

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

Friday, April 26, 1985

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

Prayer by Reverend Raymond Smith, St. Barnabas Episcopal Church, Augusta.

Quorum Called; was held.

The Journal of yesterday was read and approved.

Papers from the Senate

Bill "An Act to Establish the Water Well Information Law" (S.P. 522) (L.D. 1406)

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 Relating to the Availability of Psychologists and Psychiatric Services" (S.P. 523) (L.D. 1407)

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

Was referred to the Committee on Human Resources in concurrence.

Bill "An Act to Amend Certain Sex Crimes Under the Maine Criminal Code" (S.P. 525) (L.D. 1408)

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

Was referred to the Committee on Judiciary in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on Education reporting "Leave to Withdraw" on Bill "An Act Concerning Attendance in Public Schools" (S.P. 352) (L.D. 960)

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 Transportation on Bill "An Act to Authorize the Use of Blue Lights on Liquor Enforcement Vehicles" (S.P. 122) (L.D. 362) reporting "Ought to Pass" in New Draft (S.P. 519) (L.D. 1393)

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 Monday, April 29, 1985.

Ought to Pass in New Draft/New Title

Report of the Committee on State Government on Bill "An Act to Require Law Enforcement Officers to Demonstrate Familiarity with the Maine Criminal Code and Motor Vehicle Law to Qualify for Appointment as Law Enforcement Officers" (S.P. 78) (L.D. 174) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Require Newly Appointed County and Municipal Law Enforcement Officers to Complete a Basic Training Course within the First 6 Months of Their Employment" (S.P. 513) (L.D. 1387)

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 Monday, April 29, 1985.

Divided Report

Majority Report of the Committee on Business and Commerce on Bill "An Act to License Dietitians" (S.P. 171) (L.D. 463) reporting "Ought to Pass" in New Draft (S.P. 520) (L.D. 1397)

Signed:

Senators:

BUSTIN of Kennebec

DANTON of York

SEWALL of Lincoln

Representatives:

HILLOCK of Gorham

BRANNIGAN of Portland

RYDELL of Brunswick

ARMSTRONG of Wilton

TELOW of Lewiston

MARTIN of Van Buren

BAKER of Orrington

ALIBERTI of Lewiston

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

Signed:

Representatives:

MURRAY of Bangor

STEVENS of Bangor

Came from the Senate with the Majority "Ought to Pass" in New Draft Report read and accepted and the New Draft passed to be engrossed.

Reports were read.

Representative Brannigan of Portland moved acceptance of the Majority "Ought to Pass" Report.

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

Representative BRANNIGAN: Mr. Speaker, Men and Women of the House: This is a licensing bill dealing with two levels of licensing for the profession of dietitians. As we move in the area of health care in changes from major work being done in hospitals to a great deal more work being done in the community, more and more of the health professionals, who are well trained and beginning to work in private practice or working in the community, will be presenting themselves for licensing. Our committee is very conscious of this, we have looked carefully into this particular area, the area of diet, the area which is being presented to us today. The new draft clarifies greatly from the original bill those who will be licensed. It limits it to those who are prepared in the area of dietetics. It eliminates the many, many different types of people who deal marginally in the area of nutrition.

So, we recommend to you today that you accept this bill. It sets up licensing for dietitians in the same way that we are trying to set up all types of licensing with some standardization and proper process. We recommend this to you today.

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

Representative MURRAY: Mr. Speaker, Men and Women of the House: I just wanted to explain briefly why I signed in opposition to this particular bill. We did work a great deal on the bill and the issue in general of licensing and in particular in this bill the licensing of the dietetic profession. Although we worked a great deal, I think we ran into some difficulty in a couple of major areas. I don't intend, by opposing this particular bill, to deny the worthiness of the profession of dietetics. They are a dedicated, hardworking organization and professionals and provide a valuable function.

The problem when you get into licensing—we have to remember what the primary functions of licensing is and that primary function is to protect the public. When a profession comes before us requesting licensing, I think the primary function must be to demonstrate to us first that the public is exposed to a danger because of their particular profession and perhaps because of unscrupulous people that are in the field practicing something within that dietetic service or within the profession in general.

