

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Twelfth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 5, 1984 - June 20, 1985

HOUSE

Thursday, May 23, 1985

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

Prayer by Dr. J.E. Shankel, District Superintendent of the Maine District Church of the Nazarene, Augusta.

Quorum called; was held.

The Journal of Monday, May 20, 1985, was read and approved.

Papers from the Senate

The following Communication:
The Senate of Maine
Augusta

May 20, 1985

The Honorable Edwin H. Pert
Clerk of the House
112th Legislature
Augusta, Maine 04333
Dear Clerk Pert:

Please be advised the President appointed the following conferees to the Second Committee of Conference on the disagreeing action of the two branches of the Legislature on "Resolve, to Name the Wiscasset Bridge the Donald E. Davey Bridge." (H.P. 373) (L.D. 492)

Senator Danton of York
Senator Chalmers of Knox
Senator McBreairty of Aroostook
Thank you.

Sincerely,

S/ Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

Unanimous Ought Not To Pass

Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act to Restrict the Use of All-terrain Vehicles in Residential Areas and Along Roadways" (S.P. 541) (L.D. 1450)

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 Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Authorize an Arts Consultant in the Department of Educational and Cultural Services" (S.P. 223) (L.D. 586)

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 Agriculture on Bill "An Act Relating to County Extension Work in Maine" (S.P. 129) (L.D. 369) reporting "Ought to Pass" in New Draft (S.P. 584) (L.D. 1533)

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 Friday, May 24, 1985.

Ought to Pass in New Draft

Report of the Committee on Legal Affairs on Bill "An Act to Provide a Class A Lounge Liquor License" (S.P. 159) (L.D. 426) reporting "Ought to Pass" in New Draft (S.P. 578) (L.D. 1520)

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 Friday, May 24, 1985.

Ought to Pass in New Draft/New Title

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Make Allocations from the Maine Hazardous Waste

and Low-level Waste Siting Funds for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (S.P. 196) (L.D. 514) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Make Allocations from the Maine Hazardous Waste and Low-level Waste Siting Funds for the Fiscal Year Ending June 30, 1986" (Emergency) (S.P. 582) (L.D. 1531)

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 Friday, May 24, 1985.

Ought to Pass in New Draft/New Title

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Establish a Medicaid Budget Process" (S.P. 227) (L.D. 589) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Establish a Medicaid Report" (S.P. 592) (L.D. 1555)

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 Friday, May 24, 1985.

Ought to Pass in New Draft/New Title

Report of the Committee on Judiciary on Bill "An Act Concerning Fraudulent Procurement of Fuel and Weatherization Assistance" (S.P. 302) (L.D. 791) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Concerning Unauthorized Transfer and Use of Fuel Obtained Through Fuel Assistance" (S.P. 590) (L.D. 1553)

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 Friday, May 24, 1985.

Ought to Pass in New Draft/New Title

Report of the Committee on Marine Resources on Bill "An Act to Improve the Lobster Fund" (S.P. 388) (L.D. 1067) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Allow the Use of Lobster Fund Money to Provide for Lobster Hatcheries" (Emergency) (S.P. 589) (L.D. 1552)

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 Friday, May 24, 1985.

Ought to Pass in New Draft/New Title

Report of the Committee on State Government on Bill "An Act to Involve the Legislature in Establishing Equal Pay for Jobs of Comparable Worth in State Government" (S.P. 435) (L.D. 1202) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Relating to Collective Bargaining over the Compensation System for State Employees" (S.P. 594) (L.D. 1559)

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 Friday, May 24, 1985.

Ought to Pass as Amended

Report of the Committee on Local and County Government reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-94) on Bill "An Act to Authorize Sagadahoc County to Raise Funds to Renovate and Expand the Present Court Facilities at Bath" (S.P. 375) (L.D. 1009)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amend-

ment "A" (S-94) as amended by Senate Amendment "A" (S-101) thereto.

Report was read and accepted and the bill read once.

Committee Amendment "A" (S-94) was read by the Clerk.

Senate Amendment "A" (S-101) to Committee Amendment "A" (S-94) was read by the Clerk and adopted.

Committee Amendment "A" (S-94) as amended by Senate Amendment "A" (S-101) thereto was adopted and the Bill assigned for second reading Friday, May 24, 1985.

Ought to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" on Bill "An Act Appropriating Funds for Technical Assistance under the Community Development Block Grant Program" (S.P. 363) (L.D. 1000)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Senate Amendment "A" (S-100).

Report was read and accepted and the bill read once.

Senate Amendment "A" (S-100) was read by the Clerk and adopted and the Bill assigned for second reading Friday, May 24, 1985.

Divided Report

Majority Report of the Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-98) on Bill "An Act to Establish an Aroostook County Budget Committee" (S.P. 310) (L.D. 799)

Signed:

Senators:

TUTTLE of York
STOVER of Sagadahoc
BALDACCI of Penobscot

Representative:

MASTERMAN of Milo
SALSBURY of Bar Harbor
SMITH of Island Falls
ROTONDI of Athens
NICKERSON of Turner
McHENRY of Madawaska
HALE of Sanford
DAGGETT of Manchester

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

MURPHY of Berwick
WENTWORTH of Wells

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-98).

Reports were read.

Representative McHenry of Madwaska moved acceptance of the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative MURPHY: Mr. Speaker, I move that the House accept the Minority "Ought Not to Pass" Report.

Mr. Speaker, Ladies and Gentlemen of the House: We had three county budget committees in the Local and County Committee, one from Waldo, one from Kennebec and one from Aroostook County. The ones from Kennebec and Waldo County I had no problems with as it is assured in these bills that the people who finalize the county budgets would be elected officials. The amendment put onto the Aroostook County one could be, as it has been, all town managers. I personally do have a problem with that, not because I have any problem with town managers but I feel very strongly that when a budget is finalized, it should be by some elected officials and not by appointed, hired, or whatever.

Therefore, I urge you to accept the "Ought Not to Pass" Report.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Madwaska, Representative McHenry, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

98 having voted in the affirmative and 28 in the negative, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (S-98) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on State Government reporting "Ought Not to Pass" on Bill "An Act to Prevent Combining more than One Bond Issue Subject in a Single Bond Issue Bill" (S.P. 116) (L.D. 331)

Signed:

Senators:

KANY of Kennebec
ANDREWS of Cumberland

Representatives:

LACROIX of Oakland
BOUTILIER of Lewiston
DESCOTEAUX of Biddeford
COTE of Auburn
NADEAU of Saco
GWADOSKY of Fairfield

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (S.P. 593) (L.D. 1556) on same Bill.

Signed:

Senator:

HICHENS of York

Representatives:

SPROUL of Augusta
DILLENBACK of Cumberland
WENTWORTH of Wells
HICHBORN of LaGrange

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

Representative Gwadosky of Fairfield moved acceptance of the Majority "Ought Not to Pass" Report.

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 oppose the pending motion. I believe that there is a strong feeling out there amongst the citizens of this state that they want bond issues to be put to them separately. There are a few reasons for this. First of all, each issue would have to stand on its own merit. You won't have a less significant or less important bond issue pork barrelled with a very popular issue and, thereby, gaining state approval.

I also believe that this would reduce the number of projects which we bond; hopefully, that would reduce our bond indebtedness and it would also require that only the most strategic projects on a statewide basis would be approved.

There is precedence for this in other states. I think that that is important to point out. Currently, there are seven other states which prohibit the combining of bond issues. Those states are Alaska, California, Michigan, New Jersey, Oregon, Ohio and Rhode Island. Between 1978 and 1983, there have been nine bond questions with 21 projects. The combining has been going on for quite some time.

I was pleased in the second session of the 111th Legislature, we did decide to separate those out and, indeed, proponents of these bond questions viewed that to separate them would allow them a greater chance of passage rather than to be combined and have a very negative reaction from the voters of this state.

Again, I would simply reiterate—I believe the people of this state want to vote on these bond issues separately and I hope you would oppose the pending motion.

I would request a roll call.

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I rise this evening to agree with the Representative from Augusta, Representative Sproul, people back home certainly do seem to appreciate the concept or idea of bonds being separated and that they get to vote on them individually. This has always been an appealing concept; yet, passing this bill out is going to give them somewhat of a false impression because we already possess, as a legislature, every bit of power we need today or tonight, whenever we pass these out, to separate these. As the Representative from Augusta indicated, during the second session of the 111th Legislature, we did separate them. We did not send them out as a package. We have the ability to do that now.

I also want to point out his suggesting that this measure will help improve our bond rating because the State of Maine's bonded indebtedness right now, is about the best position we have been in a long time. I don't think that this is going to make one bit of difference in our bonded indebtedness.

Lastly, this bill is a guideline. It is not something that is going to be followed in the statutes forever and ever because we cannot bind any future legislature unless we adopt something like this constitutionally. It is strictly a guideline and I don't think that we really need to be putting extra guidelines upon a legislature. All it does is take away power from the legislature, it takes away power from you and I to separate these issues. The people back home want these various projects separated and they can contact you and I as legislators and we can vote to separate them and not put them out as a package. But that is an option that you and I should keep rather than trying to pass a bill which is simply a guideline.

I would urge you to support the Majority "Ought Not to Pass" Report.

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

Representative SPROUL: Mr. Speaker, Men and Women of the House: To briefly respond to the good Representative from Fairfield, it is true, this is simply a guideline; however, that is not without precedence within this body this year. Just within the past month, we passed out a bill which statutorily set adjournment date to the Maine Legislature. That also is only a guideline.

