

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

Monday, April 22, 1985

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

Prayer by Reverend Al C. Sedgewick, Calvary Baptist Church, Brewer.

National Anthem by the Mt. Abram High School Band, Salem.

Quorum called; was held.

The Journal of Friday, April 19, 1985, was read and approved.

Papers from the Senate

Bill "An Act to Encourage the Development of Solid Waste Energy Recovery Facilities in the State of Maine" (Emergency) (S.P. 498) (L.D. 1359)

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

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

Bill "An Act to Amend Certain Provisions of the Maine Criminal Code" (S.P. 499) (L.D. 1360)

Bill "An Act to Amend Judicial Certification Procedures" (S.P. 500) (L.D. 1361)

Bill "An Act Establishing a Commission to Study Family Matters in Court and the Establishment of a Family Division of Court" (Emergency) (S.P. 504) (L.D. 1364)

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

Were referred to the Committee on Judiciary in concurrence.

Bill "An Act to Establish the State Employee Assistance Program" (S.P. 501) (L.D. 1362)

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

Was referred to the Committee on State Government in concurrence.

Unanimous Ought Not to Pass

Report of the Committee on Transportation reporting "Ought Not to Pass" on RESOLVE, Authorizing a Study Concerning the Feasibility of a Southern Maine Mass Transit System (S.P. 318) (L.D. 807)

Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act to Allow Municipalities to Fix their Speed Limits Upon Notification to the Department of Transportation and the State Police" (S.P. 340) (L.D. 926)

Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act Relating to Hunting of Deer During the Bucks-only Hunting Season" (S.P. 73) (L.D. 169)

Were 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 Concerning Inspection of Boarding Care Facilities" (S.P. 426) (L.D. 1183)

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act Relating to the Sale of Home Heating Fuel" (S.P. 55) (L.D. 74)

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Repeal the Sales Tax on Commercial and Industrial Fuel" (S.P. 169) (L.D. 440)

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

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

Representative THERIAULT from the Committee on Transportation on Bill "An Act to Prohibit Use of Motor Vehicle Mirrors that Distort the Actual Image" (H.P. 625) (L.D. 894)

reporting "Ought Not to Pass"

Representative THERIAULT from the Committee on Transportation on Bill "An Act to Require Rear Window Defoggers or Defroster on Automobiles" (H.P. 623) (L.D. 892) reporting "Ought Not to Pass"

Representative THERIAULT from the Committee on Transportation on Bill "An Act Relating to Diesels and Diesel-electric Locomotives Operating in Reverse or Backup Positions" (H.P. 227) (L.D. 261) reporting "Ought Not to Pass"

Representative MASTERMAN from the Committee on Local and County Government on Bill "An Act to Change the Dates for Submission of Estimates of County Expenses" (H.P. 117) (L.D. 142) reporting "Ought Not to Pass"

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

Unanimous Leave to Withdraw

Representative WEBSTER from the Committee on Utilities on Bill "An Act to Amend the Electric Rate Reform Act to Explicitly Allow Conservation Activities by Gas Utilities" (H.P. 290) (L.D. 360) reporting "Leave to Withdraw"

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

Ought to Pass in New Draft

Representative JACQUES from the Committee on Fisheries and Wildlife on Bill "An Act Concerning Hunting with Bow and Arrow on Privately Owned Property" (H.P. 570) (L.D. 841) reporting "Ought to Pass" in New Draft (H.P. 950) (L.D. 1348)

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

Consent Calendar**First Day**

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

(H.P. 573) (L.D. 844) Bill "An Act to Increase the Penalties for Stocking Fish in Inland Waters Without a Permit" Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-77)

(H.P. 282) (L.D. 352) Bill "An Act to Authorize a Self-liquidating Bond Issue for Waldo County for Renovation of and Addition to the Waldo County Court Facility" (Emergency) Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-78)

(HP. 283) (L.D. 353) Bill "An Act to Authorize a Self-liquidating Bond Issue for Waldo County to Construct Building to House County Extension Services" Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-79)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, April 23, 1985 under the listing of Second Day.

Consent Calendar**Second Day****Later Today Assigned**

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

(H.P. 454) (L.D. 655) Bill "An Act to Amend the School Volunteer Program" (Emergency) (C. "A" H-76)

On objection of Representative Brown of Gorham, was removed from Consent Calendar, Second Day.

Whereupon, the Committee Report was read and accepted and the Bill read once.

Committee Amendment "A" (H-76) was read

by the Clerk.

