

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Twelfth  
Legislature***

OF THE

**STATE OF MAINE**

**Volume II**

**FIRST REGULAR SESSION**

**December 5, 1984 - June 20, 1985**

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**August 29, 1985**

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## HOUSE

Friday, May 24, 1985

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

Prayer by Representative Mayo of Thomaston, Maine.

Quorum called; was held.

The Journal of yesterday was read and approved.

## Committee of Conference

Report of 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) have had the same under consideration and ask leave to report:

The House recede from Passage to be Engrossed;

Committee of Conference Amendment "B" (H-187) be read and adopted and the Resolve Passed to be Engrossed as Amended by Conference Committee Amendment "B" (H-187) in non-concurrence.

That the Senate Recede and Concur with the House.

(Signed) Representative ALLEN of Washington, MILLS of Bethel and STROUT of Corinth—of the House.

Senators DANTON of York, CHALMERS of Knox and McBREAIRTY of Aroostook—of the Senate.

Representative Allen of Washington moved the House accept the Committee of Conference Report.

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

Representative CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: The Committee of Conference report virtually restores the original language of the bill. While I have no objection to the gentleman that this bridge is being named after, I do still philosophically disagree with this method of naming bridges and I do request a Division Mr. Speaker.

The SPEAKER: The Chair will order a vote. The pending question before the House is on adoption of the Committee of Conference Report. Those in favor of adoption will vote yes; those opposed will vote no.

A vote of the House was taken.

74 having voted in the affirmative and 48 in the negative, the Committee of Conference Report was accepted.

Whereupon, the House voted to recede whereby the bill was passed to be engrossed.

Committee of Conference Amendment "B" (H-187) was read by the Clerk and adopted.

The Resolve was passed to be engrossed as amended by Committee of Conference Amendment "B" in non-concurrence and sent up for concurrence.

## Papers from the Senate

The following Communication:  
The Senate of Maine  
Augusta

May 23, 1985

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

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Judiciary, the Governor's nomination of Kermit V. Lipez of South Portland for appointment as a Superior Court Justice.

Mr. Lipez is replacing Sumner Goffin.

Sincerely,

S/ JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

The following Communication:  
The Senate of Maine  
Augusta

May 23, 1985

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

Dear Clerk Pert:

Please be advised that the Senate adhered to its former action on Bill "An Act Relating to Solicitations and Public Office Holding by State Employees" (S.P. 533) (L.D. 1434)

Thank you.

Sincerely,

S/ JOY J. O'BRIEN

Secretary of the Senate

Was read.

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to take this opportunity to inform the members of the House of the final disposition on this bill. This bill was an unanimous committee report from the Committee on State Government dealing with the political rights of state employees. This unanimous committee report from the Committee on State Government dealing with the political rights of state employees. This unanimous committee report would have treated all state employees equally in their political rights. Currently, there is a double standard and a discrepancy that exists between classified and unclassified.

The Maine State Employees Association was in opposition to our unanimous committee report and was successful in getting an amendment put on this bill in the other body. That amendment dealt with allowing a few unclassified employees to have the ability to solicit among other state employees for the purpose of political fund raising. This body turned that amendment down. Once that amendment was turned down, the Maine State Employees Association then encouraged the other body to adhere; in other words, to kill the entire bill. We are sorry they have chosen to take that action. Our committee is disappointed in their attempt to get this bill killed and we feel sorry for the 10,000 members of the Maine State Employees Association who have now lost the right to run for local non-partisan office such as the school board because of the actions of the union leaders.

Thereupon, the Communication was placed on file.

Bill "An Act Concerning Liability for Injuries Caused by Drunken Persons" (S.P. 598) (L.D. 1568)

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

Was referred to the Committee on Legal Affairs in concurrence.

## Unanimous Ought Not To Pass

Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Provide Additional Tax Credits for Businesses Providing New Jobs on the Maine Border or in Areas of High Unemployment" (S.P. 376) (L.D. 1010)

Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Require that all Checks Issued to a Recipient of State Aid to Pay Local Real Estate Taxes be Issued Jointly in the Name of the Municipality and the Name of the Recipient" (S.P. 463) (L.D. 1266)

Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act Relating to the Legal Blood-alcohol Level under Maine's Operating under the Influence Laws" (S.P. 153) (L.D. 420)

Report of the Committee on Legal Affairs re-

porting "Ought Not to Pass" on Bill "An Act to Provide for Mandatory Loss of Operator License for Minors Operating Under the Influence" (S.P. 248) (L.D. 643)

Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act Relating to the Suspension of Motor Vehicle Licenses for Refusal of Chemical Tests" (S.P. 473) (L.D. 1276)

Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Reduce Acid Deposition in Maine" (S.P. 515) (L.D. 1389)

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

## Unanimous Leave to Withdraw

Report of the Joint Select Committee on Alcoholism Services reporting "Leave to Withdraw" on Bill "An Act to Make Allocations from the Alcoholism Prevention, Education, Treatment and Research Fund for the Fiscal Year Ending June 30, 1986, and June 30, 1987" (Emergency) (S.P. 289) (L.D. 778)

Report of the Committee on State Government reporting "Leave to Withdraw" on Bill "An Act to Provide a Preference in State Employment to Officers of the Military Service" (S.P. 281) (L.D. 739)

Report of the Committee on Human Resources reporting "Leave to Withdraw" on Bill "An Act to Improve Delivery of Child Protective Services" (S.P. 506) (L.D. 1366)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Amend the Child Witness Law" (S.P. 496) (L.D. 1334)

Report of the Committee on Legal Affairs reporting "Leave to Withdraw" on Bill "An Act Relating to Sentencing for Persons Convicted of Repeated Criminal Violations of Operation under the Influence of Intoxicating Liquor or Drugs or with an Excessive Blood-alcohol Level" (S.P. 327) (L.D. 816)

Report of the Committee on Transportation reporting "Leave to Withdraw" on RESOLVE, Authorizing a Study Concerning Extension of the Maine Turnpike (S.P. 453) (L.D. 1256)

Report of the Committee on Education reporting "Leave to Withdraw" on Bill "An Act to Conform Education Laws to the Personnel Grievance Procedure" (S.P. 400) (L.D. 1110)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act Relating to Privileged Communications under the Child and Family Services and Child Portection Act" (S.P. 460) (L.D. 1263)

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

## Divided Report

Majority Report of the Committee on Business and Commerce reporting "Ought to Pass" as amended by Committee Amendment "A" (S-103) on Bill "An Act to Increase the Handling Fee for Returnable Containers" (S.P. 93) (L.D. 291)

Signed:

Senators:

BUSTIN of Kennebec  
SEWALL of Lincoln

Representatives

RYDELL of Brunswick  
MURRAY of Bangor  
TELOW of Lewiston  
MARTIN of Van Buren  
ARMSTRONG of Wilton  
ALIBERTI of Lewiston  
STEVENS of Bangor

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

Signed:

Senator:

DANTON of York

Representatives:

BAKER of Orrington

HILLOCK of Gorham  
BRANNIGAN of Portland

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

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

Representative BRANNIGAN: I move the acceptance of the Minority "Ought Not to Pass" Report in concurrence.

Mr. Speaker, Men and Women of the House: We are dealing with the bottle bill. We are dealing with the handling fee in the bottle bill, so-called, the returnable bottle bill. The handling fee should not be confused with the deposit which we put down, which travels back to the distributor, and which we get back when we bring the bottle back. The handling fee is something separate. The handling fee is something that the distributor pays to the store keepers or redemption centers who handle the bottles. That money, of course, is put into the price of the product.

It was decided when the bottle bill was done back in 1978 that many, many small stores would not want to handle bottles and, therefore, redemption centers were absolutely necessary, that they would become a viable part of the returnable bottle system. So, once that handling fee was put on so they could do the collection of bottles and cans for stores. Two years later, they came back wanting it doubled to two cents. What had happened was that it didn't work out the way it was expected. Most small stores and certainly the large stores wanted bottles to come back to them because it brought people back to them, customers back to them. So, on the whole, redemption centers, pure redemption centers, have not worked. What has had to happen is, they have to ask for more in the handling fee to prop them up. I oppose the going from one cent to two cents. They asked to go from two the three—some of the committee decided they would like to go from two to two and a quarter and I oppose that. We should not continue any longer to prop up a few redemption centers, as important as that may feel and sound, to the tune of one and half million dollars. That is a conservative estimate—that one quarter cent is going to bring a million and a half dollars into this process. Most of that money is going to the Hannaford Brothers and the Shaws, who don't need it. Ten percent of it will go to the redemption centers. Some of them need it and some of them don't.

There are two types of redemption centers. I have one in my district, he needs it, very small operation, sells very little, operates in a tight little space. I am sorry I cannot support him but I can't see supporting to the tune of \$1.5 million to help him and few others stay in business. There is another redemption center right near my district and he does just fine, he is huge. In one end of his business is a redemption center; the other end is huge and is used as a discount seller of beverages.

So, I am asking you to join with us in saying, no more increases in the handling fee in order to prop up some of these businesses. No state has more than two cents handling fee, those states who have handling fees, some states have no handling fees and their bottle bill runs just fine.

I would ask you to join with me in stopping this progression and cost in this particular area of the bottle bill which is not necessary.

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 outline briefly for you some of the things that I think my good friend may have left out as far as background.

This bill is very important, not only to redemption centers and their particular opera-

tion, but the operation of the bottle bill in general and the overall support for the bottle bill I think we all recognize and that has been demonstrated several times in the past through referendum and other means. It is important to remember in order to maintain a bottle bill law that works, we have to ensure that there is a distribution system and a system which will allow those bottles to come back into the system after they have been used. I think that is basically what we are talking about here. Right now, as Representative Brannigan has pointed out, the distributors are responsible for paying the handling fee which is involved in returning the bottles. Once these bottles are returned either to the store by the consumer or the redemption center, they are picked up by the distributor. In order to compensate either the retailers or the redemption center, which is what this handling fee is meant to do, they have to be provided some means—which is what this two cents presently does. It gives the redemption center or the retailer or that person who is responsible for seeing that the bottles do get back into the system, a means of recovering their cost.

The last time that the legislature changed the handling fee was in 1980. Five years ago, we increased that handling fee to two cents. A lot has happened, obviously, in five years since the last increase. A lot I think has happened which justifies a small quarter cent increase in the handling fee for these redemption centers.

I think the thing to remember is that, if we are going to continue to maintain a viable system where these bottles can return to the distributor so that the bottle bill continues to work, we have to make it affordable for those that are involved in it, be it either redemption center or retail stores, small or large, that they have enough money so that they can see that this process continues to work.

I would hope that you would agree with the majority of the Business and Commerce Committee that one quarter increase is reasonable considering the fact that there has not been an increase in five years and that cost, I think, was aptly demonstrated to us that it was justifiable. I hope you support the Majority Report.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: I am going to give you a little bit of a different angle on this whole issue. As a former small store owner and one of these people that really was the beneficiary of this big bonanza called the handling fee on the bottle bill, I would like to assure you that that is the real case. Handling of bottles is really a pain in the butt, there is no question about it. You have to have extra employees to do it. They are dirty, they are slimy, they are stinky it draws flies, rats and anything else if you are not careful. It is not something you do in a haphazard manner. They have to be stacked, separated, and sorted so that the people can come back to get them.

The thing that really gets me is that we have never addressed the float money that the distributor still has. If we vote to increase the handling fee, it is not going to cost your constituents and mine one bit because they still pay the five cents. It is going to cost the big distributor who makes out like a bandit now whenever a bottle or a can is not returned because it is either broken, destroyed or lost, thrown out in the rubbish or trash. I am not sure of the exact figure on that float money but I had heard at one time it was around \$7 million that is divided amongst those big distributors, considerably more than the million dollars that Representative Brannigan talked about.

The thing that is really curious is that everybody says that being able to take care of those bottles is good for your business because

it brings people back. As a former store owner, I can tell you the thing that made the difference was, I would have loved to have sent everybody to a redemption center—there are two in the City of Waterville—the only thing is that when a person had one six pack or two six packs of empty bottles and they wanted to come in my store, was I going to say, no I don't want those two six packs or empty bottles and the person was going to come in and buy something, and did so regularly, go down to the redemption center, get their money and then come back and spend their money, I doubt it very much.

I have to think back, every time there was a campaign, all the way down from the governor of the State of Maine to councilman, first ones in my store asking me to put posters up in the window and everyone of them told me, don't worry, if there is ever anything we can do to help you out, don't hesitate to call. I am sure that every member of this House, when he ran for election, went to see the same small store owners on the corner and asked them to put your poster or your picture up and that guy was more than willing to help you most of the time. Now, that guy is asking for a little help from you because anybody who thinks handling bottles is a profit making proposition doesn't know too much about the business. If you have any questions about that, I will be glad to take you to the redemption center in my town, and I am not speaking for the redemption center, my concern is the small store owner, we will go out back, visit his operation and you will see he has three people that are continuously sorting these bottles and cans. He has to pay wages, workers' comp, the whole works and he gets two cents for every one of these cans he handles plus he stores them, uses his money in the meantime. If you think that guy is making money, I will let you talk to him and you just stand there and look and tell me if the guy is making money when you get done. I don't believe you will believe he is. I think it is very important that the people back home, who own these stores, who need your help right now, know exactly how everybody here stands on handling of bottles and that one quarter of a cent.

Mr. Speaker, I would like to have a roll call please.

The SPEAKER: The Chair recognizes the Representative from Orrington, Representative Baker.

