

# 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**

Tuesday, April 16, 1985

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

Prayer by Pastor Joe Beardsley, Brownville United Methodist Church, Brownville Junction.

Pledge of Allegiance.

Quorum called; was held.

The Journal of Friday, April 12, 1985 was read and approved.

**Papers from the Senate  
Later Today Assigned**

The following Joint Resolution: (S.P. 480)  
**JOINT RESOLUTION MEMORIALIZING  
CONGRESS TO APPROVE**

**A CONSTITUTIONAL AMENDMENT TO  
REQUIRE A BALANCED FEDERAL BUDGET**  
WE, your Memorialists, the House of Representatives and Senate of the State of Maine of the One Hundred and Twelfth Legislature, now assembled, most respectfully present and petition the Congress of the United States, as follows:

WHEREAS, with each passing year, this Nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues so that the public debt now exceeds hundreds of billions of dollars; and

WHEREAS, the annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the Federal Government to curtail spending to conform to available revenues; and

WHEREAS, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

WHEREAS, knowledgeable planning, fiscal prudence and plain good sense require that the budget reflect all federal spending and be in balance; and

WHEREAS, knowledgeable planning, fiscal prudence and plain good sense require that the budget reflect all federal spending and be in balance; and

WHEREAS, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our Nation, we firmly believe that restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

WHEREAS, we believe constitutional restrictions concerning federal expenditures to be vital; now, therefore, be it

**RESOLVED:** That We, your Memorialists, respectfully recommend and urge the Congress of the United States to consider and approve a constitutional amendment to require a balanced federal budget, except in time of declared war or when 3/5 of the elected members of each House agree; and be it further

**RESOLVED:** That this constitutional amendment be expeditiously sent to the several states for the purpose of ratification by the Legislature of each state; and be it further

**RESOLVED:** That a duly authenticated copy of this Resolution be immediately submitted by the Secretary of State to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Senate and House of Representatives in Congress from this State.

Came from the Senate, read and adopted.  
Was read.

On motion of Representative Gwadosky of Fairfield, tabled pending adoption in concurrence and later today assigned.

**Unanimous Ought Not To Pass**

Report of the Committee on Business and Commerce reporting "Ought Not to Pass" on

Bill "An Act Relating to Odometer Readings" (S.P. 342) (L.D. 933)

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

**Unanimous Leave to Withdraw**

Report of the Committee on Human Resources reporting "Leave to Withdraw" on Bill "An Act to Provide Greater Discretion to the Department of Human Services in Providing Assistance to Nursing Home Residents" (S.P. 150) (L.D. 417)

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

**Divided Report**

**Later Today Assigned**

Majority Report of the Committee on Business and Commerce reporting "Ought Not to Pass" on Bill "An Act Concerning Licenses and Permits for Eating Establishments Engaged in the Business of Serving Seafoods" (S.P. 293) (L.D. 782)

Signed:

Senator:

BUSTIN of Kennebec

Representatives:

MURRAY of Bangor

BAKER of Orrington

RYDELL of Brunswick

STEVENS of Bangor

MARTIN of Van Buren

TELOW of Lewiston

ARMSTRONG of Wilton

ALIBERTI of Lewiston

BRANNIGAN of Portland

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

Signed:

Sensors:

DANTON of York

SEWALL of Lincoln

Representative:

HILLOCK of Gorham

Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted. Reports were read.

Representative Murray of Bangor moved that the House accept the Majority "Ought Not to Pass" Report in concurrence.

On further motion of the same Representative, tabled pending his motion to accept the Majority "Ought Not to Pass" Report in concurrence and later today assigned.

**Divided Report**

**Later Today Assigned**

Majority Report of the Committee on Business and Commerce reporting "Ought Not to Pass" on Bill "An Act Relating to Additional Charges in Connection with Consumer Credit Transactions" (S.P. 72) (L.D. 168)

Signed:

Sensors:

BUSTIN of Kennebec

DANTON of York

Representatives:

BRANNIGAN of Portland

MURRAY of Bangor

MARTIN of Van Buren

ALIBERTI of Lewiston

STEVENS of Bangor

RYDELL of Brunswick

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-45) on same Bill.

Signed:

Senator:

SEWALL of Lincoln

Representatives:

HILLOCK of Gorham

BAKER of Orrington

TELOW of Lewiston

ARMSTRONG of Wilton

Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted. Reports were read.

Representative Murray of Bangor moved that the House accept the Majority "Ought Not to Pass" Report in concurrence.

On further motion of the same Representative, tabled pending his motion to accept the Majority "Ought Not to Pass" Report in concurrence and later today assigned.

**Non-Concurrent Matter  
Tabled and Assigned**

Bill "An Act to Provide for the Negotiability of Transfers, Reassignments and Promotions for Teachers" (H.P. 530) (L.D. 750) on which the Bill and accompanying papers were indefinitely postponed in the House on April 9, 1985

Came from the Senate with the Majority "Ought to Pass" as amended Report of the Committee on Labor read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-61) in non-concurrence.

On motion of Representative Hayden of Durham, tabled pending further consideration and tomorrow assigned.

**Non-Concurrent Matter**

Bill "An Act Concerning Persons on Partial Release from a Mental Health Institution" (Emergency) (H.P. 856) (L.D. 1213) which was passed to be engrossed in the House on April 9, 1985.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-47) in non-concurrence.

The House voted to recede and concur.

**Non-Concurrent Matter**

Bill "An Act to Require Medical Practitioners to Warn Patients of Possible Side Effects for Prescription Drugs" (H.P. 894) (L.D. 1289) which was referred to the Committee on Business and Commerce in the House on April 10, 1985.

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

The House voted to recede and concur.

**Orders**

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

**ORDERED,** that Representative Lorraine Chonko of Topsham be excused April 16, 17, 18 and 19 for personal reasons.

Was read and passed.

**Reports of Committees**

**Unanimous Ought Not to Pass**

Representative MURPHY from the Committee on Local and County Government on **RESOLVE**, to Require the Towns of Wilton and Temple to Establish a Line Between the 2 Towns which Complies with State Law (H.P. 191) (L.D. 225) reporting "Ought Not to Pass"

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

**Unanimous Leave to Withdraw**

Representative JACQUES from the Committee on Fisheries and Wildlife on Bill "An Act to Limit Ice Fishing in Class B Waters to the Period January 15th to March 14th" (H.P. 424) (L.D. 604) reporting "Leave to Withdraw"

Representative MASTERMAN from the Committee on Local and County Government on 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) (L.D. 875) reporting "Leave to Withdraw" (Senator STOVER of Sagadahoc - of the Senate - abstaining)

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

**Ought to Pass in New Draft**

Representative PERRY from the Committee

on Legal Affairs on Bill "An Act to Provide a License to Florists for Sale of Wine and Champagne in Connection with Floral Business" (H.P. 397) (L.D. 546) reporting "Ought to Pass" in New Draft (H.P. 912) (L.D. 1303)

Report was read and accepted, the New Draft read once and assigned for Second Reading later in today's session.

#### **Ought to Pass**

##### **Pursuant to Joint Order (H.P. 56)**

Representative SMITH from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Aroostook County for the Year 1985 (Emergency) (H.P. 913) (L.D. 1304) reporting "Ought to Pass" — Pursuant to Joint Order (H.P. 56)

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 Knox County for the Year 1985 (Emergency) (H.P. 914) (L.D. 1305) reporting "Ought to Pass" — Pursuant to Joint Order (H.P. 56)

Report was read and accepted, 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.

#### **Divided Report**

##### **Later Today Assigned**

Majority Report of the Committee on Marine Resources reporting "Ought Not to Pass" on Bill "An Act to Protect Lobster Gear" (H.P. 445) (L.D. 627)

Signed:

Senators:

SHUTE of Waldo  
CHALMERS of Knox  
BROWN of Washington

Representatives:

MANNING of Portland  
CROWLEY of Stockton Springs  
MITCHELL of Freeport  
SALSBURY of Bar Harbor  
VOSE of Eastport  
RICE of Stonington

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

Signed:

Representatives:

COLES of Harpswell  
CONNERS of Franklin  
RUHLIN of Brewer  
SCARPINO of St. George

Reports were read.

Representative Crowley of Stockton Springs moved that the House accept the Majority "Ought Not to Pass" Report.

On further motion of the same Representative, tabled pending his motion to accept the Majority "Ought Not to Pass" Report and later today assigned.

#### **Consent Calendar**

##### **First Day**

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

(S.P. 170) (L.D. 493) Bill "An Act to Make Allocations from the Public Utilities Commission Regulatory Fund for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-42)

(H.P. 342) (L.D. 459) Bill "An Act Confirm-

ing and Ratifying the Transfer of Real Estate by the Ogunquit Beach District to the Ogunquit Village Corporation and Confirming the Right of the Town of Ogunquit to Permit the Use of a Portion thereof for Parking" Committee on Local and County Government reporting "Ought to Pass" (Representative McHENRY of Madawaska — of the House - abstaining)

No objections having been noted, the above items were ordered to appear on the Consent Calendar under listing of Second Day, later in today's session.

#### **Consent Calendar**

##### **Second Day**

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

(H.P. 741) (L.D. 1051) Bill "An Act to Make Allocations from the Maine Nuclear Emergency Planning Fund for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency)

(H.P. 231) (L.D. 272) Bill "An Act to Authorize the Sale of Frozen Lobster Tails" (C. "A" H-68)

(H.P. 154) (L.D. 188) Bill "An Act to Amend the Maine Consumer Credit Code" (C. "A" H-69)

(H.P. 253) (L.D. 307) Bill "An Act to Provide Funding for Mapping of Streams in the Jurisdiction of the Maine Land Use Regulation Commission" (C. "A" H-70)

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

#### **Passed to Be Engrossed**

Bill "An Act Relating to Septic System Permits" (H.P. 910) (L.D. 1299)

RESOLVE, to Authorize State Funding of the Penobscot Nation Museum (H.P. 911) (L.D. 1302)

Were reported by the Committee on Bills in the Second Reading, read the second time, Passed to be Engrossed, and sent up for concurrence.

#### **Passed to Be Enacted**

##### **Later Today Assigned**

An Act to Amend the Laws Relating to Admission to the Bar (S.P. 220) (L.D. 579) (C. "A" S-40)

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

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

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

#### **Reports of Committees**

##### **Unanimous Leave to Withdraw**

Representative WEYMOUTH from the Committee on Utilities on Bill "An Act Concerning Winter Termination of Water Utility Service" (H.P. 700) (L.D. 995) reporting "Leave to Withdraw"

Representative RICHARD from the Committee on Utilities on Bill "An Act to Exempt Certain Nonutilities from the Requirements of the Utility Reorganization Law" (H.P. 628) (L.D. 896) reporting "Leave to Withdraw"

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

#### **Passed to Be Enacted**

##### **Emergency Measure**

RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Tree Growth Tax Law (S.P. 476) (L.D. 1278)

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 finally passed, signed by the Speaker and sent to the Senate.

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

#### **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:

#### **Education**

Bill "An Act Concerning Funding for School Construction Projects by Certain Private Secondary Schools" (H.P. 915) (Presented by Representative McGOWAN of Canaan) (Cosponsors: President PRAY of Penobscot, Senator PEARSON of Penobscot and Representative DAVIS of Monmouth)

(Ordered Printed)

Sent up for concurrence.

#### **Human Resources**

Bill "An Act to Improve the Administration of General Assistance" (H.P. 916) (Presented by Representative CARROLL of Gray) (Cosponsors: Senator BUSTIN of Kennebec and Representative NELSON of Portland)

(Ordered Printed)

Sent up for concurrence.

