

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Twelfth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 5, 1984 - June 20, 1985

HOUSE

Thursday, February 28, 1985

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

Prayer by Reverend Bill Dalke, Woodfords Congregational Church, Portland.

Quorum called; was held.

The Journal of Wednesday, February 27, 1985 was read and approved.

Papers from the Senate

Bill "An Act to Require that the Maine National Guard Provide an Honor Guard for Burials at the Maine Veterans' Memorial Cemetery" (S.P. 268) (L.D. 726)

Came from the Senate, referred to the Committee on Aging, Retirement and Veterans and Ordered Printed.

Was referred to the Committee on Aging, Retirement and Veterans in concurrence.

Bill "An Act to Appropriate Funds to the State Library for Support of the Information Exchange" (S.P. 269) (L.D. 727)

Bill "An Act in Support of Increasing Per Capita Funds for Public Libraries" (S.P. 270) (L.D. 728)

Came from the Senate, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Were referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act to Promote the Teaching of Free Enterprise in Maine's Public Schools" (S.P. 271) (L.D. 729)

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

Was referred to the Committee on Education in concurrence.

Bill "An Act to Establish a Fund Concerning the Excavation, Repair, Maintenance and Cleanup of Underground Gasoline Storage Tanks" (S.P. 272) (L.D. 730)

Came from the Senate, referred to the Committee on Energy and Natural Resources and Ordered Printed.

On motion of Representative Michaud of Medway, referred to the Committee on Audit and Program Review in non-concurrence and sent up for concurrence.

Bill "An Act to Impose Liability for Interference with Ground Water Use" (S.P. 273) (L.D. 731)

Bill "An Act to Clarify Certain Aspects of Mineral Exploration, Development and Disclosure" (S.P. 282) (L.D. 771)

Came from the Senate, referred to the Committee on Energy and Natural Resources and Ordered Printed.

Were referred to the Committee on Energy and Natural Resources in concurrence.

Bill "An Act to Assure Advocacy Services for Children with Learning Disabilities" (S.P. 274) (L.D. 732)

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

Was referred to the Committee on Human Resources in concurrence.

Bill "An Act to Make Jail Sentences Mandatory in Cases of Sex Offenses Against Children" (S.P. 275) (L.D. 733)

Bill "An Act to Alleviate the Excess Work in the Court System" (S.P. 276) (L.D. 734)

Bill "An Act to Clarify Recoverable Costs in Civil Actions" (S.P. 277) (L.D. 735)

Bill "An Act to Amend the Statutes on Sex Offenses" (S.P. 283) (L.D. 772)

Bill "An Act to Permit Denial of Bail in Certain Cases to Assure Safety of Other Persons" (S.P. 284) (L.D. 773)

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

Were referred to the Committee on Judiciary in concurrence.

Bill "An Act to Adopt a State Uniform Fraudulent Transfer Act" (S.P. 244) (L.D. 770)

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

(The Committee on Reference of Bills had suggested reference to the Committee on Business and Commerce.)

Was referred to the Committee on Judiciary in concurrence.

Bill "An Act Concerning the Use of Schools as Polling Places" (S.P. 278) (L.D. 736)

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

Was referred to the Committee on Legal Affairs in concurrence.

Bill "An Act Concerning the Salaries of Certain Kennebec County Officers" (S.P. 279) (L.D. 737)

Bill "An Act to Annex Certain Lands to the Town of Millinocket" (Emergency) (S.P. 280) (L.D. 738)

Came from the Senate, referred to the Committee on Local and County Government and Ordered Printed.

Were referred to the Committee on Local and County Government in concurrence.

Bill "An Act to Provide a Preference in State Employment to Officers of the Military Service" (S.P. 281) (L.D. 739)

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

Was referred to the Committee on State Government in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on Fisheries and Wildlife reporting "Leave to Withdraw" on Bill "An Act to Require a Bear Stamp to Hunt Bear" (S.P. 84) (L.D. 265)

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

Ought to Pass in New Draft

Report of the Committee on Business and Commerce on Bill "An Act to Clarify the Term 'Authorized Person' Under the Law Relating to Deaths and Burials" (S.P. 22) (L.D. 26) reporting "Ought to Pass" in New Draft (S.P. 258) (L.D. 651)

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

Whereupon, the Committee Report was read and accepted, the Bill read once and assigned for Second Reading tomorrow.

Non-concurrent Matter

Bill "An Act to Provide Family Counseling and Legal Assistance in Cases of Alleged Child Abuse or Neglect" (H.P. 483) (L.D. 686) which was referred to the Committee on Human Resources in the House on February 26, 1985.

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

On motion of Representative Nelson of Portland, the House voted to insist. Sent up for concurrence.

Petitions, Bills and Resolves Requiring Reference

The following Bills and Resolves were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for concurrence:

Agriculture

Bill "An Act to Extend the Sunset Provision of the Potato Price Stabilization Law" (H.P.

551) (Presented by Representative LISNIK of Presque Isle) (Cosponsor: Representative SMITH of Mars Hill) (Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act Concerning Access to Medical Care for Persons without Adequate Health Insurance" (H.P. 552) (Presented by Representative CONNOLLY of Portland) (Cosponsors: Senator NAJARIAN of Cumberland and Speaker MARTIN of Eagle Lake)

RESOLVE, Appropriating Funds for the Chester Dental Clinic" (H.P. 553) (Presented by Representative MURRAY of Bangor) (Cosponsors: President PRAY of Penobscot, Senator PEARSON of Penobscot and Representative MICHAUD of Medway)

RESOLVE, Reimbursing Counties which provide Space to Superior Courts" (H.P. 554) (Presented by Representative MAYO of Thomaston) (Cosponsors: Senators PERKINS of Hancock, VIOLETTE of Aroostook and Representative NADEAU of Lewiston)

(Ordered Printed)

Sent up for concurrence.

Business and Commerce

Bill "An Act to Allow Licensed Dentists to Participate in any Prepaid Dental Group" (H.P. 555) (Presented by Representative MANNING of Portland) (Cosponsors: Senator GILL of Cumberland and Representative PARADIS of Augusta)

Bill "An Act Concerning Maine's Lemon Act" (H.P. 556) (Presented by Representative WARREN of Scarborough) (Cosponsors: Senator DIAMOND of Cumberland, Representative McGOWAN of Canaan and COTE of Auburn)

Bill "An Act Permitting Retention of Loss in Excess of Loss Fund by Group Self-Insurers" (H.P. 557) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsor: President PRAY of Penobscot)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act to Provide for Biennial Conferences on Small Business" (H.P. 558) (Presented by Representative MURPHY of Kennebunk) (Cosponsors: Representatives ARMSTRONG of Wilton, DAGGETT of Manchester and BAKER of Orrington)

The Committee on Business and Commerce had been suggested.

On motion of Representative Brannigan of Portland, referred to the Committee on State Government, Ordered Printed, and sent up for concurrence.

Business and Commerce

Bill "An Act Regulating Places Where Massages are Given and their Employees" (H.P. 559) (Presented by Representative SOUCY of Kittery) (Cosponsors: Representatives MURPHY of Berwick, McPHERSON of Eliot and Senator NAJARIAN of Cumberland)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act Concerning Funeral and Burial Expenses of Municipal General Assistance Recipients" (H.P. 560) (Presented by Representative STEVENSON of Unity)

The Committee on Business and Commerce had been suggested.

On motion of Representative Brannigan of Portland, tabled pending reference and tomorrow assigned.

Education

Bill "An Act to Create a Technological, Business and Industrial Development Council

for the University of Maine" (H.P. 561) (Presented by Representative BOST of Orono) (Cosponsors: Representatives DIAMOND of Bangor, CASHMAN of Old Town and CROUSE of Caribou)

Bill "An Act to Establish the Maine Protection of Pupil Rights Act" (H.P. 562) (Presented by Representative SCARPINO of St. George) (Cosponsors: Senator HICHENS of York)

Bill "An Act to Extend the National School Breakfast Program Availability to Maine School Children" (H.P. 563) (Presented by Representative BRODEUR of Auburn) (Cosponsors: Senators BROWN of Washington, GAUVREAU of Androscoggin and Representative CONNOLLY of Portland)

Bill "An Act Concerning Education Programs for Gifted and Talented Children" (H.P. 564) (Presented by Representative SIMPSON of Casco) (Cosponsors: Senator GAUVREAU of Androscoggin, Representatives O'GARA of Westbrook and LAWRENCE of Parsonsfield) (Ordered Printed)

Sent up for concurrence.

Energy and Natural Resources

Bill "An Act to Permit Mediation of Water Level Disputes" (H.P. 565) (Presented by Representative MASTERMAN of Milo) (Cosponsors: Speaker MARTIN of Eagle Lake, Representatives LAW of Dover-Foxcroft and RUHLIN of Brewer)

Bill "An Act to Establish Minimum Energy Efficiency Standards for Major Appliances Sold in Maine" (H.P. 566) (Presented by Representative CASHMAN of Old Town) (Cosponsors: Senator ANDREWS of Cumberland, Representatives WEBSTER of Cape Elizabeth and COLES of Harpswell) (Submitted by the Office of Energy Resources pursuant to Joint Rule 24)

Bill "An Act to Protect Freshwater Wet Lands" (H.P. 567) (Presented by Representative MITCHELL of Freeport) (Cosponsors: Senator USHER of Cumberland, Representatives MICHAUD of Medway and HOLLOWAY of Edgcomb)

Bill "An Act to Authorize the Board of Environmental Protection to Promulgate Experiments Regulations for Certain Nontoxic Solid Waste" (H.P. 568) (Presented by Representative MURPHY of Kennebunk) (Cosponsors: Representatives RICE of Stonington, CONNERS of Franklin and SALSBURY of Bar Harbor)

Bill "An Act to Establish Mandatory Energy Efficiency Building Performance Standards for the State" (H.P. 569) (Presented by Representative CONNOLLY of Portland)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act Concerning Hunting with Bow and Arrow on Privately Owned Property" (H.P. 570) (Presented by Representative STEVENSON of Unity) (Cosponsor: Representative MCGOWAN of Canaan)

Bill "An Act to Increase Penalties for Certain Hunting Violations Involving Big Game Animals" (H.P. 571) (Presented by Representative CONNERS of Franklin)

(Ordered Printed)

Sent up for concurrence.

Marine Resources

Bill "An Act Concerning Striped Bass" (H.P. 572) (Presented by Representative CARTER of Winslow) (Cosponsors: Representatives CROWLEY of Stockton Springs and VOSE of Eastport)

The Committee on Fisheries and Wildlife had been suggested.

On motion of Representatives Jacques of Waterville, referred to the Committee on Marine Resources, Ordered Printed, and sent up for concurrence.