On motion of Representative Diamond of Bangor, tabled pending adoption of Committee Amendment "A" and later today assigned.

Passed to Be Engrossed

Bill "An Act to Amend the Fair Credit Reporting Act" (H.P. 939) (L.D. 1345)

Bill "An Act to Allow School Administrative Units to Provide Services to Preschool Handicapped Students" (H.P. 944) (L.D. 1346)

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
Emergency Measure
Tabled and Assigned**

An Act to Establish Fixed Dates for the Adjournment of the First and Second Regular Sessions of the Legislature (H.P. 928) (L.D. 1333)

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

On motion of Representative Diamond of Bangor, tabled pending passage to be enacted and tomorrow assigned.

Later Today Assigned

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 on the Committee on Engrossed Bills truly and strictly engrossed.

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

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 (H.P. 342) (L.D. 459)

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

(Off Record Remarks)**Orders of the Day**

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

Bill "An Act to Protect Lobster Gear" (H.P. 445) (L.D. 627)

—In House, Minority "Ought to Pass" Report of the Committee on Marine Resources read and accepted and the Bill passed to be engrossed on April 17, 1985.

—In Senate, Majority "Ought Not to Pass" Report of the Committee on Marine Resources read and accepted in non-concurrence.

TABLED—April 19, 1985, by Representative DIAMOND of Bangor.

PENDING—Motion of Representative CROWLEY of Stockton Springs to Recede and Concur.

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

Representative SCARPINO: Mr. Speaker, Ladies and Gentlemen of the House: In concurrence with the Speaker's request to keep the debate short, I will do that.

I hope you would oppose the pending motion to recede and concur simply because of the fact that there is grounds for compromise on this and I would like to make a motion to insist and request a Committee of Conference. Rather than get involved in all the rest of that based on the possibility of compromise, I would request we oppose the recede and concur in order to insist and request a Committee of Conference.

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: Last Wednesday, when the bill was in a different position of Ought to Pass, the majority on the committee decided not to debate it in respect of the time constraints here in the House. So we let it go to the other body and it came back in the posture that we anticipated.

After Wednesday, I called the Marine Patrol Office concerning this bill and asked them why in the Lord's name they didn't take a stand on this bill and the Marine Patrol Office answered probably we made a mistake because this bill would be totally unenforceable. We could not enforce this bill because 50 percent of the vessels that come into Maine come in from out-of-state in the summer. He claimed that the enforcement would be impossible where no other state has this same law. For example, he mentioned the fact that the New York City Yacht clubs come in here with many, many vessels every summer and, if this law were in place then and any of them had these vessels, they would not be able to have the New York City Yacht Club.

I remember when I ran a restaurant a few years back in Boothbay Harbor and the traffic we got in the summer off the water was just fabulous. In fact, it was the making of our little restaurant. I am afraid this bill would interfere with that. I think it is also probably an encroachment on interstate commerce jurisdiction.

So that we won't go on too long with this debate, I think you all have a position on it at this time anyway, I don't think we need to clutter the Maine Statutes with laws such as this.

I hope you will please vote to recede and concur.

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

Representative SCARPINO: Mr. Speaker, Men and Women of the House: I can understand my Chairman's concerns and I can understand the departments concerns with the enforcement of it. However, if one looks at all the marine laws, it is extremely difficult to enforce all marine laws. Basically, what the marine laws depend on is quite simply the fact that 90 or 95 percent of the people, both in the State of Maine and in this country, are law abiding individuals and, if there is law, they will not knowingly and willingly violate it. There are those individuals, however, that will, and I will be the first one to admit that there will be a difficulty in enforcing it with those people, however, by enacting it into law and depending upon the good faith and law abiding character of citizens of this state and other states, this bill will reduce a potential large amount of damage to lobster gear.

I am also very happy that my chairman brought up the New York Yacht Club. I wasn't going to bring it up but seeing he has, let me explain to you the way the yacht club normally comes through. They come through my town of Port Clyde every year. Normally, you have a commodore's vessel, which is a 55 or 60 foot twin screw power vessel, it has the navigator aboard it with the radar equipment to Loran and you have in excess of 100 other vessels following one major vessel. Generally speaking, they are not familiar with the waters, they are not familiar with the channels and they are not familiar with the means and methods that the fishermen use in the setting of their fixed gear, be it stopped seines or lobster gear.