#### **Later Today Assigned**

Bill "An Act Concerning Salaries for Cooperative Extension Service Staff" (H.P. 917) (Presented by Representative WHITCOMB of Waldo) (Cosponsors: Representatives ALLEN of Washington, CROUSE of Caribou and Senator SHUTE OF Waldo)

Committee on Local and County Government was suggested.

On motion of Representative McHenry of Madawaska, tabled pending reference and later today assigned.

#### **Later Today Assigned**

Bill "An Act to Improve the Functioning of the Maine Milk Commission" (H.P. 918) (Presented by Representative MICHAEL of Auburn) (Cosponsors: Representatives ALLEN of Washington, McGOWAN of Canaan and Senator CARPENTER of Aroostook)

Committee on State Government was suggested.

On motion of Representative Allen of Washington, tabled pending reference and later today assigned.

#### **Taxation**

Bill "An Act to Amend the Inflation Incrementing Provision in the Tax Laws" (H.P. 919) (Presented by Representative HIGGINS of Scarborough) (Cosponsors: Representatives JACKSON of Harrison, McGOWAN of Canaan and Senator DIAMOND of Cumberland)

(Ordered Printed)

Sent up for concurrence.

#### **Orders of the Day**

##### **Later Today Assigned**

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

Bill "An Act Concerning Governmental Oversight" (H.P. 908)

TABLED—April 12, 1985 by Representative GWADOSKY of Fairfield.

PENDING—Reference.

On motion of Representative Gwadosky of Fairfield, tabled pending reference and later today assigned.

#### **(Off Record Remarks)**

By unanimous consent, all matters having

been acted upon requiring Senate concurrence were ordered sent forthwith.

On motion of Representative Racine of Biddeford.

Recessed until five o'clock in the evening.

**After Recess  
5:00 p.m.**

Pursuant to House Rule 3, the House was called to order by the Clerk.

On motion of Representative Diamond of Bangor, Representative Gwadosky of Fairfield was appointed to serve as Speaker pro tem.

The Chair laid before the House the following matter: Majority Report of the Committee on Marine Resources reporting "Ought Not to Pass" on Bill "An Act to Protect Lobster Gear" (H.P. 445) (L.D. 628) and Minority Report of the same committee reporting "Ought to Pass" on same Bill which was tabled earlier in the day and later today assigned pending the motion of Representative Crowley of Stockton Springs, that the House accept the Majority "Ought Not to Pass" Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Franklin, Representative Conners.

Representative CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: I hope you do not accept the Majority "Ought Not to Pass" Report and then we could accept the Minority "Ought to Pass" Report. I have a couple of reasons why I feel this way.

We already have a very serious gear conflict problem with the lobster fishermen and the draggers and other obstacles that we have in the ocean and I think this cutting device that they want to put on the props is just another way so they have no obligation whatsoever to try to avoid the lobster traps or toggles or whatever. If they just run across them and cut them, there will be no responsibility of being careful where they go. I think it is going to give us serious problems in the future.

I hope you do not accept the Majority "Ought Not to Pass" Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Stockton Springs, Representative Crowley.

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: This bill has a nine to four vote on it, nine in favor of the "Ought Not to Pass" motion. You all got copies from Representative Conners this morning showing you the spur, the cutting edge implement that he is talking about and if you will read it, there are six reasons why they want to put these on boats. I don't know how many there are in the State of Maine, I don't think there are many at this point in time.

There are other things besides these points they make in the advertising that it would make it well worth someone's while to have a device like this on especially if he were out 80 miles and got snarled up in a rope and couldn't get down to cut it off which happens frequently. A boat was tied up just recently about 80 miles out and the Coast Guard had to bring it in. In the winter it is difficult to dive down there and pull things away from your gear especially if it is about zero or 10 above and the water is cold. It would be almost impossible to enforce this bill. You see a vessel out there and how are you going to know what it has underneath, who is going to check it? Marine Resources has a hazardous duty pay for scuba divers. I don't know how we could ever enforce this.

The last thing that convinced me on it is that our laws only cover out to the territorial waters, the three miles zone, and once they get beyond that, we don't have that enforcement anyway and a lot of our lobster traps from the inshore fisheries are out beyond that three mile zone so, because of the enforcement and all

these other things, I think the committee decided that this was not a good bill.

The SPEAKER PRO TEM: The Chair recognizes the Representative from St. George, Representative Scarpino.

Representative SCARPINO: Mr. Speaker, Ladies and Gentlemen of the House: As you can see, I am a signer on the Minority "Ought to Pass" Report and probably being the only member on the committee with any kind of extensive experience on the water and dealing with a pot warp or a fouling problem aboard his vessel in daily operations, I would personally like to bring a few points to your attention as to the six reasons that we are giving that one should put one of these cutting devices on a prop of his vessel. No more emergency dives to cut prop fouling lines and freezing on high seas — sounds extremely important, but if one watches where one is going, trap buoys, trap lines are all connected to a buoy that floats on the surface of the water, if one watches where he is going, then there is no need or the need is tremendously lessened for this device because if you see what is in front of you and take reasonable evasive action — in other words — turn away, you won't catch it in the propeller of your boat. It eliminates costly commercial down time for repairs. The normal down time, if you are wound up in pot warp is to sit along side a wharf for a tide and take the warp out during the tide — if you cannot take it out from the stern of the boat, then the greatest majority of cases, you can remove it by backing your vessel down and pulling on the line right over the stern of the boat. It prevents the need for Coast Guard towing — well, it might prevent the need for Coast Guard towing if you did not take the normal care to look where you were going and not wind up a lobster trap. It prevents burnt bearings and engine overload repairs. When one gets net or rope or weeds in their wheel, in their propeller, the minute it is there, there is a tremendous power loss. You usually get some vibration in the boat. If one is an experienced, prudent operator, one finds out what is wrong before one continues operating the vessel in such a manner as to cause harm.

What this particular device would allow you to do, if you had one of these already on your vessel, would be to ignore any piece of fixed fishing gear, be it a gill net, a purse seine, a piece of stopped twine or a lobster trap, it would enable you to run your boat through it and either cut open the net to allow you through, releasing the catch of that particular fisherman or cut off the lobster trap costing the lobster fisherman on an average of about \$50.00 for every trap that was cut off with no recourse of that trap owner to the individual who cut it off.

We also have a law in this state and I would read to you, 12 MRSA, Subsection 6434 — Molesting gear — it shall be unlawful for any person, except the Marine patrol officer, the licensed owner or a person having written permission from the licensed owner, to raise, lift, transfer, possess, or in any manner molest any lobster trap, warp, buoy, or car. By allowing these automatic cutters on shafts of boats, it will be enabling individuals, through their own lack of respect, courtesy, and knowledge of proper marine laws and etiquette, to violate the laws of the State of Maine by molesting lobster gear with a device that would be operating under the water, which the Marine patrol officers would not be able to witness and site those individuals. Quite simply, if anyone is responsible vessel operator, and they are going into areas of intense seasonal lobster fishing or fixed gear fishing, what the current practice is is that you put a cage around your propeller. You go out and have a cage made and you bolt it right around the propeller and that protects your propeller from drawing that net or that trap warp into your propeller disabling your boat and forcing you either into an

emergency situation or forcing you to cut that fisherman's gear off and causing him the loss of the gear.

There is a long term accept method that is now in use and there is absolutely no need for us to place into law or for us to allow the use of spurs that would (1) destroy gear; (2) cost both income monies and gear loss monies to all our forms of commercial fisherman when we have existing technology that already works to prevent this from happening. What this does, if we accept the "Ought Not to Pass," it allows the irresponsible vessel operator to come and go as he pleases causing whatever damage he desires with no means of recourse for the damaged individual.

Accordingly, I would urge you to support the Minority "Ought to Pass" Report on this bill.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Wells, Representative Wentworth.

Representative WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I would ask you to vote against the pending motion and vote with Representative Scarpino because, as he says, a cage can be put around a propeller and if a boat with any kind of a cutter bar went through a bay or harbor in my area, they would wipe out the lobsterman.

I would request a roll call.

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

Representative DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I have had my share of running into lines and buoys and everything else and only once in all the years that this has happened have we ever had to go overboard. The other times we always take a boat hook, pull the line up, hold onto that line, back up, get hold of the other line and after we cut the line, we tie them back together so a fisherman does not lose his trap and that is something you won't do with this implement.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Stockton Springs, Representative Crowley.

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: This has turned into a lobster industry bill and if you would go down to Boothbay Harbor or Camden or Rockland or any one of our harbors and see the thousands of boats in the State of Maine and no one on our committee knows how many of these spurs have been sold but you would be telling those people that do come into our territorial waters here that they can't bring their vessels in to Boothbay, Camden, Rockland or all these other great ports that we have, we might be getting into a position here where we will be hurting industry in the state worrying about people who are going to be carelessly going around cutting lobster lines and I don't believe there are many people in the world that do this for pleasure.

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

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: The inference seems to be that we are going to allow some commercial fishing vessels or any vessels to arbitrarily go through a bunch of lobster pots and cut them free because he doesn't like that person or just because he wants them out of the way. Let us not forget that the lobstermen are putting those pots out and they are putting them all over the place and most boats are trying earnestly not, and I repeat, not to cut those lines. They don't want to get tangled up with them. They are trying to be a fair bunch of guys, they all have to live together, at least that has been my experience, and what this does, if they do get tangled up, contrary to what some have said, this advertisement is pretty well on the money.

Let's read it again — if their prop is fouled

up by those lines or by weeds, we have not talked about weeds, but if his prop is fouled up, no more emergency dives. When a fellow is going out so many miles outside of the three mile limit, which is the only place that we can enforce this particular law, he certainly doesn't want to get tied up and have to be towed in and have to make some kind of a dive out there in freezing water. It eliminates costly commercial down time for repairs. This can, in fact, cause a great deal of injury to these engines and props and, therefore, it is costly to the other fishermen, not the lobstermen, but the other fishermen. Who is to say that the lobsterman himself, in his boat, is going out there and they may or may not want to put this on there.

It says: prevents the need for Coast Guard towing — it does, indeed, and if they are out there and their props are all fouled up by accident, I want to repeat that, by accident, they certainly don't want to call a Coast Guardsman out there and get him out and try to tow this vessel in. It is costly. They have been sitting there and they can't fish any longer and no more shafts torn lose and they can be torn lose by those things and avoid expensive dry docking and diver charges. Absolutely correct. These fellows need to fish too. They are trying like the dickens to avoid the lobster pots but if they should happen, inadvertently, to hit one — all right, so be it, it cuts it loose but it is a heck of a lot better to cut it loose rather than have this boat put down with fellows aboard that are fishing. It prevents bearings and engine overload repairs — absolutely correct. Once again, it is an expensive proposition for a commercial fisherman and I think they have a right to put this on and once again, the question is, how the dickens are you going to enforce something like this? Are the patrolmen, the wardens, going to dive down to find out if these are on or not on? Or are they going to take this guy and say, look, why don't you come on in, pull them into dry dock and we will find out if you have it on there. I don't know. This is a question I would like to have answered.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Harpswell, Representative Coles.

Representatives COLES: Mr. Speaker, Ladies and Gentlemen of the House: Quite simply, this bill is aimed at people who are too careless at fishermen. If you look at the fish in this advertisement and the proponents of this bill have been quoting the ad again and again and again, it is cutting fishing gear.