It is questionable whether that was demonstrated to a large degree but the think to remember about this bill and the primary reason why I am opposing it is that at one point the bill defines what dietetics means. It means the professional discipline of assessing help,

physical, psychological, social, cultural and economic needs and conditional as they affect the nutrition of an individual and apply scientific principles of nutrition to ensure their proper nourishment, care, and education. It is a very difficult definition to grasp. The major reason that it makes it more hard to grasp and hard to enforce is that this particular bill, in establishing a licensing procedure and pointing out that these people will be a protected profession with state control to a degree, in setting up that structure that also establishes a high level or high number of exemptions, which unfortunately flies in the face, I believe, of establishing a licensing profession in general. If there really is a problem, if there is really potential danger out there, why establish something and then all of a sudden turn around in the same bill and exempt a high number of people. In this bill, it exempts students and trainees, persons giving general nutrition related information, and if you read that definition on page 7 of the bill, I think it contradicts almost directly with the definition of dietetics. It exempts those that are marketing or distributing food products, including dietary supplement. It exempt those people where there may be the greatest potential for danger. Why do you establish a licensing profession to begin with. I just think there is a lot of problems with this bill.

If there really is a need and a lot of public danger, I don't think it has been demonstrated, and I don't think we ought to write a law with all these exemptions built into it. It is a bill that I think adds an unnecessary law to the books which would not be in the best interests of the public, which is why licensing occurs in general. I would hope that you would oppose the present motion.

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

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I, too, am sort of opposed to establishing another licensing requirement and I think that before we proceed with this bill we should take a good look at it to determine whether or not the consumers requested that this group be regulated. I think the question we should ask ourselves is, has the public been harmed because the occupational group has not been regulated? If we have a problem, then I think we should license groups that request to be licensed, but if there is no problem, then I don't think that we should go ahead because a special interest group has requested that they be licensed. You know what happens when you license a group—what they do is they establish stricter requirements and again try to protect their field, try to protect their turf, try to keep people out. The next step will probably be third party reimbursement. It would not surprise me if this is something that we see down the line.

I realize that this body is somewhat reluctant to vote against the Majority Report. However, I feel that this is probably a bill that should be discarded at this time.

Mr. Speaker, I ask for a division on the motion.

The SPEAKER: A division has been requested.

The Chair recognizes the Representative from Brunswick, Representative Rydell.

Representative RYDELL: Mr. Speaker, Men and Women of the House: I, too, had concerns about licensing of this particular profession. But after a great deal of study, I feel that we do have an obligation to provide the public with some distinction between persons who are trained as dietitians and are trained in a profession to give dietary information, very often prescriptive dietary information, and to make a distinction between these professionals and persons who are also giving nutritional information but are not dietitians.

There is also a concern that I have with

regard to the private practice of allied health professionals. I think the public has come to expect that there will be some type of regulation of those persons who are allied health professionals and who are setting up private practice. I think that licensing, while it may not completely solve the problem, does go a long way to provide the public with knowledge that there is a difference between the dietitian, who would be licensed if this bill were to pass, and the person who may be giving dietary supplement information or nutritional information but who is not trained in an allied medical field.

I would ask you to vote to accept the Majority "Ought to Pass" Report.

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

Representative MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: I understand that a distinction between the person licensed to make recommendations in regard to the diet and people who would be making recommendations on their own.

I would like to pose a question, Mr. Speaker.

The SPEAKER: The Representative may pose his question.

Representative MICHAEL: Would this bill prevent someone who is not licensed from giving their nutritional assessment to people?

The SPEAKER: Representative Michael of Auburn posed a question through the Chair to any member who cares to answer.

The Chair recognizes the Representative from Bangor, Representative Murray.

Representative MURRAY: Mr. Speaker, Ladies and Gentlemen of the House: That is an excellent question and I wish I could tell you the answer specifically but it depends on what that person is really giving you for information. If, under the definition of dietetic, that person in some way describes assessing health, physical, psychological, social, cultural or economic needs and conditions as they affect the nutrition of an individual and applying scientific principles of nutrition to ensure that your proper nourishment care education, I would assume that he is practicing against the law. If he falls specifically under one of those exemptions, it is hard to say, he may not be violating the law but it is an excellent question and I can't give a specific answer.