The best way to describe what they look like is a mother duck with 120 little ones following behind her. They cut a swath about one quarter of a mile wide when they transit the waters of this state. If all of those vessels had cutters on them, they, in effect, every place they went, would have the potential of destroying all the lobster gear up to an area one quarter of a mile wide every place they they happen to wander.

Now, my committee chairman talked about the money that the touring yacht clubs and such bring to the restaurants and they bring that money to my town also. However, the lobster industry brings a lot of money into the State of Maine also. Just the landings last year were in excess of \$20 million to the fishermen themselves. When you add up all the support services that exist in shipyards, in restaurants, in trucking, in handling, if we used the federal standards, which is six to one, we are talking about roughly \$100 to \$120 million. Each lobster fisherman has invested in every one of his traps, depending on the size and the amount of wharf, between \$40 and \$50 sitting on the bottom of the ocean. Every one of those cutter that grabs a piece of pot warp and cuts it will cost that fisherman \$40 to \$50 in investments plus lost income for the rest of the season. I think when you judge everything, look at the potential loss to the individual and the potential loss of income to the state, that this is a good bill with whatever minor problems it might have for enforcement. I still believe that there is grounds for a compromise and would ask that you oppose the recede and concur motion in order to accept the motion to insist and set up a Committee of Conference.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Stockton Springs, Representative Crowley, that the House recede and concur. All those in favor of the motion to recede and concur will vote yes; those opposed will vote no.

A vote of the House was taken.

60 having voted in the affirmative and 68 in the negative, the motion did not prevail.

Representative Vose of Eastport moved the House reconsider its action whereby the motion to recede and concur failed.

The same Representative requested a roll call vote.

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

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I sat and listened to the debate because I think my Chairman, Representative Crowley, had some good points. I am not denying that Representative Scarpino had some good points too. I think it should be brought out that there are no restrictions with the exception of being out into navigational waters or the positioning of the lobster traps. A lobsterman can generally, unless prohibited by the Department in some areas or unless it is in a navigational lane that is a federal lane, they can put the traps just about anywhere they want to. On occasion, there has been situations where you can practically walk on the traps. As a matter of fact, that was what was said by a constituent of mine, a Mr. David Turner, who has a purse seiner and a stop seiner and has asked me to speak against passage of this bill for those reasons.

Right now, the committee is considering a trap limit, not only for conservation purposes, but for the very fact that there are too many traps out there. If you continue to put traps out there, just anywhere you want to, you are going to be a threat to navigation. There is no reason at all to think that the same boats that have been traveling these waters are now going to deliberately go through the traps and cut them. It is going to be the same number of people, same number of boats, they are going to try to avoid those because there is a buoy marking those traps. Fisherman pretty much know in the area that they are fishing, who owns these traps and where they are and they will avoid them in whatever way possible. I think that when a fellow is out there with a large boat, a 60 footer or whatever, and he is attempting to fish in the waters and becomes entangled in some trap lines and stuff like that, he has to lose a full day. On occasion, you have

to send a diver overboard to free the lines and it could cause considerable damage to his vessel. I believe it would necessarily cause more loss of traps, that it is from the same people. I would hope that you would reconsider your action whereby we failed to recede and concur.

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

Representative SCARPINO: Mr. Speaker, Ladies and Gentlemen of the House: In listening to my good friend from Eastport, Representative Vose, one would think that lobstermen just randomly took their traps and threw them wherever they wanted to throw them, that they threw them in the middle of channels, and they clogged all passages and just made navigation generally difficult.

Perhaps the general consensus is, you kick a trap overboard and you haul it back with a lobster in it. That isn't quite the way it works. Lobsters move—different times of the year, you will find traps concentrated in different areas. Generally speaking, the fishermen, because of the potential financial loss of setting gear in recognized ways of navigation in recognized channels, tend to keep out of those areas because, quite simply, they can't afford that kind of loss. They do not knowingly and willingly place their gear in hazard. They have a large investment in it. However, what does go in is that in the summer in particular when we have tourists boats come up through the area and very understandably they like to do what is called gunk holing, they like to run up into all these little places and look at our scenery and find nice little coves to moor in and that is fine, that is wonderful, that is what our coast is all about, but at certain times of the year, and primarily the months of June, July and August, when the lobster is shedding, they are in up close in the rocks. In those areas, there is a lot of traps. I will be the first one to admit it because that is where the lobsters are and that is where you have to be if you want to make a living. So there is a real direct conflict in there. A very direct conflict. And quite simply in order to protect the livelihood of the citizens of Maine, we need this piece of legislation. It is that simple. It can be modified. There is acceptable compromise in it.