I have been messing around with boats on this coast for over 30 years and I have never once snagged a pot warp or fishing net in my propellers. I know very few people that have. Most fishermen that I know complain already about the people who cut their lines when they are being careless about removing lines that do get tangled but this is not a serious problem. I live on the water, I look at the water every day in the summer and I see very, very few boats snarled in pot warps or other nets.

If this bill goes through, there will be no incentive whatsoever for people to avoid lobster buoy lines or seine nets or the fishing gear. I know a lot of summer people, recreational boaters, who would just as soon ignore those things and cut right through them if they possibly could because it might inconvenience them a little bit if they had to slow down and avoid them.

I hope you vote for the Minority "Ought to Pass" Report and reject the Majority "Ought Not to Pass" Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from St. George, Representative Scarpino.

Representative SCARPINO: Mr. Speaker, Ladies and Gentlemen of the House: Just a few short things in response to the comments made by my good friend, Representative Vose.

This advertising copy does say "weeds" but again to respond to something that was said

by the previous speaker — the spurs net line and weed cutter, now it doesn't say weed line and net cutter — the first thing it defines cutting is fixed fishing gear. The second thing it defines cutting is fixed fishing gear. The third thing it defines cutting is weeds. I don't know if anyone here has ever gotten weeds in their wheel. Normally in the spring when you are shedder fishing and you are right up in the rocks, it is not unusual, or after a large storm it is not unusual, to get a wheel full of rockweed. It is quite easy to get it out. You run your boat forward, then you run your wheel in reverse, you run it forward and then you run it in reverse and it will clear itself. It will unwind it right off your prop and back it out. In order to get those weeds in your wheel, you have to be in an area that a normal pleasure boat would not be in. The only thing it would be in would be a shoal draft commercial fishing boat that was operating in those areas because that is the only time, in this state anyway, where you have that kind of weed that close to the surface that it would possibly foul your wheel.

In response to some other comments, would there be an enforcement problem? Yes, there probably would be an enforcement problem. There is an enforcement problem with every Marine law that we have on the books because quite simply, it requires that a warden witness the offense and we have a lot more water than we have wardens and the laws in this state, the Marine laws, basically, operate on the premise that the majority of people in this state and in this country are law abiding citizens and they obey the law. That would be the same basis and the same premise that it would be for the operation of this particular law. So yes, there would be an enforcement problem but no greater problem than we have with any other Marine law that currently exists in this state.

We come down to the very simple, basic fact that if one is competent vessel operator, whether you are a commercial operator or a pleasure operator, you pay your attention to your waters, you pay attention to where you are operating and if one is competent, the instances of winding yourself up in gear or nets is minimal. If it does occur, you have the skills and the knowledge, generally speaking, to bring your vessel back into operational condition without endangering the vessel or those individuals aboard the vessel. If, however, you are not a responsible operator, yes you may get wound up. If you desire to ignore the property, the livelihood, and the rights of other individuals, this little device would be the nicest thing you could possibly put on your boat. Basically, what it comes to is, if you are competent, you are a decent seaman, there is absolutely no need for this device. If you do not respect the income or livelihood of families and the rights of others individuals, then there is good reason to put this particular device on your vessel.

Based on that, I would once again urge you to support the Minority Report and give this an "Ought to Pass."

The SPEAKER PRO TEM: The Chair recognizes the Representative from Mt. Desert, Representative Zirkilton.

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: Just to follow up very briefly on Representative Scarpino's comments — I come from an area that has a tremendous amount of tourist traffic in the summertime and also a large summer community, many of whom own and operate pleasure craft during the summertime. A lot of them operate at night and there is nothing wrong with that but it does pose a tremendous problem when you are operating at night to try and avoid the lobster gear that is in the area. People are generally very careful and operate with bright lights and so forth as to do whatever is possible to avoid the gear. If they

had a device such as this device they would be free and clear to run just as quickly as they care to without concern for the gear that might lay in front of them. I think that could cause an incredible hardship on the lobstermen who are now enforced to endure a lot of damage to their traps now. I think it is a bad bill and I think it should fail.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to point out a few things that I have dealt with being on the ocean down in the Portland area and that is, in Portland Harbor the frequency of lobster traps right in the passage way where the larger tankers and the larger tugboats in that area go out into the ocean. I have been boating now for about 10 or 12 years and have seen them right smack in the middle of the channel and in the middle of the night, foggy, fishing boats coming in — what is that fishing boat supposed to do? He is trying to stay within the navigational channel, he is trying to be careful because he is a fisherman and he understands the problem but let's just not paint the lobsterman as the good ole person, I have seen lobster buoys put right into the mooring and tons of them in a mooring right in front of plenty of boats, not only lobster boats but their own pleasure crafts. Let's look at the other story, there are a lot of lobstermen out there who don't care where they put their lobster traps, they put them anywhere. They will put them in the middle of Portland channel and I have seen many of them and then they scream and holler when a tanker goes by and he cuts it off. A tanker doesn't have to worry because his props are about 10 or 12 feet high and it doesn't affect it. There are lobstermen out there who don't care about the other person. There are two sides to every story and I would hope that you would consider this bill because I think it is a real problem because I think the lobstermen out there are now thinking they own the seas and are putting lobster traps everywhere, including the channels and in the moorings.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Harpswell, Representative Coles.

Representatives COLES: Mr. Speaker, Men and Women of the House: Two quick additional points — on enforcement, almost every boat in the State of Maine is hauled out at least once a year. It is very easy then for boat yards or wardens or anyone else to check to see if it has one of these devices. It might be more difficult to check out-of-state boats but the majority of boats in the state are Maine boats.

Second, coming in at night, the kind of things that Representative Manning just mentioned, let me re-emphasize it just isn't a problem like people here are making it out to be. It is just not a serious problem getting tangled up in trap lines because people make an effort to avoid doing so. If they don't happen to make an effort to avoid doing so, it still won't be a problem, there are a lot of fishermen who will lose a lot of gear.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Orono, Representative Bott.

Representative BOTT: Mr. Speaker, Men and Women of the House: In any given summer I spend a fair degree of time on the water and I can tell you that when we are sailing we are very, very careful not to foul up a lobster pot for many of the reasons that were given here today. I can see if a boat has a device on it like this, I can see them not taking the proper care. If we are out sailing or power boating at night, we have someone out on the bow with a light to spot lobster pots so we won't foul one but if a person has a device like this on a propeller shaft, I really doubt that they will be looking for lobster pots because chances are, if they



snag one, they are going to cut it so I worry about some individuals who might not take the necessary care to navigate in a proper fashion and to look out for the little guy, the guy who has some traps and makes his or her living off lobstering so I would hope that you would vote against the pending motion and support the Minority Report in this case.

The SPEAKER PRO TEM: 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 having expressed a desire for a roll call, a roll call was ordered.

At this point, Speaker Martin resumed the Chair.

The SPEAKER: The pending question before the House is the motion of Representative Crowley of Stockton Springs that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL No. 37

YEAS:—Aliberti, Allen, Armstrong, Beaulieu, Bell, Bost, Boutillier, Brodeur, Brown, A.K.; Carroll, Carter, Cashman, Connolly, Crouse, Crowley, Daggett, Davis, Diamond, Erwin, Gwadosky, Hale, Hayden, Hepburn, Hickey, Higgins, H.C.; Hoglund, Jacques, Joseph, Lacroix, Law, Macomber, Manning, Martin, H.C.; McCollister, McGowan, McHenry, Michael, Michaud, Mills, Mitchell, Moholland, Murray, Nadeau, G.G.; Nelson, Nicholson, O'Gara, Paradis, P.E.; Perry, Pouliot, Racine, Reeves, Richard, Rioux, Roberts, Rotondi, Salisbury, Stevens, P.; Tammara, Theriault, Vose, Walker, Willey, The Speaker.

NAYS:—Baker, Begley, Bonney, Bott, Bragg, Brown, D.N.; Cahill, Callahan, Coles, Connors, Cooper, Cote, Dellert, Dexter, Dillenback, Drinkwater, Duffy, Farnum, Foss, Foster, Greenlaw, Handy, Harper, Hichborn, Hillock, Holloway, Ingraham, Jackson, Jalbert, Lander, Lawrence, Lebowitz, Lord, MacBride, Masterman, Matthews, McPherson, Murphy, E.M.; Murphy, T.W.; Nickerson, Paradis, E.J.; Parent, Paul, Pines, Priest, Randall, Ridley, Rolde, Ruhlman, Rydell, Scarpino, Seavey, Sherburne, Simpson, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Swazey, Taylor, Telow, Warren, Webster, Wentworth, Weymouth, Whitcomb, Zirkilston.

ABSENT:—Baker, H.R.; Brannigan, Carrier, Chonko, Clark, Descoteaux, Higgins, L.M.; Kane, Kimball, Lisnik, Mayo, McSweeney, Melendy, Nadeau, G.R.; Rice, Tardy.

63 having voted in the affirmative and 72 in the negative with 16 being absent, the motion did not prevail.

Whereupon, the Minority "Ought to Pass" Report was accepted, the Bill read once and assigned for Second Reading tomorrow.

The Chair laid before the House the following matter: Joint Resolution (S.P. 480) Joint Resolution Memorializing Congress to Approve a Constitutional Amendment to Require a Balanced Federal Budget which was tabled earlier in the day and later today assigned pending adoption.

Representative Brodeur of Auburn offered House Amendment "A" (H-74) and moved its adoption.

House Amendment "A" (H-74) was read by the Clerk.

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

Representative BRODEUR: Mr. Speaker, Ladies and Gentlemen of the House: What this amendment does is drop one of the two conditions for not having a balanced budget which is that in a time of declared war. It seems to

me that in the situation of a national emergency like this, there would no problem getting three-fifths of the elected members to go along with it so I hope you would adopt this amendment.

I would request a roll call.

The SPEAKER: 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 having expressed a desire for a roll call, a roll call was ordered.

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

Representative BRODEUR: Mr. Speaker, Members of the House: The reason I put in this amendment is because I thought if we are going to balance the budget that we should not have an incentive for declaring war against some small country which none of us have ever heard of in order to find that as a loophole. I find that in these times that if you are trying to get something passed, something funded, declaring war would be one way to fund it and I think a lot of people will be moving in that direction. It seems to me that in the time of national emergency that a three-fifth vote of elected members of each House would be sufficient and could easily be attained if there was a national emergency.

I would hope you would vote in favor of this amendment.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Sproul.

Representative SPROUL: Mr. Speaker, Men and Women of the House: I would hope that you would stay with your initial vote on this, that you would vote no on it. First of all, I don't believe the Congress of the United States takes lightly their powers to declare war and to indicate that they might do so against some little known country just to get around a balanced budget amendment, I don't think is very realistic.

In those times of declared war, I think national security has to come first. If you look back through history, there is a history of not balancing the budget in times of war and I think it is only reasonable that this stipulation remain in it.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I think in line with some of the comments that might be forthcoming that if there is a declared war, the last thing we will ever need or be worried about is a balanced budget.

The SPEAKER: The pending question before the House is adoption of House Amendment "A." Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL No. 38

YEAS:—Bost, Brodeur, Carroll, Coles, Connolly, Handy, Hayden, Hickey, Higgins, H.C.; Manning, McGowan, Michael, Mitchell, Murray, Nelson, Priest, Reeves, Rydell, Warren.