Representative BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I think it would be naive of us to assume that the additional cost that is represented in this bill will not be passed along to the consumers. What we are talking about here is a cost of about \$1.5 million. The bottle bill today costs Maine consumers about \$12 million. What we are talking about with this simple bill is additional costs of \$1.5 million. Now, when this cost is passed along, those of you who live along the border know what is going on already with shopping going into New Hampshire, -- what is going to happen? It is going to push additional purchases over into New Hampshire.

A second point I would like to make is, right now, redemption centers account for only about 10 percent of the bottles that come back in to the distributors, that is 10 percent of the total in the state come back to redemption centers. Sixty five to seventy percent of all the bottles come back through the supermarkets and the other twenty five come back through other retailers. So, when my friend, the Representative from Portland says that this money is going to be a windfall for Shaws and Hannaford, that is exactly the way I see it too.

Finally, retailers really originally wanted the redemption centers to handle their returnable containers, no question about that. But when we added the two cents on a lot of them, immediately they began to take the bottles back directly themselves. The percentages now

clearly indicate that that is the way the business is going. It is not going to the redemption centers, it is going to the supermarket chains primarily and to the small retailers for a portion of that.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Jackson.

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning to oppose the motion by the gentleman from Portland to accept the minority "Ought Not to Pass" Report. I would hope that we would reject that report and accept the "Ought to Pass" Report.

The "Ought to Pass" Report calls for an additional one quarter of one cent on a returnable container in this state. We have heard in the debate this morning that we have not seen an increase in the handling fee since 1980. The original adoption of the returnable container bill carried a one cent handling fee and did not do what it intended to do. The legislature in 1980 addressed that, increased that to two cents in hope that it would create the redemption centers to handle some of the problems that existed out there and it did. It did do what it was intended to do.

Since 1980, we have seen many changes in the market place, many changes that the federal government has imposed on businesses, many changes state government has imposed on businesses. We have seen an increase on the minimum wage, we have seen an increase in contributions to Social Security, we have seen increases in workers' compensation, we have seen increases in electrical costs in this state, we have seen several increases. To think that if we pass a quarter of a cent on the handling fee it is going to create a windfall to the major supermarkets or supermarket chains in this state, I think is wrong. I have been an operator of a small store which has handled returnable containers since the adoption of the law. I know what it cost to handle returnable containers and I also know that not all the supermarkets belonging to supermarket chains handle returnable containers which have the direct benefit of a handling charge. Most of these supermarkets belong to a redemption center. They have contracted with redemption centers. Of course, they pay the five cents when the bottles are returned but those bottles are then picked up by the redemption center. The supermarkets are paid the five cents for the bottles, they are not paid a handling charge. The handling charge is returned when the bottles are returned to the distributors and those are returned by the redemption centers. So to think that Shaws or Hannaford Brothers or whatever the case may be are going to be direct recipients of this quarter of a cent, I think, is misleading. If it was in fact true, I would think today that all the Shaws, Hannaford Brothers or all those large supermarket chains in the state would have made the necessary alterations to their buildings to handle these bottles, which they have not.

I think that the gentleman from Waterville has made a good point. I think the gentleman from Bangor has made a good point and I think that these people deserve and want the quarter of a cent. If one thinks that they don't, one should go out and talk to these people. How many cases do you think an average small store handles in a week? How many cases do you think these redemption centers in these rural areas handle in a week? Well, I submit to you that it is difficult for them to get over 500 cases a week. If you figure out what they are receiving now at two cents a bottle or two cents a container for a handling charge, I don't know how they can keep the doors open. It is a little over \$200 a week. They have these costs and these costs have increased over the years and they are going to continue to increase. If we do not give these people the quarter of a

cent, and I felt it should be a penny, we are going to give the monies to the Hannaford Brothers and to the Shaws and the large supermarkets because they aren't going to be the ones that are going to be back here when we don't have redemption centers. We don't have those small stores out in the rural areas taking these returnable containers because they have gone out of business, they are going to be back here asking for two cents more because it is not profitable for them to do it today at two cents and it will not be profitable for them to do it at two and a quarter cents. So I think that we should vote this morning to give these redemption centers and these people who handle these bottles, all the way back through, the additional quarter of a cent.

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

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the Minority Report of "Ought Not to Pass" on L.D. 291. As a member of the Business and Commerce Committee, I was there for each session in which we discussed the whole area of redemption centers and the need initially to increase their income by 50 percent which would have been the one cent increase. From that, I found out a lot of information.

First, I would like to deal with the gentleman from Harrison and address the concern for the small redemption centers, the ones that deal with 10,000 units a week which is quite a bit. Right now, they only get \$200 and this would increase their income by \$25. To me that would not represent a difference that would make that small business viable. Across the State of Maine a lot of people have gotten into the redemption center business so they are in residential centers, they are in garages and so forth.

It is my philosophy that this redemption center handling charge was not intended to develop an industry in itself. Originally, it was for the stores and part of the responsibility that they have for our clean roadsides. They receive two cents on a nickel can, which is a 40 percent handling fee. It is not a bonanza out there for these small operators but I must add there are large operators, not the Shaws and the Hannaford Brothers, we have talked about those, but the large redemption centers. There was one that testified before our committee, a sharp, young businessman and he flat out said that he was supporting the bill and I can obviously see why. His net profit for that year would increase by over \$88,000.

I really don't know if we should support inefficient businesses in the state that may have bloomed to this opportunity. It is a difficult decision but I feel that, although they do provide a certain service, that we should support something that is inefficient because as time goes on there will more requests for more and more.

Maine, as in many other categories in cost, leads the country in handling fees. We are tied for the lead with a two cent handling fee. There are some other states that have no handling fee and that system works so I am a little suspect there.

Representative Jacques from Waterville brought up the idea of float and I don't really want to get into that but I feel that it has to be at least mentioned here and I hope that it is not debated anymore than this. Fifty percent of the distributors in the State of Maine have gone out of business since the inception of the bottle bill. Now, if there was a big bonanza out there that they are all reaping these wheelbarrows full of gold off the float, then I doubt that 50 percent of them would be out of business. I don't know for sure but I haven't seen 50 percent of the supermarkets and the variety stores in the state go out of business since the inception of this bottle bill and that is all I am going to say about the float. Our committee is going

to address that problem and try to find out some more facts this summer and I am certainly interested in it. I am open to any suggestions that that study will bring forth.

In the end, this bill is going to cost the consumer \$1.5 million but I think it is going to cost more than that. We have a problem with our neighboring state of New Hampshire and many beverages that come into this state are non-redemption center beverages and that is a whole issue that we ought to be concerned with because there is no tax on these beverages and they don't have a handling fee or redemption fee so I urge you to support the Minority "Ought Not to Pass" Report.

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 Portland, Representative Brannigan, that the House accept the Minority "Ought Not to Pass" Report in concurrence. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL No. 83

YEAS:—Allen, Baker, A.L.; Baker, H.R.; Boutilier, Brannigan, Brown, A.K.; Cahill, Callahan, Carter, Connors, Cote, Davis, Dellert, Dillenback, Farnum, Foss, Greenlaw, Gwadosky, Handy, Higgins, L.M.; Hillock, Holloway, Joseph, Kimball, Lebowitz, MacBride, Manning, McCollister, McPherson, Michael, Murphy, E.M.; Murphy, T.W.; Nelson, Paradis, E.J.; Paradis, P.E.; Pines, Pouliot, Racine, Richard, Rotondi, Salisbury, Sherburne, Smith, C.B.; Smith, C.W.; Soucy, Stevens, A.G.; Wentworth, Weymouth, Whitcomb

NAYS:—Aliberti, Armstrong, Begley, Bell, Bonney, Bost, Bott, Bragg, Brodeur, Brown, D.N.; Carrier, Carroll, Cashman, Chonko, Clark, Coles, Connolly, Cooper, Crouse, Crowley, Daggett, Descoteaux, Dexter, Diamond, Drinkwater, Duffy, Erwin, Foster, Harper, Hayden, Hepburn, Hichborn, Hickey, Hoglund, Ingraham, Jackson, Jacques, Jalbert, Kane, Lacroix, Lander, Law, Lawrence, Lisnik, Lord, Macomber, Martin, H.C.; Masterman, Matthews, Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murray, Nadeau, G.G.; Nadeau, G.R.; Nicholson, Nickerson, Parent, Paul, Perry, Priest, Randall, Rice, Ridley, Rioux, Roberts, Ruhlin, Rydell, Scarpino, Seavey, Simpson, Sproul, Stetson, Stevens, P.; Stevenson, Strout, Swazey, Tammara, Tardy, Telow, Theriault, Vose, Walker, Warren, Webster, Zirkilton

ABSENT:—Beaulieu, Hale, Higgins, H.C.; O'Gara, Reeves, Rolde, Small, Taylor, Willey, The Speaker.

49 having voted in the affirmative and 92 in the negative with 10 being absent, the motion did not prevail.

Subsequently, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (S-103) was read by the Clerk and adopted and the Bill assigned for Second Reading Tuesday, May 28, 1985.

#### Non-Concurrent Matter

Bill "An Act Concerning an Oil Booming Exemption for Oil Transfer Vessels in Searsport Harbor" (Emergency) (H.P. 898) (L.D. 1293) on which the Minority "Ought to Pass" Report of the Committee on Energy and Natural Resources was read and accepted and the Bill passed to be engrossed in the House on May 20, 1985.

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

Representative Michaud of Medway moved that the House recede and concur.

On motion of Representative Crowley of Stockton Springs, tabled pending the motion of Representative Michaud of Medway that the House recede and concur and specially assigned for Tuesday, May 28, 1985.

#### Non-Concurrent Matter

Bill "An Act to Modify the Voting Procedure for the Conversion of a Mutual Financial Institution to a Stock Form of Ownership" (H.P. 972) (L.D. 1394) which was passed to be engrossed as amended by Committee Amendment "A" (H-144) in the House on May 20, 1985.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-109) in non-concurrence.

The House voted to recede and concur.

#### Petitions, Bills and Resolves Requiring Reference

##### Study Report - Special Commission to Study the Implementation of Educational Reform (Majority Report)

Representative CROUSE for the Majority from the Special Commission to Study the Implementation of Educational Reform, pursuant to the Maine Revised Statutes, Title 20-A, section 13510 ask leave to submit its findings and report that the accompanying Bill "An Act to Implement Teacher Recognition Grants and Establish a Minimum Salary for Teachers" (H.P. 1087) (L.D. 1580) be referred to the Joint Standing Committee on Education for Public Hearing and printed pursuant to Joint Rule 18.

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

##### Study Report - Special Commission to Study the Implementation of Educational Reform (Minority Report)

Representative CHONKO for a Minority from the Special Commission to Study the Implementation of Educational Reform, pursuant to the Maine Revised Statutes, Title 20-A, section 13510 ask leave to submit its findings and report that the accompanying Bill "An Act to Implement Recognition Grants for Teachers, Establish a Minimum Salary for Teachers and Provide Money for School Administrative Units to Operate Preschool Programs for Handicapped Children" (H.P. 1088) (L.D. 1581) be referred to the Joint Standing Committee on Education for Public Hearing and printed pursuant to Joint Rule 18.

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

##### Study Report - Special Commission to Study the Implementation of Educational Reform (Minority Report)

Representative BELL for a Minority from the Special Commission to Study the Implementation of Educational Reform, pursuant to the Maine Revised Statutes, Title 20-A, section 13510 ask leave to submit its findings and report that the accompanying Bill "An Act to Implement Teacher Recognition Grants, Establish a Summer Grants Program for Teachers and Establish a Minimum Salary for 1986-87" (H.P. 1089) (L.D. 1582) be referred to the Joint Standing Committee on Education for Public Hearing and printed pursuant to Joint Rule 18.

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

#### Orders

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

ORDERED, that Representative Will B. O'Gara of Westbrook be excused May 23 and 24 for personal reasons.

Was read and passed.

#### Reports of Committees

##### Ought to Pass in New Draft

Representative HIGGINS from the Committee on Taxation on Bill "An Act to Require Adequate Notice of Tax Lien Foreclosure" (H.P. 495) (L.D. 698) reporting "Ought to Pass" in New Draft (H.P. 1090) (L.D. 1583)

Report was read.

The SPEAKER: The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker, Men and Women of the House: I rise this afternoon to bring to your attention L.D. 1583 in New Draft. I do have a concern with the second section of the L.D. Even though this is a unanimous committee report, I would hope that all of you in this House would look at this L.D. and read the paragraph that had been added, Section 2, and I am going to read it in its entirety and you can make your decision on that.

This paragraph says, "beginning with taxes that are assessed after April 1, 1985, each notice under Section 942, 943 and 1281, which is sent by a municipality or the State Tax Assessor to a person against whom taxes have been assessed shall contain a statement that that person may apply for an abatement of taxes if the person cannot pay the taxes that have been assessed because of poverty." I ask you people in this House to consider when you put a statement like this on a tax bill that says you will be able to ask for an abatement because of poverty or illness. Mr. Speaker, I would ask for a Division on this before we accept this report.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: The section that the gentleman refers to was not added to the new draft, that was part of the original bill that a notification be given of the abatement process. We do have, as I think most of you are aware, an abatement process in place in this state that if for reasons of poverty or illness, you can apply to the city or town fathers for an abatement of your taxes for that particular year. That is not being added by this bill, that is there now as I am sure Representative Strout is aware.