Fisheries and Wildlife

Bill "An Act to Increase the Penalties for Stocking Fish in Inland Waters Without a Permit" (H.P. 573) (Presented by Representative LANDER of Greenville) (Cosponsors: Representatives JACQUES of Waterville, MASTERMAN of Milo and Senator USHER of Cumberland)

(Ordered Printed)

Sent up for concurrence.

Human Resources

Bill "An Act to Require Prior Consent of a Patient before a Medical Consultant can Provide a Billable Service" (H.P. 574) (Presented by Representative CASHMAN of Old Town) (Cosponsors: Representatives LISNIK of Presque Isle, BOST of Orono and CARROLL of Gray)

Bill "An Act to Provide that Electric Service is not a Basic Necessity Under the General Assistance Laws After the Winter Period" (H.P. 575) (Presented by Representative BROWN of Livermore Falls) (Cosponsor: Representative WILLEY of Hampden)

Bill "An Act to Amend the Municipal General Assistance Law" (H.P. 576) (Presented by Representative MANNING of Portland) (Cosponsors: Representatives MURRAY of Bangor and CARROLL of Gray)

Bill "An Act to Implement Recommendations of the Maine Health Care Finance Commission's Hospital Advisory Committee" (H.P. 577) (Presented by Representative PINES of Limestone) (Cosponsors: Representatives SEAVEY of Kennebunkport, MacBRIDE of Presque Isle and CARROLL of Gray)

Bill "An Act to Revise the Maine Certificate of Need Act for Hospitals" (H.P. 578) (Presented by Representative ROLDE of York) (Cosponsors: Representatives MURRAY of Bangor, INGRAHAM of Houlton and Senator BERUBE of Androscoggin)

Bill "An Act Concerning Work Requirements under the General Assistance Program" (H.P. 579) (Presented by Representative WARREN of Scarborough) (Cosponsors: Representatives JACKSON of Harrison, RIOUX of Biddeford and DESCOTEAUX of Biddeford)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act to Reduce Paperwork and Make Benefits More Reflective of Need in the Aid to Families with Dependent Children Program" (H.P. 580) (Presented by Representative BRODEUR of Auburn) (Cosponsor: Representative CONNOLLY of Portland)

The Committee on Human Resources had been suggested.

On motion of Representative Carter of Winslow, tabled pending reference and tomorrow assigned.

Human Resources

Bill "An Act to Ban Smoking in Certain Public Access Structures" (H.P. 581) (Presented by Representative NADEAU of Saco) (Cosponsors: Senator ANDREWS of Cumberland, Representatives BOST of Orono and KIMBALL of Buxton)

Bill "An Act to Authorize an Elderly Housing Project at Pineland Center" (H.P. 582) (Presented by Representative CARROLL of Gray) (Cosponsors: Representatives MELENDY of Rockland, PINES of Limestone and MANNING of Portland)

(Ordered Printed)

Sent up for concurrence.

Human Resources

Bill "An Act to Establish Guidelines for Investigation of Health Care Facilities by State Agencies" (H.P. 583) (Presented by Representative BOUTILIER of Lewiston) (Cosponsors: Representatives NELSON of Portland, CARROLL of Gray and Senator BERUBE of Androscoggin)

The Committee on Judiciary had been suggested.

On motion of Representative Kane of South Portland, referred to the Committee on Human Resources, Ordered Printed, and sent up for concurrence.

Judiciary

Bill "An Act to Amend the Disclosure of Licensing Records Regarding Adult and Child Care Programs to Clarify Procedures Relating to Vital Statistic Records and Clarify Officials Authorized to Act as Public Guardians or Conservators under the Probate Code" (H.P. 584) (Presented by Representative CARROLL of Gray) (Cosponsors: Senator GILL of Cumberland, Representatives BRODEUR of Auburn and TAYLOR of Camden) (Submitted by the Department of Human Services pursuant to Joint Rule 24)

Bill "An Act Amending the Maine Juvenile Code to Provide for Diagnostic Evaluation for Bind-over purposes" (H.P. 585) (Presented by Representative STEVENS of Bangor) (Cosponsors: Representatives BRANNIGAN of Portland and WARREN of Scarborough)

Bill "An Act Concerning Reduction of Damages for Persons not Wearing Safety Belts or Helmets" (H.P. 586) (Presented by Representative KIMBALL of Buxton) (Cosponsors: Representatives CAHILL of Woolwich, RACINE of Biddeford and Senator BERUBE of Androscoggin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Bill "An Act to Amend the Definition of Juvenile Crime in the Maine Juvenile Code" (H.P. 587) (Presented by Representative ROTONDI of Athens) (Cosponsors: Representatives JACQUES of Waterville, MAYO of Thomaston and MELENDY of Rockland)

Bill "An Act to Clarify Sentences Permissible for a Crime Committee by a Parolee" (H.P. 588) (Presented by Representative CARRIER of Westbrook) (Cosponsors: Representatives PARADIS of Augusta, DRINKWATER of Belfast and Senator CHALMERS of Knox) (Submitted by the Department of Corrections pursuant to Joint Rule 24)

Bill "An Act Concerning Visitation Rights in Divorce and Custody Proceedings" (H.P. 589) (Presented by Representative McPHERSON of Eliot)

Bill "An Act to Prevent Criminals from Profiting as an Indirect Result of their Crimes" (H.P. 590) (Presented by Representative SEAVEY of Kennebunkport) (Cosponsors: Senators MAYBURY of Penobscot and DUTREMBLE of York)

Bill "An Act to Reinstate the Death Penalty" (H.P. 591) (Presented by Representative CALLAHAN of Mechanic Falls) (Cosponsors: Senator McBREAIRTY of Aroostook and Representative CONNERS of Franklin)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act Relating to Unemployment Compensation Claimants with both Season and Nonseasonal Earnings" (H.P. 592) (Presented by Representative PRIEST of Brunswick)

Bill "An Act to Clarify the Status of Newspaper Carriers under the Unemployment Compensation Act" (H.P. 593) (Presented by Representative JOSEPH of Waterville) (Cosponsors: Senator DUTREMBLE of York, Representatives DIAMOND of Bangor and BRANNIGAN of Portland)

Bill "An Act to Assist Workers' Displaced from Employment by Imports" (H.P. 594) (Presented by Representative CONNOLLY of Portland) (Cosponsors: Senators TUTTLE of York, DUTREMBLE of York and Speaker MARTIN of Eagle Lake)

Bill "An Act to Exempt Houses of Worship from Inspection Fees for Elevators" (H.P. 595) (Presented by Representative JACKSON of Harrison) (Cosponsors: Senator TWITCHELL of Oxford and Representative

JACQUES of Waterville)

Bill "An Act to Repeal the Nonnegotiability of Educational Policies" (H.P. 596) (Presented by Representative HANDY of Lewiston) (Cosponsor: Representative CLARK of Millinocket)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Provide a Uniform Waiting Period Prior to the Purchase of a Handgun" (H.P. 597) (Presented by Representative BOUTILIER of Lewiston) (Cosponsors: Representative BRANNIGAN of Portland and Senator TRAFTON of Androscoggin)

Bill "An Act to Clarify and Standardize Enrollment Status on Voting Lists" (H.P. 598) (Presented by Representative BAKER of Orrington) (Cosponsors: Representatives REEVES of Pittston, HICKEY of Augusta and Senator SEWALL of Lincoln)

Bill "An Act to Require the Implementation of Toxicity Standards of Flammability for Commonly Used Building and Construction Materials" (H.P. 599) (Presented by Representative BEAULIEU of Portland) (Cosponsors: Representative HAYDEN of Durham, Senators GAUVREAU of Androscoggin and BUSTIN of Kennebec)

Bill "An Act Relating to Absentee Ballots" (H.P. 600) (Presented by Representative WARREN of Scarborough) (Cosponsors: Representatives WALKER of Norway, RIOUX of Biddeford and Senator CHALMERS of Knox)

Bill "An Act to Require a Life Safety Sprinkler System in Certain Residential Occupancies" (H.P. 601) (Presented by Representative BEAULIEU of Portland) (Cosponsor: Representative HALE of Sanford)

Bill "An Act to Include Municipal Clerks and their Office Staff among those Eligible for Absentee Ballots" (H.P. 602) (Presented by Representative HICKEY of Augusta) (Cosponsor: Representative PARADIS of Augusta)

Bill "An Act to Prohibit Marriage Between Certain Blood Relatives" (H.P. 603) (Presented by Representative DAVIS of Monmouth) (Cosponsors: Representative PINES of Limestone and Senator GILL of Cumberland) (By Request)

(Ordered Printed)

Sent up for concurrence.

Local and County Government

Bill "An Act to Establish the Boundaries between the Town of Lisbon and the City of Lewiston and between the Town of Lisbon and the Town of Sabattus" (H.P. 604) (Presented by Representative JALBERT of Lisbon) (Cosponsors: Representative HAYDEN of Durham, STEVENS of Sabattus and Senator BERUBE of Androscoggin)

Bill "An Act to Allow County Officers Who Come Into Office During the Year to be Paid Lesser Salaries than Stipulated by Law" (H.P. 605) (Presented by Representative CAHILL of Woolwich) (Cosponsor: Senator STOVER of Sagadahoc)

RESOLVE, Authorizing the Town of Fort Kent to Convey its Interest in Certain Public Lands in Fort Kent, Aroostook County" (H.P. 606) (Presented by Representative THERIAULT of Fort Kent) (Cosponsors: Senators McBREAIRTY of Aroostook, VIOLETTE of Aroostook and Speaker MARTIN of Eagle Lake)

(Ordered Printed)

Sent up for concurrence.