NAYS:—Aliberti, Allen, Armstrong, Baker, A.L.; Beaulieu, Begley, Bell, Bonney, Bott, Boutillier, Bragg, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carter, Cashman, Connors, Cooper, Cote, Crouse, Crowley, Daggett, Davis, Dellert, Dexter, Diamond, Dillenback, Drinkwater, Duffy, Erwin, Farnum, Foss, Foster, Greenlaw, Gwadosky, Hale, Harper, Hepburn, Hichborn, Hillock, Hoglund, Holloway, Ingraham, Jackson, Jacques, Jalbert, Lacroix, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Macomber, Martin, H.C.; Masterman, Matthews, McCollister, McHenry, McPherson, Michaud, Mills, Moholland, Mur-

phy, E.M.; Murphy, T.W.; Nadeau, G.G.; Nicholson, Nickerson, O'Gara, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Perry, Pines, Pouliot, Racine, Randall, Richard, Ridley, Rioux, Roberts, Rolde, Rotondi, Ruhlman, Salisbury, Scarpino, Seavey, Sherburne, Simpson, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stetson, Stevens, A.G.; Stevens, P.; Stevenson, Strout, Swazey, Tammara, Taylor, Telow, Theriault, Vose, Walker, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilston.

ABSENT:—Baker, H.R.; Brannigan, Carrier, Chonko, Clark, Descoteaux, Higgins, L.M.; Joseph, Kane, Kimball, Lisnik, Mayo, McSweeney, Melendy, Nadeau, G.R.; Rice, Tardy, The Speaker.

19 having voted in the affirmative and 114 in the negative with 18 being absent, the motion did not prevail.

The SPEAKER: The Chair recognizes the Representative from Woolwich, Representative Cahill.

Representative CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: I encourage you today to accept the Resolution that is now before us. While campaigning during the 1984 campaign season, the number one problem expressed to me by the people that I spoke to was the inability of the federal government to control budget deficits. In fact, a recent gallop poll indicated that 71 percent of the American public is in favor of an amendment to the federal Constitution calling for a balanced budget. Congress has continually failed to control this period of run away government spending and now the only recourse to the people is to appeal to the state legislatures.

As elected officials, I believe that it is our responsibility to force Congress' hand and I believe we should send that message by every means available to us by a Joint Resolution, by memorials, by letters, by phone calls, whatever it takes to get the peoples message across. We have to on a personal level, municipality level, state level and it is time that Congress learned to live within their means as well.

Representative Diamond of Bangor requested a roll call.

The SPEAKER: 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 having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is adoption of the Resolution.

The Chair recognizes the Representative from a Belfast, Representative Drinkwater.

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

The SPEAKER: The pending question before the House is adoption of the Joint Resolution. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL No. 39

YEAS:—Aliberti, Allen, Armstrong, Baker, A.L.; Beaulieu, Begley, Bell, Bonney, Bost, Bott, Boutillier, Bragg, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carroll, Carter, Cashman, Connors, Cooper, Cote, Crouse, Crowley, Daggett, Davis, Dellert, Dexter, Diamond, Dillenback, Duffy, Erwin, Farnum, Foss, Foster, Greenlaw, Gwadosky, Hale, Harper, Hepburn, Hichborn, Hickey, Higgins, H.C.; Hillock, Hoglund, Holloway, Ingraham, Jackson, Jacques, Jalbert, Lacroix, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Macomber, Manning, Martin, H.C.; Masterman, Matthews, McCollister, McGowan, McHenry,

McPherson, Michael, Michaud, Mills, 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, Pouliot, Priest, Racine, Randall, Richard, Ridley, Rioux, Roberts, Rolde, Rotondi, Ruhlman, Rydell, Salsbury, Scarpino, Seavey, Sherburne, Simpson, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stetson, Stevens, A.G.; Stevens, P.; Stevenson, Strout, Swazey, Tammara, Taylor, Telow, Theriault, Vose, Walker, Warren, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

NAYS:—Brodeur, Coles, Connolly, Handy, Hayden, Mitchell, Reeves.

ABSENT:—Baker, H.R.; Brannigan, Carrier, Chonko, Clark, Descoteaux, Higgins, L.M.; Joseph, Kimball, Lisnik, Mayo, McSweeney, Melendy, Nadeau, G.R.; Rice, Tardy, The Speaker.

PAIRED:—Drinkwater—Kane.

125 having voted in the affirmative and 7 in the negative with 17 being absent and 2 paired, the Joint Resolution was adopted in concurrence.

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

HOUSE DIVIDED REPORT — Majority (8) "Ought Not to Pass" — Minority (5) "Ought to Pass" — Committee on State Government on JOINT RESOLUTION MAKING APPLICATION TO CONGRESS CALLING A CONSTITUTIONAL CONVENTION TO PROPOSE AN AMENDMENT TO THE FEDERAL CONSTITUTION TO REQUIRE A BALANCED FEDERAL BUDGET (H.P. 520) (L.D. 740)

TABLED—April 12, 1985 by Representative GWADOSKY of Fairfield.

PENDING—Motion of same Representative to accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Hepburn.

Representative HEPBURN: Mr. Speaker, Ladies and Gentlemen of the House: The Memorial we just passed may seem strong; however, we have to keep in mind the gravity of the problem that we are dealing with and what will happen to this when it gets to Washington.

Congress and the President get millions of letters every year asking them to please balance the budget and I can only imagine what will happen when they get this one from us. I can see it in the office of the President of the Senate and the Speaker of the House — isn't that cute? Those dumb woodchoppers up in Maine think they can tell us how to spend our money. That is what would happen to our Resolution, ladies and gentlemen.

Luckily however, under Article V of the U.S. Constitution, we have a way to command the attention of Congress and the President. Article V of the U.S. Constitution provides two ways of amending the Constitution, (1) by a two-thirds vote of Congress and (2) by a Constitutional Convention called by two-thirds of the states in the United States at the time. This second provision of Article V in the U.S. Constitution was put in place by no accident. It was determined when the Constitution was drafted that the federal government could become either insensible or have a deaf ear to the will of the people.

Since 1787 there have been 388 calls for a Constitutional Convention issued by states. That is approximately enough for 18 conventions if you figure the average number of states in the union since 1787; yet how many conventions have there been? Zero. It has always been in the interest of Congress to act to preempt a convention. The best parallel that we can see to our present circumstance was a condition which existed right after the turn of the century. In 1911, the Maine Legislature called upon Congress to convene a Constitutional Conven-

tion for the purpose of drafting an amendment for the direct election of the United States Senators. My question would be: what if the Maine Legislature had sent a letter at that point — would we have direct election of U.S. Senators now? I seriously question that.

At that time, the House of Representatives in Washington had passed the proposed amendment on five occasions; however, the Senate being quite happy with the current method of election killed the amendment on five different occasions. It was not until 31 out of 32 states then required acted and called upon Congress to convene a Constitutional Convention that Congress came up with the amendment of its own which became the 16th amendment.

As was the case then, it is also the case now, for Congress to act to avoid a convention. In 1911, when Congress proposed the amendment for the direct election of U.S. Senators, the Senate, very skillfully, added a clause which would grandfather the terms of existing U.S. Senators. Such a condition would occur with a balanced budget amendment. U.S. Congress has before it now several balanced budget amendment proposals. If the drafting of the amendment was left up to a convention, certainly the language would be much more draconian than the language of any of the amendments before Congress at the present time. For example, an amendment drafted by a convention could call for the forfeiture of congressional salaries if a balanced budget is not settled upon by July 1st of each fiscal year.

The direct election of U.S. Senators Amendment is not the only amendment in which a state calls for a Constitutional Convention have been effective. In this Century, there have been state calls for the repeal of prohibition, limiting the tenure of the President and for amendments relating to the presidential disability and succession.

Many times we hear the question of any problem with a runaway convention as a stumbling block in pieces of Legislation such as L.D. 740. Ten years ago, the American Bar Association commissioned a study by nine of its members which lasted two years to study the problem of Constitutional Convention. At the conclusion of that study, the nine members unanimously agreed that Congress has the power to establish procedures limiting a convention to the subject matter which is stated in the applications received from the state legislatures. To date, there have been 32 applications received from state legislatures, all of which are for the exclusive purpose of drafting a balanced budget amendment to the U.S. Constitution.

A further question is, what if the ABA study is wrong? What if there is a runaway convention? So what? Any amendment, whether it be proposed by Congress or by a constitutional amendment must be ratified by 38 states. Would the legislatures of 38 states vote to abolish free speech or vote to abolish trial by jury? Obviously, this concept of a runaway convention is foolishness.

According to Sam Ervin, who is probably the foremost constitutional law scholar of this century said, "I think the fear of a runaway convention is just a non-existent constitutional ghost conjured up by people who are opposed to balancing the budget because they want to be able to promise special groups something for nothing out of an empty pocket."

It is also important to keep in mind what we are debating here. We are not debating ratification of a constitutional amendment. We are only debating whether or not we will consider, on a national scale, such an amendment.

L.D. 740 calls for a Constitutional Convention for the expressed purpose of drafting a balanced budget amendment. The call becomes automatically null and void when Congress proposes the amendment which in all probability it will. It is also rescinded if the convention strays to other topic matters besides

that of a balanced budget. Those are among the reasons why Governor Brennan supports the bill. It is also important to keep in mind that we have a responsibility, under Article V, to act when the federal government has not been performing in the best interest of the nation as a whole.

I urge you to vote no on the motion before us so we can focus the attention of Congress on this critical federal problem.

The SPEAKER: The Chair would remind the Representative from Skowhegan, Representative Hepburn, that he is not to be throwing things during the debate, this debate or any other debate, while this House is in session.

Representative Armstrong of Wilton requested a Division.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I don't suppose we are going to be in the business of changing too many votes this afternoon but I do feel it incumbent upon me to present the view of the majority of the committee that heard this bill.

The State Government Committee held a public hearing on this Resolve that was well attended by both proponents and opponents and I think it is to no one's surprise that everyone on our committee, and I imagine everyone here, generally supports the concept of the budget being balanced.

The idea of a Constitutional Convention, appealing as it may sound, a lot of uncertainty remains despite the comments that you have just heard.

I always find it amusing when I listen to the members of the legal community at how accurately they feel they can predict what will or what will not happen during a Constitutional Convention. I don't imagine there were any members of the legal community involved around during the time of the first Constitutional Convention to gain some on hand experience.

Now supporters of this bill have told us that a resolve similar to this is currently before some 17 states and that is absolutely true. The constitutional convention types have put this measure before every state but has yet to adopt it. However, not one state has adopted it as of this date.

Secondly, the sponsors of this bill tell us that they don't really expect there will be a Constitutional Convention or desire a Constitutional Convention, that somehow Congress is frightened to have a Constitutional Convention. They also tell us that the Senate Judiciary Committee has already adopted some rules in the case there is a Constitutional Convention. They say the delegates would have a moral obligation to stay on the topic, a moral obligation not to talk about abortion, school prayer, a right to work, and they tell us that Congress establishes the convention procedures and in the confusion of how a convention would be run would be the fault of Congress — well, that certainly is reassuring. They tell us that all the conventional calls that have been adopted so far are limited to the one topic. Now this convention call, as you probably read, requires that the federal budget be balanced except in times of declared war or when three-fifth of the elected members of each House agree. It also has a stipulation here that in the case they take up something else, all call is void. Now, can we rescind our call once we send it? Probably, but what I find interesting about these conventions calls, and if it wasn't such a serious topic, it would almost be funny is that not all the convention calls that have been made to Congress, these 32 states, are the same. Some say three-fifths; some don't; some rescind them; some don't. You know who gets to decide legal questions on whether or not there has been a Constitutional Convention called and



the other legal questions that may result from the whole process here? The Supreme Court and won't that be swell, to get those fellows and ladies involved?