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

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: I went with the Majority "Ought to Pass" Report on this because I am concerned about the standardization of dietetics and the movement of cost containment. We are concerned about licensure and, therefore, creating a closed shop and inevitably raising the cost of health care. For that reason, I was very skeptical about this bill. But then I thought about the movement of preventive medicine and preventing diseases or working with helping to deal with these diseases through dietetics and this is developed into a highly sophisticated field of which there aren't many people in the state that are dietetics. We are only talking of a handful of people here, just over 100 people that this applies to in the State of Maine. They have gone through rigorous training to do what they have done now and the public expects some sort of standardization when they are dealing in the field of medicine. I think we owe it, as a legislature, to offer this standardization. The field of dietetics is a mature field. They came to us, they showed organization and they want to provide this for the public. This is a field that is going to be expanded in the future and licensure will help them in the development of this field and I think the area of preventive medicine and their hand in that will help everyone in the State of Maine. There are other states that have passed legislation in dealing

with licensure of dietitians and it is a growing profession and I hope that you will pass this bill and go along with the "Ought to Pass" Report.

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

Representative BRANNIGAN: Mr. Speaker, Men and Women of the House: We have made it very clear in working on this bill that it will deal with those people who hold themselves out to be trained as dietitians. We are dealing mainly with those who are very, very, sick, those who have kidney problems, those who have other such problems. I tried to make that a part of my opening statement. It is part of the whole move from the hospital care to community care. It is very difficult, of course, as Representative Murray has said, to define this because we are dealing with food and everybody eats food. We have a lot of very important and innovative things going on in the area of food and diet today. We have tried to make it clear in our deliberations to make it very clear that, in no way, by this licensing law do we want to restrict what is going on in the area of nutrition. We do not want to restrict what is going on in the area of food supplements and vitamin supplements. We want that area to continue and to flourish, but if people have concerns about it, we want them to be able to go to someone who has the stamp of approval of licensure to reassure them in the area of nutrition, in the area of vitamins, and for those who have very serious illnesses, that they will go to someone who has that stamp of approval.

So, I want to assure everyone, my seatmate included, that we are not, in any way, trying to restrict all of the good and innovative and exciting things that are happening in the area of nutrition and we solidly believe that this bill does not do that.

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: My question is, would this bill jeopardize the livelihood of many people who are now employed as dietitians?

The SPEAKER: The Representative from Stockton Springs, Representative Crowley, poses a question through the Chair to anyone who may respond.

The Chair recognizes the Representative from Portland, Representative Brannigan.

Representative BRANNIGAN: Mr. Speaker, Ladies and Gentlemen of the House: It will if they were dietitians, if they are not dietitians, I believe they are nutritionists, people working in the diet field with diet workshops, diet center, this will not. All the people that we have been in touch with that work in those fields are perfectly content with this bill and nutritionists do not now hold themselves to be dietitians although we may think of them as such because they work in a field called diet control. We worked on that very carefully. Representative Erwin has been very interested in that area and has held our nose to the grindstone in that particular area.

The SPEAKER: The Chair recognizes the Representative from Sidney, Representative Bragg.

Representative BRAGG: Mr. Speaker, Men and Women of the House: I would like to commend the committee and the work they have done on this bill. I have to admit that it is much more palatable than the original version but I still have some problems with it and I would like to support the comments the Representative from Biddeford, Mr. Racine, made. I can

only look at this as something that is designed to be more or less a protection bill, to protect the turf of one particular association. I know that reference has been made that the field of dietetics or nutrition is a mature industry but anybody that knows anything about nutrition has to understand that there are many different philosophies, I guess you would say, and many different approaches that different groups are making to in regards to dietetics and dietary information. I believe that what this bill will do is restrict the flow of information through dietitians to only that information which is agreed upon by one particular association. I, in particular, have some problems with that and I believe because of that this bill should be defeated.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Erwin.

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to make a comment that my concerns were for counselors working, for instance, at a diet center or a weight watcher type of program who are holding themselves as counselors who are giving some sort of nutritional advice to those people in that program. My concern was that these people might be affected and would lose their jobs. I have been assured that they are exempted and I hope that is true.

The SPEAKER: A division has been requested. The pending question is on the motion of Representative Brannigan of Portland that the House accept the Majority "Ought to Pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

77 having voted in the affirmative and 45 in the negative, the Majority "Ought to Pass" Report was accepted, the Bill read once and assigned for Second Reading Monday, April 29, 1985.