There is nothing wrong with guideline—I can't help but notice the Speaker shaking his head "no" and he is referring to an article in the Constitution which says that the Legislature shall establish deadlines and in talking with members of the Attorney General's Office and with attorneys in the private sector, they view that that meant for each legislature as they came in to set their own adjournment date so I would reiterate that that statutorily setting is not a constitutional amendment and, in effect, we cannot bond future legislatures. That is true of this bill. However, there is an overriding sentiment—I believe that it is good public policy for us to separate the bond issues and I believe if there is one thing that the people want, it is for us to set limitations and stipulations upon ourselves. That is an act of leadership and I would hope that you would oppose the pending motion.

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 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 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. 80

YEAS:—Aliberti, Allen, Baker, H.R.; Beaulieu, Bost, Boutillier, Brannigan, Brodeur, Brown, A.K.; Carrier, Carroll, Carter, Cashman, Chonko, Clark, Coles, Connolly, Cooper, Cote, Crouse, Crowley, Daggett, Descoteaux, Diamond, Duffy, Erwin, Gwadosky, Hale, Hayden, Hickey, Hoglund, Jacques, Jalbert, Joseph, Lacroix, Lisnik, Macomber, Manning, Martin, H.C.; Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Moholland, Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, Paradis, P.E.; Paul, Perry, Pouliot, Priest, Richard, Ridley, Rioux, Roberts, Rolde, Rotondi, Rydell, Simpson, Smith, C.B.; Smith, C.W.; Soucy, Stevens, P.; Swazey, Tammara, Tardy, 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, Drinkwater, Farnum, Foss, Foster, Greenlaw, Handy, Harper, Hepburn, Hichborn, Higgins, L.M.; Hillock, Holloway, Ingraham, Jackson, Kimball, Law, Lawrence, Lebowitz, Lord, MacBride, Masterman, Matthews, McPherson, Mills, Mitchell, Murphy, E.M.; Murphy, T.W.; Nicholson, Nickerson, Paradis, E.J.; Parent, Pines, Racine, Randall, Rice, Salsbury, Scarpino, Seavey, Sherburne, Small, Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Telow, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirnklinton.

ABSENT:—Higgins, H.C.; Kane, Lander, O'Gara, Reeves, Ruhlin, Taylor, Warren.

76 having voted in the affirmative and 67 in the negative with 8 being absent, the motion did prevail.

Divided Report

Majority Report of the Committee on State Government reporting "Ought to Pass" on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for Staggered 4-year Terms for Senators (S.P. 394) (L.D. 1093)

Signed:

Senators:

KANY of Kennebec
ANDREWS of Cumberland
HICHENS of York

Representatives:

NADEAU of Saco
WENTWORTH of Wells
SPROUL of Augusta
HICHBORN of LaGrange
COTE of Auburn
BOUTILIER of Lewiston
DILLENBACK of Cumberland
DESCOTEAUX of Biddeford

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

Signed:

Representatives:

LACROIX of Oakland
GWADOSKY of Fairfield

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

Reports were read.

On motion of Representative Gwadosky of Fairfield, the Minority "Ought Not to Pass" Report was accepted in non-concurrence and sent up for concurrence.

Divided Report

Tabled and Assigned

Majority Report of the Committee on

Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-91) on Bill "An Act to Establish Pilot Indigency Screening Units for Court Appointed Counsel" (S.P. 336) (L.D. 899)

Signed:

Senators:

CARPENTER of Aroostook
CHALMERS of Knox
SEWALL of Lincoln

Representatives

ALLEN of Washington
DRINKWATER of Belfast
COOPER of Windham
LEBOWITZ of Bangor
MacBRIDE of Presque Isle
PARADIS of Augusta
PRIEST of Brunswick
KANE of South Portland
CARRIER of Westbrook

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

Signed:

Representative:

STETSON of Damariscotta

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-91)

Reports were read.

Representative Paradis of Augusta moved the acceptance of the Majority "Ought to Pass" Report and tomorrow assigned.

Non-Concurrent Matter

Bill "An Act to Amend the School Construction Law" (Emergency) (H.P. 508) (L.D. 713) which was passed to be engrossed as amended by Committee Amendment "A" (H-128) in the House on May 13, 1985.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-128) as amended by Senate Amendment "A" (S-96) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Amend the Maine Community Services Act" (H.P. 266) (L.D. 336) which was passed to be engrossed in the House on May 9, 1985.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-102) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Amend the Law Concerning the Student Incentive Scholarship Program Under the Education Law" (S.P. 68) (L.D. 119) which was passed to be engrossed as amended by Committee Amendment "A" (S-85) in the House on May 20, 1985.

Came from the Senate with that Body having adhered to its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-85) and Senate Amendment "A" (S-88) in non-concurrence.

The voted to recede and concur.

Non-Concurrent Matter

RESOLVE, to Establish a Commission to Prepare a Revision of the State's Motor Vehicle Laws (Emergency) (S.P. 321) (L.D. 810) on which the Bill and accompanying papers were indefinitely postponed in the House on May 20, 1985.

Came from the Senate with that Body having insisted on its former action whereby the Majority "Ought to Pass" Report of the Committee on Transportation was read and accepted and the Bill passed to be engrossed in non-concurrence.

On motion of Representative Theriault of Fort Kent, the House voted to Insist and asked for a Committee of Conference.

Non-Concurrent Matter

Bill "An Act to Amend the Law Establishing a Commercial Tag for Atlantic Salmon to Exempt Indians and Persons under 16 Years of Age" (Emergency) (H.P. 1048) which was indefinitely postponed in the House on May 17, 1985.

Came from the Senate referred to the Committee on Fisheries and Wildlife in non-concurrence.

The House voted to adhere to its former action whereby H.P. 1048 was indefinitely postponed on May 17, 1985.

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 Allow the Use of Botanical Pesticides in the Production of Foods Labeled or Advertised as Organic (Emergency) (H.P. 1074) (L.D. 1563) (Presented by Representative MICHAEL of Auburn) (Cosponsors: Representatives McCOLLISTER of Canton and BRAGG of Sidney) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed.)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act to Protect Deer yards in the Organized Townships" (H.P. 1081) (L.D. 1573) (Presented by Representative SMITH of Island Falls) (Cosponsors: Representatives GREENLAW of Standish and WALKER of Norway) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed.)

Sent up for concurrence.

State Government

Bill "An Act to Provide Expanded Markets for Products and Services from Rehabilitation Facilities and Work Centers" (Emergency) (H.P. 1075) (L.D. 1564) (Presented by Representative HAYDEN of Durham) (Cosponsors: Senators GILL of Cumberland, CLARK of Cumberland and Representative LISNIK of Presque Isle) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed.)

Sent up for concurrence.

Taxation

Bill "An Act to Require Certain Tax Classification Information to be Filed at the Registry of Deeds" (H.P. 1076) (L.D. 1565) (Presented by Representative MURPHY of Berwick) (Cosponsor: Representative HALE of Sanford) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Bill "An Act Relating to the Income Tax Checkoff for Political Parties" (H.P. 1077) (L.D. 1567) (Presented by Representative HANDY of Lewiston) (Cosponsors: Senator VIOLETTE OF Aroostook, Representatives DIAMOND of Bangor and MURPHY of Kennebunk) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed.)

Sent up for concurrence.

Study Report - Committee on

Transportation

Representative MOHOLLAND from the Committee on Transportation to which was referred by the Legislative Council the Study Relative to Issues Related to Motor Vehicle Auctions and the Validity of Motor Vehicle Titles have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Amend the Laws Related to Motor Vehicle Dealers and to

Address Certain Problems Related to Motor Vehicle Auctions in Maine" (H.P. 1084) (L.D. 1575) be referred to this Committee for public hearing and printed pursuant to Joint Rule 19

Report was read and accepted, and the bill referred to the Committee on Transportation, ordered printed and sent up for concurrence.

Reports of Committees

Unanimous Ought Not to Pass

Representative HANDY from the Committee on Education on Bill "An Act to Strengthen Education in Maine" (H.P. 897) (L.D. 1292) reporting "Ought Not to Pass"

Representative BROWN from the Committee on Education on Bill "An Act Concerning Funding for School Construction Projects by Certain Private Secondary Schools" (H.P. 915) (L.D. 1308) reporting "Ought Not to Pass"

Representative PERRY from the Committee on Legal Affairs on Bill "An Act to Provide for the Sale of Low-alcohol-content Liquor in Liquor Stores" (H.P. 783) (L.D. 1116) reporting "Ought Not to Pass"

Representative MASTERMAN from the Committee on Legal Affairs on Bill "An Act to Require 11 Days' Residence for Voter Registration" (H.P. 396) (L.D. 545) reporting "Ought Not to Pass"

Representative NICKERSON from the Committee on Legal Affairs on Bill "An Act Concerning Blood Test for Certain Drivers Involved in Motor Vehicle Accidents" (H.P. 900) (L.D. 1295) reporting "Ought Not to Pass"

Representative NICKERSON from the Committee on Legal Affairs on Bill "An Act to Require the Implementation of Toxicity Standards of Flammability for Commonly Used Building and Construction Materials" (H.P. 599) (L.D. 869) 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 NADEAU from the Committee on State Government on Bill "An Act Concerning Governmental Oversight" (H.P. 908) (L.D. 1322) reporting "Leave to Withdraw"

Representative GWADOSKY from the Committee on State Government on Bill "An Act to Establish the Office of Inspector General to Investigate Fraud, Waste or Abuse in the Expenditure of Public Funds" (H.P. 1009) (L.D. 1457) reporting "Leave to Withdraw"

