

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, April 4, 1985

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

Prayer by Father Edward Hurley, St. Mary's Roman Catholic Church, Augusta.

Quorum called; was held.

The Journal of yesterday was read and approved.

Orders of the Day

The Chair laid before the House the first matter of Unfinished Business which was taken up out of order by unanimous consent.

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

Bill "An Act Regarding Workers' Compensation Commission Staffing" (Emergency) (H.P. 811)

(Committee on State Government suggested.)

TABLED — April 2, 1985 by Representative CARTER of Winslow.

PENDING — Motion of same Representative to refer Bill to Committee on Appropriations and Financial Affairs.

Under suspension of the rules, the Bill was read twice without reference to any committee, passed to be engrossed and set up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Papers from the Senate**Non-Concurrent Matter**

Bill "An Act Relating to Deferred Payments and Terms and Schedules for Repayment of Loans Under the Maine Consumer Credit Code" (H.P. 815) (L.D. 1141) which was passed to be engrossed in the House on March 29, 1985.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-39) in non-concurrence.

The House voted to recede and concur.

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;

Business and Commerce

Bill "An Act to Require Two Members of the Public on All State Licensing Boards" (H.P. 857) (Presented by Representative STEVENS of Bangor) (Cosponsors: Senator BUSTIN of Kennebec, Representatives RYDELL of Brunswick and GWADOSKY of Fairfield).

(Ordered Printed.)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act to Authorize an Award System to Aid in Coyote Control" (H.P. 858) (Presented by Representative SMITH of Island Falls) (Cosponsors: Senator BLACK of Cumberland, Representatives ERWIN of Rumford, and BELL of Paris)

(Ordered Printed.)

Sent up for concurrence.

Human Resources

Bill "An Act to Amend the Medical Examiner Act and Related Provisions" (H.P. 859) (Presented by Representative PAUL of Sanford) (Cosponsors: Representatives RIDLEY of Shapleigh, GWADOSKY of Fairfield and Senator TRAFON of Androscoggin)

(Ordered Printed.)

Sent up for concurrence.

Judiciary

Bill "An Act to Modify Waiver of Grounds for

Relief in Post-conviction Review" (H.P. 860) (Presented by Representative PARADIS of Augusta) (Cosponsors: Representatives THERIAULT of Fort Kent and BOUTILIER of Lewiston)

(Ordered Printed.)

Sent up for concurrence.

Taxation

Bill "An Act Providing for Administrative Changes in Maine Tax Law" (H.P. 861) (Presented by Representative HIGGINS of Portland) (Cosponsors: Representatives JACKSON of Harrison, ALIBERTI of Lewiston and Senator TWITCHELL of Oxford) (Submitted by the Department of Finance and Administration pursuant to Joint Rule 24)

(Ordered Printed.)

Sent up for concurrence.

Reports of Committees**Unanimous Ought Not to Pass**

Representative BRANNIGAN from the Committee on Business and Commerce on Bill "An Act Concerning Television Receiving Equipment" (H.P. 507) (L.D. 712) reporting "Ought Not to Pass"

Representative BRANNIGAN from the Committee on Business and Commerce on Bill "An Act Relating to Registration of Electrolgist" (H.P. 351) (L.D. 472) reporting "Ought Not to Pass"

Representative BRANNIGAN from the Committee on Business and Commerce on Bill "An Act to Require a Life Safety Sprinkler System in Certain Residential Occupancies" (H.P. 601) (L.D. 871) reporting "Ought Not to Pass"

Representative BROWN from the Committee on Education on Bill "An Act Pertaining to Individual Teacher Contracts" (H.P. 159) (L.D. 193) reporting "Ought Not to Pass"

Representative BROWN from the Committee on Education on Bill "An Act to Increase Reimbursement for Professional Credits for Teachers" (H.P. 510) (L.D. 715) reporting "Ought Not to Pass"

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

Unanimous Leave to Withdraw

Representative NELSON from the Committee on Human Resources on Bill "An Act to Amend the Medical Radiation, Health and Safety Act" (H.P. 167) (L.D. 201) reporting "Leave to Withdraw"

