, Mrs. Masterton. If Mrs. Masterton were present and voting, she would be voting yes; I would be voting no.

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

Mrs. COTE: Mr. Speaker, I request permission to pair my vote with the gentleman from Portland, Mr. Baker. If Mr. Baker were present and voting, he would be voting no; I would be voting yes.

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

Mr. MITCHELL: Mr. Speaker, I request permission to pair my vote with the gentleman from Monmouth, Mr. Davis. If Mr. Davis were present and voting, he would be voting yes; I would be voting no.

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

Mr. CARROLL: Mr. Speaker, I request permission to pair my vote with the gentleman from Brunswick, Mr. Livesay. If Mr. Livesay were present and voting, he would be voting yes; I would be voting no.

The SPEAKER: The Chair recognizes the gentleman from Eliot, Mr. McPherson.

Mr. MCPHERSON: Mr. Speaker, I request permission to pair my vote with the gentleman from Biddeford, Mr. Racine. If Mr. Racine were present and voting, he would be voting no; I would be voting yes.

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

Mr. KELLEHER: Mr. Speaker, a point of order.

The SPEAKER: The gentleman may state his point of order.

Mr. KELLEHER: Mr. Speaker, at nine o'clock, are not the rules supposed to be suspended in this House?

The SPEAKER: The Chair would answer in the affirmative.

Mr. KELLEHER: Mr. Speaker, then I call for suspension of the rules.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, requests that the rules be suspended. Is there objection?

There is objection. The Chair will order a vote.

Mrs. Mitchell of Vassalboro requested a roll call.

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

Mr. STROUT: Mr. Speaker, I request that the vote be counted before we vote to suspend the rules.

The SPEAKER: The Chair would advise the gentleman that that is not proper.

Mr. STROUT: Mr. Speaker, I will stand until midnight if I have to. I asked that the vote be taken before we vote to suspend the rules.

The SPEAKER: The Chair would advise the gentleman that that is not proper.

Mr. STROUT: I will stand on the point of personal privilege, that the vote be announced before we vote to suspend the rules.

The SPEAKER: The Chair would advise the gentleman to please take his seat.

Mr. STROUT: Mr. Speaker, I will have to be removed from the chamber. I request that the vote be announced—well, it is past nine o'clock, Mr. Speaker, we should have done it at nine.

The SPEAKER: The Chair would ask if just for a moment the gentleman would take his seat and the Chair will respond to the gentleman's request. Would the gentleman please approach

the rostrum?

The Chair would advise members of the House that since the request for suspension of the rules was made after the time that was necessary for that motion to have been made, which was at nine o'clock, the Chair would rule that the rules have been suspended by implication.

The pending question before the House is on the motion of the gentleman from Hampden, Mr. Willey, 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. 490

Yea—Anderson, Armstrong, Bell, Bonney, Bott, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carrier, Carroll, G.A.; Conary, Cooper, Crouse, Curtis, Daggett, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Greenlaw, Gwadosky, Higgins, L.M.; Holloway, Ingraham, Jackson, Joseph, Kiesman, LaPlante, Lebowitz, MacBride, Manning, Masterman, Matthews, K.L.; Maybury, Murphy, E.M.; Murphy, T.W.; Nelson, Paradis, E.J.; Parent, Pines, Pouliot, Reeves, J. W.; Ridley, Roberts, Robinson, Roderick, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stevenson, Stover, Walker, Webster, Wentworth, Weymouth, Willey.

NAY—Ainsworth, Allen, Andrews, Beaulieu, Bost, Brannigan, Brodeur, Carter, Cashman, Choko, Clark, Connolly, Cox, Crowley, Diamond, Erwin, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Joyce, Kelleher, Kelly, Ketover, Kilcoyne, Lehoux, Lisnik, Locke, Mahany, Martin, A.C.; Martin, H.C.; Matthews, Z.E.; Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, E.H.; Moholland, Murray, Paradis, P.E.; Paul, Perry, Reeves, P.; Rolde, Rotondi, Stevens, Theriault, Thompson, Tuttle, Vose, The Speaker.