What this bill changes, if this bill passes, is after we lien a property, the taxpayer will be notified of that abatement process being available to them. It doesn't guarantee that they are going to get it, it just notifies them that it is available. The abatement procedure is there now and I see no need for the state legislature or for cities or towns of this state to keep it a secret.

Representative Wentworth of Wells resquested 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 pending question before the House is acceptance of the unanimous committee report from the Committee on Taxation. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL No. 84

YEAS:—Aliberti, Allen, Baker, A.L.; Baker, H.R.; Begley, Bell, Bost, Bott, Boutilier, Branigan, Brodeur, Brown, D.N.; Cahill, Carroll, Carter, Cashman, Chonko, Clark, Coles, Cooper, Cote, Crouse, Crowley, Descoteaux, Diamond, Drinkwater, Duffy, Erwin, Foss, Gwadosky, Handy, Hayden, Hickey, Higgins, L.M.; Hillock, Holloway, Ingraham, Jackson, Jacques, Joseph, Kane, Kimball, Lacroix, Lisnik, Manning, Matthews, Mayo, McCollister, McGowan, McHenry,

McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, Moholland, Murphy, T.W.; Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, Nicholson, Paradis, E.J.; Paradis, P.E.; Paul, Perry, Pouliot, Priest, Racine, Richard, Rioux, Roberts, Rotondi, Ruhlman, Rydell, Simpson, Small, Stevens, P.; Swazey, Tammara, Tardy, Telow, Theriault, Walker, Warren, Webster, Zirkilton, The Speaker.

NAYS:—Bonney, Bragg, Brown, A.K.; Callahan, Carrier, Connors, Daggett, Davis, Dellert, Dexter, Dillenback, Farnum, Greenlaw, Harper, Hepburn, Hichborn, Hoglund, Jalbert, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Macomber, Masterman, McPherson, Murphy, E.M.; Nickerson, Parent, Pines, Rice, Ridley, Salisbury, Scarpino, Seavey, Sherburne, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Wentworth, Weymouth, Whitcomb.

ABSENT:—Armstrong, Beaulieu, Connolly, Foster, Hale, Higgins, H.C.; Martin, H.C.; O'Gara, Randall, Reeves, Rolde, Taylor, Vose, Willey.

89 having voted in the affirmative and 48 in the negative with 14 being absent, the Committee Report was accepted and the bill read once and assigned for Second Reading Tuesday, May 28, 1985.

##### Ought to Pass in New Draft

Representative HIGGINS from the Committee on Taxation on Bill "An Act Relating to One-way Rental Vehicles" (H.P. 140) (L.D. 165) reporting "Ought to Pass" in New Draft (H.P. 1091) (L.D. 1584)

Report was read and accepted. The New Draft read once and assigned for second reading Tuesday, May 28, 1985.

##### Ought to Pass in New Draft

Representative BOST from the Committee on Education on Bill "An Act Concerning Education Programs for Gifted and Talented Children" (H.P. 564) (L.D. 835) reporting "Ought to Pass" in New Draft (H.P. 1092) (L.D. 1585)

Report was read and accepted. The New Draft read once and assigned for second reading Tuesday, May 28, 1985.

##### Ought to Pass in New Draft

Representative MURPHY from the Committee on Legal Affairs on Bill "An Act Concerning Retail Sales of Beer and Wine" (H.P. 535) (L.D. 754) reporting "Ought to Pass" (H.P. 1093) (L.D. 1586)

Report was read and accepted. The New Draft read once and assigned for second reading Tuesday, May 28, 1985.

##### Ought to Pass in New Draft

Representative PERRY from the Committee on Legal Affairs on Bill "An Act to Provide for a Setup Period Prior to Opening of the Polls" (H.P. 461) (L.D. 662) reporting "Ought to Pass" in New Draft (H.P. 1094) (L.D. 1587)

Report was read and accepted. The New Draft read once and assigned for second reading Tuesday, May 28, 1985.

##### Ought to Pass in New Draft

Representative PERRY from the Committee on Legal Affairs on Bill "An Act to Clarify and Standardize Enrollment Status on Voting Lists" (H.P. 598) (L.D. 868) reporting "Ought to Pass" in New Draft (H.P. 1088) (L.D. 1588)

Report was read and accepted. The New Draft read once and assigned for second reading Tuesday, May 28, 1985.

##### Ought to Pass in New Draft

Representative McHENRY from the Committee on Local and County Government on Bill "An Act to Protect the Voting Rights of Township Residents" (H.P. 93) (L.D. 113) reporting "Ought to Pass" in New Draft (H.P. 1097) (L.D. 1590)



Report was read and accepted. The New Draft read once and assigned for second reading Tuesday, May 28, 1985.

#### Divided Report

Majority Report of the Committee on State Government reporting "Ought Not to Pass" on Bill "An Act to Provide for Biennial Conferences on Small Business" (H.P. 558) (L.D. 830)

Signed:

Senators:

KANY of Kennebec  
HICHENS of York  
ANDREWS of Cumberland

Representatives:

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

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

Signed:

Representatives:

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

Reports were read.

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

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

Representative SPOUL: Mr. Speaker, Men and Women of the House: I rise to oppose the pending motion. The bill before you would establish Blaine House Conferences on Small Business every two years. Small business in this state accounts for about 98 percent of the businesses, about 58 percent of the employment, and about 68 percent of the job growth in this state in 1983 and 1984. Indeed, small business is the backbone of the Maine economy. However, despite those facts, when a business closes up, there are no headlines, no television crews come out to watch -- small businesses do not ask for major tax breaks, they don't come in here like Keyes Fibre, Pratt-Whitney, Bath Iron Works nor the proposed ethanol plant. In fact, small businesses do not ask for much but what they have asked for is an open ongoing dialogue with state government. I believe that to be a modest proposal. The only statewide small business conference in this state was held in 1980.

Many states, I believe it is about 30 states, have held one or more state small business conferences within the past couple of years. The purpose of the conferences are simple and easily identified. They want to increase the public awareness of small business, identify with the problems and issues facing small business, assist small business in carrying out its role as the state's major job creator, assemble small businesses owners to develop such specific and comprehensive recommendations as they may see fit. If you had it in statute for a biennial conference, they could reassess and continually update the recommendations from previous conferences. It is interesting to note that in 1986, there will be a second White House Conference on Small Business.

The State of Maine, as most of you are aware and many of you take great concern over, has not been receiving a very favorable business climate in at least one business publication and some of the things that that particular publication looks for when they are assessing the business climate are things such as, do you have an advocate for small business in state government? Maine doesn't. Do you hold conferences on small business? Maine doesn't. Do you have a legislative committee on small business? Maine doesn't. In effect, we don't do

much for small business and I, for one, am a little bit ashamed of that.

As I said, this is a modest proposal. You all have small businesses in your districts as I have. Small businesses want your vote on this issue. They are watching you -- as I said, they haven't asked for much but they want to have that open dialogue and be a part of state government.

Mr. Speaker, I would ask for the yeas and nays.

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I am sure that I speak for the majority of the eight members of the State Government Committee who signed this bill out "Ought Not to Pass" when I say that we feel this is entirely inappropriate for us, as members of the legislature, to pass out a bill requiring or mandating that the Governor call a Blaine House Conference every two years. The Governor has every option and he has every right to call a Blaine House Conference whenever he wants to call one but we think it is inappropriate to legislatively mandate that this Governor or any other Governor has to do something in terms of calling a conference. I think I object to the comments made by Representative Sproul from Augusta that we haven't done much and we don't do much for small business. I don't think a day goes by these days when people in this legislature, when we are discussing legislation, whether it upstairs or down in committee, that someone doesn't say, "how is this going to be affecting small business." I don't think that that was the case five years ago or seven years ago but I don't think a day goes by now when someone won't be saying "what is this going to be doing to the small guy?"

In terms of his concern about there being awareness, I think many of us had the opportunity and enjoyed the various seminars that were put on earlier this year by the Maine Development Foundation, which is an ongoing institute on the Maine economy that has been developed and is now taking place. I think if you look at the economic development strategy of the state, you will see that the focus had, indeed, focused to small business, that whether it is through FAME or through the Maine Development Office, that the concentration now is on small business. Concentration in the Business Assistance Program of the Maine Development Foundation is to increase the amount of money that we spend on business assistance. We now know that the best attraction program to attract businesses from out of state is to take care of the businesses that are already in the state. We have to make them grow healthy, we have to make them grow stronger but we have to help the businesses that are here now.

We will be coming out with a bill with the Finance Authority of Maine which is doing more to leverage loan, which is doing more for working capital for small businesses and we think that that is going to be a positive contribution.

In the State Development Office, they have had a great deal of success with the Maine Growth Program, which many of you are familiar with, particularly in Washington County and other areas, Maine Growth Program which has now packaged some \$47 million in loans for small business -- they now have a commitment with some 28 banks across the state to help -- I understand that these banks have committed something in the vicinity of \$300 million towards packaging loans for small businesses and businesses to expand. There are a lot of things that have been going on in the past few years, a lot of things that are done somewhat quietly. For the first time, the State Development Office has some people who, in marketing, can get out and inform the banks

about these various proposals. For the first time ever, we have an export person who is dealing with small businesses to help them export, not only across the state lines obviously, but throughout the world, teaching them how to get federal contracts.

Earlier this year, this legislature passed a Business Assistance Referral Program to help small business, a referral program with a widely advertised 800 number that will assist businesses when they have a question about state government and they have a question about the loans -- whether it is a state or a federal program -- they will be able to call that Business Assistance Referral Program and that person will refer them to the proper agency to deal with. That bill has already been enacted by both branches and is sitting on the Appropriations Table now.

Yesterday, we just passed a bill that would create a directory of the various licenses and permits that are needed for new businesses or businesses that are started. We think that that is going to be a help too.

Last month, we transferred \$2 million from the Mortgage Insurance Program into the Small Business Loan Program because of the success of the various marketing efforts by the State Development and FAME, the concentration is on small business, that money is being used up, the banks are participating and that seems to be the direction everyone is heading. We are expecting more changes that will help small businesses in the areas of Workers' Comp. Just today, the Governor has issued an executive order that will provide for greater flexibility in the adoption of rules and regulations. He passed out an executive order today, which would mandate to agencies across this state, that whenever they are ready to adopt a rule or regulation, they first have to complete a fiscal impact statement on what the effects will be towards small business before they can adopt that rule or regulation.

We still have a long way to go for small business and we are heading in that direction but I think this attempt to mandate that the Governor have biennial conferences on small business in nothing more than a political swipe and I think that it is inappropriate.

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

Representative SPOUL: Mr. Speaker, Men and Women of the House: I was very interested in hearing the Representative from Fairfield's comments because many of the points which he raised regarding what state government has done over the seven years come directly from the recommendations of the 1980 Blaine House Conference on Small Business including the executive order which was issued this morning. That was recommendation No. 8 in 1980.

I will repeat again -- I think this is a modest proposal. Yes, we have done some things but what all the small businesses want is a chance to participate in an open dialogue with state government, that is all this does. As far as the Representative's concern that he felt it would be totally inappropriate to mandate a Blaine House Conference on small businesses, I would bring his and your attention to Title 22 of the Maine Revised Statutes--the Committee on Aging: "the committee shall hold a statewide Blaine House Conference on Aging at least once every two years and may also hold regional conferences and meetings." The precedence there will establish nothing new. I just feel very strongly that the needs of small businesses are at least as equally important as the needs of the aging.

I again request that you vote no on 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 Chair recognizes the Representative from Damariscotta, Representative Stetson.

Representative STETSON: Mr. Speaker, I would like to pose a question through the Chair to the Representative from Fairfield to the effect that if the Governor objects to being mandated, doesn't he have the authority to veto such a measure?

The SPEAKER: The Representative from Damariscotta, Representative Stetson, has posed a question through the Chair to the Representative from Fairfield, Representative Gwadosky, who may respond if he so desires.

The Chair recognizes that Representative.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I would respond to the Representative from Damariscotta, Representative Stetson's question by indicating that if I thought for a minute that he did not know the answer to that question, I would indeed respond to it.

The SPEAKER: The Chair recognizes the Representative from Orrington, Representative Baker.

Representative BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I am a cosponsor of this bill and my primary interest in this bill is because I, too, am a small businessman. I have had the experience of being in a large corporation and I can tell you the advantages of that is that one has a huge support system on which to draw for advice and counsel. When one is a small businessman, it is a very lonely world out there. There aren't many people that you can talk to. You have to hire a lawyer, you have to hire an auditor or a public accountant in order to get financial or legal advice.

My interest in this bill is because it creates a communications vehicle for the small businessman to talk with each other on a regular basis. I attended the seminars that were held earlier this year by the Maine Development Council and I found those to be particularly useful. As I sat there listening to the various business people and the educators talk about their problems they face as business people, I thought -- what a shame that there aren't more business folks who could sit and participate in these sessions. I see a regularly scheduled forum as a particularly important contribution for the problems of the small businessman so I would urge you to support this bill.

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. 85

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

NAYS:—Armstrong, Baker, A.L.; Begley, Bell, Bott, Bragg, Brown, D.N.; Cahill, Callahan, Connors, Davis, Dellert, Dexter, Dillenback, Drinkwater, Farnum, Foss, Foster, Greenlaw,

Harper, Hepburn, Higgins, L.M.; Hillock, Holloway, Ingraham, Jackson, Kimball, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Masterman, Matthews, McHenry, McPherson, Murphy, E.M.; Murphy T.W.; Nicholson, Nickerson, Parent, Pines, Randall, Rice, Ruhlin, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.W.; Sproul, Stetson, Stevens, A.G.; Stevenson, Telow, Webster, Wentworth, Weymouth, Whitcomb, Zirkilton.