Non-Concurrent Matter

RESOLVE, to Name the Wiscasset Bridge the Donald E. Davey Bridge (H.P. 373) (L.D. 492) on which the Minority "Ought to Pass" Report of the Committee on Transportation was read and accepted and the Resolve passed to be engrossed in the House on April 24, 1985.

Came from the Senate, with the Majority "Ought Not to Pass" Report of the Committee on Transportation read and accepted in non-concurrence.

On motion of Representative Mayo of Thomaston, the House voted to insist and ask for a committee of conference.

Sent up for concurrence.

Non-Concurrent Matter

Bill "An Act to Provide an Exemption from the 7-Day Loaner Plate Limitation" (H.P. 430) (L.D. 610) on which the Majority "Ought to Pass" Report of the Committee on Transportation was read and accepted and the Bill passed to be engrossed as amended by House Amendment "A" (H-87) in the House on April 25, 1985.

Came from the Senate, with the Majority "Ought Not to Pass" Report of the Committee on Transportation read and accepted in non-concurrence.

On motion of Representative Theriault of Fort Kent, the House voted to insist.

Sent up for concurrence.

Messages and Documents

The following Communication: (H.P. 979)
April 22, 1985

Speaker of Maine House
President of Maine Senate
State Capitol
Augusta, Maine 04333

Dear Speaker Martin and President Pray:

Enclosed please find the Annual Report of the Forest Fire Advisory Council established by the 111th Legislature. The mandate to FFAC

was to review and evaluate forest fire protection in Maine. This report details our activities and findings of the past year, and our plans for the coming year.

Sincerely,
S/ EARLE D. BESSEY III

Chairman
Forest Fire Advisory Council

Was read and with accompanying report ordered placed on file and sent up for concurrence.

Orders

Legislative Sentiment

On motion of Representative Jacques of Waterville, was removed from the Special Sentiment Calendar:

Warden Alvin Theriault, who at the risk of his own life ventured out onto thin ice to save a man from drowning (HLS 330);

Was read.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: I don't want to take up too much of your time but I did want to bring mention to this particular incident. We all are very critical of our state policemen and our local policemen and our deputy sheriffs and our game wardens, sea and shore wardens, and probably the legislature is as hard on these men and women that serve us as anybody else, but I think it is real important that when one does do something that really is what we consider above and beyond the call of duty as represented by the actions of Warden Theriault.

Alvin Theriault is probably the kind of fellow that exemplifies what a game warden should be more than any other game warden I have met and probably a lot has to do with where he comes from and the kind of person he was brought up to be. I won't contribute any of that fact to the fact that the Speaker was a high school teacher of his and he also had the Speaker in college. I would like to give the Speaker credit but I think it has to do with the kind of man that Alvin is.

What happened was, a gentlemen went through the lake on Chesuncook Lake which is close by Representative Clark and Representative Michaud's districts. He was on a snowmobile that went through the ice and he probably would have drowned but, fortunately, Warden Theriault was there to witness the incident, he went over and crawled out on that thin ice at a risk to his own life. Any of you that have ever gone through even a little bit of ice in shallow water in the winter know that it is a situation that is extremely difficult to think clearly in and handle yourself in and Warden Theriault did, at the risk of his own life, pull this gentlemen out and saved his life. I think that this Legislature and the people of the State of Maine ought to, once in awhile, extend our appreciation to these people, these men and women that serve us. At least they will know that we are watching them for the good things that they do, not just for the bad things that they do.

Thereupon, the Order was passed and sent up for concurrence.

Report of Committees Unanimous Leave to Withdraw

Representative HIGGINS from the Committee on Taxation on Bill "An Act Relating to Meals and Lodging Tax" (H.P. 698) (L.D. 993) reporting "Leave to Withdraw"

Representative McPHERSON from the Committee on Transportation on Bill "An Act Relating to Tri-axle Trucks Hauling Forest Products" (H.P. 372) (L.D. 491) reporting "Leave to Withdraw"

Representative McPHERSON from the Committee on Transportation on Bill "An Act Relating to Under-registration Violations" (H.P.