I think the bottom line, no matter what anyone says, is that no one knows for sure what will or will not happen in a Constitutional Convention. It is a very appealing concept that, unfortunately, is intellectually flawed.

Now this call for a Constitutional Convention this year is a part of the Republican Party's legislative package and that struck me as a bit peculiar, not that it is part of the package, because this is a concern they have had over a number of years, but what did strike me as a bit peculiar is where this Resolve has been. The sponsors and supporters have spoken of the momentum and the wide spread acceptance of these 32 states that have accepted this and yet the question I ask, and continue to ask, is: why hasn't this Resolve come before us before? In fact, the last reference to a Constitutional Convention was in 1979 when it wasn't even introduced properly so we never got to talk about it. It really seems amazing to me that if there is great, wide spread momentum with this issue, that we would have heard about it before now.

I have heard a lot of theories from a lot of people. People have told me or suggested that the reason that this hasn't been brought before us is because just, maybe, the members of the Republican Party were a little bit embarrassed to send a Constitutional Convention call for a balanced budget to Washington while their President was in office, that things have gotten so bad and so drastic that they have to resort to this. I don't necessarily buy that but I do have a very real concern that our consideration of this Resolve is designed to place the emphasis, to place the blame solely upon Congress when, in fact, the President of our United States has been a direct and dramatic participant in the problems that now confront us. We have a \$200 billion dollar deficit threatening the future of this country. How big is it? It is the largest in the history of our country. It is the largest in the history of mankind. When President Carter left office, that has ballooned to \$200 billion dollars. In the last five years, the deficit has increased by a larger percentage than it has during the time of all the other Presidents' combined from Washington to Carter. The deficit is so large that even the President's own fiscal advisors now admit could go to \$300 billion dollars in less than five years and it will grow proportionately for as far as the eye can see. It is a mortgage on our future, it is a mortgage on our children's future but don't take my word for it, I am a Democrat, ask some of the Republican lobbyists out in the halls. Ask some of the Republican investment bankers on Wall Street just what they think of the deficit. Ask them what they think of the chances of this recovery being permanent. Ask them what they think of our economy now that it has been driven by the distorted value of the dollar back to its colonial conditions. Now we are exporting agriculture products and we are importing manufactured products.

Ladies and gentlemen, by driving the federal deficit to its greatest heights ever, the President of the United States is taking out a loan with the American people to finance his economic program. The first installment of that loan is now coming due. Whether that installment will be represented by more homeless and more hungry, more bankruptcies and higher interest rates that will ruin job creation, it will depend upon the ability of our President to achieve a balance between those services which are so desperately needed by American people and his hysterical commitment to a nuclear arms build up.

Those who support a Constitutional Convention argue that those of us who oppose it must

not believe in the Constitution as it is now written because the constitution now allows Constitutional Conventions. Nothing could be further from the truth. There is not a member on my committee, there is not a member in this chamber, who opposes the constitution. But whether ones decision to whether or not to support a Constitutional Convention depends on the players involved at any given time in history. It depends upon your feelings and your trust in the current administration, the current of Congress and the current interests groups that are tied to the current administration. Yes the federal deficit is the most critical problem facing this country. Yes, the deficit should be balanced — as important, however, is a budget that fairly prioritizes our nations needs, a budget that represents a balance between our nations vital interests. We need courageous men and women in Congress. We need a President to provide leadership in this area but we certainly don't need a Constitutional Convention.

Mr. Speaker, I request a roll call.

The SPEAKER: 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 having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Armstrong.

Representative ARMSTRONG: Mr. Speaker, Men and Women of the House: Probably many of you have seen the W.R. Grace commercials on television. I forget the details but I think they are presenting every newborn American baby with a bill for something like \$50,000 that the monies have already been spent by the federal government.

A famous American humorist said, "everyone complains about the weather but nobody does anything about it." Well let me tell you, everyone complains about the budget deficits in Washington. Everybody complains about the national debt and let me tell you something further, you and I here tonight can do something about it. It is going to be interesting to see what you are going to do. The people in the United States are watching you tonight to see how you are going to vote. Congress is watching you tonight to see how you are going to vote. The news media is watching tonight to see how you are going to vote. Your constituents back home, who have talked to you about the federal deficit, are watching to see how you are going to vote. We are going to tell them. We are having a roll call, the media is here. If you vote against asking the national Congress to live within their budgets, it is going to be interesting to see how you are going to explain that to your constituents back home.

I urge you to vote no against the pending motion.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: I truly am very glad that the people in this state and the people back home and the people in this country are going to be watching how we are going to vote. Because, quite frankly, I am very surprised that this issue is even before us because last summer and last fall I saw the President of these United States, a very noble, upright, outstanding man on television tell the American people that he would do two things, he would not touch Social Security and he would balance the budget. Now we all know that Ronald Reagan is a very honorable man and he has got three years and nine months left to go in his second term and I am quite surprised that the minori-

ty party is ready to pull the rug out from under their President who told all the people in this country that he would balance the budget and most of the people in this country elected him on that promise. Now we are not going to give the President a chance to do what he told us he would do.

Now, for four years, I heard that he could not balance the budget because of Jimmy Carter. I hope we do not have to hear that for another four years. It may have worked for a little while but I think that excuse is getting very old.

We understand the direction that the President wants to take in balancing the budget. He wants to do it at the cost of the elderly, of the handicapped, of the poor, of those that can't speak for themselves. But he is an honorable man and he will balance that budget. He told us that, he promised the people that. He promised the people in my district that. He won every state but Minnesota on that promise. I would hope that the Republican Party in this House would allow their great President to perform his promise without the intervention of this body or any other body across this nation. He made a promise, he told us he could do it, let's see if he can do it.

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

Representative BROWN: Mr. Speaker, Ladies and Gentlemen of the House: The beef that left the Wendy's hamburger found its way into the spaghetti sauce, has left the spaghetti sauce, and has ended up in this bill before us today. That is where the beef is.

This issue separates very clearly those who are serious about balancing the federal budget from those who simply want to pay lip service to it.

I would remind the previous speakers, Representative Jacques, Representative Gwadosky, President Reagan or President Carter or any other president for that matter can't spend a nickel. You know that and I know that. It is a joint effort on the part of the administration and on the part of Congress to develop a budget which we all hope someday will be balanced. If they can't do it together, then we should mandate that it be done through constitutional provisions.

Those of you who are placing the blame on the present administration, in particular the President, forget apparently or haven't on a number of occasions, has called for a constitutionally federally balanced budget. He knows, he is a realist, that the only way it is going to happen is the way that is before us tonight. If we fail to act in a positive manner, we are failing the people of this state and I believe we are failing the people of this nation.

What is all this fear that I continue to hear about a Constitutional Convention? What do we really fear? Now I suppose those of you who consider me to be on one end of the political spectrum would think that I would fear those on the other end of the political spectrum having their points of view shoved down my throat in this kind of a forum. Ladies and gentlemen, if our forefathers had the same kind of fear that is being expressed tonight, this nation would not have expanded to the degree, in fact, it may not ever have gotten off the ground. They didn't have that fear. They had the courage of their convictions to sit down and iron out their differences and come up with something that was going to last us, we hope, forever. Much of my pride as an American lies in the fact that we do have the ability to sit down at a table together, iron out our differences yes, disagree and sometimes disagree almost to the point of violence but, when it is over, we have something that works. Whether it comes from the left, whether it comes from the right or whether it comes from the center, it will come and it will work. Let's not fear this, let's not fear this at all.

The SPEAKER: The Chair recognizes the

Representative from Durham, Representative Hayden.

Representative HAYDEN: Mr. Speaker, Men and Women of the House: Just a couple of quick responses to the gentleman from Livermore Falls. First of all, he asks us, what do we have to fear? After all, we are good people, whether we are from the right, whether we are from the left, whether we are Republicans or whether we are Democrats, we get in and we do the country's work and we will come up with a constitution just the way we did the last time.

Well I don't know if you all remember this book. I do, I had a book pretty much like it. It was just a school boy's American History book or a school girl's American History book. It tells a very interesting story about the only Constitutional Convention we ever had. It wasn't designed to create a Constitution at all and the history in the story is pretty interesting. I thought you might like to know it before deciding whether you think it is a good idea to set off on that course again.

What happened was, there was a convention in the 1780's held in Annapolis to deal with problems having to do with commerce, how the navigation was conducted on the Potomac. Some important states of the time came, some didn't because it wasn't considered to be that eminent, that immediate or that important. Alexander Hamilton stood up at the end of it and said "I think we should have another convention to talk about other problems relating to the Union, to have a chance to amend our Articles of Confederation perhaps a little bit more." It seemed like a pretty good idea, so in 1789 they had that convention to amend the Articles of Confederation. They came out with the Constitution. Now it's a pretty good document. That is the last time there has ever been an attempt to have a Constitutional Convention.

Now there have been many men like the Representative from Livermore Falls that have stood up and said, this is the issue of our times and, because we don't have control of our elected Representatives, we should have a Constitutional Convention. That has happened repeatedly. But always, for one reason or another, this nation as a whole has rejected that invitation. And it is looked upon the Constitution as a document that withstands the pressures of time, it withstands the whims of the crisis of the moment. If an amendment is in issue that is of importance, the Congress has used its powers to make an amendment. If an amendment is an issue that the elected Representatives of the people cannot agree on, we generally trusted our democratic process and we haven't had that emergency power. We haven't had the need to use that emergency power that was created in the first Constitution. So we are told don't be afraid. The people always do their will. So far, the people that we have elected haven't done such a good job. And I don't think there is a person here that wouldn't agree with that. We don't have a balanced budget and we don't have a balanced budget, not just because of President Reagan, although he has probably spent more words than most politicians claiming loyalty to fiscal conservatism, yet he has never proposed a balanced budget to the U.S. Congress. Congress votes, the President proposes. The greatest living proponent that I know today of a balanced budget hasn't been able, when it comes right down to the nuts and bolts, right down to the difference between Social Security and the difference between the Pentagon, to say just exactly how this wonderful work of the people, this balanced budget amendment, will work.

Now, when I was thinking about this amendment today, I had a chance to look at the debates of Congress. Senator Mitchell, Democrat; Senator Cohen, a Republican, both eloquent, absolutely eloquent, in opposition to

this concept. Their basic pitch was almost the same. They were talking to congressman, not legislators, and they said, "Let's be honest with ourselves, a Constitutional Convention, a balanced budget amendment, whatever you call it, is a chance for us in Congress to avoid our responsibilities. There is no replacement for political will. If we hide it, if we hide our fears and our cowardice, (this is Senator Cohen speaking) in the Constitution, hide our fear to act in a constitutional amendment, we won't end up with anything else better than we have right now."

So I don't think the question is quite as easy or as simple as the gentleman from Livermore Falls might suggest. I don't think it is a sign of cowardice to demand the people that we elect to uphold their responsibilities. I don't think it is a question just of President Reagan's responsibility but it is interesting and significant that the leader of the political party that calls the loudest for fiscal conservatism hasn't himself when it has come down to the crunch had the wherewithal to tell us just exactly in the budget that he recommends where it is that he is going to make those hard choices between children and the aged, between defense and the environment. We live in a tough world, we live in a complicated world and my guess is, when we come to grips with the amendment, it is not going to be because of some easy cure-all, it is going to be because, bit by bit, we get people of courage, we elect people of courage, to do the job, not because of some slight of hand we make an incantation to the Constitution, make a convention and pretend the problem has gone away. We are not doing anything to solve that problem here today and I suggest to you that is why many people here will vote against the concept of a Constitutional Convention.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Aliberti.