ABSENT:—Beaulieu, Daggett, Duffy, Hale, Higgins, H.C.; O'Gara, Reeves, Rolde, Taylor, Willey

78 having voted in the affirmative and 62 in the negative with 11 being absent, the motion did prevail.

Sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Energy and Natural Resources on Bill "An Act to Establish Minimum Energy Efficiency Standards for Major Appliances Sold in Maine" (H.P. 566) (L.D. 837) reporting "Ought to Pass" in New Draft (H.P. 1096) (L.D. 1589)

Signed:

Senators:

KANY of Kennebec  
USHER of Cumberland

Representatives

MICHAUD of Medway  
JACQUES of Waterville  
MITCHELL of Freeport  
COLES of Harpswell  
HOGLUND of Portland

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

Signed:

Senator:

EMERSON of Penobscot

Representatives:

RIDLEY of Shapleigh  
DEXTER of Kingfield  
BROWN of Livermore Falls  
HOLLOWAY of Edgecomb  
LAW of Dover-Foxcroft

Reports were read.

Representative Michaud of Medway moved the acceptance of the Majority "Ought to Pass" Report.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I am the proud sponsor of this bill and I thought that it would be appropriate this afternoon if I stood and addressed some of the wild eyed plans that have been made about it and what its effect will be, maybe explain to the House just what this bill does and what it doesn't do.

What it does do is that it establishes minimum energy efficiency standards for refrigerators, refrigerator-freezers, freezers and hot water heaters purchased after January 1, 1988. The bill only applies to new appliances, not used appliances. We chose the date of January 1, 1988 in order to give warehouses and retailers the chance to clean out their stock before the bill took effect.

The committee has made a couple of changes in this bill since it was originally introduced. One of those changes was that it removed furnaces. I think everybody in the House received a letter from Tran Corporation complaining about the restrictions they were placing on furnaces and those are no longer in the bill. There are no standards set for furnaces.

Another change the committee made in this bill was that the proposed standards are actually written into the statutes. The bill, as originally submitted, called for the Office of Energy Resources to draw up the guidelines or standards for appliances but the committee felt that maybe they would be a little over zealous drawing up these regulations so a bare minimum standard has been written into the law. What that does is, if those standards are

to be changed later, then it will have to be the legislature that changes them, not the Office of Energy Resources.

What this bill doesn't do that opponents of the bill have claimed it does -- one is, the opponents claim that appliances will cost a great deal more if this bill passes -- that is simply not the case. The results of the standards in this bill will be that the extra cost to consumers purchasing major appliances will average between \$10 and \$30. The payback on those costs will average roughly six months and the consumer can look to save between \$100 and \$400 over the life of the appliance. It is not a bill that is going to cost consumers more money but rather a bill that will save consumers money.

Another claim that has been made about this bill is that it is a shift in OER policy away from the market place and towards regulation. In answer to that claim, I would only point out to the House that minimum energy efficiency standards for major appliances has been a part of the state's energy plan now for 11 years. I don't think that is a major shift.

Another claim about this bill is that the market place is going to take care of the problem, that manufacturers are putting tickets on appliances that tell you the energy standards and the consumers are reading the tickets and buying the more energy efficient models.

I think that is simply not the case -- over 50 percent of the water heaters purchased in the State of Maine are purchased by landlords or real estate developers. I can tell you that I personally own 23 apartments and I don't pay the light bill on any of them, my tenants do. I own 23 water heaters and 23 refrigerator-freezers and I can't tell you what the energy standards are on them because I didn't look. I bought the cheapest models that I could get my hands on and I think that is probably pretty much the case with other landlords. We, who rent apartments, are in the business to make money like any other business and energy efficiency standards simply aren't a big concern to us.

The last argument against this bill deals with enforcement and I think it was brought out very clearly during the hearings and work sessions on this bill that the OER can enforce this bill and fulfill the responsibilities with existing staff and current budget levels. The positive effects of this bill are that they will save consumers in Maine over \$50 million in energy costs between now and the year 2000. That is a pretty significant amount of money for a very small change in state policy. What the bill does is knock out the bottom 15 to 20 percent of these appliances that are included in the bill are the least energy efficient that are offered for sale. There will still be, for example, over 800 electric hot water heaters for people to choose from and 800 additional gas hot water heaters for people to choose from in the market place.

I think the people that oppose this bill, rather than raising these questions, have to answer some questions themselves. I think they have to answer why the State of Maine should continue a policy that encourages wasting energy and a policy that is costing Maine consumers and unnecessary expense simply because the alternative is inconvenience to a handful of manufacturers. I think they have also got to answer to this House and the people of Maine that if we are not going to take even this modest step towards energy conservation, where do they want the state to turn for its energy needs in the future? Do they want more investments in Seabrook and do they want Dickey-Lincoln--what do they want? This is a very, very minor change in state policy, a very minimum change, that will result in a savings of energy.

I urge you this House to support the Majority "Ought to Pass" Report and take one very small step for energy conservation.

Mr. Speaker, I would ask for a roll call.



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

Representative WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: This specific proposal was part of the original plan written for the State of Maine eleven years ago by the Republican head of the Office of Energy Resources, who was appointed by a Democratic Governor. I served as Deputy Director of the Energy Office at that time. My principal reason for cosponsoring this legislation is my concern for rising energy costs.

Let me review briefly some current electricity costs for you. Electricity generated from Maine Yankee costs approximately 3 cents a kilowatt hour. Current Quebec Hydro rates, which are tied to fossil fuel costs for residents are 7.8 cents a kilowatt hour and there is a rate case pending. Current Bangor Hydro costs are 8.5 cents a kilowatt hour and there is a rate case pending. Electricity generated from oil costs approximately 8.9 cents a kilowatt hour. The new Maine Public Service rates just decided in a rate case are 9 cents a kilowatt hour, approximately. A co-generation facility being built in the Portland area has a contract with Central Maine Power to sell their power for over 11.5 cents a kilowatt hour and finally, if Seabrook is built without any further complications, the cost of Seabrook power would be 21 cents a kilowatt hour.

If we do not practice energy conservation, the Public Utilities Commission will have to mandate new generating capacities. Central Maine Power recently reached a new peak in electricity demands, considerably higher than the Public Utilities Commission had expected. Where will we get new generating capacity? The alternatives are not attractive. I believe that we must use the energy we have wisely. The legislature has an obligation to take energy conservation seriously. I am afraid that if we don't pass these standards, all Maine electric ratepayers will pay for our hesitancy.

The SPEAKER: The Chair recognizes the Representative from Shapleigh, Representative Ridley.

Representative RIDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to explain to you people my position on this. I certainly agree with all of the words of the previous speaker as far as conservation of our energy goes but it is also a well known fact that Maine leads or is close to leading the nation in conservation of energy and we have done this strictly on a voluntary basis. I am sure all of you have been in appliance stores and seen the stickers on refrigerators, electric stoves, and things that are addressed in this bill and I think that industry is doing an excellent job now without us mandating to them that they have got to comply with any standards. It is only good business practice that if your competitor comes out with a better item, you have to at least match his or do a little better if you are going to stay competitive in the market. I honestly don't believe that for what is involved here that we should be mandating a bill such as this to the manufacturer. Mention was made in regard to gas -- I think that there is no doubt about gas appliances costing considerably more than what electric ones do. This is going to drive people to using more electric units than they would by gas.

Also, I would like to point out—how about someone who has a piece of seasonal property on a pond that they might use a month or two months out of the year or even three months out of the year—are you going to force these people to buy one of these higher priced units? How long is it going to take to amortize that off?

You also might have a situation where some of the people not quite so fortunate as some of us that can afford to buy one of these new higher priced, although it is not that much higher, that is true, units but it still could mean

the difference between them buying it or not buying it—isn't it better to let them go out and make their choice than to continue to use one that is burning up energy at a much faster rate than what one of these new units might do.

I hope that you would give this utmost consideration when the roll call is taken.

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

Representative DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I have read the bill very carefully and it implies that this is just for residential use but I would want someone to specify and put in the record that this does not include any commercial refrigeration.

The SPEAKER: The Representative from Cumberland, Representative Dillenback, has posed a question through the Chair to anyone who may answer if they so desire.

The Chair recognizes the Representative from Shapleigh, Representative Ridley.

Representative RIDLEY: Mr. Speaker, Ladies and Gentlemen of the House: This was brought out in our committee meeting; in fact, I asked the same question and I believe the main reason is that there are no standards available for commercial units.

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

Representative LAW: Mr. Speaker, Ladies and Gentlemen of the House: I am all for energy conservation. I am not for dictating and mandating that we buy a particular brand. True, they are only going to knock off the lower 20 percent of the different brands and models at this time but, OER will gladly tell you that as soon as they have control of that 20 percent, they are going to take off the next 20 percent and they are proud of this. Personally, I am not.

Sooner or later, they are going to get to the point where we are dictated to buy the one single most efficient model of what we want to buy.

The SPEAKER: The Chair recognizes the Representative from Edgecomb, Representative Holloway.

Representative HOLLOWAY: Mr. Speaker, Members of the House: I would first like to refer to Page 4 of the bill for the Representative from Old Town's information. It does, indeed, under No.2 say, gas furnaces and boilers.

The point of my signing the bill out "Ought Not to Pass" is because I really know the expense of the bill is going to be tremendous for the people of Maine. We are one of the 10 poorest states in the nation per income capita and it is going to raise the price of these appliances. The estimated cost of energy efficiency appliances range anywhere from \$30 to \$100 and do we want to increase the cost of these necessary appliances? Will the savings from the reduced energy usage justify the increased costs? The Federal Department of Energy decided that such a savings would not justify the increased cost of the appliance. These mandated services will restrict the consumers choice of available appliances. This isn't quite the same as out in California where they manufacture them and it is a very easy process to have these great standards in place. The market place has already taken care of the problem with energy costs. In the very first year, CMP gave out over \$4,000 rebates for energy efficient appliances and over half of their customers have insulated their water heaters. The bill does not consider the seasonal homeowner who uses his refrigerator for only two months of the year. These seasonal living costs passed onto the seasonal residents, they don't seem to help foster our industrial division of tourism which is one of our second largest in the state.

There is no fiscal note on this bill and I would suggest that the enforcement of this measure would be expensive. Clearly the Office of

Energy Resources will increase in personnel as well as need for computer software and equipment in order to monitor and enforce this regulation and these issues were not raised at all at the hearing or the workshop. Certainly the office will have to compile a list of all manufacturers of appliances to meet this standard. Further on, this list will have to be published and made available to all retailers, plumbers and electricians. By making the installation an offense, it denies the ability to move from out of state to Maine and bring their refrigerator. This might be an unconstitutional infringement on a person's mobility. The Attorney General's Office might like to comment on this.

Lastly, this legislation is an entry into the free enterprise of our market place. Yesterday, I was pleased to sign out a bill for energy efficiency standards in public buildings but that bill requires public money be made available for public buildings to meet the state standards, that is a very different concept than what I am speaking of today. This bill today restricts our basic American rights, which is our freedom of choice. It is the government controlling what we can and what we cannot buy. Under Section 2, it clearly states "appliances purchased outside the state by Maine residents, when the appliance is installed for use by the purchaser, or installed in a single family detached structure does not have to meet these standards so once again, we allow people to cross over the border to New Hampshire, buy what they want, and once again, we will lose sale taxes. The penalty of \$500 clearly subjects the installer of the furnaces to this fine. What about hair dryers, hair curlers, clothes dryers, microwave ovens, electric blankets, heating pads, blenders, those marvelous electric heaters that burn up energy by the kilowatt hours every minute? Recently, my daughter brought home an electric eye brow tweezer—would we soon regulate these?

This bill is an intrusion of government into the market place. Out economy is the strongest in the world and I suggest that we keep it that way.

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

Representative COLES: Mr. Speaker, Men and Women of the House: I would like to try to answer some of the concerns you have heard raised today.

First, this bill applies to major appliances only. As Representative Cashman noted, refrigerators, refrigerator-freezers, freezers and hot water heaters and the pilot lights only on gas furnaces. The reason it was limited to these, all other appliances have very nominal energy consumption rates but these appliances consume major amounts of energy.

Second, this bill does not apply to any existing appliances and no one is forced to replace any existing appliances. There are standards in the law, they can be changed by legislative action so the scenario of doom laid out by my friend from Dover-Foxcroft of ending up with only one model left on the market can only happen if we agree to that in the future. I doubt that we will.

The initial price difference between an inefficient appliance and an efficient appliance based on these standards is approximately \$10 to \$30 depending upon the model and so on. The payback period in energy savings—the electric bill savings is 6 to 22 months, very few investments that I have every heard of pay back that kind of money that fast.

The seasonal houses that I have been involved with have been refrigerated by a refrigerator from the main house, second-hand refrigerators. When they buy a new refrigerator, they take the old one to camp.

It is estimated that this bill, these modest standards, which leave lots of models on the market will result in a savings of approximately

15 to 20 megawatts of new capacity. This is roughly equivalent to the size of that new biomass burner that is being proposed for Jonesboro. It is well worth saving that kind of problem if we can.