Marine Resources

Bill "An Act to Clarify Certain Errors and Inconsistencies in Marine Resources Laws" (Emergency) (H.P. 607) (Presented by Representative CROWLEY of Stockton Springs) (Cosponsors: Senators CHALMERS of Knox, SHUTE of Waldo and Representative RUHLIN of Brewer) (Submitted by the Department of Marine Resources pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act Regarding the Executive Director of the Maine Health and Higher Educational Facilities Authority" (H.P. 608) (Presented by Representative GWADOSKY of Fairfield) (Cosponsors: Representative DILLENBACK of Cumberland and Senator ANDREWS of Cumberland) (Submitted by the Maine Municipal Bond Bank pursuant to Joint Rule 24)

Bill "An Act to Establish the Least-cost Principle" (H.P. 609) (Presented by Representative McGOWAN of Canaan) (Cosponsors: Representative GWADOSKY of Fairfield and DILLENBACK of Cumberland)

Bill "An Act to Regulate the Disposal of State Property" (H.P. 610) (Presented by Representative RACINE of Biddeford) (Cosponsors: Representatives CARRIER of Westbrook, SOUCY of Kittery, and SMITH of Island Falls)

Bill "An Act to Adjust the Boundaries between House District 103 and House District 55" (H.P. 611) (Presented by Representative ROTONDI of Athens) (Cosponsors: Representatives DEXTER of Kingfield and VOSE of Eastport)

Bill "An Act to Abolish the Office of Energy Resources" (H.P. 612) (Presented by Representative ARMSTRONG of Wilton) (Cosponsors: Representatives WEBSTER of Cape Elizabeth, JACKSON of Harrison, and BAKER of Orrington)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Amend the Forest Fire Suppression Tax to Allow Person Affected by Tax Liens One Year to Pay those Taxes" (H.P. 613) (Presented by Representative MacBRIDE of Presque Isle) (Cosponsors: Senators EMERSON of Penobscot, McBREAIRTY of Aroostook, and Representative INGRAHAM of Houlton)

Bill "An Act Relating to the Sales of Extended Cable Television Services" (Emergency) (H.P. 614) (Presented by Representative McGOWAN of Canaan) (Cosponsors: Representatives HIGGINS of Portland and WEYMOUTH of West Gardiner)

Bill "An Act to Adjust the Excise Tax on Watercraft" (H.P. 615) (Presented by Representative ZIRNKILTON of Mount Desert) (Cosponsors: Senators TWITCHELL of Oxford, SEWALL of Lincoln, and DANTON of York)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act to Increase the Minimum Amount of Road Assistance Under the Local Road Assistance Program" (H.P. 616) (Presented by Representative McPHERSON of Eliot) (Cosponsors: Representative STROUT of Corinth and Senator SHUTE of Waldo)

Bill "An Act to Establish Special Motor Vehicle License Plates for Firefighters" (H.P. 617) (Presented by Representative DAVIS of Monmouth) (Cosponsors: Representative MACOMBER of South Portland, Senators TUTTLE of York, and WEBSTER of Franklin)

Bill "An Act Concerning the Placement of Railroad Lights" (H.P. 618) (Presented by Representative MICHAUD of Medway) (Cosponsors: Representative HARPER of Lincoln, President PRAY of Penobscot, and Senator PEARSON of Penobscot)

Bill "An Act Concerning Passengers Riding in Open-body Trucks" (H.P. 619) (Presented by Representative STEVENSON of Unity)

Bill "An Act to Clarify the Maine Highway Transportation Reform Act" (H.P. 620) (Presented by Representative DAVIS of Monmouth) (Cosponsors: Representatives ALIBERTI of Lewiston, DAGGETT of Manchester, and Senator DANTON of York)

Bill "An Act Concerning Flashing Lights on Church Buses" (H.P. 621) (Presented by Representative McGOWAN of Canaan)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Provide for the Funding of Public Transportation" (H.P. 622) (Presented by Representative REEVES of Pittston) (Cosponsors: Representatives CONNOLLY of Portland, ALLEN of Washington, and MELENDY of Rockland)

The Committee on Transportation had been suggested.

On motion of Representative Theriault of Fort Kent, referred to the Committee on Taxation, Ordered Printed, and sent up for concurrence.

Transportation

Bill "An Act to Require Rear Window Defoggers or Defrosters on Automobiles" (H.P. 623) (Presented by Representative SCARPINO of St. George)

Bill "An Act to Reduce the Incidence of Motor Vehicle Accidents among Maine's Young Drivers" (H.P. 624) (Presented by Representative NELSON of Portland) (Cosponsors: Senator DANTON of York)

Bill "An Act to Prohibit Use of Motor Vehicle Mirrors that Distort the Actual Image" (H.P. 625) (Presented by Representative MASTERMAN of Milo) (Cosponsor: Representative POULIOT of Lewiston)

Bill "An Act Concerning Private School Activity Buses" (H.P. 626) (Presented by Representative BELL of Paris) (Cosponsors: Representatives MURRAY of Bangor, MILLS of Bethel, and Senator CLARK of Cumberland)

(Ordered Printed)

Sent up for concurrence.

Taxation

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Authorize the Expenditure of Highway Fund Money for Public Transportation that is Dependent upon Highways and Bridges for Operation (H.P. 627) (Presented by Representative REEVES of Pittston) (Cosponsors: Representatives ALLEN of Washington and CONNOLLY of Portland)

The Committee on Transportation had been suggested.

On motion of Representative Theriault of Fort Kent, referred to the Committee on Taxation, Ordered Printed, and sent up for concurrence.

Utilities

Bill "An Act to Exempt Certain Nonutilities from the requirements of the Utility Reorganization Law" (H.P. 628) (Presented by Representative VOSE of Eastport) (Cosponsors: Representatives WEBSTER of Cape Elizabeth, McGOWAN of Canaan, and Senator ANDREWS of Cumberland)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act to Amend the Eastport Authority Charter" (H.P. 629) (Presented by Representative VOSE of Eastport)

The Committee on Utilities had been suggested.

On motion of Representative Vose, tabled pending reference and tomorrow assigned.

Reports of Committee

Unanimous Leave to Withdraw

Representative CARRIER from the Committee on Judiciary on Bill "An Act to Provide for the Recovery of Civil Damages from Shoplifters" (H.P. 16) (L.D. 14) reporting "Leave to Withdraw"

Representative RUHLIN from the Committee on Marine Resources on Bill "An Act to Prohibit

Diving for Scallops" (H.P. 197) (L.D. 231) reporting "Leave to Withdraw"

Representative GWADOSKY from the Committee on State Government on Bill "An Act Pertaining to the Observance of Veterans Day" (H.P. 200) (L.D. 234) reporting "Leave to Withdraw"

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

Ought to Pass in New Draft/New Title

Representative WARREN from the Committee on Legal Affairs on Bill "An Act Concerning the Possession of Fireworks" (H.P. 28) (L.D. 29) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Clarifying the Laws Relating to Fireworks" (H.P. 543) (L.D. 755)

The Committee Report was read and accepted, the Bill read once and assigned for Second Reading tomorrow.

Ought to Pass in New Draft/New Title

Representative GWADOSKY from the Committee on State Government on Bill "An Act Prohibiting State Agencies from Purchasing Real Property" (Emergency) (H.P. 3) (L.D. 4) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Restrict certain Agencies with Respect to Purchases of Real Property" (H.P. 630) (L.D. 774)

The Committee Report was read and accepted, the Bill read once and assigned for Second Reading tomorrow.

Ought to Pass in New Draft/New Title

Representative RICE from the Committee on Marine Resources on Bill "An Act to Deputize National Marine Fisheries Service Officers and United States Coast Guard Personnel as Department of Marine Resources Marine Patrol Officers and Define Possession" (H.P. 221) (L.D. 255) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Deputize National Marine Fisheries Service Officers, United States Coast Guard Personnel and Law Enforcement Personnel of other States as Department of Marine Resources Marine Patrol Officers and to Define Possession" (H.P. 631) (L.D. 775)

The Committee Report was read and accepted, the Bill read once and assigned for Second Reading tomorrow.

Ought to Pass Pursuant to Joint Order (H.P. 56)

Representative MCHENRY from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1985 (Emergency) (H.P. 544) (L.D. 756) reporting "Ought to Pass" — Pursuant to Joint Order (H.P. 56)

The Committee Report was read and accepted and the Resolve read once.

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

Ought to Pass Pursuant to Joint Order (H.P. 56)

Representative SALSBURY from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1985 (Emergency) (H.P. 545) (L.D. 757) reporting "Ought to Pass" — Pursuant to Joint Order (H.P. 56)

The Committee Report was read and accepted and the Resolve read once.

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

Ought to Pass Pursuant to Joint Order (H.P. 56)

Representative MCHENRY from the Commit-

tee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1985 (Emergency) (H.P. 546) (L.D. 758) reporting "Ought to Pass" — Pursuant to Joint Order (H.P. 56)

The Committee Report was read and accepted and the Resolve read once.

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

Ought to Pass Pursuant to Joint Order (H.P. 56)

Representative ROTONDI from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1985 (Emergency) (H.P. 547) (L.D. 759) reporting "Ought to Pass" — Pursuant to Joint Order (H.P. 56)

The Committee Report was read and accepted and the Resolve read once.

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

Ought to Pass Pursuant to Joint Order (H.P. 56)

Representative MCHENRY from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Washington County for the Year 1985 (Emergency) (H.P. 548) (L.D. 760) reporting "Ought to Pass" — Pursuant to Joint Order (H.P. 56)

The Committee Report was read and accepted and the Resolve read once.

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

Ought to Pass Pursuant to Joint Order (H.P. 56)

Representative MCHENRY from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1985 (Emergency) (H.P. 549) (L.D. 761) reporting "Ought to Pass" — Pursuant to Joint Order (H.P. 56)

The Committee Report was read and accepted and the Resolve read once and assigned for Second Reading tomorrow.

Ought to Pass Pursuant to Joint Order (H.P. 56)

Representative MASTERMAN from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1985 (Emergency) (H.P. 550) (L.D. 762) reporting "Ought to Pass" — Pursuant to Joint Order (H.P. 56)

The Committee Report was read and accepted and the Resolve read once.

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

Consent Calendar First Day

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

(H.P. 9) (L.D. 7) Bill "An Act to Increase the Fees of Bail Commissioners" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-8)

(H.P. 137) (L.D. 162) Bill "An Act to Create a Seamen's Memorial Day" Committee on State Government reporting "Ought to Pass"

(H.P. 222) (L.D. 256) Bill "An Act to Designate 'Perica quadrifaria' the Official Fossil of the State of Maine" Committee on State Government reporting "Ought to Pass"

(H.P. 224) (L.D. 258) Bill "An Act to Make Administrative Changes in Truck Weight

Tolerances" Committee on Transportation reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of Friday, March 1, 1985 under the listing of Second Day:

Consent Calendar

Second Day

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

(S.P. 37) (L.D. 45) RESOLVE, Authorizing the Director of Parks and Recreation to Convey by Deed the Interest of the State of Maine in Certain Parcels of Real Property. (C "A" S-4)

(H.P. 98) (L.D. 123) Bill "An Act to Clarify Provisions Relating to Contributions by Participating Local Districts and to Provide for Collection of Delinquent Contributions"

(H.P. 226) (L.D. 260) Bill "An Act to Provide Standards for a Waiver of Set-back Requirements under the Transportation Law"

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were Passed to be Engrossed or Passed to be Engrossed as Amended in concurrence and the House Paperes were Passed to be Engrossed or Passed to be Engrossed as Amended and sent up for concurrence.

Recommitted

Bill "An Act to Amend the Law Concerning the Student Incentive Scholarship Program Under the Education Law" (S.P. 68) (L.D. 119)

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

On motion by Representative Brown of Gorham, recommitted to the Committee on Education.

As Amended

Bill "An Act to Permit a Vehicle to be Registered for the Gross Weight allowed by a Permit under the Motor Vehicle Laws" (H.P. 66) (L.D. 84) (C. "A" H-5)

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

On motion of Representative Theriault of Fort Kent, set aside.

At this point, a message was received from the Senate, borne by the Majority Floor Leader, Senator Violette of Aroostook, proposing a Joint Convention of both branches to be held at 11:00 a.m. in the Hall of the House, for the purpose of extending to his Excellency, Governor Joseph E. Brennan, an invitation to attend the Convention and make such communication as he may be pleased to make.