Representative GWADOSKY from the Committee on State Government on Bill "An Act to Require Sufficient Notification in Cases of Adoption of Agency Rules" (H.P. 885) (L.D. 1242) reporting "Leave to Withdraw"

Representative GWADOSKY from the Committee on State Government on Bill "An Act Concerning State-guaranteed Mortgages" (H.P. 987) (L.D. 1417) reporting "Leave to Withdraw"

Representative NICKERSON from the Committee on Legal Affairs on Bill "An Act to Suspend the Licenses of Underage Drunken Drivers until They Reach Legal Drinking Age" (H.P. 440) (L.D. 622) reporting "Leave to Withdraw"

Representative MURPHY from the Committee on Legal Affairs on Bill "An Act to Provide Equitable Fees for Nonresident Concealed Weapons Permits and to Provide for Reciprocity" (H.P. 536) (L.D. 763) reporting "Leave to Withdraw"

Representative BRANNIGAN from the Committee on Business and Commerce on Bill "An Act to Recover Certain Refund Values Retained under the Beverage Container Law" (H.P. 716) (L.D. 1026) reporting "Leave to Withdraw"

Representative NELSON from the Committee on Human Resources on Bill "An Act to Create a Commission to Study the Availability and Coordination of Resources and Training for Child Abuse and Neglect Prevention and Treatment in Maine" (Emergency) (H.P. 1015) (L.D.

1464).

Representative BRAGG from the Committee on Agriculture on Bill "An Act Relating to the Transportation of Pasteurized Milk" (H.P. 1021) (L.D. 1474) reporting "Leave to Withdraw"

Representative RICHARD from the Committee on Aging, Retirement and Veterans on Bill "An Act to Treat all School Employees Equitably Under the Maine State Retirement System" (H.P. 32) (L.D. 34) reporting "Leave to Withdraw"

Representative WILLEY from the Committee on Labor on Bill "An Act to Incorporate Last Best Offer Provisions into the Municipal Public Employees Labor Relations Law for School Employees" (H.P. 177) (L.D. 211) reporting "Leave to Withdraw"

Representative PARADIS from the Committee on Judiciary on Bill "An Act to Require Fingerprinting of Employees at Day Care Centers, Schools and other Similar Facilities" (H.P. 851) (L.D. 1207) reporting "Leave to Withdraw"

Representative MacBRIDE from the Committee on Judiciary on Bill "An Act Concerning Visitation Rights in Divorce and Custody Proceedings" (H.P. 589) (L.D. 859) reporting "Leave to Withdraw"

Representative GWADOSKY from the Committee on State Government on RESOLVE, to Establish the Commission on the Evaluation of Occupational and Professional Licensing Boards (Emergency) (H.P. 735) (L.D. 1044) reporting "Leave to Withdraw"

Representative GWADOSKY From the Committee on State Government on Bill "An Act to Consolidate State Business Loan Programs into One Organization, the Finance Authority of Maine" (H.P. 79) (L.D. 99) reporting "Leave to Withdraw"

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Improve the Budgetary Process" (H.P. 992) (L.D. 1429) reporting "Leave to Withdraw"

Representative BROWN from the Committee on Education on Bill "An Act to Require the Listing of Courses within the University of Maine System of Colleges that are Transferable to Other Campuses" (H.P. 480) (L.D. 683) reporting "Leave to Withdraw"

Representative MOHOLLAND from the Committee on Transportation on Bill "An Act Concerning Maintenance of the Green Street Bridge in Sabattus" (H.P. 958) (L.D. 1378) reporting "Leave to Withdraw"

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

Ought to Pass in New Draft/New Title

Representative GWADOSKY from the Committee on State Government on Bill "An Act to Provide for One-stop State Licensing and Permitting of Businesses" (H.P. 930) (L.D. 1349) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Establish a Directory of Licenses and Permits Required of New and Expanding Businesses" (H.P. 1082) (L.D. 1574)

Report was read and accepted. The New Draft read once and assigned for second reading Friday, May 24, 1985.

Ought to Pass in New Draft/New Title

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act Providing for Repair, Maintenance and Operation of State-owned Dam on Dead River, Androscoggin County" (H.P. 680) (L.D. 986) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Providing Funding for Repair, Maintenance, Operation and Study of the Dead River Dam" (H.P. 1079) (L.D. 1570)

Report was read and accepted. The New Draft read once and assigned for second reading Friday, May 24, 1985.

Ought to Pass in New Draft/New Title

Representative HIGGINS from the Committee on Taxation on Bill "An Act to Exempt Used Machinery from the Sales Tax" (H.P. 318) (L.D. 407) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Change the Sales Tax Treatment of Property Used in the Production of Tangible Personal Property" (H.P. 1085) (L.D. 1576)

Report was read and accepted. The New Draft read once and assigned for second reading Friday, May 24, 1985.

Divided Report Tabled and Assigned

Majority Report of the Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-162) on Bill "An Act to Clarify the Discretionary Authority of the Harness Racing Commission to License Pari-mutuel meets and Assign Racing Dates" (H.P. 790) (L.D. 1120)

Signed:

Senators:

ERWIN of Oxford
CARPENTER of Aroostook
BLACK of Cumberland

Representatives:

CROUSE of Caribou
MICHAEL of Auburn
LORD of Waterboro
TARDY of Palmyra
WHITCOMB of Waldo
SHERBURNE of Dexter
PARENT of Benton
DAGGETT of Manchester
BRAGG of Sidney

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-163) on same Bill.

Signed:

Representative:

McCOLLISTER of Canton

Reports were read.

Representative Michael of Auburn moved acceptance of the Majority "Ought to Pass" Report.

On further motion of the same Representative, tabled pending his motion that the House accept the Majority "Ought to Pass" Report and tomorrow assigned.

Divided Report

Majority Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act to Mandate a Course in Cardiopulmonary Resuscitation in High Schools" (H.P. 257) (L.D. 311)

Signed:

Senator:

HICHENS of York

Representatives:

CROUSE of Caribou
LAWRENCE of Parsonsfield
BROWN of Gorham
SMALL of Bath
ROBERTS of Farmington
FOSS of Yarmouth
BOST of Orono

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (H.P. 1073) (L.D. 1562) on same Bill.

Signed:

Senators:

BROWN of Washington
GAUVREAU of Androscoggin

Representatives:

MATTHEWS of Caribou
O'GARA of Westbrook
HANDY of Lewiston

Reports were read.

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

Representative BROWN: Mr. Speaker, I move the acceptance of the Majority "Ought Not to Pass" Report.

Mr. Speaker, Ladies and Gentlemen of the House: This L.D. 311 would institute a state

mandate that secondary schools must offer a course in CPR. This is a tough bill to debate because CPR skills, like seatbelts, really do save lives. That issue is indisputable but I am opposing this bill for two reasons: first, local school districts may already offer CPR as part of their curriculum. There at the local level, board members can decide whether to offer the course based on the following criteria: number of students interested in CPR; availability of trained personnel to teach CPR and the cost of materials used in teaching CPR.

The second reason I oppose mandating CPR is the tampering of the minimum requirements the state sets for our schools. Last year during the special session, when we increased the graduation requirements for our schools, we were very careful to maintain the local integrity of the school boards to set curriculum. Every increase in course requirements were scrutinized to see if it was indeed an essential requirement. We resisted that very great temptation to mandate courses which might be important to one or two of us but were not considered basic. If we start mandating new courses, we are opening up the Reform Act to every legislator's pet subject or topic.

I urge you to accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Parsonsfield, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to delineate just what has been said by repeating that all members of the Education Committee support the inclusion of CPR as part of the school program. The majority of the same committee contend that CPR instruction may be included in the mandated health and education requirement at the discretion of the elected local boards of education.

The same majority consistently hold to the principal of local determination and are opposed to state mandation at this time. You are urged to support the majority by voting "Ought Not to Pass" on this measure.

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

Representative HANDY: Mr. Speaker, Members of the House: This is not requiring a separate course in cardiopulmonary resuscitation. First of all, I want to make that crystal clear. What the bill does is it requires to be included in a course that is already mandated. As you may know, health courses are required courses in high school for graduation and those signers of the Minority "Ought to Pass" Report in New Draft feel very strongly that CPR courses can be easily included in the currently required health course.

What we are talking about here today are the lives of our brothers and sisters, the people that we go through our daily activities with. The response time for a person to survive a heart attack or some occurrence where CPR is warranted, is four minutes. Those are clear, crucial minutes and if those four minutes pass, there is usually unalterable brain damage and possibly death. There are a number of studies that were made available to us as committee members. The thrust of one of them, I would like to point out, is not so much the quality of Cardiopulmonary Resuscitation but the fact that it was started so that trained personnel could get there in time to take on the necessary activities to sustain that life.

I would urge you to reject this motion before you so that we can go on and accept the Minority "Ought to Pass" in New Draft for the future of all our brothers and sisters.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Foss.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: Last September, the legislature mandated several new gradua-

tion requirements to establish a standard academic curriculum for the graduates of our high schools. Added courses included second year of social studies; two years of mathematics; two years of science; one year of fine arts; computer proficiency and the local school systems are now in the process of addressing the needs for new classrooms and new teachers to meet these requirements and the dust hasn't settled yet. Here we are only eight months later proposing yet another mandated course of study. No one is arguing the merits of life saving skills of CPR but I question where the decision to offer a CPR course should rest.