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: I am very much concerned about motives and control. I watched the westerns, I watched G.E. Theatre, I watched the Gipper, I watched "Bonzo" and now I am seeing a master at work. With all due respect to the office of the Presidency, if you look at that handout that was given to us a few moments ago, you will see that 26 of the 32 states listed there passed this during the current administration. And here it is approaching almost six years and it is still there. What is going to happen? No just stop and think a moment, two years down the road, there will be a Democratic President that will be saddled and strangled by this kind of a proposal. How on earth can any Democratic President take care of a budget that is so enormous, so out of control? This is what they are saying to do. In no way will the current administration be responsible for the actions today, it will be the incoming President of the United States.

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

Representative MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: I am certainly not on my feet to defend the current President. I do not think he has done a very good job. He certainly has not kept his promise to balance the budget and so what? The previous President also contributed to the problem. It was in the late 1970's and early 1980's that I first became acquainted with the idea of calling for a Constitutional Convention to balance the budget. So although the current President cannot be defended and I do not defend him, it is our opportunity here to make a difference in this country.

Now the matter boils down to, how serious are we about this matter? I think the gentleman from Fairfield said that most people support the concept of balancing the budget. I would say the question boils down

to, how serious are we? This bill before us today, this resolution, divides the men from the boys and the women, from whatever you call women, we used to call them girls but you can't say that anymore, the fact is that the national Congress does not have the necessary discipline to balance the budget themselves. Everyone has talked about it for years, they have promised it for years and nothing has happened. The budget has grown enormously and is now at a \$2 trillion rate, the interest, I am told, is a \$180 billion, threatening to eat up 15 to 20 percent of our tax dollars over the next few years. An incredible outrageous figure which we cannot tolerate.

Now Maine is in a position here, and I understand the point of the good gentleman from Durham, and I mean the good gentleman, that we should be electing responsible national leaders to go and do the job that they must do. If we do that in Maine, we can elect a maximum of four good men or women who will do that responsible job and then wait around for the rest of the country to respond. Good luck.

I tell you right now the State of Maine is in a trim tab position. What is a trim tab? On large ocean liners is a rudder way at the very back of the boat that turns and shifts the huge ocean liners very, very slowly in the ocean so that they can reverse direction and go in another direction. But there is also a little sub rudder called the trim tab which turns the rudder, which you can just turn with your little finger on the boat or an airplane. So I am saying that Maine is a little trim tab state, that if we pass this resolution, Maine will become the 33rd state in the country, meaning that 32 states have acted before us and passed this resolution. We will be the 33rd state, one short of the required number to call a Constitutional Convention.

As the gentleman from Skowhegan mentioned earlier, when 30, at that time I think 31 states had called for a Constitutional Convention requiring direct election of U.S. Senators, the Congress then acted. I say that when the State of Maine, if the State of Maine passes this resolution, that the Congress will then act because it will be one state away from being forced to have that Constitutional Convention which will be a great embarrassment to the Congress. So we are in the position to actually make a difference. The State of Maine is in an actual position to make a difference in national policy, not an opportunity that we have very often.

I have talked to people in the hall and, as the gentleman from Fairfield said, most people are in support of the concept and the objection that I hear is parenthetically that there will be this run away convention. There is this paranoia that exists that somehow these radicals and extremists and demons will hop out of the woodwork and some how get themselves elected on a congressional district basis to be the delegates to the national Constitutional Convention as a majority in the country. First of all, after that happens, that they will take over the Constitutional Convention and bring all sorts of issues to the convention that no one wants to see brought forth. People who want to balance the budget, people who do not want the constitutional amendment to balance the budget both agree that we do not want the convention opened up. As the gentleman from Skowhegan quoted Sam Ervin, the constitutional expert, in saying something to the effect of non-existent constitutional ghosts, I think was the phrase, I would say that is exactly what it is, that people are afraid of phantoms which they believe are going to take over the minds of the citizens of the State of Maine and 50 percent of the other states in this country and send crazy people to the national Convention who will propose crazy constitutional amendments and then somehow over the next—listen—six to ten years, that element of society will remain dominant so that 38

states ratify the work of that Constitutional Convention. I declare that's nonsense, nonsense, and anyone who thinks for two minutes will notice that that is nonsense. But there is something that isn't nonsense, a \$2 trillion deficit. This will probably be your last opportunity to have a direct effect on what happens with that.

So, in regard to the memorial we just passed a couple of minutes ago, that was very nice, I was glad to see that 124 people expressed their concerns for balancing the budget and I hope that that same 124 people will now take a stand in the way that will be more than a stupid gesture because that memorial you passed will simply be a postcard sent to Washington D.C. to the Congress saying: "Hi, how are you doing, we really wish that you would balance the budget. Signed: the Maine Legislature". That is all it will mean and it will get tossed in the waste can. This resolution before you today is your opportunity to make a difference, don't miss the chance. I request and invite you to think for yourself.

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The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Webster.

Representative WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak in opposition to the "Ought Not to Pass" Report on L.D. 740 because I believe there is merit in this Resolution. My review of the Legislative Record shows that a similar Resolution was debated in the House in 1983. In 1983 the federal deficit was \$100 billion. The deficit for next year is expected to fall anywhere between \$180 billion and \$225 billion. When the Constitution was written such debt was unimaginable. A balanced budget in future years would accomplish two important things. First, there would be less money spent on interest of the national debt which would mean more money for national priorities especially those most vulnerable to cuts such as the needy and the aged.

Secondly, it would mean less debt which would mean an international monetary climate more receptive to American goods especially those most vulnerable to cheap foreign competition like textiles and agricultural products.

The people of Maine have only one way to assure that Congress will act to balance the budget. They must invoke Article 5 of our U.S. Constitution. If we believe in a balanced federal budget, the only constitutional means available to us is passage of this Resolution.

So I hope you will vote against the "Ought Not to Pass" Report so we can accept the "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Sproul.

Representative SPROUL: Mr. Speaker, Men and Women of the House: A few moments ago, we just passed a Joint Resolution memorializing Congress to pass a balanced federal budget. It was a good message, it was a proper message, it will even look good on our 125 campaign brochures but it really does nothing.

What we have before us is the guts, its the action. If you want a balanced budget, you have to force Congress to do something. It is

unfortunate but it is true.

Representative Gwadouski mentioned the public hearing that we had. That public hearing might be of interest to those of you not on the State Government Committee. It actually lasted over two days. The first day we were interrupted as we were called back into last session and we continued the next morning. During that public hearing, there were two arguments presented against this Joint Resolution. The first was that we are already guaranteed a balanced budget in Article 1 of the Constitution. This is the gold standard argument that the only legal tender is backed by gold or silver and that the Federal Reserve Bank is unconstitutional. Well that argument, if you look around, has to be rejected on one basis, reality. It is somewhat ironic that today is income tax day for Mainers. I am sure that if you were to send in your income tax and said you are not going to pay it because you believe the gold standard is the only proper standard, the IRS would not look kindly on that. Not only would the IRS not look kindly on that but the courts have already ruled against it. So much for the first argument against this.

The second argument was that if we pass this Joint Resolution, there will be an entire new Constitution present at the convention. That that new Constitution has already been written. Maybe so, maybe there is a group that has another Constitution already written. And they claim that that Constitution allows the President, at his discretion, at his whim, to eliminate any or all parts of that very same Constitution any time and any reason. This argument again must be rejected for the same reason, reality.

I agree, as others have already stipulated, Congress will not allow a convention. If Maine becomes the 33rd state to call for this Constitutional Convention, the Congress is going to do everything in its power to make sure it doesn't come and they will put out the amendment and they will put it out in fine fashion and quick form. As a matter of fact, I believe it was just last year that the Senate voted to send it out to the states and in the U.S. House of Representatives it failed 40 some odd votes, so the drafting has already been done, it is already in place. However, if you believe either of those two arguments that we are going to have an entirely new Constitution or if you believe in the gold standards so strongly, I urge you please do vote no.

Right now I would like to talk to the 125 members of this body who just voted in favor of that memorial. I would like to particularly address my comments to those members who did that who also happen to be in the Democrat Party. As most of you have been around here for a while know, very seldom, very seldom does a report come out of the Joint Standing Committee on State Government which falls straight down party lines. This is my third year on that committee and I can't honestly remember another one happening in my three years. There could have been but I just don't remember it. Very unusual. And I was even more surprised to see that it was a straight party line vote and that no Democrats supported this when Democratic Governor Brennan supported this bill. Here is a quote from his aide who was sent there. "There is no ability on the part of Congress or the President to face up and address the issue of the national deficit, they lack the courage, they lack the will, they lack the guts." Those aren't from President Reagan, they aren't words from words from members of the Republican Party, they are words from the Governor's Office.

I will conclude now, and in conclusion, I would like to say that if your vote on the Joint Resolution was sincere, if you truly believe in it, you will vote against the Majority "Ought Not to Pass" Report before you now. The Joint Resolution is a nice statement but talk is cheap. Few times in your legislative career will you

have a chance to have what could be a major impact on the United States of America. Few times will you ever be able to let your voice be quite so loud in national affairs. This evening is a chance for that. I ask you to back up your words of the memorial with a consistent but more forceful call to action. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Diamond.

Representative DIAMOND: Mr. Speaker, Men and Women of the House: My good friend from Augusta, Representative Sproul, raised a number of good questions, good points and concerns that I share with him. He talks about the reality of the situation we face and the need to take some action. He talks about the need to send messages to Washington so that they know that the people back in their home states are aware of the problem in Washington and the crisis in Washington and the need in Washington and the need to do something about it. He talks about reality but what he didn't really talk about was responsibility and I think that is the fundamental question facing this legislature on this issue. You know it was irresponsibility that got us into this mess in the first place.

Over the course of years, people have argued about the size of deficits from all Presidents. They have questioned whether or not deficit spending is good economic and social policy. There have been people in my party and in the opposition party that have debated that and have fallen on both sides of the issue. It would take an unusual situation to put both parties in the camp where they feel some action has to be taken immediately, action that is probably very controversial and in some ways radical. But it is action that we feel has to be addressed to protect the national security of this country. You know there is no question, in my opinion, at least from the domestic point, no question that our country faces a crisis like it has never faced before simply because of these deficits. It is an incredible thing to think about the long term implications of the deficit we are now facing. My seatmate mentioned before the fact that the deficit problem is now greater under President Reagan than it was through all Presidents combined. That is a fact. But it is a sad fact especially since the person now sitting in the White House campaigned on a promise to balance the budget. That was his promise to us and it was a promise he reiterated in 1984. Yet I don't think there is anybody, Democrat or Republican, who believes that that is a promise he will ever be able to keep.

Seldom has there been more distance between reality and rhetoric coming from our chief Executive. Again it is sad, because on one hand as Representative Brown pointed out, the President of the United States calls for a Constitutional Amendment to balance the budget and he wants to do so through a Constitutional Convention if necessary. Yet on the other hand, he has been totally unable to come close to presenting a balanced budget himself. There is a double standard that seems to exist apparently. The fact that the President wants to set something in place for Congress and for his successors that he himself cannot deal with nor does he want the existing Congress to deal with. His budget deficits are atrocious and it is something that is totally inconsistent with what he had been saying during his campaign. Totally irresponsible.