Thereupon, the House voted to concur in the proposal for a Joint Convention, and the Chair appointed Representative Diamond of Bangor to convey a message to that effect.

Subsequently, Representative Diamond reported that he had delivered the message with which he was charged.

Bill "An Act to Eliminate Volume Determined Delivery Prices of Milk" (Emergency) (H.P. 320) (L.D. 431)

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

The SPEAKER: The Chair recognizes the Representative from Canton, Representative McColister.

Representative MCCOLLISTER: Mr. Speaker, Members of the House: The bill, in its present form, should be defeated. It should have an amendment added to it and I am certain somewhere there must be one.

Representative Michael of Auburn offered House Amendment "A" (H-7) and moved its adoption.

House Amendment "A" (H-7) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Michael.

Representative MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: Amendment H-7 to L.D. 431 effectively replaces that New Draft and so the amendment before you is now the bill so you can refer to that amendment if you would like to see what exactly is in the bill.

This amendment is the result of a long deliberation by the Committee on Agriculture which covered many weeks. We sat through court decisions to find out what the resources were that we would have to work with. This was a very good bi-partisan effort. It was an effort that both parties put a lot of time into. The committee considered the best alternatives that we had to supporting the Maine dairy industry, to supporting the consumers, and we fought to protect the small stores, the small farmers, and the small dairies.

I will go through this amendment quickly, in case any one is still not sure exactly what this does, to explain where we are now. This amendment effectively does three things: first of all, it does not set the price of milk. The committee had considered whether or not we should in the mean time trade a specific price of milk until a later time. It was the desire of everyone on the committee to keep out of the milk pricing business but we had considered intermally getting involved, only to ultimately turn that back over to the Commission. What we wound up doing was not getting involved in milk pricing specifically at all so we have not addressed the price of milk in this amendment. That price will stay at the level set by the court just last week or the week before, which was set at the 192 level. And, by the way, the gentleman from Canton brought to our attention yesterday that a new order had come out which reset the price at \$1.91. Just for your information, that was an adjustment due to the fact that the price at the producer level had been lowered so that was passed on through the system so the price is essentially the same as it was last week.

So we will not be involved in price setting and the different interests feel that that is the best price that they can have for the time being and we are just going to sit with that and let it ride.

This bill also sets up, what I would consider a long overdue study commission, one authorized by the Legislature — it has been many years since the Legislature, itself, authorized any study commissions. There have been different studies that different groups have undertaken over the years in regard to the milk industry. Most of those had to do with the aspect of whether or not we should keep the Milk Commission and most of those conclusions were in the affirmative and I suppose that was concluded ultimately by the voters a couple of years ago in that special election. So this study commission, which we are setting up, will be designed to analyze exactly where the dairy industry is in the 20th Century in 1985 in its current condition and situation. That Commission will analyze, not only the current milk pricing structure, but, more importantly, it is designed to analyze appropriately, in the current situation, what the possibilities are for the dairy industry in the 1980's. Where can we go from here? Is the current Milk Commission law and language what can best serve the State of Maine — is there some other place we should go?

In the last couple of years there have been some drastic changes in the milk industry — there have been some changes in, for instance, the federal price support system, the amount of money going to the dairy farmers has been reduced at the federal level with the clear intent of reducing the surplus amount of milk which exists around the country. Unfortunately in Maine, there is no real surplus of milk — there is apparently in the midwest — we are the unfortunate recipients of that na-

tional philosophy so that is something that this Commission will need to take a look at.

The new changes in the status of milk supply and price support systems — how does that affect the State of Maine now? Another change that has occurred in the last couple of years is that there is now more interstate shipment of milk. There is now the technological possibility and likelihood of milk being shipped longer distances due to technology changes and what not. It is now more feasible to ship long distance. We need to look at how that affects the State of Maine. For instance, at what point in the pricing does it become feasible for out-of-state dairies to ship their milk into Maine; therefore, undermining the Maine economy.

Another thing I want to mention is that the current Milk Commission and all of their orders, which they have declared, have had serious court challenges since 1975. Every Milk Commission order that had been proclaimed since 1975 has had a serious court challenge. We need to look at that and determine if perhaps there is some change in milk law that we should recommend, to expect that that study commission will provide us with some of the possible answers to that.

How the Commission will be structured is that we will have a study panel consisting of experts in the field of milk pricing and economics who will be selected by the Commission of Agriculture in consultation with the Agriculture Committee. Those people will provide the statistical analysis and background for the second section of the study commission, the actual study committee to review. That study committee will be made up of legislators appointed by the Speaker of the House and the President of the Senate, the three appointments by the Governor representing different aspects of the dairy industry and with some declared expertise required, if you glance at the amendment. Also, the public advocate will be part of that study committee to review the study panels data. It is the intention that the members from the House be essentially selected from the Committee on Agriculture.

The last thing that the bill does is place into law a prohibition on volume pricing for milk. Currently, the temporary court order has, first of all, set the price of milk where it is set now, and secondly, has at least temporarily prohibited volume pricing in the stores. No one knows where that will eventually fall so this bill does place, as a function of law, a prohibition on volume pricing so that the small storeowners will not have to pay a higher price for milk than the large storeowners. That whole question of what it means to have fair competition of whether or not the small stores will be able to be economically viable in the State of Maine is at least temporarily handled as a function of law by this bill which will prohibit volume pricing.

This bill represents a lot of work, it represents a committee that was committed to having a wide overview of the entire dairy question and situation — it was not an amendment which dealt with a narrow part of the problem. The study commission aspect of this amendment offers us the possibility of taking a wide peripheral look at a dairy industry, an industry which is very, very complicated in terms of its federal and state milk pricing.

I certainly hope that you will support the amendment. It has bi-partisan support, as I said — it does have a price tag of \$30,000 which is not included in the amendment itself because it will go through the usual appropriation process but we expect that to be handled in the Supplemental budget in about two weeks so I would be glad to answer any questions or not. I do urge your support of this bi-partisan amendment.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Beaulieu.

Representative BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I am sure that the Agriculture Committee worked very hard in trying to find a way to deal with the milk pricing issue at this point in time. I raised a lot of questions yesterday at the Democratic caucus, and while some of them were answered, I still feel as uncomfortable today as I did then about the amendment that is before us.

I guess my concern comes from the point of view that there is a request to study the Milk Commission again and the Chair of the Committee keeps saying that the study is long overdue — well, ladies and gentlemen, I have about seven documents here on my desk of studies that were conducted in 1981 and the majority of them in 1982 on the whole issue of how the price of milk is set and what its impact is throughout the state, not only to the dairies but to the stores and to the consumers. I am not going to read all the titles and the headings of this major effort that was undertaken but I seriously, honestly, question what we are going to learn that is any different that we have been hearing of over the past six or nine years that I have been here over the Milk Commission and how they operate.

I think my question has been answered about how come this amendment does not carry a fiscal note. As far as I am concerned, from what I am reading, all this amendment says with the exception of prohibition on volume price setting, it simply repeats what the court has said so why not just let the court decision stand and if anything needs to be done by this representative body is to tell the Milk Commission to do their job and do it right, period. I see no need for establishing another study commission to look at the whole issue when all the documentation that has taken place in the recent past has already been done. I am not opposed to studying issues, I never have been and I support most study orders but I think this one is going to simply prove to be fruitless and the Milk Commission will keep on making bad decisions and they are going to wind up in court getting slapped down time and time again before we even get a report from such a study. I really feel that maybe what we should do is just kill the whole effort and let the court decision stand and see what happens in the future with instructions, maybe, from some of us to tell the Milk Commission to do their job and do it right.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I would like to know if the gentleman from Auburn's intent at this point is to give the amendment its second reading. Is that in order?

The SPEAKER: The Chair would advise the gentleman that this is the time and this is the only reading that the amendment will get.

Representative NADEAU: Mr. Speaker, actually I have been trying to learn as much as I can about this issue in the period of time that I have had to read about it and in my canvassing this body, at random, half of the people that I am talking to don't really know what they are talking about and that is not necessarily a reflection on individuals. I would like, at this point, especially in the interest of time, to table this with the understanding that we will talk about it tomorrow morning, please.

Representative Beaulieu of Portland moved that the acceptance of the amendment be tabled one legislative day.

Representative Diamond of Bangor requested a Division.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Portland, Representative Beaulieu, that acceptance of House Amendment "A" be tabled for one legislative day. Those in favor will vote yes;

those opposed will vote no.

A vote of the House was taken.

38 having voted in the affirmative and 75 in the negative, the motion did not prevail.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Beaulieu.

Representative BEAULIEU: Mr. Speaker, I move the indefinite postponement of this amendment and all of its accompanying papers and would request a Division.

Representative Sherburne of Dexter requested a roll call.

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

Representative MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the comments of the gentleman from Sanford, Representative Nadeau and his frustration too. I have been studying it for seven years in the Legislature and two years as a staff member and I still don't understand it all myself; hence, one of the reasons why we need to have a real commission analyze this and provide us with some recommendations and have the subcommittee come up with its recommendations to the Legislature. I do not see any way that we can instruct the Commission to do a good job without an in-depth study of where we are. I don't think, as Representative Nadeau said, that there are very many who know exactly where we are with milk pricing anymore.

In regard to the studies that I mentioned and also Representative Beaulieu mentioned that had been done on "milk issues," and I have reviewed those and I have a whole pile of them right here, probably a couple of dozen more that the gentlelady doesn't have yet and I see nothing in there that mentions the new shift in federal price support which no one could have anticipated a few years ago. Little or nothing has been discussed about interstate shipping of milk, which is it was discussed, is not outdated so one of the challenges that we have before us here is to keep the legislative and the government process current rather than outdated. There is a public perception that the Legislature is slow moving and doesn't really know what we are doing and out of touch — this is a proposal to keep us current and make appropriate decisions in regard to milk pricing, a very important issue to the state's economy and the overall philosophy of whether or not the small business can exist or whether or not only the very large out-of-state businesses will be doing business in Maine as a colony.

So I hope you certainly vote against the gentlelady's motion to indefinitely postpone this amendment and then we will proceed to pass it.

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Members of the House: I appreciate the concern and the question in the minds of many members of the House concerning this issue. I think that only re-enforces what those of us on the Agriculture Committee are saying, that this is a very, very complex issue. That is why we have committees in this body, to delve into issues that are complex.

What we are bipartisanly asking this Legislature is the opportunity to hire outside experts to review this issue. Yes, there have been studies. The feeling of many people is that many of those studies are outdated, that the industry is changing very, very fast at this time, that we need and outside overview of what is happening in the dairy industry in the State of Maine. Many of us feel that this is very crucial to the future of dairying, dairy processing and ultimately the consumers of Maine. We see, nearly every night on the television set, that this is a traumatic time in the farming in-

dustries all over the nation and certainly in the State of Maine. We all recognize that the Maine Milk Commission has not been as responsive as nearly everyone would like to see it to nearly every sector but we, again, by partisanly on the Agriculture Committee feel that you owe the farmers of this state the consideration for another in-depth look of where this Commission should be going in the direction that it offers so I am urging that you defeat the motion to indefinitely postpone and that you go on and support the study as proposed.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Connolly.