ABSENT—MacEachern.

PAIRED—Baker-Cote, Benoit-Macomber, Carroll, D.P.-Livesay, Connors-Swazey, Davis-Mitchell, J., Gauvreau-Zirnilton, Jalbert-Strout, Kane-Soule, Masterton-Nadeau, McPherson-Racine, Norton-Perkins, Randall-Tammaro, Richard-Telow.

65 having voted in the affirmative and 59 in the negative, with 1 absent and 26 paired, the motion did prevail.

By unanimous consent, ordered sent forthwith to the Senate.

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

#### Passed to Be Enacted

An Act to Equalize Taxation of Aircraft (H. P. 1869) (L. D. 2471) (H. "A" H-731).

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

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

Mr. ANDREWS: Mr. Speaker, Ladies and Gentlemen of the House: I realize that the hour is extremely late and there is no one in this House that would rather this issue were not before this body at this time than I but we are at the enactment stage and this piece of legislation, I believe, is important. It has lots of implications. We are about to enact it, I know how to count votes but, ladies and gentlemen, I wanted to bring it to your attention and explain why I am the lone ranger on this bill as far as the House is concerned and I signed the bill out "Ought Not to Pass."

The bill here is fairly simple and straightforward; it deals with a sales tax exemption law that we have on the books right now, a law that makes a distinction between equipment that is used in interstate commerce that is purchased and equipment that is leased for interstate commerce. On the books right now, equipment that is purchased for interstate commerce enjoys a sales tax exemption and equipment that is leased for interstate commerce has to pay a tax. The lessor pays the tax and passes the tax onto the lessee.

Ladies and gentlemen, this bill relates to not simply this tax policy of distinguishing between leased and purchased equipment, it deals with

a particular industry and a particular business within that particular industry and because of an amendment, it now deals with two businesses within that particular industry.

I am opposing this bill not because of Bar Harbor Airlines or not because I don't want to bail out Bar Harbor as people have put it, and it has nothing to do with the personalities and it has nothing to do with air transportation, it is the vehicle that we are using to address the tax problem that Bar Harbor Airlines has.

This is a new issue for the House, it is not a new issue for the Taxation Committee. We had this issue before us last year. We killed the bill when it was before us last year because it dealt with the problem experienced by several small businesses across the state, industries that are involved in interstate commerce that aren't large enough to have the political wherewithal to hire a team of resourceful political people, they are not large enough to be able to say, we are going to move out of the state if you don't give us this exemption, large enough to say that we are going to cost the State of Maine 200 jobs if you don't do what we want you to do.

This tax is very controversial, there are some real problems with this tax, I have some real problems with this tax, but the problems with this tax cut right across the board, not just in the airline industry, not just in one particular business, but in all industries.

There are people in the transportation industry that are affected just as much by this tax provision as Bar Harbor Airlines. So in passing this particular bill and the reason I signed this out and the reason I am before you today is to say that I think that this is a bad tax policy and the basis upon which we are making this decision is very bad because we are not addressing the issue of this tax disparity, we are basing this issue and basing our support for this on three basic criteria: One, does the business have the wherewithal to send lobbyists and have the resources to influence this legislature on a tax policy; two, can this industry threaten the State of Maine with leaving the state; and three, can this industry threaten to cost the state a few hundred jobs? That is the basis of this decision, not the sales tax disparity, not the sales tax policy, but we are using as the criteria for this vote whether or not a business is large enough and resourceful enough to come and make the kinds of threats that we have received with this particular bill.

A small business can't come up and meet that criteria but a tax problem hits that small business just as hard and if that small business fails, it is just as hard and important for that small business as it is a large business. Yes, perhaps only a few jobs are at stake but sales tax policy cuts right across the board and that one industry may only be laying off six people or eight or nine people but taken as a whole, we are talking about several businesses. We are talking about more than just a handful of jobs because sales tax policy cuts across the board and it is going to hit several small businesses.