The Department of Education has drawn up rules suggesting that CPR be included in the health instruction requirement. These rules allow but do not require the local school systems to teach CPR and you must have qualified instructors and equipment to teach the course and that might be at an added cost.

We have heard many bills this session which would strip the local schools of their decision making abilities. I submit that it is time to stop playing school board members in Augusta and let the locally elected boards make their educational curriculum decisions based on their own scheduling and financial perimeters.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Gorham, Representative Brown, that the House 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.

106 having voted in the affirmative and 18 in the negative, the motion did prevail.

Sent up for concurrence.

Divided Report

Majority Report of the Committee on Business and Commerce reporting "Ought to Pass" as amended by Committee Amendment "A" (H-166) on Bill "An Act to Authorize Counties, Municipalities and Other Political Subdivisions to Purchase Deferred Compensation Instruments from Financial Institutions, Insurance Companies and Investment Firms" (H.P. 349)(L.D. 470)

Signed:

Representatives:

BRANNIGAN of Portland
MURRAY of Bangor
HILLOCK of Gorham
RYDELL of Brunswick
ALIBERTI of Lewiston
TELOW of Lewiston
STEVENS of Bangor

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

Signed:

Senators:

DANTON of York
SEWALL of Lincoln
BUSTIN of Kennebec

Representatives:

BAKER of Orrington
ARMSTRONG of Wilton
MARTIN of Van Buren

Reports were read.

On motion of Representative Brannigan of Portland, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-166) was read by the Clerk and adopted and the Bill assigned for Second Reading tomorrow.

Divided Report

Majority Report of the Committee on Business and Commerce reporting "Ought to Pass" as amended by Committee Amendment "A" (H-167) on Bill "An Act to Increase Consumers' Remedies under the Unfair Trade Practices Laws" (H.P. 715) (L.D. 1025)

Signed:

Senators:

BUSTIN of Kennebec

DANTON of York

Representatives:

RYDELL of Brunswick
MURRAY of Bangor
BRANNIGAN of Portland
TELOW of Lewiston
ALIBERTI of Lewiston
STEVENS of Bangor
MARTIN of Van Buren

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

Signed:

Senator:

SEWALL of Lincoln

Representatives:

ARMSTRONG of Wilton
BAKER of Orrington
HILLOCK of Gorham

Reports were read.

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

Representative BRANNIGAN: Mr. Speaker, I move acceptance of the Majority "Ought to Pass" Report.

Mr. Speaker, Men and Women of the House: This bill deals with the Unfair Trade Practices Act, an act used by customers in dealing with issues of material they bought, automobiles, toasters, and other consumer goods in which they must go to court with their own attorney and they must prove that an unfair trade practice has been committed. Once they have proven that an unfair trade practice has been committed, under the present law, the judges hands are tied as to what can be the remedy. At the present time, the judge can only rule that the person can get their money back. This is unusual -- in most cases, the judge has a lot more leeway than this, but under the Unfair Trade Practices Act, this is all the judge can rule. Now it may be that the person doesn't want their money back, it may be an automobile in which they have put in a lot of new improvements. It may be just an automobile that they like a lot and all they want is justice, that they want the automobile repaired, the judge can't order that under the present law and so all we are asking, under the amended version of this bill, is that the judge have the discretion of other remedies other than a return of a person's money. We ask you to expand this to this degree in the order of fairness.

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

Representative ARMSTRONG: Mr. Speaker, Men and Women of the House: I would hope that you would go against the pending "Ought to Pass" motion on this. One of the potentials of this bill is to further clog our court system because we are, in fact, via this bill allowing the consumer to initiate and bring unfair trade practices in court against any business he feels he has a cause to bring such action. It is important to know that, under current law, the consumer has a variety of remedies that he can follow if he thinks that he has received faulty merchandise. For instance, in the uniform commercial code he can initiate an expressed warranty action under the state's implied warranty laws and implied warranty action. He can bring a case against the business for breach of contract or for common fraud, for negligence, product liability -- he can use the small claims court.

If this particular bill is passed, it would allow the consumer also to use the state's Unfair Trade Practices Act to bring action against a business. Even the Attorney General's Office, the only proponent of this legislation, concedes that there will be an increase in the amount of litigation which will have an effect on court dockets and overall judicial system.

One of the problems of bringing an Unfair Trade Practices Act against any business, especially if the suit is fraudulent or has no

grounds, is that it can substantially tarnish the reputation of the business in a community in the area that it serves. These cases makes the papers and any time a consumer who might have a justifiable complaint or a difference of opinion over some particular product with a business, the consumer initiates a unfair trade practice against a local business, it can tarnish that businesses reputation in the business community for a good many years, even in the case where the business is found to be blameless, the taint of an unfair trade practice claim lives with them.

So, if you are concerned about the congestion in the courts, if you feel that the consumer certainly has many ways to go through our implied, explicit consent laws, small claims and other various sundry remedies, I urge you to vote against the pending motion.

I would ask for a Division, Mr. Speaker.

Representative Baker of Orrington requested a roll call.

The SPEAKER: 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 Orrington, Representative Baker.

Representative BAKER: Mr. Speaker, Ladies and Gentlemen of the House, Earlier this week we discussed here on the floor of the House the bill to permit the Attorney General to act as an attorney for individuals in the recovery of money in a business dispute. Now, here we are again, a little bit later in the week, to discuss an even more sensitive question, whether we should permit consumers to use the Unfair Trade Practice Act to recover attorney's fees.

On the surface, this would seem to be reasonable and rather harmless but the vehicle that must be used to accomplish this is to charge that retailer or automobile dealer with an unfair trade practice. I submit to you, ladies and gentlemen of the House, that there is a tremendous difference between being hit with an ordinary business suit and being charged with unfair business practice. While folks generally accept the business being involved with a court action in the ordinary course of business, there is a real stigma attached to being charged with an unfair trade practice. This proposal will have a chilling effect on the willingness of business to go to court to protect its own legitimate business interest. It is quite one thing to be sued and to go to court in a civil action; it is quite another to be accused of committing an unfair trade practice, which invariably finds its way into print or into the other news media and which attaches to it a reputation which can have a long term effect on a businesses ability to compete in the market. The allegation that a business has acted unfairly or fraudulently is not one that should be made lightly and legislation should not be enacted which promotes such harsh and unreasonable consequences to a business which decides that it only wants to protect its own legitimate interests.

I hope that you will oppose this bill.

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

Representative MURRAY: Mr. Speaker, Men and Women of the House: I would just like to speak briefly on a couple of matters that were raised by the gentleman from Orrington, my good friend, Representative Baker. First of all, the issue of attorney's fees is no longer being considered in this bill -- that was Section 2 of the original bill, which you can see by the Committee Amendment, was deleted. All this bill

does deal with is the issues of repair or return, the different alternatives to restitution or the return of the actual money which the Representative from Portland, Representative Brannigan, brought out.

I would also agree with both Representative Armstrong and Representative Baker in their assessment of the degree of seriousness of the Unfair Trade Practices Act and when that act is to be utilized. It should not be utilized lightly and I don't believe that this measure deals with that issue either. At present, an individual has the right to bring an action under the Unfair Trade Practices Act if she or he feels that the person or the dealer or the business did act with unfair intentions in the sale of whatever the consumer good is but to take that action and to take that particular approach is far more difficult in proving than to take some of the other remedies that have been mentioned to you so if a consumer feels that he or she has been aggrieved in such a way that that person could prove that there has been a violation of the Unfair Trade Practices Act, I think we are talking about a very serious thing. I am sure that it would not be taken lightly because of the other remedies that are allowed.

The other thing that I think we ought to remember in discussing this bill that these remedies that this bill proposes will only take effect if that business has been proven guilty. All we are saying is that if a judge determines that a business has been found guilty of an Unfair Trade Practices Act, which is not an easy thing to prove because you do have to prove that sort of intent to act unfairly, that if that business is proven guilty, then the judge may consider other remedies other than simple restitution, which would include the remedies spelled out in the bill.

I would, therefore, urge you to support the Majority of the Business and Commerce Committee in taking this step.

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

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: I am addressing this bill because my concern for the business community and the remedies that the consumers presently have and I find this totally unnecessary. The Maine Supreme Judicial Court has stated on more than one occasion and I will quote: "consumers have been given a powerful weapon, the Unfair Trade Practices Act, which is capable of being used improperly for harassment and improper coercive tactics by plaintiffs when some litigation was necessary." I submit to you that a consumer in this state does have remedies to take action, express warranty action, implied warranty action, breach of contract action, common fraud action, negligence actions and product liability action.

The Attorney General came into our committee and wanted this bill passed because he submitted there was a problem but no one, not one consumer was in complaining about this. I submit that it is an act to increase the expansion of the Attorney General's Office and it was through debate in opposition that amendment "A" was put on to take away the attorney's fees. I submit that this intention of this was to circumvent the present remedy for consumer action, which is a tremendous overkill. This is like trying to remedy a fly on your friends head with a sledge hammer. This is ridiculous. If the man is to have a consumer unfair trade action taken against him, it should not be taken frivolously. You may brand a company's reputation unfairly for a minor dispute. Who is left damaged later? Certainly not the consumer, who brought a frivolous suit but the man who has the unfair trade practices action brought against him. This has an effect throughout the whole business community. I am not condoning those operators who should be prosecuted but I want you to understand that there are

other remedies to use and should be used before this action is taken.

I urge you to vote against the pending motion and help kill this bill.