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

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

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

#### ROLL CALL No. 86

YEAS:—Aliberti, Allen, Baker, H.R.; Bonney, Bost, Bott, Boutilier, Brannigan, Brodeur, Carroll, Carter, Cashman, Chonko, Clark, Coles, Connolly, Cooper, Cote, Crouse, Crowley, Descoteaux, Diamond, Dillenback, Duffy, Erwin, Farnum, Greenlaw, Gwadnosky, Handy, Hayden, Hickey, Hillock, Hoglund, Jackson, Jacques, Jalbert, Joseph, Kane, Kimball, Lacroix, Lisnik, Macomber, Manning, Martin, H.C.; Mayo, McCollister, McGowan, McHenry, McSweeney, Michael, Michaud, Mills, Mitchell, Moholland, Murray, Nadeau, G.G.; Nadeau, G.R.; Nicholson, Paradis, E.J.; Paradis, P.E.; Perry, Priest, Racine, Rice, Richard, Rioux, Roberts, Rotondi, Ruhlin, Rydell, Scarpino, Seavey, Simpson, Smith, C.B.; Soucy, Sproul, Stevens, P.; Swazey, Tammaro, Tardy, Theriault, Vose, Walker, Warren, Webster, Weymouth, Whitcomb, Zirkilston, The Speaker

NAYS:—Armstrong, Baker, A.L.; Begley, Bell, Bragg, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Connors, Daggett, Davis, Dellert, Dexter, Drinkwater, Foss, Foster, Harper, Hepburn, Hichborn, Higgins, L.M.; Holloway, Ingraham, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Masterman, Matthews, McPherson, Murphy, E.M., Murphy, T.W.; Nickerson, Parent, Paul, Pines, Pouliot, Randall, Ridley, Salisbury, Sherburne, Small, Smith, C.W.; Stetson, Stevens, A.G.; Stevenson, Strout, Telow, Wentworth

ABSENT:—Beaulieu, Carrier, Hale, Higgins, H.C.; Melendy, Nelson, O'Gara, Reeves, Rolde, Taylor, Willey

89 having voted in the affirmative and 51 in the negative with 11 being absent, the Majority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading Tuesday, May 28, 1985.

#### Divided Report

Majority Report of the Committee on Marine Resources reporting "Ought to Pass" on Bill "An Act to Repeal the Maximum Length Lobster Measurement" (H.P. 196) (L.D. 230)

Signed:

Senator:

SHUTE of Waldo

Representatives:

RICE of Stonington

COLES of Harpswell

CROWLEY of Stockton Springs

MITCHELL of Freeport

RUHLIN of Brewer

MANNING of Portland

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

Signed:

Senators:

CHALMERS of Knox

BROWN of Washington

Representatives:

SALSBURY of Bar Harbor

CONNORS of Franklin

VOSE of Eastport

SCARPINO of St. George

Reports were read.

Representative Crowley of Stockton Springs moved the acceptance of the Majority "Ought to Pass" Report.

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

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would not accept the Majority "Ought to Pass" Report. I was fortunate enough to be present at a hearing at the Samoset whereas there were 200 seats on the floor in the large room there that were filled and people standing so we asked to have some more seats put there and another 100 sat down—they then were filled and there was still standing room only. During the testimony from the lobstermen, those who make a living in this business, there was no question about it, it was not unanimous but they are very much against this particular bill and another one also.

The President of the Maine Lobstermen Association testified at that hearing that originally he had been for this particular bill to eliminate the restriction that we now have on five inch lobsters. However, since that time, he has had a change of heart and felt that for conservation purposes this should not be allowed to come into being unless the V-notch program, which is a case where they V-notch a lobster that is producing small eggs and so on and throw them back into the waters, was adopted by the entire New England coast of the lobster industry. My constituents in my area adamantly oppose this bill. However, they did make through a statement made by Mr. Blackmoor, the President of the Lobstermen Association, which was made at this hearing—that if a study were made, a good study, in which he could be part of the criteria of the study, that if the study were made, whatever the results of the study would appear to be, he would abide by it. He, meaning speaking for the Lobstermen Association.

I fully support a study of that nature and hope that that study would be forthcoming because the Commissioner of Marine Resources, testified (with the questions that I asked) that he had the fullest confidence that a study of that nature would reveal that this bill would, in fact, become law and could become law. Therefore, because of the commitment made by the Lobstermen Association and my lobsterman in my area, that they would abide by a study—I would hope that this bill, not necessarily being right or wrong, would be defeated this time and hope that later on down the pike, when Senators Chalmers presents a bill, would have to do with a study being made on lobster sizes would be accepted and, as a result of that study, would be, in fact, incorporated by this legislature.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: The fishermen of Maine, lobster fishermen of Maine, fish in two jurisdictions: they fish in the jurisdiction within the three mile limit and they fish off shore in the jurisdiction within the three mile limit and they fish offshore in the jurisdiction beyond the three mile limit. In the three mile limit, the inshore jurisdiction, state law applies and it does not apply offshore, only federal rules and regulations apply in that offshore jurisdiction. Offshore, there are fishermen from Maine; there are fishermen from New Hampshire and there are fishermen from Massachusetts and there are no size limits. When a Maine ship goes offshore and catches a large lobster and they want to market that lobster, they have to go to Portsmouth, New Hampshire or Gloucester, Massachusetts to sell it and get their money so they are taking all of their catch and they are taking it out of state to sell it so they can market these large lobsters

which they happen to catch offshore. That is where most of the large lobsters are.

I don't have to tell you that Maine is not the wealthiest or the most prosperous state in this nation. In fact, it is rather a poor state. I don't have to tell you, I don't think, that economic activity is what generates wealth. I think that it is really foolhardy for a state like Maine to turn around and prevent economic activity, even if it is a small economic activity, that is going to benefit all the people of the state.

I would like to briefly touch on the whole issue of studies. There have been hundreds and hundreds and hundreds of studies of the lobster population done. Some of them conflict; some of them agree. You could sit and read those studies for years and years and years and I don't think you could reach any new conclusions.

I would urge you to vote yes on this bill and take the five inch limit off the Maine lobster.

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

Representative SCARPINO: Mr. Speaker, Ladies and Gentlemen of the House: I would like to testify in support of my good friend from Eastport, Representative Vose, and request that you oppose the pending motion in front of you. Let me give you a couple of reasons.

The varying states and countries involved in the lobster fishery have chosen various patterns, various methods to protect their resource. Canada allows landing of offshore lobsters. Canada, depending upon what province you are in, also has between a 300 and 375 trap limit and is seasoned and a hard and fixed number of how many licenses they are going to issue. If I was a Canadian right now, say I was in Newfoundland and I wanted to get a lobster license, I couldn't get one, because they say, only so many licenses, so many traps, so many months of the year, and then there are places offshore that they close because they are breeding areas where the large breeders are, to prevent those from being harvested. That is what Canada does.

New Hampshire, as with most things with New Hampshire, doesn't do much of anything. They have just increased their minimum to agree with ours of 3 and 3/16ths.

Massachusetts has the same 3 and 3/16th minimum and no maximum. That is what the State of Maine is talking about doing too. Now, what has happened in the State of Massachusetts with that? About 20 years ago, their entire inshore lobster fishery collapsed, totally, and they shifted to offshore fishing. They had an independent study done and it recommended that they limit their licenses and they instituted a hatchery program. Right now, 1,600 licenses are available in the entire state of Massachusetts and they have a hatchery program and they still don't have a viable inshore fishery after 20 years of that.

Now let's look at what Maine has. Maine has a 3 and 3/16th minimum. It has a maximum of five inside to protect the brood stock and it has a V-notch program to protect the brood stock that exists in the legal marketable size. What does that cost? In the past 50 years, with one exception, and that exception being last year, the State of Maine has landed more pounds of lobsters than every other lobster harvester in the nation, combined. Last year, we only managed to harvest 48 percent of the harvest in the country because of the increased penetration of New Hampshire and Massachusetts boats into the offshore waters of the State of Maine taking those lobsters out of there. Now there is a marketing argument that we take this off, we would increase the income and that is just the business, that is just what we heard from my friend from Freeport, Mr. Mitchell. That is true, we will increase it for a couple of years, but in seven years, when all that brood stock is gone and those seeders that they would have put in the water would

have been marketable are no longer there, my prediction is we are going to see the collapse of the inshore industry in our state. Now, there are those that would question that and there is a letter that has been passed around from the commissioner questioning the viability of the five inch being a brood stock.

Let me quote from the book called the "Lobster Chase" by a Mr. Brown, a former member of the Department of Marine Resources. "In fairness to the many lobstermen, who are opposing this year's move to repeal the five inch law, scientists in Maine and the Canadian Maritimes have been saying that the large lobster theory may be sound. They say they need more time to study it."

In an article published on the first of May in the Washington Post, an interview with a reporter by the name of Kate Larmer, Rich Langdon, the chief lobster biologist, Department of Marine Resources makes the following statement and I quote, "On the one hand says Langdon, you could say everything is good and they were obviously taking full advantage of the resource. If nothing happens, the lobster fishery is probably in good shape." He continues, "However, if there were a climatic change or a change in the way fishing occurs, who knows what could happen, the future is not as rosy as it could be." Right now, we have maximum utilization of this resource, the main problem is that we don't have any backlog if something happens. We have no safety net, we have no cushion if there is a change in our lobster fisheries. This bill is a proposed change that would take away our juvenile recruitment or a large portion of our juvenile recruitment.

I would like to quote Mr. Langdon a little further. He goes on, "another argument against the change is that the system is working, and that system is what the State of Maine currently has in place, the 3 and 3/16 minimum, the V-notch, and the five inch maximum law. It is working, says Langdon because (1) the five inch maximum leaves a brood stock; (2) the offshore population is thought to provide stock for the inshore fisheries." In work session on this bill, I asked J. Crouse, the department's chief biologist three times — "Mr. Crouse, do the offshore large lobsters provide juvenile recruitment into the inshore waters?" Mr. Crouse's answer three times was, "yes." I then asked him, "can you tell us to what degree they provide" and he said, "we have had no formal study so we cannot say the amount to which they provide" but he did say three times, that those oversized lobsters from the offshore and inshore provide our brood stock.

This bill comes down to one very simple question. Do we make a lot of money in a little time and then have 8,000 people be out of work and out of a way to make a living or do we accept a smaller income over a long period of time and maintain it? To put it in real simple terms, does a chicken farmer sell his brood stock? Does a wood harvester chip his saplings? If they do, they can make a lot of money that first year but the next year they starve. It is the same thing with this. We can make a lot of money in a couple of years, but seven years down the road when we get the indications of this because that is how long it will take to see the results of this, if we do lose our brood stock for the lobster fishery in the State of Maine as we know it, for the inshore lobster fishermen for those 8,600 people, who right now either wholly or in part make a living from the inshore fishery, it is over for them. The resource will recover ten, fifteen years, but those people never will.

We have a study proposal coming down the road in this legislature, there is going to be the first international conference since 1977, in July, in Canada, where all the most recent research will be presented, gone over, and the specific purpose of this entire conference is to look at juvenile stocks. To make this move at this time, with the insufficient information

that we have, I think is precipitous. If we wait six weeks, the results of seven years of international study, specifically related to juvenile recruitment for the lobster industry, will be available. You know the old statement is, you can't close the barn door after the horse has left. If we pass this now, we know the horse will run, we are just going to open the door and let him go. If we wait six weeks, maybe, we will find the lock and maybe we will find the key to find out the right way to do this. If this bill is good, in six weeks we will know and, in the next session, we can deal with it.

I would urge you to support Representative Vose, myself and those of us on the "Ought Not to Pass" Minority Report to enable us to in effect save our industry.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, Men and Women of the House: I will be brief. Representative Scarpino knows the fishing industry and I am an accountant, I won't belabor the point but the words he has spoken today, I believe, to be very true. To keep the five inch law is a conservation measure. My constituents who have been in the lobster industry all their lives, who fish and earn their living that way, realize this. They support the five inch law and I would urge you to vote against the pending motion and go on to defeat this bill.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I, too, was at that hearing back on the first of March and I asked a question, if the studies came back showing that both the minimum and taking off the maximum size were to the benefit of the lobstermen, would they go along with it? The Vice-President of the Maine Lobstermen Association said: "well, we would have to think about it again." That is all I have heard for three years on Marine Resources, we will have to think about it again. The lobstermen in this state just don't want to do it and they don't want to believe in any studies and they don't want to believe in any scientific studies. This study that Representative Scarpino talked about, coming out in six weeks, if that came out and said yes, you could take it off, they still wouldn't believe you. That is one of the reasons why that I am voting for this bill because the studies show that it will not hurt.

Representative Scarpino also indicated that the population of the lobsters is dropping in the State of Maine. It is down to 48 percent. One of the reasons that is happening is because Massachusetts and New Hampshire people are coming right off our coast, they are going right up the coast of Maine and they are taking all those lobsters and they are taking them back to New Hampshire and Massachusetts and our people can't do that. Our people can't go out there, take over a five inch lobster, and bring it back here. They have to go to Portsmouth or they have to go to Gloucester. If we continue to do this, what is going to happen, is more and more of these out of state lobstermen are going up the coast and take those lobsters and take them back into Massachusetts and New Hampshire.

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

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: The present gauge size used for lobsters has been in effect for over 40 years and, during that time, the size has worked well. The minimum size of 3 and 3/16 inches has guaranteed a good constant supply of young stock. By the way, it takes roughly seven years for a lobster to reach the legal minimum size. The maximum gauge size is served to protect the large lobster, the breeder as they are called in the industry.

These lobsters are perhaps our most valuable asset in the industry. They are the lobsters that are preferred by the female lobster for breeding purposes.