Now I think of the President advocating a Constitutional Amendment on one hand and then being unable to present a balanced budget on his own. Someone like Aunt Jemima urging us to prohibit pancakes. It is totally inconsistent. It seems to me they have somebody who is talking out of both sides and, as a result, nothing is accomplished but more rhetoric, more clouding of the issue.

The deficits of the past really were pocket

change compared to what we are facing now. \$200 billion probably going up beyond that to \$250 billion after this. For those members of the opposition party to ignore the reality of the situation, the fact that they have a person, their President, our President, a member of their party who is unable to deal with the problems so great as the deficits, that he has to turn to something that clouds our ability to consider it, it is irresponsible. That is what the bottom line is, responsibility.

Representative Sproul is right in saying that it is rare that we have the opportunity to do something that is going to be felt at the national level. This is one of those occasions. Unlike Representative Sproul, I urge us to act responsibly and use caution.

The ramifications of a Constitutional Convention are there, we have had one in our history and it speaks for itself. The outcome was a tremendous document of principles and rights that held up well for 200 years but it was not what the participants expected when they got involved in that. They had no way to predict what would come out and we are lucky indeed that we have ended up with the document that we now have. But what we do have to do is say, what are the odds of such an occurrence happening again in the future? Are we going to find ourselves in a position that could totally reconstruct our Constitution allowing special interests to get involved and take control? It is not out of the ordinary, by any means, we know the effect of special interests. We are all subjected to it on a daily basis. Who is to say who would control. I don't think we should take part and be in complicity with the effort to such a convention when we have another means of doing so, a much more responsible means. We passed a memorial. It sends a message, yes it does, but it does so in a responsible way. It is a serious message. It is a message that a lot of the states in this country are looking to to see how we handle it. Do we send a message that somehow proposes to put us in a constitutional crisis or do we do so in a way that acts responsibly and shows that we are considerate and recognizing the fact that the people in Washington sometimes don't always act in our best interests. I think what we passed earlier today with 125 votes is a sufficient and strong message and makes our point. I feel the dangers of a Constitutional Convention and our taking part in that effort could wreck havoc on this country and, for that reason, I hope that we will support the motion, the "Ought Not to Pass" motion and allow a sufficient message to take place and one that will not put us in a jam that we will regret forever.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Bott.

Representative BOTT: Mr. Speaker, Men and Women of the House: It is not enough for us tonight as political parties to point a finger at one and other. Members of the other party could point the finger at President Reagan because deficits have grown over the four years at a large rate. We could point our finger at the Democratically controlled Congress over the years but the truth of the matter is, it took both parties to build this deficit and the real issue here is what to do about that deficit. Make no mistake, this is an issue that is going to affect our children, our children's children, our grandchildren's children. I urge you to act now, to do something about this problem because it had been proven over the years, that Congress and the presidency have not been able to touch the problem. How many more letters are we going to send to Washington on behalf of our constituents? The people back home balance their own budgets, they expect us in Augusta to balance our own budgets and we do a pretty darn good job. 49 of the 50 states have balanced budget amendments, why can't we expect our Representatives in Washington to balance their budgets?

I urge you to pass this Resolution and send a strong message that we are sick and tired of fiddling around with the economic future of this country.

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

Representative BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I will make a deal with the Representative from Bangor, Representative Diamond. I will keep the lady from Wendy's out of the argument, if he will keep Aunt Jemima out.

There has been a lot of rhetoric up to this point and I certainly have been a part of that as have others before me. Let's separate that rhetoric from reality as Representative Diamond pointed out. The reality of the situation is very simply this, when we reduce this issue to its bottom line, to its lowest common denominator and that is very simply folks, and this is what effects you and I and all of our constituents, if the United States did not have the interest payments that it now has as a result of the federal deficit on this tax day, the average family of four in America would have an addition \$2500 to call their own.

The SPEAKER: The Chair recognizes the Representative from Mount Desert, Representative Zirkilton.

Representative ZIRNKILTON: Mr. Speaker, Men and Women of the House: I would also like to very briefly address the points made by the Representative from Bangor, Representative Diamond. If you are so concerned about the inability of this President and Congress to balance the budget, then you of all people, have as much reason as anyone here to support the Resolution in front of you. If you don't act now, with the deficit in the situation that it currently is in, you certainly can't expect that it will get any better the next few years. On the contrary, it is going to get much, much worse. If you are worried about balancing the budget on the backs of those who can least afford it, the needy, the elderly, how hard do you think they will be hit five years from now when we attempt a balanced budget then, when the deficit is totally out of control, if you don't consider it to be out of control now? I say, if you don't act now, you will hurt those that you are trying to protect even more, years from now, than you will be if you act now.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Cashman.

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I totally agree with the concerns expressed by Representative Diamond concerning the current budget deficits that face this nation. I can understand why those deficits would be a constant source of embarrassment for my friends on the other side of the aisle. I guess I understand the feeling of panic expressed by the Governor's Office at the public hearing referred to by Representative Sproul. However, in spite of the panic, I think that a Constitutional Convention in unprecedented step in the history of this nation is a pretty drastic step for us to be proposing the Congress to take.

I would just say before we vote on this, without dragging the debate any further than it has already been dragged, that the economic and political systems in this country that survived Hoover and Nixon will be able to survive Reagan.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Hepburn.

Representative HEPBURN: Mr. Speaker, Ladies and Gentlemen of the House: To be honest with you, I am a little bit saddened from what I have seen go on here tonight. I have seen the Maine Legislature, Maine House of Representatives, fall into the same trap that Washington politicians have been trapped into for years. Congress blames the President, the

President blames Congress, Democrats blame Republicans, Republicans blame Democrats for the deficit and where are we? All we have had is talk, talk, talk. This doesn't help deficits and it doesn't help the value of the dollar. It doesn't help the shoe industry in the State of Maine suffering from imports. It doesn't help the potato farmer suffering from Canadian imports. It doesn't help the Maine fisherman, it doesn't help the Maine tourist industry as we watched the tourists zip up Route 1 and I-95 on their way to Canada.

Discussion here tonight turned into almost a poll of President Reagan. The fact is that Presidents' Kennedy, Johnson, Nixon, Ford, Carter and President Reagan all campaigned on promises of balancing the budget, they have all failed. We have had one balanced budget in the last 25 years. The problem is not a Democratic problem, it is not a Republican problem, it is an American problem. President Lincoln said: "that a statesman thinks of the future generations and a politician thinks of the next election." Were we playing politics with our memorial a few moments ago, were we lying?

I say we don't have to fear any Convention because there won't be any. Congress will act to preempt the convention just as it did in 1911. No, don't fear a convention, fear a \$2 trillion national debt. I urge you to vote no.

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

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Drinkwater.

Representative DRINKWATER: Mr. Speaker, I would like to pair my vote with the Representative from South Portland, Representative Kane. If he were here voting, he would be voting yes; I would be voting no.

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

Representative MICHAEL: Mr. Speaker, I would like to pair my vote with the Representative from Biddeford, Representative Decoteaux. If he were here, he would be voting yes; I would be voting no.

The SPEAKER: The pending question before the House is the motion of the Representative from Fairfield, Representative Gwadosky, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL No. 40

YEAS:—Aliberti, Allen, Beaulieu, Bost, Boutilier, Brodeur, Brown, A.K.; Carroll, Carter, Cashman, Coles, Connolly, Cooper, Cote, Crouse, Crowley, Daggett, Diamond, Duffy, Erwin, Gwadosky, Hale, Handy, Hayden, Hickey, Higgins, H.C.; Hoglund, Jacques, Jalbert, Lacroix, Macomber, Manning, Martin, H.C.; McCollister, McGowan, McHenry, Michaud, Mills, Mitchell. Moholland, Murray, Nadeau, G.G.; Nelson, O'Gara, Paradis, P.E.; Paul, Perry, Pouliot, Priest, Racine, Reeves, Richard, Ridley, Rioux, Roberts, Rolde, Roton-di, Ruhlir, Rydell, Simpson, Smith, C.B.; Soucy, Stevens, P., Swazey, Tammara, Theriault, Vose, Walker, The Speaker

NAYS:—Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bott, Bragg, Brown, D.N.; Cahill, Callahan, Connors, Davis, Dellert, Dexter, Dillenback, Farnum, Foss, Foster, Greenlaw, Harper, Hepburn, Hichborn, Hillock, Holloway, Ingraham, Jackson, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Masterman, McPherson, Murphy, E.M.; Murphy, T.W.; Nicholson, Nickerson, Paradis, E.J.; Parent, Pines, Randall, Salisbury, Scarpino, Seavey, Sherburne, Small, Smith, C.W.; Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Taylor, Telow, Warren, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton

ABSENT:—Baker, H.R.; Brannigan, Carrier,



Chonko, Clark, Higgins, L.M.; Joseph, Kimball, Lisnik, Matthews, Mayo, McSweeney, Melendy, Nadeau, G.R.; Rice, Tardy

PAIRED:—Descoteaux-Michael, Drinkwater-Kane

69 having voted in the affirmative and 62 in the negative with 16 being absent and 4 having paired, the motion did prevail.

Sent up for concurrence.

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

The SPEAKER: The Chair laid before the House the following item: Bill "An Act to Amend the Laws Relating to Admission to the Bar" (L.D. 579) which was tabled earlier in the day and later today assigned, pending enactment.

The Chair recognizes the Representative from Biddeford, Representative Racine.

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I now move that L.D. 579 and all its accompanying papers be indefinitely postponed.

A couple of days ago, there were some questions that were raised concerning the intent of this bill. At that particular time, I raised the question as to whether or not the primary purpose of this bill was to protect the turf of those attorneys that were presently practicing law within the State of Maine. I did quite a bit of research on the contents of the bill and I still have not changed my mind. We were informed, when some questions were raised, that this was a housekeeping bill. I think that this bill falls more in the category of a spring cleaning. We were informed that this bill was primarily used to protect the consumer. If you look very closely at this bill, I would like to know where the consumer is being protected by changing the current law. As an example, the original bill established a requirement that there would be a residency requirement. At a later date in the amendment, this particular portion of it is being stricken out because it was ruled that such a requirement was declared unconstitutional by the United States Supreme Court. When I read that provision, I felt very uneasy about it.

Now what this bill does, basically, is that it established some stringent requirement whereby an attorney who is presently practicing in another jurisdiction is required to have practiced in an accredited school as approved by the ABA. Now I was informed that the ABA has very stringent requirements for accreditation and that there are some colleges, as a matter of fact, quite a few of them are not accredited by the ABA simply because their requirements are too stringent and cumbersome so, as a result of it, the colleges are not ABA accredited so that means that when this becomes law any student that has graduated from a school of law that has not been accredited by the ABA will be prevented and precluded from taking the Maine Bar Exam.

Now, there are a lot of schools where poor students do not have the financial ability or capability to be able to be admitted to those schools because they just don't have the sufficient cash. There are some schools that they can go to, they can actually learn a lot of law and be able to pass the bar exam where they don't have the stringent requirements in those states. The mere fact that an individual does not graduate from an accredited school should not disbar him from taking the Maine Bar Exam. I feel that this provision is discriminatory.

There is also another change that the law currently authorizes where an individual that has practiced law in another jurisdiction for a period of one year who may be able to pass or to take the Bar exam but he has got to pass it. Now, this law changes that and established a requirement of three years.