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

Ought to Pass in New Draft

Representative ALLEN from the Committee on Judiciary on Bill "An Act Concerning Persons on Partial Release from a Mental Health Institution" (Emergency) (H.P. 69) (L.D. 90) reporting "Ought to Pass" in New Draft (Emergency) (H.P. 856) (L.D. 1213)

Report was read and accepted, the New Draft read once and assigned for Second Reading Tuesday, April 9, 1985

Consent Calendar**First Day**

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

(H.P. 108) (L.D. 133) Bill "An Act to Prohibit Smoking in Certain Retail Stores" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-58)

(H.P. 359) (L.D. 479) Bill "An Act to Create a Maine Sentencing Guidelines Commission" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-59)

There being no objections, the above items were ordered to appear on the Consent Calen-

dar of Tuesday, April 9, 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. 133) (L.D. 372) Bill "An Act to Provide for Licensing of Companies Who Apply Pesticides as Custom or Commercial Applicators"

(S.P. 111) (L.D. 326) Bill "An Act to Require the Employer to Pay for Eye Examinations Under a Company Mandated Eyeglass Safety Program for Eyeglass Wearers" (C. "A" S-36)

(S.P. 168) (L.D. 436) RESOLVE, Regarding a Study of the Personnel Law (C. "A" S-35)

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.

(H.P. 316) (L.D. 405) Bill "An Act to Make Permanent the Special Fuel Tax Act" (Emergency)

On motion of Representative Higgins of Scarborough, was removed from Consent Calendar, Second Day.

Thereupon, Committee Report was accepted and the Bill was read once and assigned for Second Reading, Tuesday, April 9, 1985

Passed to Be Engrossed**As Amended**

Bill "An Act to Establish Policies Governing Smoking in Places of Work" (H.P. 235) (L.D. 276) (C. "A") H-53)

Was reported by the Committee on Bills in the Second Reading, read the second time, Passed to Be Engrossed as Amended, and sent up for concurrence.

Passed to Be Enacted**Emergency Measure**

An Act to Clarify the Fire Prevention and Inspection Laws in Regard to Municipal Enforcement (H.P. 365) L.D. 485) (C. "A" H-42)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 127 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Remove the Small Business Exception Regarding Medical Benefits because of Pregnancy under the Maine Human Rights Act (S.P. 51) (L.D. 69)

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

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

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I would request a roll call.

I hope you do not pass this bill today, if you do, I believe you are hurting that employee. Every time we mandate another benefit in our health insurance policy, costs are increased. They cannot help but be increased. If we pass this bill, the employer will have to decide whether to offer a health policy that has increased in cost or none at all. When my husband and I had a farming operation, we provided a health policy for our farm workers. When the farming operation ceased, the health policies, of course, stopped. I recommended to the workers when we ceased that farming operation that they have policies of their own. But of course that was their own decision. I don't know what the others did but I keep in close contact with one of those former employees. He got another job and that job did not provide a health policy and he decided not to get one either. He told me afterward that it wasn't provided by the job and he felt that

he couldn't afford it. He paid dearly for that decision and for a job that didn't have a health policy, for he had innumerable hospitalizations from a heart ailment that developed.

Ladies and gentlemen, a basic health policy is certainly much better than no policy at all. If the small businessman is having financial problems, he is going to cut expenses wherever he can. I hope you will not force him to make the decision between increasing his expenses or cutting out a health program. It is the worker who really will suffer.

I hope you will vote against this bill.

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

Representative McCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: Pregnancy insurance for my employees will cost my company \$683.64 more than a basic health policy.

Mr. Speaker, I would like to direct a question to someone who can answer my question.

My question is Title 24A, Section 2832 which reads: "All group or blanket health insurance policies and plans shall provide the same maternity benefits for unmarried women certificate holders and minor dependents with certificate holders with dependent or family coverage as provided by certificate holders with maternity coverage and the wives of certificate holders with maternity coverage. This requirement shall to all group and blanket insurance, written or renewed after the effective date of that title," which I don't have, "and shall include but not be limited to all types and forms of group insurance issued by individual companies or corporations."