You know we are all from different areas in the State of Maine and we have all had opportunities to talk to our elderly. When I talk to old fishermen, they tell me about the days when you could walk along the shore and pick up lobsters right out of the seaweed — those days are gone. Those are the good old days in the State of Maine. All we can do now is imagine what it would be like and there are a lot of reasons for that.

Ten years ago, there were a million lobster traps in Maine waters used for fishing purposes. Now, there are over two million and the catch has stayed roughly the same. The industry is being overfished and that is why two years ago, I introduced a bill that would have limited the number of lobster traps that a fisherman can use in Maine waters. It was an effort to help conservation in the industry. That is why last year, the Department of Marine Resources, imposed a trap limit around the Swans Island-Frenchboro area because the industry was being overfished.

I have hundreds of fishermen in my district and not one of them has expressed a favorable opinion towards this bill. In fact, I have received petitions, phone calls, and letters and I have had meetings and all of them were against this bill. If this bill passes, the fishermen might make a few extra dollars for a short time until the large lobsters are gone, then they will be out of business. Maine has and continues to be the leader in lobster resource conservation. That is why the out of staters come to fish our off shore waters because their industries are dying and Maine is still in relatively good shape compared to our neighboring New England States.

This bill is the result of a few dealers wanting to take in a few extra bucks. Let's show them that we care more about our fishermen and our resource than about putting a few temporary dollars in their pockets, let's reject this bill.

The SPEAKER: The Chair recognizes the Representative from Bar Harbor, Representative Salsbury.

Representative SALSBUURY: Mr. Speaker, Ladies and Gentlemen of the House: When I first came here to the legislature, my first lesson in decision making was from a now retired downeast legislator. That lesson was on any given piece of legislation, when in doubt, vote no. Let the status quo stand until some overwhelming evidence convinces that a change should be made.

On this piece of legislation, there is no evidence that a change should be made. When it comes to the lobster industry, whenever there is no supporting evidence for an issue, where do you go for the answers? I will tell you where to go. Go to the fishermen, who have hauled traps for the past thirty or forty years and ask their advice and you will seldom go wrong.

I went to my fishermen, 400 plus in my district. These lobster fishermen in my legislative district, 99 percent told me to leave the lobster measure alone. It is their belief and therefore mine, that removing the five inch measure would deplete the brood stock and completely destroy the industry which is already in some trouble. To remove the five inch maximum would be nothing but short term bucks for the dealers and all at the expense of the industry as a whole.

What do my fishermen really say? How about a few quotes from a recent poll I did in my district. From Winter Harbor, quote, "If this law is enacted, the lobster industry is gone." From the fishing village of Corea, "Don't try to change or add to the laws and regulations that have proven to be effective to the business over the last thirty years." Another quote from

Steuben, "The five inch law has worked well for the past 30 years, so leave it alone." From Bar Harbor, "Why don't you people leave the lobster industry alone instead of trying to stab at it all the time? We would get along just fine if you people would leave things alone." Again from Corea, "Whatever you do Roland, don't allow those fools to change that measure. I have been fishing 34 years and I know the measure is working for the good of the industry." Listen to those who have worked for and supported this industry for years. They are sending a message, protect our brood stock, leave the five inch measure on the books. If you don't, the lobster industry will go to pot and 2 million lobster traps will be sold to the tourists at flea markets. The tourists won't be able to buy lobsters so they will take home a trap as a symbol of an industry that once was. Please help me kill this piece of legislation so that those four million visitors, who come to beautiful Mt. Desert Island every year, will be able to spend their money for lobsters and not for the traps.

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

Representative RICE: Mr. Speaker, Ladies and Gentlemen of the House: This bill represents one of the most difficult situations that I will probably face on the floor. I represent a district where lobstering is vital. I also represent a district that is divided on this issue. I am probably in a no win situation politically, but I base my decision to support the repeal of the five inch on four factors. Number one, I think I was the only member of this committee, and someone can stand up and correct me if I am wrong, who actually surveyed, or attempted to, every single fisherman in my district and there are 456 licensed fishermen and I surveyed them through a postcard. I thought I had a very good return, over 150 responses from my fishermen and they were divided right down the middle. Approximately 50 percent want to retain the five inch and approximately 50 percent want to take it off.

I also spoke with a number of dealers who contacted me and people who are insinuating that this is a dealers bill. It may be true for them but it is not for me. Some of my dealers are not in favor of this measure and some are.

The third factor that influenced me was that the conservation value must be measured against what the other states are doing and that has some impact on me, that if this was a great conservation issue that Canada, which is certainly ahead of us in the management of its fisheries, would have adopted it or some of the other New England States.

The fourth item is the biological question and that is a very difficult question to answer. I don't believe that either side in this argument can answer it to satisfaction today.

I would like to point out that there was an article several months ago in the Portland Press Herald that dealt with the minimum increase in the lobster measure and, since it has been brought up today that the maximum has a tremendous conservation value, I ask you about the minimum for those of you who are arguing against removing the five inch. Ninety-nine out of every one hundred females are now taken before they have had a chance to reproduce. So, if that doesn't perhaps say that we should have looked a little more closely at increasing the minimum, if we are truly concerned about conservation, then I don't know what does.

I find this a very difficult situation for myself but I hope you will consider supporting the Majority "Ought to Pass" Report. I would not be standing up here urging you to if I felt it would damage an industry that is vital to where I live. I would like to finish by saying that I have been a licensed lobsterman. I have hauled a number of traps, years ago, and I have some idea what the industry is about.

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: You know by now that this is a real hot issue. The people who are speaking, all except one of the speakers, are under the gun of the MLA, The Maine Lobstermen Association. They comprise some 600 to 800 commercial lobster fishermen. There are 8,900 fishermen out there. I have letters here, I have signatures on a petition from lobster fishermen all the way from South Bristol up to Belfast, Maine that support this. I talked with a member of the Maine Marine Resources Council, who is a lobster fisherman fulltime, who is in favor of this bill. I have a member of the lobster advisory council in my district, who is in favor of this bill, and has said so at meetings of the Lobster Advisory Council.

The study they are talking about is another smoke screen, I believe. When we talk about the lobster fisheries in Maine and how great we are, we have got to get better I am sure, but we forget the fact that Canada produced some 50 million pounds of lobster last year, while we produced 19 million. So, there are people probably that know a little more than we do or are doing a little better.

Incidentally, Canada ignores this five inch thing. They think it is ridiculous. I have talked with them about it and they have no intention of going to this five inch limit. They talked about Mr. Crouse, the biologist, he testified at the Fishermen's Forum in favor of this bill. We have a Commissioner of Marine Resources, who is a graduate of Bowdoin College, a biologist, a scientist, who has been there 12 years under three different Governors and he had testimony for us and I would like to read some of this to you. L.D. 230 "An Act to Repeal the Maximum Length Lobster Measurement" turns upon two fundamental but distinct considerations. One is the impact of the bill on the lobster conservation that you have been hearing so much about here. The other is the economic question that involves the marketing of Maine lobsters. These are distinct issues and should be considered as separate and distinct issues. The department feels that there may be some conservation benefits to the maximum length measure. Let me repeat that, the department feels that there may be some conservation benefits to the maximum length measure but we cannot make any reliable estimate of the amount or the extent of that benefit. We are quite confident that there are very few lobsters over the five inches carapace length in our territorial waters. They probably amount to substantially less than one percent of the total population within the territorial waters and no one seems to dispute this estimate. Further, there is widespread, but as yet unproven belief, that the large lobsters tend to migrate seaward beyond the territorial waters and in those offshore waters, there is for all practical purposes, no protection at all to large lobsters because they may be and are taken by fishermen from other states that have no legal protection for large lobsters. Thus Maine's oversized law provides protection only in a very small fraction of the waters of the Gulf of Maine and probably only a very small fraction of the total population; thus, it is our conclusion that there can be only a very small conservation value in the oversized law. It is for this reason and the fact that we cannot quantify the degree of whatever protection the oversized law may offer that we have not felt strongly on the retention or the repeal of the oversized measure. I repeat, one more time, that Maine is the only state in the United States to have this law. Canada does not have this law, we are the only ones in this entire world that has this law.

"The opposition to L.D. 230, going back now to the commissioner, are almost entirely from fishermen who are persuaded through the con-

servation value of the maximum length law but I believe from the various letters and petitions received by the Marine Resources Committee that the fishermen are not unanimously convinced of the conservation benefits of the oversized law, a considerable number of fishermen argue for repeal.

The second issue is economics, the effects of the oversized law on the ability of Maine dealers to compete in the Maine market against dealers of other states or in Canada, we do not feel qualified to comment on this economic or market issue and must rely on the advice of the industry. We certainly have no special knowledge on this point. The Maine dealers argument is that the oversized law places them in a competitive disadvantage because they cannot offer full size range of lobsters which out of state buyers demand. The weak market position could, of course, have negative effects back to the Maine lobster fishermen. The dealers have unanimously presented much testimony to the committee on this point. I do not recall that anyone has refuted their arguments nor disputed their statements. Thus, it would appear that the economic argument is valid, strong, and persuasive. If that is the case, the legislature is faced with the task of balancing a persuasive and unchallenged economic argument for the repeal of the oversized law against questionable, disputed, and apparently weak conservation arguments for retention."

The Representative from St. George told about the book that Mike Brown has written on the Lobster Chase. In fact, this book was printed by the Marine Publishing Company in Camden, Maine, in case you are interested in buying one. Here is what Mr. Brown really said in his book. "The real reason for the maximum size limit was not biological, it came right at the height of the great depression, when there wasn't any demand for large lobsters because of high prices, if fishermen presented dealers with large lobsters, even the three and a half or four and half pounders, they were below the legal maximum, it was also a dealer liability. Dealers had to pay the price per pound back in those days for what they viewed as a very slow moving and perishable product. Their problems would only be compounded if the maximum law would be eliminated and fishermen began landing six, eight, ten or fifteen pounders. Dealers began the prolonged campaign to sell the idea — get this now — the dealers began the prolonged campaign to sell the idea that the big oversized males were the great studs patrolling the bottom byways and sleeping with every female they encountered and the oversized big mamas could spill out millions of babies at a sitting. The combination of these two oversexed crustaceans was what kept the bread on the table of the lobstermen claimed to the dealers. The biological hypothesis was highly suspect but the propaganda was beautiful. The fishermen fell hook, line and bait barrel.

Offshore fishermen are forced year round by this unique Maine law to sell their landings in Portsmouth, New Hampshire and Boston, Massachusetts, who like the rest of the world, do not have a five inch maximum law or to Gloucester, Mass. where they do not have a five inch max law or to the Boston Fish Pier that absolutely destroys the Maine fishermen. They welcome this. Boston and Portsmouth have a thriving air freight lobster business where they air freight lobsters to cities like Seattle, Denver, Dallas, Miami and also to Europe. France alone, imports 4 million pounds of lobsters a year, not from Maine, we don't ship them from Maine, they come from Boston or from Canada. The U.S. Commercial Air Lines have been in business air freighting lobsters for fifteen years, not just over seas, but also ship to domestic markets throughout the midwest, the west coast and the southern states. Surprisingly, there are no large commercial shipments of



lobsters in Maine. No, it is no surprise, our unique law depresses this thing and makes it impossible.

We blame the federal government, we blame the ICC, we blame Canada because the United States had \$125 billion import shortfall last year. Well, it is this unfair trade of Maine lobsters we have that the Maine laws are to blame. A vote for the five inch repeal is a vote for progress to a vote that will bring an additional \$10 million or more to our fishing industry. Throughout the country, throughout the world, people know about Maine lobster, it is our trademark. Well, keep this Maine law in place and soon Europe will be clammering for Canadian lobsters and the U.S. market will be looking for the Massachusetts lobster. If we are smart, Maine will become the center of the lobster shippers of the world. Bangor International Airport, the Portland Jetport will add another notch in their competitive air shipment belts if we change this. Let's give the Maine lobster dealers and the Maine lobster fishermen an economic break. No one else in this entire world has or believes in this law, vote to repeal an unfair labor handicap law.

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

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: I am glad the gentleman brought up the letter submitted to us by the Commissioner of the Department of Marine Resources, Commissioner Apollonio. The bottom paragraph, which he read to you in addition to the rest of the letter as well, starts off: "the opposition to L.D. 230 comes almost entirely from fishermen." Who else is there in the industry? Who makes up the fishing industry? The fishermen. Who knows more about what is happening in our waters than the fishermen? They are not sitting behind some desk in Augusta, they know what is going on out in the waters. They know what is happening to our lobster industry and they know what will happen if we pass this bill.

As far as Mr. Brown is concerned, I would be more than happy to discuss the validity of Mr. Brown's assertion sometime after the session, off the record.

In response to some comments that were made earlier, as far as Canada and their thought that this five inch maximum size is ridiculous, they don't need a maximum size to control the number of licenses that are issued to their people and, as a result, they control the number of lobsters that are caught. We don't have that privilege. We issue a license to anyone who wants one. If we repeal the maximum size, we have nothing to stop thousands of people from heading off and catching every single lobster that is out there. Canadians don't have that problem so let's not mix these things up, the Canadians don't need it, they can control how many lobsters are caught.

As far as 99 percent of the female lobsters being taken before they have had an opportunity to breed, Maine is the only state that has what we call "a V-notch program." When the lobsterman catches a female and she appears to have eggs on her, he puts a little notch in the back of her tail in the shape of a V, she is thrown back into the water and can never, ever be taken again by any fisherman in the State of Maine. She is preserved for the rest of her life, to help breed, to help bring more lobsters for the future for lobstermen that are there now and for their children and with any luck at all, the industry might even be around for their grandchildren, if we don't do too much damage to it in the interim.