768) (L.D. 1088) reporting "Leave to Withdraw"

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

Ought to Pass in New Draft

Representative COLES from the Committee on Energy and Natural Resources on Bill "An Act to Prohibit Open Burning at All Municipal Solid Waste Disposal Sites" (H.P. 323) (L.D. 438) reporting "Ought to Pass" in New Draft (H.P. 976) (L.D. 1399)

Report was read and accepted, the New Draft read once and assigned for Second Reading Monday, April 29, 1985.

Ought to Pass in New Draft/New Title

Representative MURRAY from the Committee on Business and Commerce on Bill "An Act to Require Motorcycle Liability Insurance to Include Passenger Coverage" (H.P. 382) (L.D. 526) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Concerning Passenger Exclusions in Motorcycle Insurance Policies" (H.P. 975) (L.D. 1398)

Report was read and accepted, the New Draft read once and assigned for Second Reading Monday, April 29, 1985.

Consent Calendar

First Day

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

(H.P. 802) (L.D. 1136) Bill "An Act Relating to the Hancock County Trustees of Public Reservations" (Emergency) Committee on Local and County Government reporting "Ought to Pass"

(S.P. 337) (L.D. 787) Bill "An Act Concerning Land Conveyed by the State to the Town of Bridgton" Committee on State Government reporting "Ought to Pass"

(S.P. 322) (L.D. 811) Bill "An Act Making Supplemental Allocations from the Highway Fund for the Fiscal Year Ending June 30, 1985" (Emergency) Committee on Transportation reporting "Ought to Pass"

(S.P. 135) (L.D. 374) Bill "An Act to Regulate Public Swimming Pools and Spas" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-57)

(S.P. 314) (L.D. 803) Bill "An Act to Raise the Amount over which Contractors must Seek Municipal Bonding" Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-56)

(S.P. 296) (L.D. 785) Bill "An Act Relating to the Assessment of Storage Fees by Motor Vehicle Service Stations" Committee on Business and Commerce reporting "Ought to Pass" as amended by Committee Amendment "A" (S-58)

(H.P. 216) (L.D. 250) Bill "An Act Relating to Conferring Degrees by the University of New England in Biddeford" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-96)

There being no objections, the above items were ordered to appear on the Consent Calendar of Monday, April 29, 1985, under the listing of Second Day.

Consent Calendar Second Day

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

(H.P. 775) (L.D. 1096) Bill "An Act to Investigate the Importation and Disposal of Solid Waste and Hazardous Waste in Maine" (C. "A" H-93)

(H.P. 411) (L.D. 564) Bill "An Act to Clarify the Use of the Hand Fishing Scallop License"

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 to Require Notice of the Smoking Policy in Restaurants" (H.P. 970) (L.D. 1379)

Bill "An Act to Study the Location of the Supreme Judicial Court in the City of Augusta" (H.P. 973) (L.D. 1395)

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

Bill "An Act Validating the Vote to Convert Wallagrass Plantation into the Town of Wallagrass" (H.P. 974) (L.D. 1396)

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

Representative McHenry of Madawaska offered House Amendment "A" (H-95) and moved its adoption.

House Amendment "A" (H-95) was read by the Clerk and adopted.

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

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

Passed to be Enacted Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Lincoln County for the Year 1985 (H.P. 927) (L.D. 1332) (S. "A" S-55 to H. "A" H-75)

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. 120 voted in favor of the same and 2 against and accordingly, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Orders of the Day

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

HOUSE DIVIDED REPORT—Majority (8) "Ought Not to Pass"—Minority (5) "Ought to Pass"—Committee on Education on Bill "An Act to Provide Whole Milk at Public Schools" (H.P. 482) (L.D. 685)

TABLED—April 25, 1985, by Representative BROWN of Gorham.

PENDING—Acceptance of Either Report.

Representative Brown of Gorham moved the acceptance of the Minority "Ought Not to Pass" Report.

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

Representative BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I believe this legislation is unnecessary. It says whole milk must be available at public schools. This is something that should be handled at the local level and can be if a parent requests whole milk for their child rather than the 2 percent milk that is now available. Time and labor involved in keeping track of two kinds of milk being served is out of proportion to its value. In smaller schools where refrigeration is limited, the additional inventory required to supply a choice for all children, would also create added expense for more or larger equipment. The food service director of Portland Public Schools said they have never had a request for whole milk or a complaint about low-fat milk. They have had request for skim milk from parents because their children have been put on special diets and they have honored those requests. I am convinced that local school boards anywhere would do the same for special requests. Let's not mandate that whole milk has to be available when most children are healthier on the low-fat.