I spent most of last evening with insurance brokers and I could not get a satisfactory answer. Is there someone here who does understand this title?

The SPEAKER: The Representative from Canton, Mr. McCollister has posed a question through the Chair to any member who may answer if they so desire.

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

Representative KANE: Mr. Speaker, Ladies and Gentlemen of the House: To be absolutely frank, I didn't understand the question. I think anybody could muddy the waters by standing up and starting to read Title 24, Section whatever.

With regard to the remarks made by my friend from Presque Isle, Representative MacBride, I would like to repeat again that this is not mandating a new benefit. A good many of us in here voted in the past to mandate new benefits, whether it was alcoholism services, or group plans or whatever. Depending on the circumstances, I might vote for another mandated new benefit but this is not that. This just says that when the employer provides insurance that you cannot discriminate against a pregnant employee who is under a disability because of the disability resulting from the pregnancy.

As I said the other day, what this does is provide the same benefits to a person disabled as a result of a pregnancy as it does to a person disabled because of a softball injury. That is all you are doing.

I think it really boils down to this, this bill really determines whether or not we are serious when we say to our daughters that when they enter the work force they will be the economic equal of our sons. If we are serious about that, then we will vote to pass this bill.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Racine.

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: You probably know that I am one of those individuals that is violently opposed to mandating any type of health benefits. This morning when I was discussing this bill with some of the pro-

ponents, I was informed that this bill does not mandate any additional health benefits. I believe the good gentleman from South Portland also made the statement. What confuses me is the fact that Representative McCollister from Canton stated that if we pass this bill, his insurance policies will be increased by approximately \$635. Now, if this is not mandating, I don't know what mandating is.

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

Representative DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. It seems unusual to me that most of these people who have a pregnancy must have a husband, and it seems to me those husbands probably work and probably have insurance also. This is a duplication of a situation that isn't necessary. If the lady is single or unmarried, then I could see some merit to this bill, but I can't see any merit to it the way it is today.

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

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I just want to say one thing. In some of these instances that Representative Dillenback is concerned about, it could be that the husband works for an employer that provides insurance that is no where as near as good as the wives, I am in that situation.

Believe me Mr. Dillenback, all employers are not equal.

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

Mr. McCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to answer Representative Racine's statement. If I don't offer insurance to my help, I don't have to spend that \$683. If I can't afford the additional amounts, they have no insurance. That is where it breaks down. If an employer cannot afford the additional cost of pregnancy insurance, those employees are going to have no insurance.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must having the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and, obviously, more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is passage to be enacted.

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

Representative CARTER: Mr. Speaker, I request to be excused under Joint Rule 10.

The SPEAKER: The Chair grants the request to the Representative from Winslow, Representative Carter.

The record will also show that the Speaker is excusing himself from voting.

The Chair recognizes the Representative from Lewiston, Representative Pouliot.

Representative POULIOT: Mr. Speaker, may I be excused pursuant to Joint Rule 10?

The SPEAKER: The Representative from Lewiston, Representative Pouliot, is excused pursuant to a potential conflict of interest.

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

Roll Call No. 27

YEAS:—Aliberti, Allen, Baker, H.R.; Beaulieu, Bost, Bost, Boutillier, Brannigan, Cahill, Carroll, Cashman, Clark, Coles, Cooper, Cote, Crouse, Crowley, Daggett, Descoteaux, Diamond, Duffy, Erwin, Foss, Hale, Handy, Hayden, Hichborn, Hickey, Higgins, H.C.; Hoglund, Holloway, Jacques, Joseph, Kane, Kimball, Lacroix, Lisnik, Manning, Martin, H.C.; Mayo, McGowan, McHenry, McSweeney,

Melendy, Michael, Mills, Mitchell, Murray, Nadeau, G.G.; Nelson, Nicholson, O'Gara, Paradis, P.E.; Paul, Priest, Reeves, Rioux, Roberts, Rolde, Rotondi, Ruhlin, Rydell, Simpson, Small, Soucy, Stevens, P.; Swazey, Tammaro, Theriault, Vose, Walker, Warren.