Representative CONNOLLY: Mr. Speaker, I rise on a point of order.

Mr. Speaker, I would like to pose two questions to the Chair. The first question would be with respect to Joint Rule 10 — would members of the Legislature, who serve as dairy producers, be in violation of Joint Rule 10 which deals with conflict of interest if they vote on this amendment or the legislation itself?

The second question, Mr. Speaker, has to do with the same issue of conflict of interest in regard to the committee that is set up in the legislation — would any members of the Legislature or members of the public who would be appointed to this special select committee be in violation of any legislative or any other conflict of interest law if they work as dairy producers or retailers or dairy processors?

The SPEAKER: The Chair recognizes the Representative from Canaan, Representative McGowan.

Representative MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: While the good gentleman from Portland raises this question, I would bring to your attention, Mr. Speaker, the letter in which I wrote to you and hand delivered yesterday concerning Joint Rule 10 and anyone who owns a small store and I would appreciate your ruling on this matter.

The SPEAKER: The Chair would call your attention to House Rule 19 and Joint Rule 10. Joint Rule 10, which is on Page 184 of the House and Senate Register reads as follows: "No member shall be permitted to vote on any question in either House of the Legislature or in committee whose private right, distinct from public interest, is immediately involved."

House Rule 19 on Page 156 reads as follows: "Every member who shall be in the House when a question is put where he is not excluded by interest shall give his vote, unless the presiding officer for reasons shall excuse him, and when the yeas and nays are ordered, no member shall leave his seat, until the vote is declared; in all elections by the House, or on joint ballot of the two Houses, no member shall leave his seat, after voting, before a return of the House is had."

The Chair is in possession of the letter from the Representative from Canaan, Representative McGowan, in which he has requested information from the Chair.

The Chair would call your attention 1 MRSA, Section 1014, Section 1a, which provides as follows: "where a legislator or a members immediate family has or requires a direct substantial personal financial interest, distinct from that of the general public, in an enterprise which would be financially benefited by the proposed legislation or who derives a direct substantial personal financial benefit from close association with the person known by the legislator to have a direct financial interest in an enterprise affected by proposed legislation." Those are the two rules and that is the law of the State of Maine. That title of the law and that section of the law also says that those matters are to be decided by the governmental ethics commission. That request properly belongs before the governmental ethics commission and I have forwarded the letter from the Representative from Canaan, Repre-

sentative McGowan, to them for their response. In the meantime, however, the Chair will excuse, pursuant to the rules, any member who believes that they might be in violation of the law or of the rules from voting on this issue when the vote is taken, if a roll call is ordered by this House.

The Chair recognizes the Representative from Canaan, Representative McGowan.

Representative MCGOWAN: Mr. Speaker, pursuant to Joint Rule 10 in which this House adopted unanimously at the beginning of this session and until the Commission on Governmental Ethics rules on my letter, I wish to be disqualified pursuant to that rule.

The SPEAKER: The Chair will not disqualify him from voting but will excuse him from voting.

The SPEAKER: The Chair recognizes the Representative from Benton, Representative Parent.

Representative PARENT: Mr. Speaker, Members of the House: I would like to reemphasize again the importance of acting favorably on this amendment at this time. This is an emergency in substance as well as in time.

The new pricing order, 85-2, as amended by the court, is presently in effect with predictable and potential serious consequences for the dairy industry throughout the state. Granted this is a compromise, a temporary solution, but it is also an attempt by the Agriculture Committee, after long hours listening to all sides, to meet the needs of the consumers of the state and, at the same time, permit wholesalers and retailers, all of them, big and small, urban and rural, to compete effectively, but fairly.

At the very least, I would ask members of the House, as they decide their votes on this issue, to give some weight and some careful thought to at least three points. First, the inherent attempt at fairness to all parties in this amendment. Second, the strong support of the Agriculture Committee after a lot of hard work. Third and last and most important, the very serious adverse effect on the dairy industry that is apt to take place if this amendment is not adopted and we don't go on to pass this bill.

At this point, the Senate entered the Hall of the House and a Joint Convention was formed. (In Convention)

The President of the Senate, Charles P. Pray, in the Chair.

On motion of Senator Violette of Aroostook, it was ORDERED, that a Committee be appointed to wait upon His Excellency, Governor Joseph E. Brennan, and inform him that the two branches of the Legislature are in Convention assembled, ready to receive such communication as he may be pleased to make.

The Chair appointed:

Senators:

Dutremble of York
Tuttle of York
Black of Cumberland
Representatives:
Beaulieu of Portland
Tammaro of Baileyville
Joseph of Waterville
Hale of Sanford
Ruhlin of Brewer
Willey of Hampden
Bonney of Falmouth
Begley of Waldoboro
Heburn of Skowhegan
Lander of Greenville

Senator Dutremble, for the Committee, subsequently reported that the Committee had discharged the duty assigned it, and the Governor was pleased to say that he would forthwith attend the convention.

Whereupon, Governor Joseph E. Brennan entered the Convention Hall amid prolonged applause, the audience rising.

The Governor then addressed the Convention as follows:

GOVERNOR JOSEPH E. BRENNAN: Mr. President, Mr. Speaker, Members of the Legislature:

Six years ago I came before a Joint Convention of the Maine Legislature and said in my first Inaugural Address:

"I am honored above all by the source of our mandate, the decent and generous people of the State of Maine, the millworker from Millinocket, the waitress from Portland, the teacher from Biddeford, and the shopkeeper from Lewiston. I will not forget them."

The record shows that I have not forgotten them.

Today the working people of Maine have more jobs, better paying jobs, and better social services than ever before in Maine's history.

Today I come before you to speak about the Workers' Compensation system, a subject vital to the security of Maine workers, and to the well-being of all Maine citizens.

I will propose reforms in that system that will: reduce Workers' Compensation insurance rates; eliminate unnecessary litigation; improve work safety; and preserve fair and realistic benefits for injured workers.

This has been one of the most difficult and complex issues that I have faced in my six years as Governor.

The conclusions I have reached and the proposals I will make will not please everyone.

I do not submit this legislation, however, to benefit or to please any one group.

My sole concern is the common good; the long-term well-being of all Maine citizens.

I truly believe that Maine will be a better place to live and to work, that there will be more growth and more jobs in Maine, if these proposals are enacted.

And I believe that all Maine citizens, workers and employers, will be better off as a result.

For we cannot afford to ignore the plain fact that Maine's Workers' Compensation system is simply out of balance. Indeed, the system is out of control!

The evidence is clear.

In 1983 Maine's rate of work injuries was 45% higher than the national average.

Maine's rate of actual workdays lost was 90% higher than the national average.

And in the latest year for which complete data is available, Maine's benefit costs were more than two and one-half times higher than those of other states.

Yes, the system is out of balance today and the facts show that it is getting worse.

From 1972 to 1983, Maine's injury rate remained the same, but the rate of lost workdays doubled, and the cost of benefits went up more than 10 times.

From 1972 to 1983, the cost of benefits per worker increased faster in Maine than in any other State in the entire nation.

The system is out of balance and the millworker from Millinocket, the waitress from Portland, the shopkeeper from Lewiston, are all paying a price for it.

They are paying a price in lower wages. Studies have shown that high Workers' Compensation insurance costs come, not out of profits and dividends, but out of wages and take-home pay.

They are also paying a price in lost job opportunities as some businesses decide not to invest in Maine, and in new Maine jobs.

Some say our Workers' Compensation rates are not really a problem, that our economy is growing, that business investment is strong.

Yes, our economy is growing and prospering. But there are still unemployed people in Maine, there are still many workers in Maine taking home wages too low to support their families.

The plain truth is all around us. Workers' compensation costs are a barrier to an even stronger Maine.

We cannot ignore the evidence!

When a newspaper in Minnesota quotes a plant manager for the Diamond Match Company, comparing his company's experience in Maine to Minnesota, as saying, (and I quote) "The plants in Maine had 24 or 25 lost time injuries, here we had one. There's just a world of difference in attitudes."

When Georgia Pacific reports that Maine workers, making up only 3% of their workforce nationally, generated 19% of all their Workers' Compensation costs in 1984, and Georgia Pacific says that a \$200 million paper machine is being built in Louisiana rather than in Maine in part, because of these costs.

When the President of the Ethan Allen furniture company says his company has, (and I quote), "pretty much shut down major investments in our two Maine facilities because of the extraordinary settlements awarded in Workers' Compensation suits."

When the Boise Cascade Corporation reports that Maine workers, making up 7% of their work force nationally, generate 45% of all their Workers' Compensation costs, despite the fact that the Boise plant in Rumford is one of the safest papermills in the country.

When the President of a small manufacturing company, Elmer's Pipe in Auburn, writes and says (and I quote), "As a company which stresses safety and has not experienced a Workers' Compensation claim in seven years of operation, we find the rate structure bordering on prohibitive."

When, in my role as Chief Executive Officer of the largest employer in Maine, our own State Government, I have seen costs for Workers' Compensation, paid for by the tax dollars of the working men and women of this State, rise from \$1 million to nearly \$4 million in just six years.

What is the explanation? Well, from 1981 to 1984, accidents among State workers actually declined 16%, the cost of living went up only 16%, yet Workers' Compensation costs increased 69% for State Government.

There is no explanation, except that we have a system that is absolutely out of control.

The evidence is overwhelming!

To your credit, many of you in this Legislature have shown courage and leadership in proposing reforms.

No one has done more on this issue over a longer period of time than Speaker John Martin.

He, and other legislators, are proposing measures to contain costs, to reduce legal fees, and to simplify hearing procedures.

I welcome and I support your efforts.

This year, we have a unique opportunity for reform.

There is widespread public awareness of the problem and bipartisan agreement on what must be done.

The proposal I will present to you today is designed to seize this opportunity and to make our Workers' Compensation system, once more, serve, the true interests of the working men and women of Maine.

The program has five parts:

First, we must create a truly competitive rating system.

Workers' Compensation insurance rates are now set by State government, not by competition in the marketplace.

Government does not set rates for automobile insurance, liability insurance, or life insurance.

The only reason for government rate regulation is to protect the public from monopolies as in the case of telephones or electricity.

But there is no monopoly in Workers' Compensation. Today there are more than two dozen major writers of Workers' Compensation insurance in Maine.

If made to compete, some will prosper, some will fail.

Those who do succeed will be those who reduce premiums, improve their employers'

safety records, and help workers return to the job.

I reject the recommendation that the State get into the insurance business. I can assure you that last thing Maine state government needs is one more business to run.