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

Representative BRANNIGAN: Mr. Speaker, Men and Women of the House: Representative Murray has cleared up most of the other misspoken and changed things in the bill. I just wanted to point out to the Representative from Gorham that, in no way, will this be an expansion of the Attorney General's Office. We are talking about private action by one's own attorney, and to reiterate, there will be no attorney's fees attached to this amended version.

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

Representative STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I was kind of dozing off there until I heard the word "attorney's" mentioned and naturally that brought me right to my feet.

I guess this is an attorney's bill. It might help us attorney's a little bit and it might generate a little more business for our courts so we can authorize more judges, more courthouses and we certainly can lower the standards for more attorney's because we are going to need them. This is an attorney's bill, pure and simple, and I think we have adequate remedies in the law as it is to correct the unfair trade practices. We don't need to encourage more litigation in the private sector.

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

Representative HILLOCK: Mr. Speaker, Men and Women of the House: I am glad the Representative from Damariscotta got up. This bill deals with expanding areas of litigation. Suits should be brought under correct liability statutes. This bill has been labeled nothing more than a dumb lawyer's bill.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Willey.

Representative WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would ask you to reflect a moment on what happened to the Workers' Compensation Act, when lawyers were inserted into every single facet of the act. It became so expensive that nobody could afford it. I submit to you that you are in danger of doing exactly the same thing in this respect if you do, indeed, pass this law. I think you should reflect and seriously consider it because we will be back here in a few years to do undo something that we did today if you don't.

The SPEAKER: The pending question before the House is the motion of the Representative from Portland, Representative Brannigan, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 81

YEAS:—Aliberti, Allen, Baker, H.R.; Beaulieu, Bost, Boutillier, Brannigan, Brodeur, Brown, A.K.; Carrier, Carroll, Carter, Cashman, Chonko, Clark, Coles, Connolly, Cooper, Cote, Crouse, Crowley, Daggett, Descoteaux, Diamond, Duffy, Erwin, Gwadnosky, Hale, Handy, Hayden, Hickey, Hoglund, Jacques, Jalbert, Joseph, Lacroix, Lisnik, Macomber, Manning, Martin, H.C.; Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, Moholland, Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, Paradis, P.E.; Paul, Perry, Pouliot, Priest, Racine, Richard, Ridley, Rioux, Roberts, Rolde, Rotondi, Rydell, Simpson, Smith, C.B.; Soucy, Stevens, P.; Swazey, Tammaro, Tardy, Telow, Theriault, Vose, Walker, Warren, The Speaker.

NAYS:—Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bott, Bragg, Brown, D.N.; Cahill, Callahan, Connors, Davis, Dellert, Dexter,

Dillenback, Drinkwater, Farnum, Foss, Foster, Greenlaw, Harper, Hepburn, Hichborn, Higgins, L.M.; Hillock, Holloway, Ingraham, Jackson, Kimball, Law, Lawrence, Lebowitz, Lord, MacBride, Masterman, Matthews, McPherson, Murphy, E.M.; Murphy, T.W.; Nicholson, Nickerson, Paradis, E.J.; Parent, Pines, Randall, Rice, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.W.; Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

ABSENT:—Higgins, H.C.; Kane, Lander, O'Gara, Reeves, Ruhlin, Taylor.

81 having voted in the affirmative and 63 in the negative with 7 being absent, the Majority "Ought to Pass" Report was accepted and the bill read once.

Committee Amendment "A" (H-167) was read by the Clerk and adopted and the Bill assigned for Second Reading tomorrow.

Divided Report

Tabled and Assigned

Majority Report of the Committee on Agriculture reporting "Ought Not to Pass" on Bill "An Act to Revise Rules Governing Certification of Seed Potatoes" (H.P. 249) (L.D. 303)

Signed:

Senator:

BLACK of Cumberland

Representatives:

BRAGG of Sidney

PARENT of Benton

SHERBURNE of Dexter

WHITCOMB of Waldo

CROUSE of Caribou

LORD of Waterboro

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (H.P. 1080) (L.D. 1572) on same Bill.

Signed:

Senators:

ERWIN of Oxford

CARPENTER of Aroostook

Representatives:

McCOLLISTER of Canton

MICHAEL of Auburn

TARDY of Palmyra

DAGGETT of Manchester

Reports were read.

Representative Michael of Auburn moved acceptance of the Minority "Ought to Pass" Report.

On further motion of the same Representative, tabled pending his motion that the House accept the Minority "Ought to Pass" Report and tomorrow assigned.

Divided Report

Majority Report of the Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-169) on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Correct Certain Inconsistencies Relating to Civil Offices (H.P. 943) (L.D. 1353)

Signed:

Senators:

KANY of Kennebec

ANDREWS of Cumberland

Representatives:

GWADOSKY of Fairfield

COTE of Auburn

DESCOTEAUX of Biddeford

LaCROIX of Oakland

SPROUL of Augusta

BOUTILLIER of Lewiston

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

Signed:

Senator:

HICHENS of York

Representatives:

DILLENBACK of Cumberland

NADEAU of Saco

HICHBORN of LaGrange

WENTWORTH of Wells

Reports were read.

On motion of Representative Gwadosky of Fairfield, the Majority "Ought to Pass" Report was accepted and the Resolution read once.

Committee Amendment "A" (H-169) was read by the Clerk and adopted and the Resolution assigned for Second Reading tomorrow.

Divided Report

Majority Report of the Committee on Local and County Government on Bill "An Act Relating to the Frequency of Payments by Certain County Officials to County Treasurers" (H.P. 313) (L.D. 402) reporting "Ought to Pass" in New Draft under New Title RESOLVE, Directing County Officials to Manage and Invest County Funds in Accordance with Sound and Prudent Financial Principles" (H.P. 1078) (L.D. 1569)

Signed:

Senators:

STOVER of Sagadahoc
BALDACCI of Penobscot
TUTTLE of York

Representatives:

ROTONDI of Athens
McHENRY of Madawaska
WENTWORTH of Wells
MURPHY of Berwick
NICKERSON of Turner
DAGGETT of Manchester

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

Representatives:

SMITH of Island Falls
SALSBURY of Bar Harbor
HALE of Sanford
MASTERMAN of Milo

Reports were read.

On motion of Representative McHenry of Madawaska, the Majority "Ought to Pass" Report was accepted, the Bill 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:

(S.P. 219) (L.D. 578) Bill "An Act to Make Certain Housekeeping Changes to the Maine Criminal Code" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-99)

(S.P. 387) (L.D. 1066) Bill "An Act to Expand the Number of Elder Volunteers in the Retired Senior Volunteer Programs, Foster Grandparent Programs and the Senior Companion Program" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-97)

(S.P. 312) (L.D. 801) Bill "An Act to Amend the Law Relating to Deputy Sheriffs, Appointments and Removal" Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-93)

(S.P. 365) (L.D. 985) Bill "An Act Concerning Commercial Fishing and Maritime Activity Zones" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-90)

(S.P. 242) (L.D. 637) Bill "An Act to Clarify the Maine State Retirement System's Board of Trustees' Relationship with the System's Investment Managers" Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (S-92)

(H.P. 918) (L.D. 1324) Bill "An Act to Improve the Functioning of the Maine Milk Commission" Committee on State Government reporting "Ought to Pass"

(H.P. 124) (L.D. 149) Bill "An Act to Repeal an Outdated Provision of the Highway Law" Committee on Transportation reporting "Ought to Pass"

(H.P. 718) (L.D. 1028) Bill "An Act to Im-

prove the Laws on School Health Programs" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-172)

(H.P. 563) (L.D. 834) Bill "An Act to Extend the National School Breakfast Program Availability to Maine School Children" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "B" (H-170)

There being no objections, the above items were ordered to appear on the Consent Calendar of Friday, May 24, 1985 under the listing of Second Day.

Consent Calendar

Second Day

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

(S.P. 508) (L.D. 1368) RESOLVE, Authorizing Clayton, Maryann, Jeremy and Elizabeth Huff to Bring Civil Action Against the State and Cumberland County

(H.P. 683) (L.D. 969) Bill "An Act to Amend Calculation of Period of Imprisonment under the Maine Criminal Code" (C. "A" H-158)

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

Passed to Be Engrossed

Bill "An Act to Clarify the Law Regarding the Taking of Soft-shell Clams" (H.P. 1065) (L.D. 1547)

Bill "An Act Concerning Snowmobile Registration Fund Distribution" (H.P. 1071) (L.D. 1558)

Bill "An Act to Clarify and Make Technical Changes in the Law Governing Boards and Commissions" (Emergency) (H.P. 1072) (L.D. 1560)

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

Tabled and Assigned

Bill "An Act to Clarify and Correct Certain Laws Relating to Marine Resources Laws" (Emergency) (H.P. 1066) (L.D. 1548)

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

On motion of Representative Crowley of Stockton Springs, tabled pending passage to be engrossed and tomorrow assigned.

Bill "An Act to Guarantee Equitable Access to Soft-shell Clam Resources" (H.P. 1067) (L.D. 1549)

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

Tabled and Assigned

Bill "An Act to Clarify Taxpayer Information on Local Property Tax Bills" (H.P. 1070) (L.D. 1551)

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

On motion of Representative Cashman of Old Town, tabled pending passage to be engrossed and tomorrow assigned.

Bill "An Act to Allow Sheriffs' Deputies to Hold Nonpartisan Local Elected Office" (H.P. 366) (L.D. 486)

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

Representative Cahill of Woolwich offered House Amendment "A" (H-148) and move its adoption.

House Amendment "A" (H-148) 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.