NAYS:—Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bragg, Brown, A.K.; Brown, D.N.; Callahan, Connors, Davis, Dellert, Dexter, Dillenback, Drinkwater, Farnum, Foster, Greenlaw, Gwadosky, Harper, Hepburn, Higgins, L.M.; Hillock, Ingraham, Jackson, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Macomber, Masterman, Matthews, McCollister, McPherson, Michaud, Moholland, Murphy, E.M.; Murphy, T.W.; Nickerson, Paradis, E.J.; Parent, Perry, Racine, Randall, Rice, Richard, Ridley, Salsbury, Scarpino, Seavey, Sherburne, Smith, C.B.; Smith, C.W.; Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Tardy, Taylor, Telow, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

ABSENT:—Brodeur, Carrier, Chonko, Connolly, Jalbert, Nadeau, G.R.; Pines, Webster.

EXCUSED:—Carter, Pouliot, The Speaker.

72 voted in favor and 68 against with 8 being absent and 3 excused, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Clarify the Use of Vocational-technical Institutes' Facilities by Others (H.P. 156) (L.D. 190)

An Act to Require Public Rest Rooms in all Shopping Centers (H.P. 814) (L.D. 1140)

An Act to Require the Posting of an American Flag Inside All Public School Classrooms (H.P. 828) (L.D. 1168)

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

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

Paper from the Seante

The following Joint Order: (S.P. 437)

ORDERED, the House concurring, that when the House and Senate Adjourn, they adjourn to Tuesday, April 9, 1985, at 9:00 in the morning.

Came from the Senate, read and passed.

Was read and passed in concurrence.

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

Passed to be Enacted Emergency Measure

An Act Regarding Workers' Compensation Commission Staffing (H.P. 811 (L.D. 1212)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 122 voted in favor of the same and none against and accordingly the bill was passed to be enacted, signed, by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

The following item appearing on Supplement No. 3 was taken up out of order by unanimous consent:

Orders

On motion of Representative HICKEY of Augusta, the following Joint order: (H.P. 863)

ORDERED, the Senate concurring, that Bill "AN ACT to Establish Eligibility for Burial in the Maine Veterans' Memorial Cemetery for Members of the Maine National Guard." (H.P. 769, L.D. 1061, be recalled from the Governor's desk to the House

Was read and passed and sent up for concurrence. By unanimous consent, ordered sent forthwith to the Senate.

The following items appearing on Supplement No. 4 were taken up out of order by unanimous consent:

**Passed to be Enacted
Emergency Measure**

An Act to Extend the Date for Determining the Maine Tree Growth Tax Law Forest Land Values to Apply in 1985 (S.P. 234) (L.D. 596) (C. "A" S-34)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Establish a Business Assistance Referral Program Within the State Development Office (H.P. 76) (L.D. 96) (C. "A" H-49)

Was reported by the Committee on Engrossed bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 119 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Measure Mileage Payments to Jurors (H.P. 63) (L.D. 81) (C. "A" H-45)

An Act Relating to Retirement Benefits of Superior Court Employees (H.P. 81) (L.D. 101) (S. "A" S-38) to H. "C" H-52)

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

An Act to Establish a Maine Rivers Grants Program (H.P. 100) (L.D. 125) (S. "B" S-37; H. "A" H-26; C. "A" H-12)

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

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

Representative BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I really won't take too much time today but I did want us to think once more about this bill before we passed it into law. The victory that we had the other day was obviously short-lived as this was an emergency measure and for those of you who are Freshmen who are kind of wondering what happened here, although I doubt that many of you do wonder at this point, the thing that happened was the emergency measure was stripped off down at the other body and so we are faced with a measure that only requires a simple majority for enactment.

If we enact this piece of legislation into law, we are granting a regulatory agency in this state the right to go out and solicit funds from the private sector. It is wrong, it is bad policy, it is setting a bad precedent.