This bill is ridiculous. I want to make one more point about that V-notch program - right now, the Fisheries Management Council has adopted an amendment for that V-notch program and we are in hopes that those hearings will start shortly so it is conceivable that the V-notch program might actually be adopted by

the rest of New England sometime in the not too distant future. So, Maine has led, as I said earlier, their conservation effort for sometime. Just because other states have not gone along with us doesn't mean that we should succumb to the ignorance of preservation of the industry in other states and allow our industry to face the same doom that is now facing other states. I urge you to reject this bill.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, Ladies and Gentlemen of the House: I represent Rockland, the lobster capital of the world. I did not receive one phone call from a Rockland lobster fisherman asking me to vote against this measure. I, too, attended the fisherman's forum and other public debates that I heard divided the groups up pretty evenly so I will be voting with the majority on this report and I urge you to do the same.

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: Just to clarify one of the statements that Representative Zirkilton made, these lobsters are now being taken by Massachusetts and New Hampshire fishermen off our coasts. As long as you get off that three mile territorial waters, they can fish for them. So, the only ones we are stopping from taking these lobsters now are the Maine lobstermen. This seems ridiculous to me. They are going to be taken anyway and we say, no, you can't do it, you are from Maine or you can go all the way to Boston with your lobster vessel and spend a lot of money, be away from your family and when they say the lobsterman is not with this bill, they are with this bill, a lot of them are. Some of them aren't but a lot of them are.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Marine Resources Committee, I also attended that same hearing in Rockland. My remembrance of it is that it was somewhat equally divided, those for and those against but the point I really wanted to share with you is that, as a member of that committee, I really agonized over the decision. I heard the biologists debate back and forth, back and forth, whether it would be a conservation measure or would not be a conservation measure. I finally decided to listen to the biologist for the Department of Marine Resources, that is what we pay them for, and I came to the conclusion that there is no strong evidence that this would be an anti-conservation measure.

The other point that I made my decision on was the economics of it. I would like to share with you one example. We have a dealer, he shared this with me, he had an order, a customer wanted two six pound lobsters and about a thousand regular size lobsters and because he could not ship the two six pound lobsters, he lost the entire order to either New Hampshire or Massachusetts. Those people from New Hampshire and Massachusetts are coming up off our coast, are catching what I consider to be our lobsters, oversizing, taking them back to New Hampshire and Massachusetts and taking our markets away from us.

I hope you will support the Majority "Ought to Pass" Report.

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

Representative SCARPINO: Mr. Speaker, Ladies and Gentlemen of the House: You just heard the good Representative from Rockland who claimed that Rockland was the lobster capital - you heard the good Representative

from Stonington talk about her 400 fishermen - there are approximately 8900 licenses in this state, 1635 of them are in my district. If we look at five land ports, one of which is no longer in my district but was, that was the town of Friendship, we then add the town of Friendship, the town of Port Clyde, the village of Port Clyde, the village of Tenants Harbor, the village of Spruce Head and the Island of Vinalhaven, those five places land over 20 percent of the total gross weight of lobsters harvested in the State of Maine. So, that is where the lobster capital is. It is in those five towns, that is where 20 percent of it is.

Representative Crowley mentioned that petition - if my memory serves me correctly, that petition has 162 names on it, almost all of them are in my district and almost all of them are in the village of Spruce Head and almost all of them work for the one dealer who is pushing the hardest of any other in order to increase his business. Even if that weren't true, it is still 162 signatures in one district out of 1635 licenses, that is 10 percent, that is not an overwhelming majority.

One short final thing, another thing that my committee chairman, Representative Crowley mentioned were the reasons, according to Mr. Brown, that they instituted the five inch law. I wasn't around at that time and neither was Mr. Brown so he can't really say but what Mr. Brown didn't say, and what Representative Crowley didn't say, is that regardless of the reason for the implementation of that law, the time that law was implemented, the state's lobster landings were averaging 10 million pounds and now, after 30 years of that law, we are averaging 20 million pounds. Whether it was the original intent or not, there is sufficient information to indicate that it has had a noticeable effect on the conservation of the resource and providing the necessary juvenile recruitment we need to maintain our business at its current level. Based on that, once again, I urge you to vote for the 8600 fishermen who depend on this for their livelihood, let them keep their way of making a living, keep the industry strong, oppose this bill and keep our conservation package intact.

The SPEAKER: The Chair recognizes the Representative from Canaan, Representative McGowan.

Representative MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: Probably a lot of you are wondering why I am standing here, a Representative from inland Maine, talking about a lobster bill. I was cosponsor of this measure but I was also a lobster retailer for the past seven years and during that time, I found some tremendous inequities in the laws in the State of Maine. Some of those inequities were that people who live in my town, and I am asking you people who live inland and those of you who represent an inland constituency, who have constituents who drive to New Hampshire to buy the large lobsters. I went there last weekend and I got a beauty. I think that that is an inequity because right now, in the State of Maine, I will quote a letter from Mrs. Stephen Robbins, who is from Stonington, Maine, whose husband fishes offshore, "there are several boats, the fishing vessel, Hannah Bowdoin, the fishing vessel, Seastar, the fishing vessel, Amy-Michele, the fishing vessel, Claudia Nicole, the fishing vessel, Michael Christian, the fishing vessel, Stephen G's, these boats are out of state boats, they hope you don't pass this law today because they have been fishing in these waters and hauling these large lobsters out of state for the past 10 years." It is an inequity that the people of this state cannot walk into a store, a retail seafood store, and buy a large lobster when these large boats, and I mean they are large, they are rigged for offshore fishing, come up from out of state and take these lobster out of state.

I hope that you people will do the fair thing. The lobster industry in this state is divided,

divided right down the middle, but there are a distinct few lobstermen who hope you don't pass it. They don't come from the State of Maine, ladies and gentlemen, they come from Massachusetts, Rhode Island and New Hampshire.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: As you probably can imagine, there are some reputable signers that support both sides of this issue but when you vote on it, I would like you to think about those boats and think about some guy catching a lot of lobsters off the coast of Maine and then steaming to Gloucester and selling those lobsters and buying his gas in Gloucester and taking his crew out to dinner in Gloucester and spending that money — buying a gift for his wife in Gloucester, think about that, that is all money that we lose in the State of Maine. Then think about the money that the dealer in Gloucester makes selling those lobsters that are caught in Maine, that is the real point of this bill.

Mr. Speaker, I would request the yeas and nays.

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

Representative COLES: Mr. Speaker, Men and Women of the House: Two brief points, one I would like to reiterate that the lack of a five inch law around the rest of the Gulf of Maine had no apparent effect on the viability of their fisheries.

Second, much of the comment today against this measure has suggested that the five inch lobsters within Maine jurisdiction form the crux on which the whole population is based. This defies common sense. Oversized lobsters amount to less than one percent of our Maine population and a far smaller percentage than the number of oversized ones in Maine represent a far smaller percentage of the total Gulf of Maine population. Looking at this from a total Gulf point of view, it is important because the newest research on lobster biology and lobster recruitment suggests very strongly that the major source of new lobsters for inshore waters of Maine are offshore breeding areas. We do not depend solely or even in large parts upon our local supply of lobsters to breed or provide new lobsters. Lobsters are highly migratory, they have been known to move 150 to 200 miles in a space as short as two months. They are a Gulf of Maine resource, a restriction which applies solely to one small area of the Gulf of Maine and it makes no sense whatsoever in the total context of the lobster biology.

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

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I won't prolong this debate any longer. I will be very brief. If you notice, the committee is really split on this, 7 to 6, and the reason for that is that none of us are that sure, at least I am certainly not that sure it should go into effect, we also have a study order that will be forthcoming, hopefully, and we will be asked to vote on that, which will address some of these issues. The only thing that I am saying is "don't do it now, just wait a little bit so those of us who are not sure of this bill, get a chance really to discover whether or not we want this to happen or not want it to happen."

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.

Representative Crowley of Stockton Springs was granted permission to speak a third time.

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I will be much briefer than Representative Vose. Don't believe in Representative Vose's smokescreen.

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

#### ROLL CALL No. 87

YEAS:—Aliberti, Allen, Armstrong, Baker, H.R.; Begley, Bost, Boutillier, Brodeur, Cahill, Carroll, Carter, Cashman, Chonko, Coles, Connolly, Cooper, Cote, Crouse, Crowley, Dellert, Descoteaux, Diamond, Duffy, Erwin, Greenlaw, Gwadosky, Handy, Hayden, Hickey, Hoglund, Jacques, Joseph, Lacroix, Lisnik, Manning, Martin, H.C.; McGowan, McHenry, McPherson, Melendy, Michael, Michaud, Mills, Mitchell, Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, Nicholson, Paradis, P.E.; Perry, Priest, Racine, Rice, Ridley, Roberts, Rotondi, Ruhlman, Rydell, Simpson, Soucy, Swazey, Tardy, Theriault, Warren, The Speaker.

NAYS:—Baker, A.L.; Bell, Bonney, Bott, Bragg, Brown, A.K.; Callahan, Clark, Conners, Davis, Dexter, Dillenback, Drinkwater, Farnum, Foss, Foster, Harper, Hepburn, Hichborn, Higgins, L.M.; Hillock, Holloway, Ingraham, Jackson, Kimball, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Macomber, Masterman, Matthews, Mayo, McCollister, McSweeney, Moholland, Murphy, E.M.; Murphy, T.W.; Nickerson, Paradis, E.J.; Parent, Paul, Pines, Randall, Richard, Rioux, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Sproul, Stetson, Stevens, A.G.; Stevens, P.; Stevenson, Strout, Tammara, Telow, Vose, Walker, Webster, Wentworth, Weymouth, Whitcomb, Zirkilton.

ABSENT:—Beaulieu, Brannigan, Brown, D.N.; Carrier, Daggett, Hale, Higgins, H.C.; Jalbert, Kane, O'Gara, Pouliot, Reeves, Rolde, Taylor, Willey.

66 having voted in the affirmative and 70 in the negative with 15 being absent, the motion did not prevail.

Whereupon, the Minority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Agriculture reporting "Ought to Pass" on Bill "An Act to Create the Commission on Farmland Loss" (H.P. 434)(L.D. 635)

Signed:

Senators:

CARPENTER of Aroostook  
BLACK of Cumberland  
ERWIN of Oxford

Representatives

MCCOLLISTER of Canton  
TARDY of Palmyra  
MICHAEL of Auburn  
DAGGETT of Manchester  
WHITCOMB of Waldo  
LORD of Waterboro

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

Signed:

Representatives:

PARENT of Benton  
SHERBURNE of Dexter  
CROUSE of Caribou  
BRAGG of Sidney

Reports were read.

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

The SPEAKER: The Chair recognizes the Representative from Benton, Representative Parent.

Representative PARENT: Mr. Speaker,

Members of the House: I am opposed to creating a farmland study commission. There is general agreement amongst the farmers and amongst the members of the committee that farmland loss is a real problem and a serious problem and it should be studied. That is not the issue. The issue here today is, who is to conduct this study and how is it to be conducted and funded? There are some that feel the best way to do that is to create a commission and to fund it with an appropriation of \$60,000. That is what this bill does and that is what I am opposed to.

There is forthcoming an unanimous "Ought to Pass" Report on a bill that would establish a system to study farm problems on a regional basis and there is a request in the Part II Budget for \$96,000 for that purpose. It is my feeling that if we use that funding and that system, the department with existing staff and resources with the help of the Farm Bureau and Soil Conservation, can properly make that study and do it more effectively. This would eliminate the need for a special commission and, at the same time, it would save \$60,000.

The simple question here before us today is, do we want to establish a commission to do something that the department is already well equipped to do in the first place. My sincere opinion is that we do not need it.

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

Representative MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: I can appreciate the gentleman's remarks. The creators of the other bill which the gentleman referred to, as well as the sponsor, I will agree that it has nothing to do with this bill that we are talking about today. They are clearly distinct, there is great agreement with that and it is important that we proceed and pass this bill, which has a wide level of support. This bill, the Agriculture Preservation Bill, that commission, is supported by the Maine Department of Agriculture and the Maine Small Farm Association, the Maine Organic Farmers and Gardeners Association, the League of Women Voters, the Maine Association of Realtors and we need to begin the process of deciding what avenue we will take to preserve agricultural farmland. The gentleman from Benton said himself that we all agree that it is an important issue but no one can seem to agree on how to proceed. So, this is a very important step and I hope you do go with the strong Majority "Ought to Pass" Report.

Representative Parent of Benton 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 pending question before the House is the motion of the Representative from Auburn, Representative Michael, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL No. 88

YEAS:—Aliberti, Allen, Baker, H.R.; Bell, Boutillier, Brodeur, Carroll, Carter, Cashman, Coles, Connolly, Cooper, Cote, Crowley, Daggett, Descoteaux, Diamond, Drinkwater, Erwin, Farnum, Gwadosky, Handy, Hayden, Hichborn, Hickey, Higgins, L.M.; Jacques, Jalbert, Joseph, Kimball, Lacroix, Lawrence, Lord, Macomber, Manning, Martin, H.C.; Masterman, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, Moholland, Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, Nicholson, Paradis, P.E.; Paul, Perry, Priest,



Rice, Richard, Ridley, Rioux, Rydell, Salsbury, Simpson, Small, Soucy, Stevens, P.; Stevenson, Tammaro, Tardy, Vose, Walker, Warren, Webster, Wentworth, Whitcomb, The Speaker.