I am not going to prolong this but I simply would like you to take a look at the bill and I want you to take a look at the way in which this disparity is addressed. If you look at the bill on the first page, it talks about the purchaser and the way that we are going to make the distinction in this bill, between purchaser and lessee is that we are going to define a lessee of an aircraft as a purchaser, so we are going to use the old Orwellian double speak technique in this particular bill; in other words, if you lease an aircraft, according to this bill, you purchased the aircraft, but if you lease a truck, you lease a truck and you still have to pay that sales tax but if you lease an aircraft, suddenly you have purchased an aircraft as far as this bill is concerned. If you lease, you lease and if you purchase, you purchase and if we are going to deal with the disparity in this particular tax policy, I say we take a look at the tax policy. We don't make a decision based upon the size and the influence of an industry because if we do, we are not only selling

short all the small businesses in our districts that may be affected by this law or may be affected by our other laws, but we are also opening up the door to more and more and more industries who are able to meet this criteria, largeness being able to threaten the state with pulling out and also threatening the state with large amount of jobs, come in here with open hands as we have seen it time and time again and ask for more handouts. This is just one symptom of what we have seen across this New England region of this economic war between the states.

We have been told by this particular business, "If you don't give us what we want, we are moving to New Hampshire." The casualties of this economic war between the states as we have seen it time and time again are your constituents and mine who pay taxes, because every time we give a taxpayer a tax break, someone else is going to pay for it and it is going to come out of your pockets, it is going to come out of mine and, in this case, it is going to come out of the small businesses who are leasing other types of vehicles in interstate commerce to pay for this particular sales tax exemption.

That is why I voted against it, that is why I want to go on the record as having voted against it and that is why I think it is important that, perhaps not tonight, but eventually at some point we have to get grapple with this very serious question of this economic war between the states and we have got to draw the line and we have to deal with all of our businesses fairly, not just the large businesses who can threaten us but the smaller businesses as well. I think it is time that we draw the line on taxation based on intimidation.

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

Mr. CARROLL: Mr. Speaker, I would like to pose a question through the Chair to some member of the Taxation Committee. I have some small employers in my town, have a concrete plant who purchases equipment. I understand that there is a concrete plant in Portland and they lease their equipment and bring it in. I keep getting complaints that we are giving special tax preferential treatment to different industries in this state and I would like to know how soon you will get there for Mr. Carroll, I have a conflict of interest, you could say, but he has a concrete plant in Limerick and he has asked me what he has got to do to get a tax break. I wish the Taxation Committee would tell me that.

The SPEAKER: The gentleman from Limerick, Mr. Carroll, has posed a question through the Chair to anyone on the Taxation Committee who may respond if they so desire.

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

Mr. ANDREWS: Mr. Speaker, Ladies and Gentlemen of the House: To answer the good gentleman from Limerick's question, I think the basic criteria, if we vote on this bill tonight, as we probably will, is going to be that your business person has to be big enough to be able to come to this legislature, have the resources to be able to influence this legislature and be able to threaten that he will pull out of the state and there will be a massive loss of jobs if we don't give him the sales tax exemption.

In terms of this bill, this is only going to address one industry in interstate commerce. It is not going to address the trucking industry whatsoever, so your trucker, if he is leasing equipment, according to the law will still have to pay this sales tax for his interstate equipment, but if he was leasing an aircraft, if we pass this bill, he will not have to pay it. It depends on the industry and it depends on its clout.

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

Mr. DAY: Mr. Speaker, Ladies and Gentlemen of the House: For interstate commerce, the leased equipment must be used 80 percent of the time out of the state.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I guess what we are talking about and what we have been listening to is I guess if your company is large enough and has the wherewithal and has the opportunity to carry enough economic clout so they can determine how tax policy is going to be derived in this state, I disagree with that and I am sure that several other members of this body will disagree with that because we have constituents who approach us that don't have the wherewithal and don't have the clout or whatever the case may be as has been referred to to introduce legislation and influence legislation, get it passed on the floor of this body and in the other body and then down to the Governor's desk for his signature.