Two points were made the other day that I think are important that I think should be made again. If it is a program that is valuable to the people of the State of Maine, then we should do one of two things. We should either provide for that program through tax dollars and do it up front or we should allow the private sector organizations such as the Natural Resources Council, such as the Audubon Society or for that matter any other organization may come out of this whole area of rivers protection to administer these kinds of money, whether they are solicited or brought in as a sale of the decals.

Ladies and gentlemen, it is a bad piece of legislation, it really is. It should be turned down, it should not be enacted. There are better ways of dealing with it and I would hope that you vote against this bill in its enactment stage.

Mr. Speaker, I would request a division.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Men and Women of the House: I didn't get up the last couple of times because I figured this would be coming and I wanted to wait to the end. I happened to feel that this is a good piece of legislation. I am sorry that somebody's nose got out of joint because a bureaucrat in this state overstepped his bounds and went out and did something that was not really authorized by the legislation or by the Chief Executive of this state. Unfortunately, it seems that we are going to now let what this bureaucrat did cause us to turn down a very good idea. That is unfortunate and I hope that doesn't happen. But unfortunately, I think the Legislature has a lot to take the blame for. We continue to allow our bureaucrats to assume more and more power because we don't have either the courage or the time or the determination to do what is right and my people in my district complain to me about this every day as I am sure your people do. So, it is time that the Legislature starts to establish itself as the voice of the people. The bureaucrats work for us and we work for the people. I can assure you all of one thing that this particular bureaucrat will not make this foolish mistake again. I hope that this legislature isn't going to allow that mistake to cause us to vote against a good proposal.

Now the representative from Livermore Falls said that if this is such a good idea we should use taxpayers money to fund it. Well, that is fine and dandy but I think if you remember back on the explanation of what this bill would do, it would allow the sale of decals for the people who enjoy and use the Rivers.

I have some fine little ladies in my district that are fast approaching their 80's who probably would object to having their tax dollars, and they do still pay taxes, spent to build privies on the banks of the Kennebec River. I doubt very much if these particular ladies will ever have the pleasure or displeasure of using these privies along the river. So, why should their tax dollar be used in that?

This bill comes across as the same thing that we did with the Transportation. It is a user fee concept. The people that use the river will pay for that river. Unfortunately, something happened along the way that caused a few people to get upset. Understanding where they come from, I understand how they could get upset because there were many of us who were in favor of this bill and still are that are rather upset. I hope we will not let that act of stupidity cause us to vote against a good concept.

Now, L.L. Bean was mentioned and I was told that L.L. Bean thought this was such a good idea that they offered one of their store front windows to set up the display and they even offered to return the 50 cents that is taken from each sale of decals to be kept by the agent selling it and return it back to the program because they thought the program was worthwhile and had merit. Here is one of the private enterprises we are talking about that saw the merit in this bill. Our president has said that government cannot solve all the problems. Representative Michaud mentioned the other day about President Reagan asking for some help with the Statue of Liberty. President Reagan met last year with the Grand Exalted Ruler of the Elks in the United States of America and asked us if we would not be willing to contribute to the restoration of the Statue of Liberty because the government just did not have the funds to provide that service. Our Grand Exalted Ruler said, yes we would. We committed one million dollars to the project. The President directed us where to send that million dollars and we are sending money every day to that particular individual who is in charge of that project. Now, if the President of the United States thought that that was a

viable way to go, I certainly would hope that this humble legislature would see the merits in the plan.

Mr. Speaker, I ask for a roll call.

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

Representative BROWN: Mr. Speaker, Ladies and Gentlemen: I am not sure if I am one of the ones who Representative Jacques referred to as having his nose out of joint but if you have seen the side profile of me, you will agree that it wouldn't be hard for that to happen in my case.

I would like to direct a question to the Representative from Waterville, Mr. Jacques, if I may.

The SPEAKER: The Representative may pose his question.