But I do propose that we deregulate Workers' Compensation insurance rates and adopt a truly competitive rating system, as has been recommended by the Special Study Commission, headed by John Menario.

Together with the savings from other reforms that I will offer, competition will provide the incentives for insurance companies to actually reduce rates over time.

Meanwhile, as transition to a deregulated system, I propose to freeze the maximum rates at the current level for one year.

Second, we must simplify procedures and reduce legal costs:

Maine Workers' Compensation system, originally designed as a no-fault procedure, has a history of excessive lawyer involvement.

Our Workers' Compensation Act was never, never intended to become the Lawyers' Compensation Act.

In 1982, lawyers were used twice as often in Maine as in other States, and in 80% of all the cases in which they were involved, the worker's claim was not even contested.

Last year, administrative reforms proposed by the Speaker Martin's Select Committee, chaired by Roger Mallar and Gary Cook, were put in place. They have helped simplify the process.

Still though, there is more to do.

Money that is spent for unnecessary lawyers' fees is money that is simply not available for wages and benefits.

I propose to simplify the claims procedure and to reduce unnecessary lawyers' costs.

First, by paying lawyers' fees only when the employee prevails.

Maine is the only State that requires insurers to pay all the lawyers in all cases, regardless of who wins. This discourages settlement and encourages needless litigation.

I support the efforts of Senator Dutremble and Senator Twitchell, and Representatives Bonney, Cooper, Pouliot, Seavey, and Weymouth, to end this practice.

Second, I propose to eliminate the so-called "Mini-Miranda" requirement in Workers' Compensation procedures.

This requirement, to warn workers before they can talk about their injuries, if those conversations are going to be used in evidence, is borrowed from the criminal law and is not needed for an administrative hearing. Again, this is unique to the State of Maine, and really makes it difficult to get the full truth before the Workers' Compensation Commission. Again, I support Senator Dutremble's bill to eliminate this requirement.

Together, these two reforms will reduce lawyer's fees and will allow all the facts to be brought before the Commission, hopefully, in a timely manner.

Third, we must improve safety in the Maine workplace.

Maine has many dangerous jobs, jobs that by their very nature put workers at risk of injury; jobs like logging, ship-building, machine tool operation, and repetitive assembly.

Still, with workers training, with proper safety equipment, and with more thoughtful design of work tasks, the danger can be reduced dramatically.

Safety incentive programs helped Georgia Pacific reduce its injury rate by 75% between 1980 and 1983, and have helped 30 employees of Lufkin-Anson, a wood processing mill in Madison, to go six years without a lost-time accident. This year Bath Iron Works is undertaking a safety program to reduce injuries by 50%.

These companies are in industries that are dangerous by national standards. They show the difference people can make when they act

to improve safety. It can be done!

Several years ago, a program to help businesses design their own safety procedures was set up in the Maine Department of Labor. A team of experts is now available, free of charge, to provide confidential help to employers on request.

Each year, more employers take advantage of this program, but the program is still underused. This year, we will actively promote safety inspections and let every business know that we can help them become safer.

No one is more vulnerable to injury than the young and inexperienced worker. We have instituted programs in our high schools and VTI's to teach young people the importance of safety in the workplace.

These technical assistance and education programs, together with the safety incentives that will result from competitive rating, will give Maine businesses the tools and the incentives they need to improve their safety records.

But success in improving work safety requires more than just tools and equipment. It requires new attitudes on the part of every employer and on the part of every worker!

Today, I call upon the Legislature to join with me in setting up a Special Commission on Safety in the Maine Workplace that will include the best Maine safety experts, employers, workers and union representatives, to make recommendations on how to change attitudes and practices so that together, we can make the Maine workplace as safe as it can be.

Fourth, we must improve opportunities and incentives for the injured worker to get back on the job.

Of all the facts about Workers' Compensation, none is more disturbing than the fact that injured workers in Maine are off the job longer than workers in other States.

Yes, prolonged absence from the job exacts a financial price from the company and from the insurer.

But of more concern to me is the personal price it exacts from Maine workers, and from their families.

It reduces self-confidence. It disrupts family life. And it makes the adjustment to re-employment more difficult.

To combat this problem, members of the Workers' Compensation Commission have recommended that we begin administrative reviews after one year of all cases where some long-term injury is involved. I strongly support this proposal.

But we must do more than increase incentives. We must also give the injured worker the training, and the help needed to get back on the job.

The Speaker's Committee has been exploring ways to help the disabled worker get needed training and to encourage employers to hire injured workers. I look forward to seeing their final recommendations.

Fifth, and finally, we must maintain a fair, yet responsible benefit structure for injured workers.

During the 1970's, the Maine Legislature, in response to an urgent need for reform, created, through bipartisan action, probably the most generous Workers' Compensation benefits in the entire nation.

When those reforms were enacted, the full cost could not be foreseen.

But now we know.

We did not intend to have a benefit system that increased in cost by nearly one third every year. But we certainly have that now.

We did not intend to have a benefit system that discouraged business investment in Maine. But, I'm telling you, we have that now.

We did not intend to have a benefit system that discouraged people from returning to work. But we certainly have that now.

I believe we can have a Workers' Compensation benefit system in Maine that treats the injured worker fairly and generously and that

is affordable.

To accomplish this, I propose, first, that we pay scheduled benefits — one time payments for loss of a bodily function — at a fixed rate for all injured workers.

The regular benefits that an injured worker receives are intended to make up for lost wages. So-called "scheduled benefits" are in addition. They are supposed to compensate for losses in the quality of one's personal life as a result of that injury.

Under the present system, a fish plant manager who loses his hand on the job could receive up to \$70,000 for that loss, while a part-time sardine packer, in the same plant, could get as little as \$4,100. A difference between \$70,000 and \$4,100, both losing a hand. Both are being compensated for the loss of their ability to hug their child, to pick up a hammer, to knit a sweater, to paint a house.

Is the plant manager's loss in this regard really more than fifteen times greater than the sardine packer's loss? I think to ask the question is to answer it.

I propose to fix payment so they are in the same category for all workers.

This will not reduce workers' compensation costs. In fact, it will raise benefits for our low income workers. But it is fair, I believe it should be done, I believe it is simply a matter of social justice.

Second, I propose that we coordinate benefit payments with other payments received from Social Security, retirement, and employer-paid pensions.

No one intended that an injured worker should make more by retiring than he or she actually earned on the job. This proposal would reduce that possibility.

Third, I propose that we cap the annual cost-of-living adjustments for benefit payments at 5%.

Most states do not provide annual benefit escalation. This change is consistent with recent action by the United States Congress, in the Longshoremen's and Harbor Workers' Compensation Act. I endorse the bill presented by Representatives Daggett, Pouliot, Racine and Ridley to provide fair controlled inflation adjustments.

And, finally, I propose that we set the maximum benefit allowed for future claims at 110% of Maine's average weekly wage.

Maine, Alaska, and Iowa are the only 3 states in this nation that provide benefit payments as high as 166 and $\frac{2}{3}$ per cent of their State's average weekly wage.

In 1982, the District of Columbia, our Nation's Capitol, and certainly one of its most liberal political jurisdictions, was also in this group. That year, the District of Columbia passed a law to reduce their maximum benefit to 100% of the average weekly wage. As a result of this and other reforms, Washington, D.C.'s insurance rates have dropped 39%.

This change will have no effect at all on existing claims and awards.

Maine's maximum benefit level will still be among the top 5 states in the nation, better than that available to 92% of all the workers in the country.

I would like especially to commend Representative Pat McGowan, and Representative Dan Gwadosky, for having the courage to address this issue. My proposal is consistent with theirs.

Taken together, this package will reduce the cost of Workers' Compensation, preserve a benefit level among the very best in this nation, make the Maine workplace safer, and, most of all, improve future job prospects for every Maine citizen.

It is time now for Maine workers, Maine employers, and their insurers to move ahead together to improve our workplace and our Workers' Compensation system.

I would like to say a few words directly to each of these groups.

To Maine insurers:

Today I am proposing reforms that will give you the opportunity to make your business more efficient and more competitive.

I challenge you to make these reforms work for the people of Maine. Be creative. Find ways to reduce rates, to improve safety, and to help the disabled worker.

A number of legislators have expressed to me their concern that the insurance industry will not pass along to the employers the savings that will result under my comprehensive package.

If it is apparent that there is an unwillingness on the part of the insurance industry to reduce premiums to reflect their reduced exposure, then it is my intention to offer legislation to require the insurance companies to reflect these reductions in their premiums.

Today I am proposing reforms that will reduce your Worker's Compensation insurance costs for Maine employers.

I challenge Maine employers to do your part to make the reforms work. Take advantage of the experts that are available and make your workplace safer.

Help the injured worker to get back sooner.

And, most importantly, invest with boldness and with confidence in new jobs for Maine's future.

To Maine workers:

Today I am proposing reforms that will improve the prospects for new and better-paying jobs in our State.

I challenge you to work with your employers to find ways to make the workplace safer and more productive.

Every dollar that you save by reducing injuries is one more dollar that is available for wages and for investment in Maine.

To my friends in the labor movement:

Today I must tell you that our present compensation system of too generous benefits, however well intended, has become a detriment to the future economic well-being of this State.

Yes, with our present exorbitant system we are in danger of "Killing the goose that laid the golden egg."

I urge you to consider carefully these recommendations, and to ask yourselves if they are not in the long-term best interest of Maine's working men and women.

Finally, to you, the members of the Maine Legislature:

Today, you have the opportunity to reform our Workers' Compensation system so that it will once again serve the true interests of Maine people. So it will once again bring out the very best in Maine's proud and independent workers and Maine's honest and caring employers.

It will not be easy.

Some of you, especially of my party — the Democratic Party — may find yourself under attack by even some of your closest supporters.

Thirty years ago, John Fitzgerald Kennedy, in his *Profiles in Courage*, told the forgotten story of our own William Pitt Fessenden of Maine, a United States Senator whose distinguished political career was put on the line by his vote, based on principle, against the impeachment of President Andrew Johnson.

John Kennedy ended his book with William Pitt Fessenden's own words. I would like to share those words with you today.

Senator Fessenden said...and I quote:

"When a man becomes a member of this body he cannot even dream of how much courage he must possess to resist the temptations which daily beset him...of the ever-recurring contest between a natural desire for public approval, and a sense of public duty...of the load of injustice he must be content to bear even from those who should be his friends.

"All of this, if he would retain his integrity, he must learn to bear unmoved, sustained only by the reflection that time may do him jus-

tice."

Like Senator Fessenden, many of you, and I say especially Democrats, are now called upon to test your courage and your commitment to the common good.

But time will do you justice.

Time will mean more and better paying jobs for Maine men and women.

Do not shrink from the challenge.

In the last few years we have done much together to strengthen Maine.

Still, much remains to be done.