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

Representative HANDY: Mr. Speaker and Members of the House: I am one of the signers of the "Ought to Pass" Report on this bill for the simple reason that we should allow the choice of families whether or not they want their children to have low-fat milk or want them to have whole milk. I am not in any position to push my views on what kind of diet I want you folks to have or some other children to have and I think we should allow that option to take place in the schools.

The reason that our schools throughout the state primarily are serving two percent low-fat milk is a result of federal regulations which were passed two or three years ago, where the federal government and I emphasize that, the federal government mandated that two percent low-fat milk shall be served in the school lunch programs. So, it is the federal government that stuck their hand into this so-called local issue.

I submit to you that there are individuals whose diet would be better off on whole milk as well as those who would be better off on low-fat milk. I think that we have to at least allow for those options to occur in the school lunch programs and require that milk to be made available.

With respect to the arguments raised to my committee chair person, Representative Brown, certainly not all the students would be taking advantage of having whole milk. I cannot understand why it would be a burden as far as the cooling systems being taxed and not being able to accommodate both types of milk. I think we would see those people who manage the school lunch programs take a head count, as they normally do in managing their programs, to determine how many students would like low-fat milk and how many would like whole milk. I think what this comes down to is allowing the families to make those decisions and not imposing our views on nutrition and what one's diet should include. We can leave that in the family and let them make that decision.

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Soucy.

Representative SOUCY: Mr. Speaker, Ladies and Gentlemen of the House: We have approximately 750 school lunch programs in the State of Maine, 600 of those operate at a loss. There is a one cent price difference between whole milk and low-fat milk. If 100,000 students decide to take whole milk, that is \$1,000 a day in additional losses.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Small.

Representative SMALL: Mr. Speaker, Ladies and Gentlemen of the House: If we pass this legislation, this will be the first mandate imposed by the state on the local school lunch program. Currently regulations are set by the federal government, which spends \$17 million in Maine. The locals then create their lunch program following these guidelines. If the state puts into law what type of milk must be offered, we will be opening the door to the legislature debating the merits of whole wheat versus white bread, heavy syrup versus light syrup in our canned fruits, pasta versus potato, etc.

Currently we hire a state nutritionist to advise our schools but the final decision is properly left with the local boards and lunch program coordinator.

I hope you will agree with the eight members of the Education Committee who feel that the problems of the school lunch program should be addressed locally.

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

Representative MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: I certainly sympathize with folks who are concerned with the local control issue and people who know me also know that I am always concerned with that issue myself and I think matters should always be handled at the local level whenever we can because it makes more sense to have local folks making decisions than a higher up bureaucracy making decisions.

However, with this matter, those rules and criteria do not hold true simply because, as has been mentioned, the federal government has already screwed up that process, you see, because the school lunch program is currently required to serve or to have available low-fat milk, which is fine. I am so glad that low-fat milk is being made available. I would like to see them make skim milk available also. The problem here is that the schools are beginning to make only low-fat milk available and not whole milk. This is a concern to dairy farmers and I think they are right on the nose when they voice this concern. If you remember back when you were in elementary school—I have a harder and harder time remembering that far back now, but I can still remember, and I would drink whole milk, I would not touch the low-fat milk although there is only one and a half percent difference in terms of fat levels, but there is quite a bit of difference in terms of taste. The concern is that the kids will develop a habit of not drinking milk at that young age. If you talk to them, you will find out that they won't drink the skim milk and they won't drink the low-fat stuff, it doesn't taste good, it is not a natural whole product.

Now that I have grown older, and I think most adults develop at least some willingness to drink a low fat product, because you heard that for adults anyway, maybe not children, but for adults it may be beneficial to us health wise to have a lower fat product. I am not concerned at all with the kids drinking a high fat content milk; in fact, they need that energy. Someone who showed up at the hearing, I couldn't believe it, suggested that kids nowadays aren't as active as they used to be. I disagree and I think that kids need those calories and I definitely want to see them develop a habit of drinking milk rather than soft drinks. This is really our concern here.