Representative BROWN: The million dollar contribution that was sent by the Elks for the restoration of the Statue of Liberty, was that sent to a government agency or was that sent to a non-profit organization?

The SPEAKER: The Representative from Livermore Falls, Representative Brown, poses a question through the Chair to the Representative from Waterville, Representative Jacques, who may respond to the question if he so desires.

The Chair recognizes that Representative.

Representative JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I would be glad to answer the question. The money was sent by the direction of the President of the United States, who I believe is part of the government, to an organization set up that Mr. Iaccoca from the famous Chrysler Corporation heads up.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Hillock.

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: I am very excited that the Representative from Waterville would acknowledge that the government can't solve all the problems. That is refreshing to me. I would like to see the intent of this bill carried out in the private sector. The Audubon Society was named, the Sportsman Alliance in the State of Maine was named. We hear every session of the abuses of the political process and integrity challenge to the process, the bureaucrats. The ink wasn't even dry on this bill and it was abused. Are we on fantasy island to believe that it is not going to be abused again? Straight face test or not, I can't look at this and think it is not going to be abused in the future. The intent is clear that we protect our rivers and there is no argument there.

The intent is that all the citizens in the State of Maine are agreeing with us, let's let an organization dedicated to the conservation of our natural resource, administer it. It will be better accepted by the citizens of the State of Maine, private industry and so forth. L.L. Bean is much behind us, they have a vested interest, of course they do, and they like the idea. I am glad that they went against the grain and took exception of the intent of the State of Maine to solicit money in any way or form.

I urge you to vote against this.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Mr. Law.

Representative LAW: Mr. Speaker, Ladies and Gentlemen of the House: I happen to be on the committee. When it first came up, I was very much against it, but a very good friend of a lot of you veterans, Larry Keisman, was there and I specifically asked Larry if this was a good bill. He supported it very strongly and he sold me on it. I would like to sell you on it. Thank you.

The SPEAKER: A roll has been requested. For the Chair to order a roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting.

Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and, obviously, more than one-fifth of the members present and voting have expressed a desire for a roll call, a roll call was ordered.

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

Roll Call No. 28

YEAS:—Aliberti, Allen, Baker, H.R.; Beaulieu, Bost, Boutilier, Brannigan, Brown, A.K.; Callahan, Carroll, Carter, Cashman, Clark, Coles, Connolly, Cote, Crouse, Crowley, Daggett, Dellert, Descoteaux, Dexter, Diamond, Drinkwater, Duffy, Erwin, Farnum, Gwadosky, Hale, Hayden, Hichborn, Hickey, Hoglund, Holloway, Jacques, Joseph, Kane, Lacroix, Lander, Law, Lisnik, Macomber, Manning, Martin, H.C.; Masterman, Matthews, Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, Moholland, Murray, Nadeau, G.G.; Nelson, O'Gara, Paradis, P.E.; Parent, Paul, Perry, Pouliot, Priest, Racine, Reeves, Rice, Richard, Ridley, Rioux, Roberts, Rolde, Roton-di, Ruhlman, Rydell, Sherburne, Simpson, Soucy, Stevens, P.; Strout, Swazey, Tammaro, Tardy, Taylor, Theriault, Vose, Walker, Warren, Mr. Speaker.

NAYS:—Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bott, Bragg, Brown, D.N.; Cahill, Connors, Cooper, Davis, Dillenback, Foss, Foster, Greenlawn, Handy, Harper, Hepburn, Higgins, L.M.; Hillock, Ingraham, Jackson, Kimball, Lawrence, Lebowitz, Lord, MacBride, McPherson, Murphy, E.M.; Murphy, T.W.; Nicholson, Nickerson, Paradis, E.J.; Randall, Salsbury, Scarpino, Seavey, Small, Smith, C.B.; Smith, C.W.; Sproul, Stetson, Stevens, A.G.; Stevenson; Telow, Wentworth, Whitcomb, Willey, Zirnkilton.

ABSENT:—Brodeur, Carrier, Chonko, Higgins, H.C.; Jalbert, Mills, Nadeau, G.R.; Pines, Webster; Weymouth.