As Amended Tabled and Assigned

Bill "An Act Relating to Retirement Options for Legislators" (H.P. 703) (L.D. 1013) (C. "A" H-154)

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

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

Bill "An Act to Establish a Kennebec County Budget Committee" (H.P. 300) (L.D. 389) (C. "A" H-155)

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

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

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will take a very close look at L.D. 389 this evening. It is a far reaching proposal that has far reaching aspects on the process that we currently use to approve county budgets. It is the creation of a brand new bureaucracy in the state, one that has been voted down by the voters a few years ago. It has now come back in another form but one which contains the same terrible elements and that is, it discriminates against the small towns that would be lumped together with the bigger towns in the commissioner districts. These small towns would lose their voice in determining what type of a budget that would be adopted by the counties.

If you read carefully on page three of the bill, permit me to quote it, on line three "each vote shall be weighed according to that municipalities population as a proportion of the districts total population." I think it is my responsibility, in all fairness, to say that there are towns in Kennebec County, towns like Vienna and Rome and West Gardiner and Monmouth and Farmingdale, Oakland, Benton, Windsor, China and others that would be impacted negatively if such a bill were to pass this House this evening.

I am a legislator from Augusta. I would stand to gain by the passage of this legislation. Waterville would stand to gain by the passage of this legislation and so would Gardiner. But those small towns rely heavily on the counties for police protection and other necessary items because they have small towns, they do not have the large municipalities that we do. I don't think that this is at all reform. I think it is a step in the wrong direction, it creates a new bureaucracy.

If you look on page four, beginning on line nine, there are expenses to be incurred by each of these new budget committee members. We presently pass county budgets. We do not receive extra compensation to do so, we do it in a normal course of our legislative day.

Section 1403 calls for a budget committee organization—"The county commissioner shall provide the committee with necessary clerical assistance, office expenses and suitable meeting space as well as the access to county files and information."

The Chairman of the Kennebec County Commissioners told me last night that this would, in all probability, add an extra \$25,000 to our budget since they would have to include every member of every town in Kennebec County, all the selectmen, all the city councilors on their mailing list to keep them informed constantly as to what is going on. Then, when there is a budget committee meeting, those people would have to be paid their expenses. It would be a secretary, clerical assistance, etc.

I think that the sponsors and the supporters of this bill are well intentioned. I do not question that in any way but I do not think it is reform and I think that those people in the small towns of Kennebec County are going to be at a disadvantage, a severe disadvantage,

if this bill is ever implemented.

For that reason Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The Chair recognizes the Representative from Monmouth, Representative Davis.

Representative DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: It might be well to note that 25 of the 29 communities in Kennebec County favor this bill. Most of them are small towns. You know I come from a small town and the cosponsor comes from a small town and you know we don't worry a bit about looking after our end of the county budget. We feel we can hold our own. We feel that the smaller communities can band together and we can barter with Augusta, Waterville, whatever you want to bring forth. We know what is in this bill and we know that the votes are weighted. We also know that local towns get together when it comes to volunteer fire departments and you know we might just get together when it comes to a budget committee. If we need help, we will seek help from our neighbors.

As far as this being another form of bureaucracy, I would question that and I certainly would question the figure of \$25,000. I know some of these larger communities are against this but I think that the process that we have outlined in this bill is a good one. What it does, is allows the elected officials of these communities who furnish the money—they are the ones that furnish the money for the county budget to make the decision—that decision is theirs and it doesn't come through the Legislature, we don't have to take up that budget here because the local communities will make that decision. I think where 25 out of 29 towns, with only one in opposition, they should be given that opportunity to look after their own budget.

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

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I have spoken before on voting for different county budgets or change in a method of approving a county budget. It makes me feel a little uncomfortable, to be honest with you, being from Washington County to be voting on a Kennebec County situation.

So therefore, I would just ask a couple of questions that would help me vote in the right directions.

One, has the county delegations taken a position on this? And is there a referendum clause in the bill itself?

The SPEAKER: Representative Vose of Eastport has posed a series of questions through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Winslow, Representative Carter.

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: The answer to my good friend's question, both questions, is no.

While I am on my feet, I would like to bring out several points on this issue. It seems to me that since I have served in this Legislature that, more and more, we respond to special interests groups, not to the people that we represent. We seem to assume that the people are well represented but we continue to ignore them.

Now the good gentlemen from Eastport has asked, is there a referendum? The answer is, no. Let me read to you from the 1977 record—you have heard the good gentlemen from Augusta say that this is just another form of bureaucracy, he is quite correct, he is right on the mark. This is nothing more than another attempt to circumvent the will of the people, when in 1977, the legislature passed an act recognizing county charters and establishing county charter commissions. Now that had a

referendum—statewide. Six counties decided to vote, five counties turned it down flat including Kennebec. Cumberland passed it by a margin of 29 votes but no charter ever surfaced. Now, the people in my county have spoken. Now here comes this bill trying to accomplish the same thing but this time—forget local control, forget what the people have said, just ram it down their throats.

I ask you, ladies and gentlemen of the House, is this good government, is this democracy in action? Let me read to you what was said on the floor of the House when the charter commission was passed. "I promise you that this is the last county bill you will see as far as this kind of stuff is concerned. I would like to point out to you that the difference is, as compared to a lot of other so-called county reform bills, this is the most modest of all, it is merely to allow the people from local areas in each county to vote, if they wish, for a charter commission and then that commission could propose a reorganization of the administration of the county." Now this was soundly defeated in Kennebec County but here we are again. If the people that listened to this bill truly want to represent the people, then they should do what is only fit and proper—not hold bills in committee as hostage until they can fly their trial balloons. They have been doing this for three sessions in a row. If they truly represent the people, they should allow those bills to hit the floor, not try to kill them in committee or bottle them up. It looks to me as if the members of the County Government Committee are reacting through special interest groups.

You all know that I sponsored a bill to abolish county government and I would like to tell you who appeared to oppose that bill. Person after person, former commissioner or present commissioner, truly special interest people, and a few county employees and what they told you and what they told the committee, I couldn't believe my ears. One gentleman got up and he was testifying against my bill, the chairman asked him a question—he said, "you people built a jail, where did you get the funds?" The county official with a big smile on his face said: "we got them out of surplus." The law is very clear, we changed it several years ago. It said, "any surplus will be used to replenish the contingency account, which shall not exceed \$50,000 and then the funds will be used to reduce the taxes." But that is not what happened in York County.

A former commissioner from Washington County was next in line. This particular person was complaining because the people in Washington County exceeded their contingent account. The citizens had signed a petition and they could not get any satisfaction from anyone. They even went to the Attorney General's Office and got nowhere. Another case where the law was violated. I am told the same thing happened in Sagadahoc County. The same thing is happening in every county of this state. We just had a bill before us, Page 16 of today's calendar—"Resolve directing county officials to manage and invest county funds in accordance with sound and prudent financial principles." Now, we have to direct them by law on how to invest money prudently and they are county officials representing the people?

This particular bill that we have before us today is a farce and should be given the deep six as quickly as possible and I would hope that you would support this bill and then, if you really want reform, allow the County Abolishment Bill to go to the people and let them decide, don't try an end-run or substitute.

The SPEAKER: The Chair recognizes the Representative from Oakland, Representative Lacroix.

Representative LACROIX: Mr. Speaker, Men and Women of the House: As a Representative of a very small town in Kennebec County, I really oppose this bill. If I am going to be

lumped in, if my town is going to be lumped in with Waterville, the only thing that is going to result from this is power politics and I really resent that as as citizen of Oakland.

The SPEAKER: The Chair recognizes the Representative from Monmouth, Representative Davis.

Representative DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: I can't understand the statement of my good friend from Winslow when he said, how can we say that we are not representing the people. Now, 25 towns have indicated by a document that they favor this bill, 25 towns. One town opposed it, so how can we say that we are circumventing the will of the people. Those people, those elected officials, have documented that they want to try this bill. If you read the amendment, you will note that it is sunsetted in three years. If it doesn't work, we can fix it or we can remove it. But I say that these 25 towns should have that opportunity to form this budget committee and have first-hand experience where this money is going, that is what they want to know. When they call you as a legislator, they want to know. If they are there personally representing their community, they will know.

So, I would hope you would defeat the pending motion so we can send this bill along for enactment.

The SPEAKER: The Chair recognizes the Representative from Manchester, Representative Daggett.

Representative DAGGETT: Mr. Speaker, Ladies and Gentlemen of the House: It kind of bother me the way that my good friend from Winslow talks about representation when it was hard for us to get a quorum from the legislature to hold our budget meetings of which several people never showed up. I think that my five towns that I represent have all written to me and asked me to support this bill and that is the reason I am a cosponsor of it. I feel that we should give it a fair try. I knew that our two main opponents were going to be the people that were in favor of abolishing county government altogether, that didn't surprise me one bit.

So, I hope that you defeat the motion to indefinitely postpone it.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: At the hearing, I don't recall anybody opposing this bill and I, for one, if the delegation from Kennebec County were to come to me or to any members of my committee, I assure you we would have listened to them.

On the second point, the gentlemen from Winslow is using the same tactics he used in previous years. I was not holding this bill hostage, our committee was not holding this bill hostage—as a matter of fact, we had enough respect for the gentlemen to hold the bill because it was unanimous "Ought Not to Pass" and there isn't a member of that committee, that is seldom in the committee, who signed out the "Ought to Pass" Report. We had the courtesy to do this and now he is saying, we held his bill hostage again.