If one looks at the problems that the large boats have, as Mr. Vose brought up, now that 60 foot boat of Mr. Turner's, I don't know what he has in it, but if he has an 871 or 873 GM, 500 horse power engine, which isn't an unusual engine for a vessel like that, cutter or no cutter, cage or no cage, that boat will spit out lobster gear like a kid spitting out chicklets. It has got enough power, it takes warp and cuts it up in little pieces. There is considerable loss right now for lobster fishermen from draggers. It is a standard complaint from lobster fishermen about draggers with no cages cutting their gear off. There is a standard problem right now every summer with tourists vessels, with no cages on, cutting their gear off. Nobody is saying we want to make the life for the tourists difficult or impossible for him to be here. All that we are saying is that we have got to come to some kind of balance. The fishermen take a loss now by unprotected propellers. All we are asking is, don't have all of those propellers which have cutters on them, go through and, even without intent, through accident, through improper navigation, through lack of knowledge of local waters, increases the financial loss to the fishermen in this state that already exists.

I would hope that everyone would hold their positions and we could send this to the Committee of Conference.

The SPEAKER: The Chair recognizes the Representative from Stonington, Representative Rice.

Representative RICE: Mr. Speaker, Ladies and Gentlemen of the House: I was one of the

signers of the "Ought Not to Pass" Report on this bill. I believe it is an unenforceable bill as it now stands but I believe there is room for compromise and I hope it does go back to a Committee of Conference.

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: To assume that all people that aren't in lobster fishing boats are inconsiderate, this is about what we are saying, because there are many, many fisheries out their in the ocean that would probably agree with our point, our position on this bill and also the hundreds of yachts and so forth that are going to be out there in those waters this summer. If all of us in the House had yachts and were coming up through the State of Maine, I am sure we would all be law abiding, considerate citizens and I believe these yachtsmen are too. To say that one group is inconsiderate and the other is not is ridiculous, they are all considerate. I think we really need to kill this bill.

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 the motion of the motion of the Representative from Eastport, Representative Vose, that the House reconsider its action whereby it failed to recede and concur. Those in favor will vote yes; those opposed will vote no.

Roll Call No. 44

YEAS:—Allen, Baker, H.R.; Beaulieu, Bost, Brodeur, Brown, A.K.; Carroll, Carter, Cashman, Chonko, Connolly, Cote, Crouse, Crowley, Daggett, Diamond, Erwin, Gwadosky, Hale, Hayden, Hickey, Higgins, H.C.; Hoglund, Jacques, Joseph, Kane, Lacroix, Lisnik, Macomber, Manning, Martin, H.C.; Mayo, McGowan, McHenry, McPherson, Melendy, Michaud, Mills, Mitchell, Moholland, Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, O'Gara, Paradis, P.E.; Paul, Perry, Reeves, Richard, Ridley, Rioux, Roberts, Rotondi, Salisbury, Simpson, Stevens, P.; Tammara, Tardy, Theriault, Vose, Walker, Willey, The Speaker

NAYS:—Aliberti, Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bott, Bragg, Brown, D.N.; Callahan, Coles, Cooper, Davis, Dellert, Descoteaux, Dexter, Dillenback, Drinkwater, Duffy, Farnum, Foss, Foster, Greenlaw, Handy, Harper, Hepburn, Hichborn, Hillock, Holloway, Ingraham, Jackson, Jalbert, Kimball, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Masterman, Matthews, McCollister, McSweeney, Murphy, E.M.; Murphy, T.W.; Nicholson, Nickerson, Paradis, E.J.; Parent, Pines, Priest, Racine, Randall, Rice, Rolde, Rydell, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Swazey, Taylor, Telow, Warren, Webster, Wentworth, Weymouth, Whitcomb

ABSENT:—Boutillier, Brannigan, Cahill, Carrier, Clark, Connors, Higgins, L.M.; Michael, Pouliot, Ruhlin, Zirkilton

64 having voted in the affirmative and 76 in the negative with 11 being absent, the motion did not prevail.

Thereupon, on motion of Representative Scarpino of St. George, the House voted to insist and ask for a Committee of Conference.

Sent up for concurrence.

(Off Record Remarks)

The Chair laid before the House the follow-

ing matter: Bill "An Act to Amend the School Volunteer Program" (Emergency) (H.P. 454) (L.D. 655) (C. "A" H-76) which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "A" (H-76).