91 voted in favor and 50 against with 10 being absent, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Dissolve the Eastport Utilities District (H.P. 141) (L.D. 166)

An Act Relating to the Membership and the Payment of Per Diem to Boards (H.P. 333) (L.D. 448) (C. "A" H-48)

An Act to Transfer from the Bureau of Public Lands to the Baxter State Park Authority the Designation as the Agency of the State to Receive Funds Donated by Governor Percival P. Baxter (H.P. 340) (L.D. 457)

An Act to Clarify the Law Enforcement Responsibilities of the Forest Fire Control Division (H.P. 407) (L.D. 560)

An Act to Amend Provisions Governing the Procedures of the Maine Health Care Finance Commission (H.P. 459) (L.D. 659)

An Act to Extend the Sunset Provision of the Potato Price Stabilization Law (H.P. 551) (L.D. 823)

An Act Relating to the Protection of Underground Facilities under the Public Utility Law (H.P. 835) (L.D. 1179)

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

RESOLVE, Approving the Standards and Regulations Adopted Under the Chemical Substance Identification Law" (S.P. 106) (L.D. 321)

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

The following items appearing on Supplement No. 5 were taken up out of order by unanimous consent:

Reports of Committees Unanimous Ought Not to Pass

Representative CROWLEY from the Committee on Marine Resources on Bill "An Act Concerning the Sale of Lobster Measures by the State" (H.P. 220) (L.D. 254) reporting "Ought Not to Pass"

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

Refer to the Committee on Business and Commerce

Representative BRODEUR from the Committee on Human Resources on Bill "An Act to Assure the Public Freedom of Choice of Practitioner in Obtaining Dental Services" (H.P. 532) (L.D. 752) reporting that it be referred to the Committee on Business and Commerce.

Report was read and accepted and the bill referred to the Committee on Business and Commerce 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. 611) (L.D. 881) Bill "An Act to Adjust the Boundaries between House District 103 and House District 55" Committee on State government reporting "Ought to Pass"

H.P. 390) (L.D. 539) Bill "An Act to Increase the Limit on New School Bus Purchases" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-62)

(H.P. 423) (L.D. 603) Bill "An Act to Provide a 10% Contingency in the School Construction Debt Service Limit" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-63)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, April 9, 1985 under the listing of the Second Day.

The following items appearing on Supplement No. 6 were taken up out of order by unanimous consent:

Reports of Committees Unanimous Leave to Withdraw

Representative MANNING from the Committee on Human Resources on Bill "An Act to Ban Smoking in Certain Public Access Structures" (H.P. 581) (L.D. 851) reporting "Leave to Withdraw"

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

Refer to the Committee on Judiciary

Representative REEVES from the Committee on Legal Affairs on Bill "An Act Concerning Reports to the Federal Government Relating to Missing Children" (H.P. 854) (L.D. 1210) reporting that it be referred to the Committee on Judiciary.

Report was read and accepted and the bill referred to the Committee on Judiciary and sent up for concurrence.

Orders of the Day

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

Bill "An Act Concerning the Distribution of Atlantic Salmon Smolts and the Conservation of Atlantic Salmon" (Emergency) (H.P. 836) (L.D. 1180)

TABLED—April 3, 1985 by Representative VOSE of Eastport.

PENDING—Passage to be Engrossed.
On motion of Representative Vose of Eastport, tabled pending passage to be engrossed and specially assigned for Tuesday, April 9, 1985.

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

Bill "An Act Relating to Alcohol-related Birth Defects" (S.P. 431) (L.D. 1198)

— In Senate, Referred to Committee on Human Resources (Joint Select Committee on Alcoholism Services suggested.)

TABLED—April 3, 1985 by Representative DIAMOND of Bangor.

PENDING—Reference in concurrence.
Whereupon, was Referred to the Committee on Human Resources in concurrence.

(Off Record Remarks)

On motion of Representative Melendy of Rockland.

Adjourned until 9:00 a.m. April 9, 1985.