Protection of the consumer—I would like to have somebody explain to me if this bill, by

established stricter requirements to be admitted to the bar, if it will protect the consumer from unethical, unscrupulous or greedy attorneys. There is nothing in there that I can see where people will be protected by those that will take advantage of individuals they represent. By that I am talking about estimating a certain cost, a certain appraisable cost to defend a particular individual and then doubling or tripling those costs at a later time. People that have represented in a divorce proceeding both spouses, which I have read in the paper which has been determined as being unethical. I don't see anything in this bill, by establishing more stringent requirements, that the only thing that it protects are the attorneys that are practicing now. As I understand it, it established also a skill test for the new attorneys coming into the practice. I think that the skill test that they are going to be administered should be administered to all attorneys. There are a lot of them out there that are practicing that should be tested to determine whether or not they are truly representing the public. I certainly hope that you will vote with my motion.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative PRIEST: Mr. Speaker, Fellow Representatives: This is in the portions that the good Representative from Biddeford referred to is essentially a housekeeping bill. The change says that instead of having to graduate from a school approved by the Board of Bar Examiners, you have to graduate from a school approved by the American Bar Association. In fact, those two items right now are identical because the Board of Bar Examiners in this state has neither the money nor the time to go and inspect and identify each school in the United States of which there are a lot, to see if they meet or do not meet the accreditation standards. I know the accreditation standards at the University of Maine School of Law, I can tell you that the University of Maine School of Law has one of the lowest tuitions in the United States so there is not a financial barrier to get into law school, at least in this state.

The second thing that the Representative from Biddeford discusses was the question of the so-called proprietary law schools. Now, these are law schools which are not accredited by the ABA but which exist primarily in California and in large areas of the South. These are schools in general which are run for profit by a law professor or a number of law professors. These may be good schools, these may be bad schools, the difficulty is, we in Maine, simply do not know. The choice has been essentially to say that people who graduate from these schools must practice law for a certain period of time in the state where they graduated to see if, in fact, they do a good job or they run into trouble. That is the purpose of the three year period here. It is to see if the people who graduate from these schools, who we don't know about, and the schools we don't know about, in fact do a good job or a bad job. One year, unfortunately, is simply not enough time to allow troubles to catch up. You have got to have three years, that is the basic change here.

Now if there is a question that this bill does not reform the entire legal profession, I agree. That may or may not be a good idea but that is another bill. This bill simply regulates a concern with admission to the bar and I hope that is the way that you vote on it. It is not a turf protection bill, what it does is make sure that people who come into the state to practice and people who are taking the bar exam in this state have some limited practical experience before they go out to the public. I urge you to reject the motion and pass the bill.

The SPEAKER: The Chair will order a vote. The pending question is the motion of the Representative from Biddeford, Representative Racine, that the Bill and all accompanying

papers be indefinitely postponed. All in favor will vote yes, those opposed will vote no.

A vote of the House was taken.

20 having voted in the affirmative and 71 in the negative, the motion did not prevail.

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

The Chair laid before the House the following matter: Bill "An Act Concerning Governmental Oversight" (H.P. 908) which was tabled earlier in the day and later today assigned pending reference.

On motion of Representative Gwadosky of Fairfield, the Bill was referred to the Committee on State Government, ordered printed and sent up for concurrence.

The Chair laid before the House the following matter: Bill "An Act Concerning Salaries for Cooperative Extension Service Staff" (H.P. 917) which was tabled earlier in the day and later today assigned pending reference.

On motion of the Representative from Madawaska, Representative McHenry, was referred to the Committee on Local and County Government, ordered printed, and sent up for concurrence.

The Chair laid before the House the following matter: Bill "An Act to Improve the Functioning of the Maine Milk Commission" (H.P. 918) which was tabled earlier in the day and later today assigned pending reference.

On motion of Representative Allen of Washington, was referred to the Committee on State Government, ordered printed, and sent up for concurrence.

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

#### Papers from the Senate

##### Unanimous Leave to Withdraw

Report of the Committee on Local and County Government reporting "Leave to Withdraw" on Bill "An Act Concerning Municipal Burial Expenses" (S.P. 98) (L.D. 296)

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 Concerning Motor Vehicle Insurance and the Household Exclusion" (S.P. 145) (L.D. 412) reporting "Ought to Pass" in New Draft (S.P. 481) (L.D. 1300)

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

Report was read and accepted, the New Draft read once and assigned for Second Reading tomorrow.

##### Ought to Pass in New Draft

Report of the Committee on Business and Commerce on Bill "An Act to Amend the Maine Consumer Credit Code" (S.P. 225) (L.D. 588) reporting "Ought to Pass" in New Draft (S.P. 482) (L.D. 1301)

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

Report was read and accepted, the New Draft read once and assigned for Second Reading tomorrow.

#### 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 Strengthen the Law Related

to Purchase of Foodstuffs from Maine Concerns" (J.P. 920) (Presented by Representative MICHAEL of Auburn) (Cosponsor: Representative WHITCOMB of Waldo)  
(Ordered Printed.)  
Sent up for concurrence.

#### **Appropriations and Financial Affairs**

Bill "An Act to Provide Adequate Facilities for the Public Utilities Commission" (Emergency) (H.P. 921) (Presented by Representative VOSE of Eastport) (Cosponsors: Senator BALDACCI of Penobscot, Representative RICHARD of Madison and NICHOLSON of South Portland)

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$6,700,00 for State Facilities Improvements" (H.P. 922) (Presented by Representative MACOMBER of South Portland) (Cosponsors: Senator BUSTIN of Kennebec and Representative MICHAUD of Medway)

(Ordered Printed.)

Sent up for concurrence.

#### **Human Resources**

Bill "An Act Relating to Investigations of Child Abuse in Institutions Licensed by the State" (H.P. 923) (Presented by Representative PRIEST of Brunswick) (Cosponsors: Representatives ROLDE of York, PARADIS of Augusta and Senator BERUBE of Androscoggin)

(Ordered Printed.)

Sent up for concurrence.

#### **Judiciary**

Bill "An Act Concerning Pleas of Insanity" (H.P. 924) (Presented by Representative STEVENS of Sabattus) (Cosponsors: Senator BERUBE of Androscoggin and Representative COTE of Auburn)

Bill "An Act Relating to a Grievance Procedure Concerning Discrimination on the Basis of Handicap" (Emergency) (H.P. 925) (Presented by Representative BRODEUR of Auburn) (Cosponsors: Representatives MELENDY of Rockland, TAYLOR of Camden and Senator GILL of Cumberland) (Submitted by the Department of Human Services Pursuant to Joint Rule 24)

(Ordered Printed.)

Sent up for concurrence.

#### **Labor**

Bill "An Act to Promote Occupational Health and Safety" (H.P. 926) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: President PRAY of Penobscot, Representative HAYDEN of Durham and Senator PERKINS of Hancock)

(Ordered Printed.)

Sent up for concurrence.

#### **Reports of Committees**

##### **Unanimous Leave to Withdraw**

Representative TAYLOR from the Committee on Human Resources on Bill "An Act to Establish Guidelines for Investigation of Health Care Facilities by State Agencies" (H.P. 583) (L.D. 853) reporting "Leave to Withdraw"

Representative WEBSTER from the Committee on Utilities on Bill "An Act Relating to Itemized Phone Bills" (H.P. 517) (L.D. 722) reporting "Leave to Withdraw"

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

#### **Consent Calendar**

##### **First Day**

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

(H.P. 435) (L.D. 617) RESOLVE, Concerning Blackfly Control Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-73)

There being no objections, the above item

was ordered to appear on the Consent Calendar of Wednesday, April 17, 1985 under the listing of Second Day.

#### **Consent Calendar**

##### **Second Day**

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

(S.P. 170) (L.D. 493) Bill "An Act to Make Allocations from the Public Utilities Commission Regulatory Fund for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (C. "A" S-42)

(H.P. 342) (L.D. 459) Bill "An Act Confirming and Ratifying the Transfer of Real Estate by the Ogunquit Beach District to the Ogunquit Village Corporation and Confirming the Right of the Town of Ogunquit to Permit the Use of a Portion thereof for Parking"

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

##### **Passed to Be Engrossed**

Bill "An Act to Provide a License to Florists for Sale of Wine and Champagne in Connection with Floral Business" (H.P. 912) (L.D. 1303)

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

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

##### **Reports of Committees**

##### **Unanimous Ought Not to Pass**

Representative BAKER from the Committee on Business and Commerce on Bill "An Act Regulating the Return of Consumer Goods" (H.P. 804) (L.D. 1150) reporting "Ought Not to Pass"

Representative BAKER from the Committee on Business and Commerce on Bill "An Act Concerning Assessment of Fees on Persons Depositing Checks Drawn on Insufficient Funds" (H.P. 805) (L.D. 1151) reporting "Ought Not to Pass"

Representative BAKER from the Committee on Business and Commerce on Bill "An Act Concerning Demand Deposit Accounts" (H.P. 818) (L.D. 1159) reporting "Ought Not to Pass"

Representative ALLEN from the Committee on Judiciary on Bill "An Act to Amend Cable Television Franchise Procedures" (Emergency) (H.P. 381) (L.D. 522) reporting "Ought Not to Pass" (Representative KANE of South Portland of the House abstaining)

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

##### **Unanious Leave to Withdraw**

Representative MacBRIDE from the Committee on Judiciary on Bill "An Act to Provide for Living Wills" (H.P. 174) (L.D. 208) reporting "Leave to Withdraw"

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

Representative Manning of Portland was granted unanimous consent to address the House:

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: In reference to 6-4 on Supplement No. 4, An Act to Amend the Cable Television Franchise Procedure, I would just like to make those people who are aware that represent areas that do have cable tv what this bill would have done and what this bill isn't going to be able to allow.

The bill was killed in committee and I accept that. I am not going to argue it but I just want to make the people aware that this bill would

have allowed cable tv committees or the town selectmen or the town/city council to go into executive session to discuss their strategy meetings for cable tv. We were told by the Maine Municipal that many towns do that. Many towns are doing it right now illegally and I would just hope that you would go back to your town selectmen and let them know that they are doing it illegally.

I was hoping that the bill would pass so that we would be able to go into executive sessions to discuss just plain strategy meetings between the state and negotiator between the town selectmen and the town committee that handles cable tv or the town selectmen or the city council. Without this, any town selectmen or any city council that goes behind closed doors and discusses cable tv strategy meetings will be breaking "the right to know" law and, in some instances, this has hurt towns throughout the state. I think there was one incident in the town of Wilton where the cable tv system in that area shut the cable tv system off for about 5 days because the town selectment didn't go into executive session, which they couldn't, and suggested maybe we ought to go to a different cable tv system and what ended up happening was, they got a little upset about it, they shut the cable tv off for the town of Wilton for a number of days and caused some problems.

If you can go home and tell your selectmen that you can't go into executive session when it comes to cable tv strategy meetings and I think this has brought up a subject that the Maine Press Association will be looking at—in my town, they have already talked to us but I am sure other towns throughout the state will be dealing with it.

Representative Foster of Ellsworth was granted unanimous consent to address the House:

Representative FOSTER: Mr. Speaker, Ladies and Gentlemen of the House: The idea of having a living will has been mine and many others in the House for a long time. There were two bills presented to the committee and, at the time, we took parts of those bills, it is such that when a bill comes out of a committee and we want a unanimous "Ought to Pass," that one piece of legislation is chosen, parts of both are included in the living will—I want a living will for the State of Maine and it will be coming out and I thank you all for being interested and I hope that we do get a unanimous "Ought to Pass" Report and that you can all be happy for you constituents.

##### **(Off Record Remarks)**

On motion of Representative Lawrence from Parsonsfield.

Adjourned until nine o'clock tomorrow morning.