I guess what we are talking about is we are talking about a unique industry. We are talking about an industry that has gone through some severe changes in the last five or six years with deregulation. We are talking about an industry which operates under very rigid safety structure. We are also talking about an industry for acquisition of one unit in the case of Bar Harbor Airlines, we are talking about one plane costing \$2.5 million. You take an industry or a business the size of Bar Harbor Airlines and acquiring 10 of these planes at \$25 million doesn't have the economic wherewithal to step out and purchase these because if they did purchase these, they would be exempt from the sales tax.

So what we are saying with this piece of legislation is that with a lease we will exempt the sales tax as long as it is used in interstate commerce 80 percent of the time, which means that it has to be used out of the state 80 percent of the time.

Now if there is any truth to the fact that they have been offered, I won't say any truth but if there is any I guess doubt, that New Hampshire has approached these people, this industry in this state, if they relocate over there, it would be probably to their best interest because New Hampshire doesn't have any sales tax and they certainly could operate out of there very easily without too much effort.

I guess in reaching my decision in dealing with this piece of legislation, I think it is important to the State of Maine, because certainly this airline and Valley Airlines which also can take advantage of this tax situation, certainly the people of this state, through the various towns and cities in the state, certainly benefit by having an airline here in the state for travel, freight, whatever the case may be.

This also, and I don't recall if the good Representative from Portland, Mr. Andrews, indicated, has a sunset provision, it is only for a year, so I would hope, ladies and gentlemen, that you could give this the support that you have given it earlier and pass it on through.

Mr. Andrews of Portland requested a roll call.

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

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

#### ROLL CALL NO. 491

YEA—Allen, Anderson, Beaulieu, Bonney, Bost, Bott, Brannigan, Callahan, Cashman, Conary, Cote, Cox, Crouse, Crowley, Curtis, Daggett, Day, Dexter, Diamond, Dillenback, Drinkwater, Dudley, Erwin, Foster, Gauvreau, Greenlaw, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Ingraham, Jackson, Joseph, Joyce, Kelleher, Kelly, Ketover, Kiesman, Kilcoyne, LaPlante, Lebowitz, Lehoux, Lisnik, Locke, MacBride, Macomber, Manning, Martin, H.C.; Masterman, Matthews, K.L.; Maybury, McCollister, McGowan, McSweeney, Melendy, Michaud, Mills, Moholland, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Perry, Pines, Pouliot, Reeves, J.W.; Richard, Ridley, Roberts, Roderick, Salisbury, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Soule, Sproul, Stevens, Stevenson, Stover, Strout,

Swazey, Tammaro, Theriault, Wentworth, Weymouth, Willey, The Speaker.

NAY—Ainsworth, Andrews, Armstrong, Bell, Brodeur, Brown, A.K.; Brown, D.N.; Cahill, Carroll, D.P.; Carter, Chonko, Clark, Connolly, Cooper, Handy, Holloway, Jacques, Mahany, Martin, A.C.; Matthews, Z.E.; Mayo, McHenry, McPherson, Mitchell, E.H.; Mitchell, J.; Robinson, Rolde, Rotondi, Scarpino, Thompson, Tuttle, Walker, Webster.

ABSENT—Baker, Benoit, Carrier, Carroll, G.A.; Conners, Davis, Jalbert, Kane, Livesay, Maceachern, Masterton, Michael, Perkins, Racine, Randall, Reeves, P.; Telow, Zirnklinton.

99 having voted in the affirmative and 33 in the negative, with 19 being absent, the motion did prevail.

Signed by the Speaker and sent to the Senate.

By unanimous consent, order sent forthwith to the Senate.

#### (Off Record Remarks)

On motion of Mrs. Mitchell of Vassalboro, Adjourned until Tuesday, April 24, 1984 at two o'clock in the afternoon.