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

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: My good friend from Monmouth tells us that 24 communities have voted on this bill, have approved it. I happen to sit on the town council in my community, I am a charter member, and every year my community, my fellow councilors and I have to plead with them as much as I am opposed to county government, that when the tax bill comes up in the budget for county government, we have no choice but to approve it. We have no choice, we have to approve it and they

have voted, year after year, not to pay the taxes. They are so frustrated they can't deal with the county and their methods of running a budget. The last budget meeting that we had in Kennebec County, I walked out. It seems as though I had received some figures and there was an overdraft—overdrafts are not supposed to occur but there was an overdraft of \$27,000. In my search trying to uncover where that overdraft was being paid from, the county chair got up and said, "we don't worry about paying bills in December, any bills that are contracted in December, we pay in January." We are running a 13 month budget on a 12 month fiscal year! I just simply folded my tent and walked out. No one can cope with county government. It is not a government, they are nothing but administrators and there are some that cannot even administer. It has been a continuous fight, turf fight, between the commissioners' and the sheriffs', the sheriff, who is a constitutional officer, and the commissioner, who is an elected official, as to who is going to tell who what to do. It is a constant battle and it costs the taxpayers money for nothing, absolutely nothing. It is totally unnecessary. Now, is you really want reform, the way to do and the only way to go, is to let the people decide if they want to keep this monstrosity.

County government will never, I repeat never, be strong in the State of Maine because the local communities are too independent minded. If you want strong county government, go to Florida. They have 67 counties, they are not really counties like you have in Maine, they are regions. My community and the community of Waterville are in Kennebec County and they have nothing in common economically with the city of Augusta, which happens to be down this end. But we have very much in common with the town of Fairfield, which happens to be in Somerset County. We have gotten around this by forming local districts. We have two now in operation. As a matter of fact, we have one of the first in the country, the Kennebec Water District, the first and the best, served the model for every community in the country. We are now working on a third district that we want to set up to take care of solid waste. We are dealing with Fairfield, Oakland, Benton, Winslow, and Waterville and any other community that wants to join. If we have a problem, county government isn't going to solve it. Kennebec County has spent money illegally to set up an ambulance service. They used federal revenue sharing funds to set up an ambulance service simply because all the hospitals happen to be in Waterville, and according to federal law, they are not supposed to spend federal funds for a direct service to a neighboring county which, in this case, was the town of Fairfield, which they did. They just ignored the law and they set it up and the service is a direct service for the town of Fairfield. They have no choice in the matter, the hospitals are all in Waterville. Now if the law does not suit their fancy, they just ignore it. This is now county government has been operating ever since I have been in this legislature. We have tried everything to try and straighten them out. They just cannot be straightened out because they are not a government.

A study was done in 1953 by Dr. Dow of the University of Maine and he recommended back then that you abolish county government. Every session since then they have picked away and picked away. We get bills before the Appropriations Committee every session, we want the state to pick up the tab for the court expenses, for this expense, for that expense. I am offering you a solution. The state will pick up the entire tab. Do you really want property tax reform? Let the state pick up the entire tab. This is what my bill will do, if you accept it.

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

Representative McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: As you heard the good gentlemen from Winslow, Representative Carter state, that the chairman of the county delegation doesn't seem to know how to appropriate money. Yet, he thinks this chairman is so great when he says he doesn't want the budget committee, no wonder he doesn't want the budget committee.

Representative Carter of Winslow requested a roll call vote.

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 on the motion of Representative Paradis of Augusta that the bill and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 82

YEAS:—Allen, Bost, Boutillier, Brannigan, Brodeur, Carroll, Carter, Cashman, Coles, Connolly, Cote, Erwin, Gwadosky, Handy, Hayden, Hickey, Jacques, Joseph, Lacroix, Martin, H.C.; Mayo, McCollister, Melendy, Michael, Michaud, Mitchell, Moholland, Murray, Nadeau, G.G.; Nelson, Paradis, P.E.; Paul, Priest, Richard, Ridley, Rolde, Rydell, Seavey, Stevens, P.; Strout, Tammaro, Theriault, Vose, Walker.

NAYS:—Aliberti, Armstrong, Baker, A.L.; Baker, H.R.; Beaulieu, Begley, Bell, Bonney, Bott, Bragg, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Chonko, Clark, Connors, Cooper, Crouse, Crowley, Daggett, Davis, Dellert, Descoteaux, Dexter, Diamond, Dillenback, Drinkwater, Duffy, Farnum, Foss, Foster, Greenlaw, Hale, Harper, Hichborn, Higgins, L.M.; Hillock, Hoglund, Holloway, Ingraham, Jackson, Kimball, Law, Lawrence, Lebowitz, Lisnik, Lord, Manning, Masterman, Matthews, McGowan, McHenry, McPherson, Mills, Murphy, E.M.; Murphy, T.W.; Nadeau, G.R.; Nicholson, Nickerson, Paradis, E.J.; Parent, Perry, Pines, Racine, Randall, Rice, Rioux, Roberts, Rotondi, Salsbury, Sherburne, Simpson, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stetson, Stevens, A.G.; Stevenson, Swazey, Tardy, Telow, Warren, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

ABSENT:—Carrier, Hepburn, Higgins, H.C.; Jalbert, Kane, Lander, MacBride, Macomber, McSweeney, O'Gara, Pouliot, Reeves, Ruhlin, Scarpino, Taylor, The Speaker.

44 having voted in the affirmative and 91 in the negative with 16 being absent, the motion did not prevail.

Whereupon, the Bill was passed to be engrossed as amended and sent up for concurrence.

Bill "An Act to Improve Remedies for Violations of Used Car Laws" (H.P. 806) (L.D. 1152) (C. "A" H-142)

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

Passed to be Enacted Bond Issue

An Act to Authorize Department of Transportation Bond Issues in the Amount of \$20,000,000 to Match Available Federal Funds for Highway, Bridge and Airport Improvements (S.P. 512) (L.D. 1374)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Ar-

ticle IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 124 voted in favor of same and none against, and accordingly, the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

RESOLVE, Relating to Improved Delivery of Services to Juvenile Justice Clients (H.P. 932) (L.D. 1338)

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

Emergency Measure

RESOLVE, Relating to the Development of an Interagency Plan to Address the Identified Gaps in Mental Health Services for Children and Families (H.P. 931) (L.D. 1337) (H. "A" H-135)

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

Emergency Measure

RESOLVE, Relating to the Development of a Plan for the Provision of Court-ordered Evaluations for Juveniles (H.P. 933) (L.D. 1339)

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. 121 voted in favor of the same and none against and accordingly, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure

RESOLVE, Relating to the Development of an Interdepartmental Medicaid Review Committee (H.P. 934) (L.D. 1340)

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. 116 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

An Act Concerning the Allocation of Costs Incurred for Incarceration in County Jails (H.P. 219) (L.D. 253) (C. "A" H-132)

An Act to Clarify the Definition of Spouse (H.P. 426) (L.D. 606) (H. "B" H-153 to C. "A" H-102)

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

An Act to Regulate Fishing Derbies (H.P. 646) (L.D. 916)

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

On motion of Representative Jacques of Waterville, under suspension of the rules, the House reconsidered its action whereby L.D. 916 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-180) and moved its adoption.

House Amendment "A" (H-180) 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.

An Act to Clarify the Laws of the Department of Marine Resources (H.P. 686) (L.D. 972)

An Act Concerning the Taking of Smelts (H.P. 734) (L.D. 1043)

An Act to Prevent Double Benefits for the Same Period of Service, to Provide Membership as of the Effective Date of First Contributions and to Provide that Benefits be Paid only to Members, their Dependents or Beneficiaries (H.P. 999) (L.D. 1441) (H. "B" H-152)

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

Tabled and Assigned

An Act to Increase the Competitive Bidding Minimum for County Commissioner Purchases (H.P. 1038) (L.D. 1512)

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

On motion of Representative McHenry of Madawaska, tabled pending passage to be enacted and tomorrow assigned.

An Act to Change the Law Relating to Liens for Unpaid Property Tax Assessments (H.P. 1041) (L.D. 1516)

An Act Concerning Funeral and Burial Expenses of Municipal General Assistance Recipients (H.P. 1042) (L.D. 1517)

An Act Concerning the Composition of the Board of Elevator and Tramway Safety (H.P. 1043) (L.D. 1518)

An Act Concerning Annual Inspection Fees for Inclined Lifts and Vertical Lifts (H.P. 1044) (L.D. 1519)

An Act to Increase the Number of Superior Court Justices and District Court Judges (S.P. 197) (L.D. 523) (C. "A" S-81)

An Act to Amend the Statutes on Sex Offenses (S.P. 283) (L.D. 772) (C. "A" S-83)

An Act Relating to Theft Offenses (S.P. 326) (L.D. 815) (C. "A" S-82)

An Act Relating to Prearranged Funerals or Burial Plans (S.P. 571) (L.D. 1498)

An Act to Simplify and Clarify the Public Utilities Commission's Authority Over Utility Issuance of Stocks, Bonds and Notes (S.P. 574) (L.D. 1499)

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

RESOLVE, Authorizing the Exchange by the Department of Defense and Veterans' Services of a Certain Parcel of Land in Belfast Fronting on Congress Street and Being Part of the Belfast Armory Lot for Another Parcel of Land to the Rear of Land Adjacent to the Armory with the City of Belfast (H.P. 799) (L.D. 1129) (C. "A" H-126)

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.1 were taken up out of order by unanimous consent:

Reports of Committees

Unanimous Leave to Withdraw

Representative LEBOWITZ from the Committee on Judiciary on Bill "An Act to Modify Waiver of Grounds for Relief in Post-conviction Review" (H.P. 860) (L.D. 1219) reporting "Leave to Withdraw"

Representative PARADIS from the Committee on Judiciary on Bill "An Act Concerning Peer Review Immunity and Confidentiality of Records in the Fields of Dentistry and Dental Hygiene" (H.P. 377) (L.D. 518) reporting "Leave to Withdraw"

Representative WHITCOMB from the Committee on Agriculture on Bill "An Act to Revise the Statutes Relating to the Maine Milk Pool Law" (H.P. 997) (L.D. 1439) 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 items appeared on the Consent Calendar for the First Day:

(H.P. 948) (L.D. 1357) RESOLVE, to Authorize Granting a Sewer Line Easement on State Land to the Town of Thomaston (Emergency) Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-171)

There being no objections, the above item was ordered to appear on Consent Calendar of Friday, May 24, 1985, under listing of Second Day.