Someone mentioned earlier that there had not been any great requests for whole milk in the public schools. I say that is probably so. There has also been no great request for low-fat milk in the public schools. The problem occurs because the federal government has required low-fat milk to be made available. This bill merely balances that off by reminding the school systems that whole milk shall also be made available. It is not that the kids have to drink the whole milk, they don't have to drink the low-fat milk. We are very concerned with having that choice be available and it is perfect that we debated this other bill a little earlier today in which some of us voiced our concerns about dietitians essentially telling us what to do and those concerns were handled nicely and we voted to pass that bill. This is the same kind of thing. I want to make sure that the kids have a choice in the matter and that people have a choice. I think, given that choice, they will select a diet that works for them. I am concerned about the bureaucracy, out of laziness or whatever, only making low-fat milk available and this is what is beginning to happen.

The issue of it being too much trouble to provide whole milk for the students is just unacceptable to me. If the dairies that are supplying milk to your school cannot bring you a case of milk that has half whole milk and half low-fat milk, let me know and I will find you a dairy that can do it at no extra cost.

I also challenge the figure that whole milk will cost more. We had the guy from the Dairy Nutritional Council here who said that there is no difference in whole milk and low-fat milk.

There again, if your dairy wants to charge you more for the whole milk, let me know I will find you a dairy that charges you the same price. So this should not cost the schools any more money. Even if it did, so what? I sometimes wonder about the quality of the food we feed the kids. I think we should feed them good food or not feed them food at all. If it did cost another penny, which I don't think it does, I think we should still pay for it but I say it will not cost any more money.

I certainly hope that you vote against the motion to accept the Majority "Ought Not to Pass" Report so that we can go and pass this important bill.

The SPEAKER: The Chair recognizes the Representative from Sidney, Representative Bragg.

Representative BRAGG: Mr. Speaker, Ladies and Gentlemen of the House: I don't know if you realize it or not but you are creating a problem for me here. I have got a radio in my barn that plays 24 hours a day and those cows are going to be listening and if they hear that the legislature didn't approve of the whole milk that they produce, they are going to be terribly depressed. What am I going to do with 75 depressed cows? So, you can help me out an awfully lot by voting right on this bill.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of Representative Brown of Gorham to accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no. A vote of the House was taken.

90 having voted in the affirmative and 26 in the negative, the motion did prevail.

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

Bill "An Act to Amend the Municipal Development District Law" (H.P. 370) (L.D. 525) (H. "B" H-97)

TABLED — April 25, 1985, by Representative HIGGINS of Portland.

PENDING — Passage to be Engrossed.

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

House Amendment "A" (H-94) was read by the Clerk.

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

Representative HIGGINS: Mr. Speaker, Men and Women of the House: This amendment, technical in nature, clears up an inconsistency in references on the bill.

Thereupon, House Amendment "A" was adopted.

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

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

Bill "An Act Concerning the Removal of Child Abusers from the Household" (H.P. 954) (L.D. 1373)

TABLED — April 25, 1985, by Representative NELSON of Portland.

PENDING — Passage to be Engrossed.

Representative Nelson of Portland offered House Amendment "A" (H-98) and moved its adoption.

House Amendment "A" (H-98) was read by the Clerk and adopted.

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

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

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

TABLED — April 25, 1985, by Representative DIAMOND of Bangor.

PENDING — Passage to be Enacted.

On motion of Representative Diamond of Bangor, retabled pending passage to be enacted, and specially assigned for Monday, April 29, 1985.

Bill Held

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Crouse.

Representative CROUSE: Mr. Speaker, is the House in possession of: Bill "An Act to Prescribe when a Caboose is Required in Connection with Movements of Locomotives and Cars" (H.P. 50) (L.D. 56)?

The SPEAKER: The Chair would answer in the affirmative having been held at the Representative's request.

Representative CROUSE: Mr. Speaker, I move that the House reconsider its action whereby the Majority "Ought Not to Pass" Report was accepted.

On motion of Representative Theriault of Fort Kent, tabled pending the motion of Representative Crouse of Caribou that the House reconsider its action whereby the Majority "Ought Not to Pass" Report was accepted and specially assigned for Monday, April 29, 1985.

(Off Record Remarks)

On motion of Representative Clark of Millinocket,

Adjourned until 9:00 a.m. Monday, April 29, 1985.