Representative Brown of Gorham offered House Amendment "A" (H-80) to Committee Amendment "A" (H-76) to Committee Amendment "A" was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" there was adopted.

By unanimous consent, the Bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto and sent up for concurrence.

Orders of the Day, cont.'d

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

An Act to Amend the Liquor Laws (H.P. 904) (L.D. 1281).

TABLED—April 19, 1985 by Representative JACKSON of Harrison.

Pending—Passage to be Enacted.

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

On motion of Representative Strout of Corinth

Recessed until five o'clock in the afternoon.

(After Recess)

The House was called to order by the Speaker.

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

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

Passed to Be Enacted Emergency Measure

An Act to Preserve Affordable Telecommunications Equipment for Customers with Special Needs (S.P. 118) (L.D. 333)

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. 115 voted in favor of the same and none against and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Appropriate Funds for the State Vietnam Veterans' Memorial (S.P. 290) (L.D. 779) (S. "A" S-49 to C. "A" S-48)

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

RESOLVE, Concerning Blackfly Control (H.P. 435) (L.D. 617) (C. "A" H-73)

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

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

Papers from the Senate

The following Communication:

The Senate of Maine

Augusta

April 22, 1985

The Honorable John L. Martin
Speaker of the House
112th Legislature
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on State Government, the Governor's nomination of M. Kelly Matzen of Auburn for appointment as a Commissioner of the Maine State Housing Authority.

Ms. Matzen is replacing John V. Bonneau.

Sincerely,

S/ JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

Study Report Joint Select Committee on Alcoholism Services

Report of the Joint Select Committee on Alcoholism Services, pursuant to Joint Order S.P. 65 ask leave to submit its findings and report that the accompanying Bill "An Act to Make Additional Allocation from the Alcohol Premium Fund" (S.P. 505) (L.D. 1365) be referred to this Committee for public hearing and printed pursuant to Joint Rule 19.

Came from the Senate with the report read an accepted and the bill referred to the Joint Standing Committee on Alcoholism Services and ordered printed.

Report was read and accepted and the bill referred to the Joint Select Committee on Alcoholism Services in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on Aging, Retirement and Veterans reporting "Leave to Withdraw" on Bill "An Act Concerning the Unfunded Liability of the Maine State Retirement System" (S.P. 287) (L.D. 776)

Report of the Committee on Human Resources reporting "Leave to Withdraw" on Bill "An Act to Clarify Financial Eligibility Standards for Public Assistance With Respect to Hospitals and Nursing Homes and Promote Equitable and Consistent Enforcement of such Standards" (S.P. 151) (L.D. 418)

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

Ought to Pass in New Draft/New Title

Report of the Committee on Legal Affairs on Bill "An Act to Eliminate Maine Criminal Justice Academy Attendance as a Prerequisite for Licensing of Former Law Enforcement Officers as Private Investigators" (S.P. 157) (L.D. 424) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Concerning the Requirements for Licensing Private Investigators" (S.P. 502) (L.D. 1347)

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:

Taxation

Bill "An Act to Expand and Continue Alcoholism Treatment, Education, Prevention and Research Programs" (H.P. 951) (Presented by Representative BRODEUR of Auburn) (Cosponsors: Representative ROLDE of York, Senators BUSTIN of Kennebec and STOVER of Sagadahoc)

Joint Select Committee on Alcoholism was suggested.

(Ordered Printed.)

Sent up for concurrence.

Reports of Committees

Unanimous Ought Not to Pass

Representative GWADOSKY from the Committee on State Government on Bill "An Act to Regulate the Disposal of State Property" (H.P. 610) (L.D. 880) reporting "Ought Not to Pass"

Representative BROWN from the Committee on Education on Bill "An Act Concerning Interest on Subsidies Provided to Medical and Veterinary Students" (H.P. 653) (L.D. 923) reporting "Ought Not to Pass"

Representative BROWN from the Committee on Education on Bill "An Act to Amend the School Finance Law" (H.P. 509) (L.D. 714) reporting "Ought Not to Pass"

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

Unanimous Leave to Withdraw

Representative GWADOSKY from the Committee on State Government on Bill "An Act Regarding the Executive Director of the Maine Health and Higher Educational Facilities Authority" (H.P. 608) (L.D. 878) reporting "Leave to Withdraw"

Representative GWADOSKY from the Committee on State Government on Bill "An Act Relating to Disposal of Property taken by the State" (H.P. 670) (L.D. 953) reporting "Leave to Withdraw"