(H.P. 871) (L.D. 1228) Bill "An Act to Provide for State Certification of School Administrators" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-173)

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

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

Committee Amendment "A" (H-173) was read by the Clerk.

Representative Brown of Gorham offered House Amendment "A" (H-181) to Committee Amendment "A" (H-173) and moved its adoption.

House Amendment "A" to Committee Amendment "A" was read by the Clerk.

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

Representative BROWN: Mr. Speaker, Ladies and Gentlemen of the House: This amendment makes it clear that only private schools, which undergo state approval process by the Department of Educational and Cultural Services must comply with the requirements of administrative certification.

The amendment inserts a statutory reference included in the original bill, which was inadvertently left out of the Committee Amendment.

Whereupon, House Amendment "A" to Committee Amendment "A" was adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted and the Bill assigned for Second Reading tomorrow.

(H.P. 634) (L.D. 902) Bill "An Act Relating to Coyote Control" Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-174)

(H.P. 808) (L.D. 1154) Bill "An Act to Expand the Victim's Rights Laws" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-175)

(H.P. 478) (L.D. 681) Bill "An Act Establishing Educational Scholarships for Children of Firefighters and Police Officers who Die in the Performance of Their Duty" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-176)

There being no objections, the above items were ordered to appear on the Consent Calendar of Friday, May 24, 1985 under the listing of Second Day.

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

Passed to Be Engrossed

Without Reference to Committee

Bill "An Act to Amend the Charter of the Jackman Sewer District" (H.P. 1086) (Presented by Representative ROTONDI of

Athens) (Cosponsor: Senator WEBSTER of Franklin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

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

Reports of Committees

Unanimous Ought Not to Pass

Representative BOTT from the Committee on Legal Affairs on Bill "An Act to Require that Persons Convicted of Operating under the Influence 3 or more Times Receive Immediate Treatment for Alcoholism" (H.P. 471) (L.D. 674) 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 GWADOSKY from the Committee on State Government on Bill "An Act to Provide for Flexibility in the Application of State Regulations Affecting Small Business" (H.P. 476) (L.D. 679) reporting "Leave to Withdraw"

Representative NADEAU from the Committee on State Government on Bill "An Act to Establish the Office of the Small Business Ombudsman" (H.P. 909) (L.D. 1307) reporting "Leave to Withdraw"

Representative NADEAU from the Committee on State Government on Bill "An Act Concerning Appeals to the Governmental Ethics Commission" (H.P. 901) (L.D. 1296) reporting "Leave to Withdraw"

Representative PERRY from the Committee on Legal Affairs on Bill "An Act Concerning the Serving of Liquor for On-premise Consumption in Certain Restaurants" (H.P. 760) (L.D. 1080) reporting "Leave to Withdraw"

Representative PERRY from the Committee on Legal Affairs on Bill "An Act Concerning the Purging of Voter Lists" (H.P. 798) (L.D. 1128) reporting "Leave to Withdraw"

Representative JACQUES from the Committee on Energy and Natural Resources on Bill "An Act to Amend the Wood Measurement Law" (Emergency) (H.P. 721) (L.D. 1068) reporting "Leave to Withdraw"

Representative BROWN from the Committee on Education on Bill "An Act to Require Total Reimbursement for Actual Per Student Costs to a School Administrative Unit for High School Expenditures" (H.P. 955) (L.D. 1375) 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 items appeared on the Consent Calendar for the First Day:

(H.P. 732) (L.D. 1041) Bill "An Act Concerning Abandoned or Unclaimed Property and Security Deposits in a Landlord and Tenant Agreement" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-177)

(H.P. 538) (L.D. 765) RESOLVE, Authorizing the Sale of State-owned Land to the Crisis and Counseling Center Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-178)

There being no objections, the above items were ordered to appear on the Consent Calendar of Friday, May 24, 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 CROUSE from the Committee on Education on Bill "An Act to Establish a Uniform Method by Which the Authority to Confer Degrees by Colleges Operating in Maine is Authorized" (H.P. 993) (L.D. 1430) 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 CROUSE from the Committee on Education on Bill "An Act Concerning the Education Laws and Compensation and Recognition of Teachers" (H.P. 1001) (L.D. 1443) 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 items appeared on the Consent Calendar for the First Day:

(H.P. 1025) (L.D. 1477) Bill "An Act Concerning Service Requirements for Medical Students" Committee on Education reporting "Ought to Pass"

(H.P. 737) (L.D. 1046) Bill "An Act to Expand the Inspection of Used Car Dealers Conducted by the Division of Motor Vehicles" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-184)

(H.P. 194) (L.D. 228) Bill "An Act to Provide County Commissioner Districts in Washington County" Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-186)

There being no objections, the above items were ordered to appear on the Consent Calendar of Friday, May 24, 1985 under the listing of Second Day.

Representative Michael of Auburn was granted unanimous consent to address the House:

Representative MICHAEL: Mr. Speaker, Men and Women of the House: In regard to L.D. 1439, which we accepted "Leave to Withdraw" earlier today, the sponsors of that L.D. presented the bill because they believed there were some differences in treatment between farmers that should be looked at and because at times farmers don't get paid appropriately for milk produce. While some members of the Committee prefer to make changes immediately, other members of the Committee wished to receive the results of the study of milk price regulatory options, which this legislature authorized and the Governor approved earlier this year. In regard to the study, the sponsors of L.D. 1439, have agreed to withdraw the proposed legislation with the understanding that this study will examine the appropriateness of the provision of the pool law which defines the plant price as the price received less transportation costs from the reload station.

The Agriculture Committee and the sponsors have also been assured that this study commission or the Maine Milk Commission will examine the price farmers receive when Maine market dealers sell milk to out of state dealers located in areas which are not subject to price regulation by either the state or the federal government.

As I stated, because of this understanding, these two issues will be studied along with the other topics to be studied, which include the interrelationship of the Maine Milk Pool Law and the Milk Commission Law on prices received by our Maine farmers. The Select Committee on Milk Pricing is to issue its final report no later than November 1, 1985 and that time frame will allow sponsors of L.D. 1439 or others to introduce legislation in order to address con-

cerns that remain after the issuance of that report.

Representative NADEAU of Saco moved that the House reconsider its action whereby Minority Report of the Committee on State Government reporting "Ought Not to Pass" on Resolution, Proposing an Amendment to the Constitution of Maine to Provide for Staggered 4-year Terms for Senators (S.P. 394) (L.D. 1093) was accepted.

On further motion of the same Representative, tabled pending his motion to reconsider and tomorrow assigned.

The following Order was taken up out of order by unanimous consent:

Orders

On motion of Representative WARREN of Scarborough, the following Joint Resolution: (H.P. 1083)

JOINT RESOLUTION PRAISING THE GOVERNMENT OF THE REPUBLIC OF IRELAND FOR ITS EFFORTS TO HELP THE MINORITY AND MAJORITY POPULATIONS IN NORTHERN IRELAND ACHIEVE PEACE

WHEREAS, citizens of the State of Maine and all over the United States have strong and special ancestral ties with the island of Ireland, which is now divided into 2 parts, Northern Ireland and the Republic of Ireland; and

WHEREAS, Irish-Americans and countless others desire to see peace come to Northern Ireland; and

WHEREAS, the people of America have a long and proud tradition of achieving amicable resolution of disputes through communication, dialogue and human compromise; and

WHEREAS, the head of the government of the Republic of Ireland, Dr. Garrett Fitzgerald, has, on many occasions, sympathized with the plight of the Roman Catholic minority population of Northern Ireland and all others affected by he many years of violence there; and

WHEREAS, Dr. Fitzgerald has scheduled a series of private visits for the month of May in Boston, other locations in the United States and in Canada, as well; now, therefore, be it

RESOLVED: That We, the Members of the 112th Legislature, now assembled in the First Regular Session, take this opportunity to praise the efforts of Dr. Fitzgerald and urge that other world leaders, such as Ronald W. Reagan, President of the United States of America and Margaret Thatcher, Prime Minister of the United Kingdom of Great Britain and Northern Ireland, devote as much time, energy, courage and creativity in the coming months to do whatever possible to bring peace to the people of Northern Ireland and end the violence that has gone on for too long; and, be it further

RESOLVED: That copies of this resolution be transmitted to the Ambassador of the United Kingdom of Great Britain and Northern Ireland, the Ambassador of the Republic of Ireland and the British Secretary for Northern Ireland, James Prior, at Belfast, Northern Ireland.

Was read and adopted and sent up for concurrence.

(Off Record Remarks)

On motion of Representative Perry of Mexico. Adjourned until twelve o'clock tomorrow noon.