I ask you today to search your souls to consider what you can do to help bring a good job and a decent life to every Maine citizen in the years to come.

Do not shrink from the challenge. Meet it head on!

(Prolonged applause, Convention rising.)

At the conclusion of the Governor's address, the Governor withdrew amid applause, the audience rising.

The purpose for which the Convention was assembled having been accomplished, the Chairman declared the same dissolved and the Senate retired to its chambers, amid applause of the House, the members rising.

(In the House)

The House was called to order by the Speaker.

The SPEAKER: Prior to the Joint Convention we were dealing with L.D. 431, Bill "An Act to Eliminate Volume Determined Delivery Prices of Milk."

A roll call has been requested on the indefinite postponement of House Amendment "A."

Representative Gwadosky of Fairfield assumed the Chair as Speaker Pro Tem.

The SPEAKER PRO TEM: The pending motion before the House is indefinite postponement of House Amendment "A."

The Chair recognizes the Representative from Portland, Representative Beaulieu.

Representative BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I have listened carefully and intently to what the Committee members have said here this morning. I concur, you have worked very hard and you have put before us what you think is a reasonable alternative but it does not address the problem, in my opinion. I am not an expert in milk pricing issues. I am not a farmer either. But I know about farms and how they operate. I think that a lot of what the House Chairman said concerning what needs to be looked at is not a subject for us to look at. I would contend that it is the Milk Commission's responsibility to keep current on what's happening at the Federal level and at the Maine level. I don't think we need outside experts to come into Maine and tell us how we are going to deal and how we are going to help our own farmers. Somebody has dropped the ball for too many times and I lay the blame right at the feet of the Maine Milk Commission. And I don't see where we are going to be studying an issue if in fact we come up with recommendations on what they should do and we have no authority to make them do it. That really is the issue, isn't it? We are going to be studying what they should be doing, but we will have no authority to tell them to do it. So I feel very strongly that the approach being recommended at this point in time is going to be another fruitless effort. We are not going to be any further ahead than where we were. The small stores that I represent in my community are still going to be faced on a month to month basis of milk price changes that they don't know how to deal with. We are going to be batting our heads against the wall here in the guise or in the name of trying to help our small farmers, when in effect no matter what we do in the

end, it isn't going to mean a darn thing. I guess that is why I am intent on saying to you that the approach that is being proposed is not in anybody's best interest, and that I would ask the Committee to go back and look at another way. My preference would be to have a bill before us to abolish the Maine Milk Commission.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Auburn, Representative Michael.

Representative MICHAEL: Thank you Mr. Speaker. Ladies and Gentlemen of the House: I am glad that the gentlelady ended her speech with her last statement. I think it makes it a little easier to understand and I appreciate her point of view. The Milk Commission can only do what we empower it to do. We cannot request, for instance, the Milk Commission to come up with, as Legislators individually, recommendations on the possibility for retail pricing of shopping centers in regards to Christmas presents, because they are not empowered to do that. They have no mechanism to come up with that kind of advice or regulation. In new computer terms, we talk about the Commission's being hardware and that's giving a Commission the hardware, the capacity to form certain kinds of regulatory decisions. So, before we go and tamper with the regulatory laws, I suggest that we get ourselves grounded on where we are now. You can't tell where you want to go within the forest or wherever you are, until you figure out where you are now. Then you figure out where you want to go. You figure out how to get there. I don't think the gentlelady has the answers to where we are or where we want to go. I don't. I humbly say I don't.

So the study Commission will not bring an outsider to tell us what to do, nobody will tell us what to do. We are empowering a group of experts to do some research for us, just as the legislative staff does research for us now in other areas only a little bit more sophisticated Commission, who would then present that information to the study committee, who would then work with the Commissioner to recommend legislation, if any, for next session. It is the only responsible path that I see. But no one will be telling us what to do.

While I am on my feet, I just want to remind everyone that there are some people who do not want to see us pass into law the prohibition on volume pricing because they would like to see volume pricing come back in at any later date with any pricing order, which is what the status is now. Someone said, I can't remember who, that this amendment merely repeats what the Court has done. Absolutely not so. First of all, what the Court has done is at best, temporary; and always uncertain. This Bill will put into law the prohibition on volume pricing, so that if there is to be volume pricing, differential pricing between the small and large stores in the State of Maine, it will require an act by this body and the Senate of changing the law so that it is allowed. That is a much stronger position for the small store owners that hoping that the court decisions somehow become standard and permanent.

We need to move on and vote against the motion to kill this amendment so that we can pass it and get on with this matter.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Damariscotta, Representative Stetson.

Representative STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I am surprised and distressed at the motion of the gentlelady from Portland and particularly her reasons when she says that she doesn't profess to be an expert in this field. We have just heard the Governor call for a Commission of experts to help us in the field of safety in the workplace. I think that the amendment calls for expert advice in a field we could all use some expert advice. I think her reasons for re-

jecting that amendment are totally unfounded. I urge that we defeat the motion to indefinitely postpone.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative MCHENRY: Mr. Speaker and Ladies and Gentlemen of the House: I, for one, do believe in the bill but when it comes to a study and experts, experts, experts, what are experts? I am not too crazy about experts. Because I find we have economists telling us in the United States how things are going and nobody seems to agree. They are all experts. You know, we've heard that the Commission is not responsive. I tell you there is a reason why the Commission is not responsive. The people that are appointed to the Commission are appointed by the Governor and the Governor wants to do away with the Commission, so I think that is the reason.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Harrison, Representative Jackson.

Representative JACKSON: Thank you Mr. Speaker. Men and Women of the House: I've been looking this amendment over since yesterday, and I have been giving it careful consideration, I agree with what the Committee is trying to do. I do think that there are some problems and those problems are heavy. They are heavy for the dairy farmers of this state. I don't think we should only be concerned for the processors. I think we should be concerned for the front end, so to speak, for the dairy farmer, to make sure and ensure that he stays in business, that he has a place for his product to go to be finished and moved on to the consumer.

I do have a problem with the amendment. The problem with the amendment, if you look at it on the last page, is that the committee doesn't have to report back here until December of next year. What are we going to do between now and next December when you have got a price out there that the dairies have to meet to the retailers set by the Court. Granted that some of those small dairies could increase it, but they are at the mercy of the larger ones who can undersell them constantly, because of their updated systems and competitive nature, I am concerned, as I read the paper yesterday where that we lost, or losing a dairy as of March 31, Pleasant Hills Dairy. And if I am correct in stating this, I think there were 18 employees involved in that. I am sure that Agrimart is going to pick those dairy farms up or some other person is going to pick them up. But 18 Maine jobs are gone. How many other spin-off jobs are gone? How many tax dollars are lost? I see nothing in the amendment which reflects or ensures that those dairies during this interim or those farmer are going to be protected, and that is a concern that I have. I think that we should be concerned with that. I think that if we are going to study this system or this process that there should be some insurance there that those businesses stay intact until the study is completed. Then if it is found that these small dairies or whatever the case may be, maybe even some large dairies, don't need the protection, then don't submit the legislation. I do think there should be something in here to protect and ensure that the remainder, I guess eight dairies in the State of Maine, have some protection until the study is completed.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Canton, Representative McCollister.

Representative MCCOLLISTER: I would like to pose a question through the Chair if I may to Representative Michael from Auburn.

I believe I heard him say that the members from the legislature appointed to this Committee were coming from the Committee on Agriculture. Will he clarify that for me please?

The SPEAKER PRO TEM: The Represent-

ative from Canton, Representative McCollister, has posed a question through the Chair to the Representative from Auburn, Representative Michael, who may respond if he so desires.

The Chair recognizes that Representative.

Representative MICHAEL: Thank you Mr. Speaker. Let me just mention that although it is not a function of the specific language in itself, it is our intention that the members, if at all possible, come from the Committee on Agriculture, unless there are some other better qualified people that we can find.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Canton, Representative McCollister.

Representative MCCOLLISTER: Mr. Speaker. Ladies and Gentlemen of the House: This amendment was discussed in committee and one of the ways that it achieved some support in the committee was that we removed from it the reference that the Representatives and the Senators that serve on this committee would be from the Committee on Agriculture because we knew there was great conflict of interest on the committee itself. Now we have an attempt to read into the record that these people are to be coming from the committee. I find it very questionable.

In answer to several other questions that have been proposed. We knew we had a new milk order going into effect on the 3rd of March which will override the price set by the Court. So we no longer have a fluctuating price. We have one that has been set by the Milk Commission. Why don't we need a study? The Milk Commission has spent many thousands of dollars over the past year hiring experts, taking expert testimony, generating a ¾ inch thick 85-2 Milk Order. Within hours after it went into effect, the court set it aside because it was wrong. I cannot believe that a study committee is going to do any better. I personally believe the study committee has one purpose and one purpose only. When you cannot get what you want passed as legislation you put it into a study committee hoping that you can bring it back in the form that you wanted it in the first place.

I am urging strongly that we defeat this amendment.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eastport, Representative Vose.

Representative VOSE: Mr. Speaker, may I pose a question through the Chair to the Chairman of this Committee?

Did the committee vote on this particular amendment before it was brought to the floor? What was the results of the vote?

The SPEAKER PRO TEM: The Representative from Eastport, Representative Vose, has posed a question through the Chair to the Representative from Auburn, Representative Michael, who may respond if he so chooses.

The Chair recognizes Representative Michael.

Representative MICHAEL: Thank you Mr. Speaker. The committee did not take a formal vote on the amendment. We did all meet and discuss if there would be any problems with it because we did not have the bill in committee. The Bill was up here on the floor. So there is no formal vote to be taken. The only formal vote was on the majority report, which was a 12 to 1 "Ought to Pass" report from the Representative from Canton being the dissenting vote, on that matter.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Cumberland, Representative Dillenback.

Representative DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I know nothing about this bill really. I don't think many people do. But I will say this. It is refreshing when a committee, the Agriculture Committee, admits they can't handle the bill. When you go out and seek some professional advice and that advice goes back to the committee

and then they can make a decision. It makes sense to me. I am an old dairy farmer as you know. Nobody ever understood what happened to the milk. It goes everywhere. The prices, the installation of bringing milk into the state, out of the state, it is a very confusing issue. When the farmers, who are on this Agriculture Committee, cannot come up with an answer, it is really confusing. So I suggest we give them the opportunity to have this professional advice and have them come back to us so we can make a decent decision.

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

Representative BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to the chair of the Committee.

I'd like to ask if the Committee, as a whole, would be willing to amend this bill to state that there will be no price changes between now and the time that study commission is finished. In other words, are you willing to put a restriction to stop the Milk Commission cold from taking any action until you come back, leaving prices as the Court has set them to stand?

The SPEAKER PRO TEM: Representative from Portland, Representative Beaulieu has posed a question through the Chair to the Representative from Auburn, Representative Michael who may respond if he chooses. The Chair recognizes that gentlemen.