Representative PARADIS from the Committee on Judiciary on Bill "An Act to Make Interference with the Delivery of Emergency Services a Crime" (H.P. 484) (L.D. 687) reporting "Leave to Withdraw"

Representative MACBRIDE from the Committee on Judiciary on Bill "An Act to Reinstate the Death Penalty" (H.P. 591) (L.D. 861) reporting "Leave to Withdraw"

Representative BROWN from the Committee on Education on Bill "An Act to Establish the Maine Protection of Pupil Rights Act" (H.P. 562) (L.D. 833) reporting "Leave to Withdraw"

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

Divided Report

Majority report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act to Provide an Exemption from the 7-Day Loaner Plate Limitation" (H.P. 430) (L.D. 610)

Signed:

Senators:

DANTON of York
SHUTE of Waldo
ERWIN of Oxford

Representatives:

POULIOT of Lewiston
CAHILL of Woolwich
THERIAULT of Fort Kent
MACOMBER of South Portland
McPHERSON of Eliot
MOHOLLAND of Princeton
STROUT of Corinth
CALLAHAN of Mechanic Falls

Minority report of the same Committee reporting "Ought to Pass" on same bill.

Signed:

Representatives:

SOUCY of Kittery
MILLS of Bethel

Reports were read.

Representative Theriault of Fort Kent moved acceptance of the Majority "Ought Not to Pass" report.

On further motion of the same Representative, tabled pending his motion that the House accept the Majority "Ought Not to Pass" report and tomorrow 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. 57) (L.D. 76) Bill "An Act Concerning

the Administration of Public Improvements Under the Supervision of the Department of Transportation" Committee on Transportation reporting "Ought to Pass"

(S.P. 414) (L.D. 1144) Bill "An Act to Amend the Department of Environmental Protection Laws" Committee on Energy and Natural Resources reporting "Ought to Pass"

(H.P. 413) (L.D. 580) Bill "An Act to Provide for the 1985 Amendments to the Maine Housing Authorities Act" (Emergency) Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-82)

(H.P. 314) (L.D. 403) Bill "An Act to Allow Educational Institutions within the State to Purchase Surplus Property" Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-81)

(H.P. 720) (L.D. 1030) Bill "An Act to Amend the Effective Dates of Various Parts of the Education Reforms Enacted in September 1984" (Emergency) Committee on Education reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, April 23, 1985 under the listing of Second Day.

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

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

Representative MACOMBER from the Committee on Transportation on Bill "An Act Pertaining to Actions by the Board of Directors of Transit Districts" (H.P. 699) (L.D. 994) 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 MACOMBER from the Committee on Transportation on Bill "An Act to Provide for the Funding of Public Transportation" (H.P. 622) (L.D. 912) reporting "Leave to Withdraw"

Was 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. 650) (L.D. 920) Bill "An Act Pertaining to the Terms Members of Transit District Boards" Committee on Transportation reporting "Ought to Pass"

There being no objections, the above item was ordered to appear on the Consent Calendar of Tuesday April 23, 1985 under the listing of Second Day.

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

Reports of Committees**Unanimous Leave to Withdraw**

Representative HIGGINS from the Committee on Taxation on Bill "An Act to Equalize the Treatment of State Deferred Compensation Plans Under the Insurance Premium Tax" (H.P. 317) (L.D. 406) reporting "Leave to Withdraw"

Representative HIGGINS from the Committee on Taxation on RESOLUTION, Proposing an Amendment to the Constitution of Maine Concerning the Assessment of Property Taxes (H.P. 500) (L.D. 703) reporting "Leave to Withdraw"

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

The Chair laid before the House the follow-

ing matter: 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) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

Representative SPROUL: Mr. Speaker, Men and Women of the House: Before this bill is enacted, I would like to say I have had a call from a constituent who raised a question to me which I did not know the answer. I deal very seldomly in any of the liquor bills or liquor laws. So, if I could, I would like to pose a question through the Chair.

What safeguards are there in this measure relating to the purchase someone going into a florist, purchasing a bouquet or arrangement, having the wine bought with it—what safeguards are there against who that is delivered to, whether it be a minor or some other individual who should otherwise not have it?

The SPEAKER: Representative Sproul of Augusta poses a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Augusta, Representative Hickey.

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: These people have a fairly substantial investment in their license and I am sure that all of them intend to abide by Title 28, Section 303 which says, no licensee can sell or deliver to a minor.

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

On motion of Representative Cote of Auburn, Adjourned until 9:00 o'clock tomorrow morning.