Representative MICHAEL: Mr. Speaker. The question may not be asked in the right domain but I will try to answer it. The courts are currently "set the prices" or at least set the framework for pricing to occur, and in that have included the allowance to adjust the price based on the change in producer prices. If the producer prices change, then the wholesale prices change. We saw that this week when the price went from \$1.92 to \$1.90, as I understand it, due to the fact that the producer prices were lowered. So the price has stayed effectively the same, but it is a different number. It is relatively the same. I have talked to people from the dairy industry saying it is off a penny. The said no, no, it is all the same because the producers prices went down. So the courts have instructed the commission to make adjustments based on producer prices. I mean the way it is now, is that the Milk Commission will not be changing that price, although I think there is a request in to come up with a new order by October, I don't know if the Committee, I don't think I would be willing to get involved by saying that the prices are going to stay the same because, what is an appropriate price? And should we legislate that price? That is one of the dilemmas we have been with here. We had considered setting the price in Committee at a particular level for a particular amount of time. There was great debate amongst ourselves as to whether or not we should be doing that because what is appropriate for price changes, first of all, and second of all, there is always disagreement as to what an appropriate price is anyway. So it is a method we don't want to get into unless we really have to.

I think the gentlelady's concern may be that the price would go up, our concern is that the price would go down. But those supporting the small and large dairy interests are willing to gamble that, because they have assessed that this is the best opportunity to keep the industry viable through a period that may bring them to the point where we can assess new legislation next session.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Beaulieu.

Representative BEAULIEU: Mr. Speaker. Again, I don't claim to be an expert, but I really feel that something has to be done. I don't like the approach in the amendment. But I would be amenable to having a little bit more restrictions on what's going to happen in the field

between now and the time that a study would be made. I guess, I would like to see the committee as a whole give a little bit more thought to my concerns and the proposal that I have just brought before them. It may be totally out of order, but I feel strongly that they should discuss it and I would hope that somebody would table this Bill at least two legislative days to allow the committee to take another look.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Benton, Representative Parent.

Representative PARENT: Mr. Speaker, Members of the House: In attempt to shed a little bit more light as to the need for this study panel, I don't think that there is anyone in the chamber that doubts there are serious problems out there in the dairy industry. And the latest pricing order as amended by the court further poses additional questions. What the Agriculture Committee would like to have is more time and more information in order to address the future of the dairy industry. Do we want dairy farmers in this state milking cows, generating some income, supporting their families and staying on the farm? Do we want dairies processing milk, distributing milk, creating a few jobs, generating income, money made here in the State of Maine and spent here? Or do we want the dairy industry to go the way that the poultry industry has gone? That is the heart of the problem as I see it. We need more time and more information.

Representative Dillenback of Cumberland moved the previous question.

The pending question was "Shall the main question be put now?" A vote of the House was taken. 105 having voted in favor of the same and 16 against, the main question was put now.

At this point Speaker Martin resumed the Chair.

Representative Sherburne of Dexter requested a roll call on the motion of Representative Beaulieu of Portland that House Amendment "A" be indefinitely postponed.

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 the motion of the Representative from Portland, Representative Beaulieu, that House Amendment "A" (H-7) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

The Representative from Canaan, Representative McGowan, having requested permission to be excused from voting, the Chair has granted that request and the Representative will be excused from voting.

Roll Call No. 3

YEAS:—Allen, Baker, A.L.; Beaulieu, Bost, Brown, D.N.; Cooper, Hepburn, Masterman, Mayo, McCollister, Mills, Mitchell, Nadeau, G.R.; Pouliot, Racine, Rotondi, Strout, Tardy.

NAYS:—Aliberti, Armstrong, Baker, H.R.; Begley, Bell, Bonney, Bott, Boutilier, Bragg, Brannigan, Brown, A.K.; Cahill, Callahan, Carrier, Carroll, Carter, Cashman, Clark, Coles, Connors, Connolly, Cote, Crowley, Davis, Dellert, Descoteaux, Dexter, Diamond, Dillenback, Drinkwater, Duffy, Erwin, Farnum, Foss, Foster, Greenlaw, Gwadosky, Hale, Handy, Harper, Hayden, Hichborn, Hickey, Higgins, H.C.; Higgins, L.M.; Hillock, Hoglund, Holloway, Ingraham, Jackson, Jacques, Jalbert, Joseph, Kane, Kimball, Lacroix, Lander, Law, Lawrence, Lebowitz, Lisnik, Lord, MacBride, Macomber, Manning, Martin, H.C.; Matthews, McHenry, McPherson, McSweeney, Melendy, Michael, Michaud, Moholland, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, G.G.; Nelson, Nicholson, Nickerson, O'Gara, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Perry, Pines, Priest, Randall, Reeves, Rice, Richard, Ridley, Rioux, Roberts, Rolde, Ruhlin, Rydell, Salisbury, Scar-

pino, Seavey, Sherburne, Simpson, Small, Smith, C.B.; Smith, C.W.; Soucy, Stetson, Stevens, A.G.; Stevens, P.; Stevenson, Swazey, Tammaro, Taylor, Telow, Theriault, Vose, Walker, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

ABSENT:—Brodeur, Chonko, Crouse, Daggett, Sproul, Warren, The Speaker.

EXCUSED:—McGowan.

18 having voted in the affirmative and 125 in the negative with 7 absent and 1 excused the motion to indefinitely postpone House Amendment "A" (H-7) did not prevail.

Thereupon, House Amendment "A" was adopted.

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

Tabled Earlier Today

The Chair laid before the House the following matter: Bill "An Act to Permit a Vehicle to be Registered for the Gross Weight allowed by a Permit under the Motor Vehicle Laws" (H.P. 66) (L.D. 84) (C "A" H-5) which was set aside by Representative Theriault of Fort Kent.

Representative Theriault of Fort Kent offered House Amendment "A" (H-6) and moved its adoption.

House Amendment "A" (H-6) was read by the Clerk and adopted.

Whereupon, the Bill was passed to be engrossed by House Amendment "A" and sent up for concurrence.

The following items appearing on Supplement No. 1 were taken up out of order by unanimous consent:

Ought to Pass

Report of the Committee on Judiciary reporting "Ought to Pass" on Bill "An Act to Repeal Sunset Provisions on Certain Amendments to the Law Regarding Mediation in Domestic Relations Cases" (Emergency) (S.P. 144) (L.D. 411)

Came from the Senate, with the report read and accepted and the bill passed to be engrossed as amended by Senate Amendment "A" (S-5).

Senate Amendment "A" (S-5) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended by Senate Amendment "A" in concurrence.

By unanimous consent, ordered sent forthwith to Engrossing.

Orders of the Day

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

JOINT RESOLUTION MAKING APPLICATION TO CONGRESS CALLING A CONSTITUTIONAL CONVENTION TO PROPOSE AN AMENDMENT TO THE FEDERAL CONSTITUTION TO REQUIRE A BALANCED FEDERAL BUDGET (P. 520) (L.D. 740)

(Committee on Appropriations and Financial Affairs suggested.)

Tabled—February 27, 1985 by Representative CARTER of Winslow.

Pending—Reference.

On motion of Representative Carter of Winslow, retabled pending reference and tomorrow assigned.

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

Bill "An Act to Clarify the Rights of Tenants in Mobile Home Parks" (H.P. 534)

Tabled—February 27, 1985 by Representative BRANNIGAN of Portland.

Pending—Motion of Representative PERRY of Mexico to refer to Committee on Legal Affairs.

On motion of Representative Brannigan of Portland, retabled pending motion of Representative Perry of Mexico to refer to the Committee on Legal Affairs and tomorrow

assigned.

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

Bill "An Act to Relocate the Supreme Judicial Court and Related Functions to the State Capitol at Augusta" (H.P. 485) (L.D. 688)

Tabled—February 27, 1985 by Representative CARTER of Winslow.

Pending—Motion of Representative PARADIS of Augusta to refer to Committee on Judiciary.

On motion of Representative Carter of Winslow, retabled pending motion of Representative Paradis of Augusta to refer to the Committee on Judiciary and tomorrow assigned.

(AT EASE)

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

Bill "An Act Defining the Right of Employees of Public Utilities to Testify before Legislative Committees and the Public Utilities Commission" (H.P. 514) (L.D. 719)

(Committee on State Government suggested.)

Tabled—February 27, 1985 by Representative VOSE of Eastport.

Pending—Reference.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Connolly.

Representative CONNOLLY: Mr. Speaker, since this is my bill and neither one of the two Chairmen, who are arguing over this, are in their seats, I would appreciate it if someone would table this for one day.

On motion of Representative Gwadosky of Fairfield, referred to the Committee on Utilities, Ordered Printed and sent up for concurrence.

The following items appearing on Supplement No. 2 was taken up out of order by unanimous consent:

Passed to Be Enacted Emergency Measure

An Act to Extend Sunset Provisions on Certain Amendments to the Law Regarding Mediation in Domestic Relations Cases (S.P. 144) (L.D. 411) (S. "A" S-5)

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

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

Representative KANE: Mr. Speaker, Ladies and Gentlemen of the House: If I can very briefly explain this unusual procedure that we are going through today, you will find on your desk a letter from the Office of Legislative Assistants to Representative John Diamond, which will explain this in more detail. The one thing that is omitted from that letter is that there was a series of errors made and they were all made on the assumption that the sunset in this bill, which was enacted in September of last year, everyone assumed that it was on March 15th of this year — fortunately, someone discovered that it was not March 15th, it was March 1st and there is a hearing scheduled on the bill to discuss the substantive issues in this matter on March 5th so rather than avoid five or fifteen or thirty day window under which the mediation and pre-hearing law would be different from the law from the year before and the years afterward, this enactor that we are approaching right now will simply add 30 days. The only practical effect and the only language change is where it says March 1, 1985 and one section of Chapter 862 of last session's chapter laws — it changes it to March 31st so this is a very temporary arrangement to allow the law to stay the way it is before the Judiciary Committee so they can consider it next week.

This being an emergency measure, a two-thirds vote of all the members elected to the

House being necessary, a total was taken, 126 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.

Representative Strout of East Corinth moved that the House reconsider its action whereby Bill "An Act to Provide for the Funding of Public Transportation" (H.P. 622) was referred to the Committee on Taxation.

On motion of Representative Macomber of South Portland, tabled pending the motion of Representative Strout of East Corinth to reconsider and tomorrow assigned.

Representative Strout of East Corinth moved that the House reconsider its action whereby Resolution, Proposing an Amendment to the Constitution of Maine to Authorize the Expenditure of Highway Fund Money for Public Transportation that is Dependent upon Highways and Bridges for Operation (H.P. 627) was referred to the Committee on Taxation.

On motion of Representative Macomber of South Portland, tabled pending the motion of Representative Strout of East Corinth to reconsider and tomorrow assigned.

(Off Record Remarks)

On motion of Representative Davis of Monmouth.

Adjourned until eleven o'clock tomorrow morning.