NAYS:—Armstrong, Baker, A.L.; Begley, Bost, Bott, Bragg, Brown, A.K.; Cahill, Callahan, Chonko, Clark, Conners, Crouse, Davis, Dellert, Dexter, Dillenback, Foss, Foster, Greenlaw, Harper, Hepburn, Hillock, Hoglund, Holloway, Ingraham, Jackson, Lander, Law, Lebowitz, Lisnik, MacBride, Matthews, Mayo, McPherson, Murphy, E.M.; Murphy, T.W.; Nickerson, Paradis, E.J.; Parent, Pines, Racine, Randall, Roberts, Rotondi, Seavey, Sherburne, Smith, C.B.; Smith, C.W.; Sproul, Stetson, Stevens, A.G.; Strout, Telow, Theriault, Weymouth, Zirkiltron.

ABSENT:—Beaulieu, Bonney, Brannigan, Brown, D.N.; Carrier, Duffy, Hale, Higgins, H.C.; Kane, O'Gara, Pouliot, Reeves, Rolde, Ruhlin, Scarpino, Swazey, Taylor, Willey.

76 having voted in the affirmative and 57 in the negative with 18 being absent, the Majority "Ought to Pass" Report was accepted, the Bill read once and assigned for Second Reading Tuesday, May 28, 1985.

#### Consent Calendar Second Day

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

(S.P. 219) (L.D. 578) Bill "An Act to Make Certain Housekeeping Changes to the Maine Criminal Code" (C. "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" (C. "A" S-97)

(S.P. 312) (L.D. 801) Bill "An Act to Amend the Law Relating to Deputy Sheriffs, Appointments and Removal" (C. "A" S-93)

(S.P. 365) (L.D. 985) Bill "An Act Concerning Commercial Fishing and Maritime Activity Zones" (C. "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" (C. "A" S-92)

(H.P. 918) (L.D. 1324) Bill "An Act to Improve the Functioning of the Maine Milk Commission"

(H.P. 124) (L.D. 149) Bill "An Act to Repeal an Outdated Provision of the Highway Law"

(H.P. 718) (L.D. 1028) Bill "An Act to Improve the Laws on School Health Programs" (C. "A" H-172)

(H.P. 563) (L.D. 834) Bill "An Act to Extend the National School Breakfast Program Availability to Maine School Children" (C. "B" H-170)

(H.P. 948) (L.D. 1357) RESOLVE, to Authorize Granting a Sewer Line Easement on State Land to the Town of Thomaston (Emergency) (C. "A" H-171)

(H.P. 634) (L.D. 902) Bill "An Act Relating to Coyote Control" (C. "A" H-174)

(H.P. 808) (L.D. 1154) Bill "An Act to Expand the Victim's Rights Laws" (C. "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" (C. "A" H-176)

(H.P. 732) (L.D. 1041) Bill "An Act Concerning Abandoned or Unclaimed Property and Security Deposits in a Landlord and Tenant Agreement" (C. "A" H-177)

(H.P. 538) (L.D. 765) RESOLVE, Authorizing the Sale of State-owned Land to the Crisis and Counseling Center (C. "A" H-178)

(H.P. 737) (L.D. 1046) Bill "An Act to Expand the Inspection of Used Car Dealers Conducted by the Division of Motor Vehicles" (C. "A" H-184)

(H.P. 1025) (L.D. 1477) Bill "An Act Concerning Service Requirements for Medical Students"

(H.P. 194) (L.D. 228) Bill "An Act to Provide County Commissioner Districts in Washington County" (C. "A" H-186)

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

#### Passed to Be Engrossed

Bill "An Act Relating to County Extension Work in Maine" (S.P. 584) (L.D. 1533)

Bill "An Act to Provide a Class A Lounge Liquor License" (S.P. 578) (L.D. 1520)

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)

Bill "An Act to Establish a Medicaid Report" (S.P. 592) (L.D. 1555)

Bill "An Act Concerning Unauthorized Transfer and Use of Fuel Obtained Through Fuel Assistance" (S.P. 590) (L.D. 1553)

Bill "An Act to Allow the Use of Lobster Fund Money to Provide for Lobster Hatcheries" (Emergency) (S.P. 589) (L.D. 1552)

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

#### Later Today Assigned

Bill "An Act Relating to Collective Bargaining over the Compensation System for State Employees" (S.P. 594) (L.D. 1559)

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

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be engrossed and later today assigned.

Bill "An Act to Establish a Directory of Licenses and Permits Required of New and Expanding Businesses" (H.P. 1082) (L.D. 1574)

Bill "An Act Providing Funding for Repair, Maintenance, Operation and Study of the Dead River Dam" (H.P. 1079) (L.D. 1570)

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

#### Tabled and Assigned

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)

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

On motion of Representative Murphy of Kennebunk, tabled pending passage to be engrossed and specially assigned for Tuesday, May 28, 1985.

RESOLVE, Directing County Officials to Manage and Invest County Funds in Accordance with Sound and Prudent Financial Principles" (H.P. 1078) (L.D. 1569)

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

#### As Amended

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) (S. "A" S-101 to C. "A" S-94)

Bill "An Act Appropriating Funds for Technical Assistance under the Community Development Block Grant Program" (S.P. 363) (L.D. 1000) (S. "A" S-100)

Bill "An Act to Establish an Aroostook County Budget Committee" (S.P. 310) (L.D. 799) (C. "A" S-98)

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) (C. "A" H-166)

Bill "An Act to Increase Consumers' Remedies under the Unfair Trade Practices Laws" (S.P. 715) (L.D. 1025) (C. "A" H-167)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Correct Certain Inconsistencies Relating to Civil Offices (H.P. 943) (L.D. 1353) (C. "A" H-169)

Bill "An Act to Provide for State Certification of School Administrators" (H.P. 871) (L.D. 1228) (H. "A" H-181 to C. "A" H-173)

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

#### Orders of the Day

The Chair laid before the House the first matter of Unfinished Business:

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, May 23, 1985, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

Bill "An Act Relating to Municipal Regulation of Hazardous Waste and Chemical Substances" (H.P. 961) (L.D. 1382) (C. "A" H-138)

TABLED - May 20, 1985 (Till Later Today) by Representative DIAMOND of Bangor.

PENDING - Passage to be Engrossed.

Representative Michaud of Medway offered House Amendment "A" (H-157) and moved its adoption.

House Amendment "A" (H-157) was read by the Clerk and adopted.

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

The Chair laid before the House the second matter of Unfinished Business:

Bill "An Act Relating to Structures Located in Proposed Ways" (S.P. 265) (L.D. 708) (C. "A" S-74)

TABLED - May 17, 1985 by Representative KANE of South Portland.

PENDING - Passage to be Engrossed.

Representative Allen of Washington moved that L.D. 708 be tabled unassigned.

Subsequently, Representative Allen of Washington withdrew her motion.

On motion of Representative Diamond of Bangor, tabled unassigned.

The Chair laid before the House the third matter of Unfinished Business:

Bill "An Act to Amend the Law Pertaining to Postgraduate Education in the Field of Medicine" (S.P. 369) (L.D. 1003) (C. "A" S-84)

TABLED - May 20, 1985 by Representative BROWN of Gorham.

PENDING - Passage to be Engrossed.

On motion of Representative Brown of Gorham, tabled pending passage to be engrossed and specially assigned for Tuesday, May 28, 1985.

The Chair laid before the House the fourth matter of Unfinished Business:

An Act to Grant Authority to the Maine State Ferry Advisory Board to Name Ferries (H.P. 1034) (L.D. 1508)

TABLED - May 20, 1985 by Representative ZIRNKILTON of Mount Desert.

PENDING - Passage to be Enacted.

On motion of Representative Zirkiltron of Mt. Desert, under suspension of the rules, the House reconsidered its action whereby L.D. 1508 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-182) and moved its

Amendment "A" (H-182) and moved its adoption.

House Amendment "A" (H-182) was read by the Clerk and adopted.

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

The Chair laid before the House the fifth matter of Unfinished Business:

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

TABLED - May 20, 1985 by Representative DIAMOND of Bangor.

PENDING - Reconsideration (Returned by the Governor without his approval)

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: Let me explain why this bill is in the position it is. As most of you remember, the Governor sent us back a message a couple of weeks ago that he was vetoing this bill because it did not have any provisions in it where if somebody didn't do what we asked them to do in the bill, there was nothing that the state could do about it.

Unfortunately, when we passed the Order to adjourn on June 19th, we then stopped meeting every single day like we were. The Governor's Office notified me, the sponsor and Representative Pines, the cosponsor of this bill, on the tenth day at four o'clock in the afternoon. Had we been meeting that day, we simply could have asked that the bill be sent back to the legislature and we could have tacked on an amendment that would have pleased the Governor. Unfortunately, we were not meeting that day and, unfortunately, there is another bill in the other body that is in the same position so, therefore, the only way that we can deal with that bill is a veto. I would hope that you would take a look at this bill before you vote and vote to override this veto so that we could put this bill into effect and, if there is a problem, then my committee next year will address this problem of no enforcement on it.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, Ladies and Gentlemen of the House: I think if you think back, I was the only person who spoke against this bill at the time. I told you it was a bill that does nothing and it still doesn't do anything and I ask you to not override the Governor's veto.

The SPEAKER: The pending question is, shall this bill become law notwithstanding the objections of the Governor. According to the Constitution, the vote will be taken by roll call. This requires a two-thirds vote of all those present and voting. All those in favor of this bill becoming law notwithstanding the objections of the Governor will vote yes; those opposed will vote no.

#### ROLL CALL No. 89

YEAS:—Begley, Bott, Bragg, Brodeur, Carroll, Clark, Crouse, Daggett, Davis, Drinkwater, Handy, Hepburn, Hickey, Hillock, Lander, Law, Lord, Manning, Martin, H.C.; Mayo, Murphy, T.W.; Nadeau, G.R.; Nelson, Paradis, E.J.; Pines, Rice, Ridley, Roberts, Rydell, Scarpino, Sherburne, Simpson, Small, Sproul, Stevenson, Webster, Wentworth, Whitcomb.

NAYS:—Aliberti, Allen, Armstrong, Baker, A.L.; Baker, H.R.; Bonney, Bost, Boutillier, Brown, A.K.; Cahill, Callahan, Carter, Cashman, Coles, Connolly, Cooper, Cote, Crowley, Dellert, Descoteaux, Diamond, Dillenback, Duffy, Erwin, Farnum, Foss, Foster, Greenlaw, Gwadosky, Harper, Hayden, Hoglund, Holloway, Ingraham, Jackson, Jacques, Jalbert, Joseph, Kimball, Lacroix, Lawrence, Lebowitz, MacBride, Masterman, Matthews, McCollister, McGowan, McHenry, McPherson, McSweeney, Melendy, Michael,

Michaud, Mills, Mitchell, Moholland, Murphy, E.M.; Murray, Nadeau, G.G.; Nicholson, Nickerson, Paradis, P.E.; Parent, Paul, Perry, Priest, Racine, Randall, Richard, Rioux, Rotondi, Salsbury, Seavey, Smith, C.B.; Smith, C.W.; Soucy, Stetson, Stevens, A.G.; Stevens, P.; Strout, Tammaro, Tardy, Telow, Theriault, Vose, Walker, Warren, Zirkilton, The Speaker.

ABSENT:—Beaulieu, Bell, Brannigan, Brown, D.N.; Carrier, Chonko, Connors, Dexter, Hale, Hichborn, Higgins, H.C.; Higgins, L.M.; Kane, Lisnik, Macomber, O'Gara, Pouliot, Reeves, Rolde, Ruhlin, Swazey Taylor, Weymouth, Willey.

38 having voted in the affirmative and 89 in the negative with 24 being absent, the Governor's veto was sustained. Sent up for concurrence.

The Chair laid before the House the sixth matter of Unfinished Business:

Bill "An Act to Establish the Department of Forestry" (H.P. 338) (L.D. 441) (C. "A" H-106)

TABLED - May 20, 1985 by Representative DIAMOND of Bangor.

PENDING - Passage to be Engrossed.

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be engrossed and specially assigned for Tuesday, May 28, 1985.

The Chair laid before the House the seventh matter of Unfinished Business:

RESOLVE, to Provide for an Agreement Between the State and the City of Augusta to Establish a Greenbelt Area on State-owned Land on the East Bank of the Kennebec River in Augusta (H.P. 1017) (L.D. 1468)

TABLED - May 20, 1985 by Representative DIAMOND of Bangor.

PENDING - Passage to be Engrossed.

Representative Paradis of Augusta offered House Amendment "B" (H-168) and moved its adoption.

House Amendment "B" (H-168) was read by the Clerk and adopted.

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

The fourth tabled and today assigned matter was taken up out of order by unanimous consent:

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

TABLED - May 23, 1985 by Representative CROWLEY of Stockton Springs.

PENDING - Passage to be Engrossed.

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: We tabled this bill yesterday, L.D. 1548, because there was a typographical error that needed to be corrected and the amendment H-188 is the correction and this takes care of the bill so that it is ready to move on.

I now offer House Amendment "A" (H-188) and move its adoption.

House Amendment "A" (H-188) was read by the Clerk and adopted.

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

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

#### Passed to Be Enacted

An Act to Establish a Budget Committee to Provide Local Input in the Waldo County Budget-making Process (H.P. 685) (L.D. 971)

An Act to Increase Citizen Participation in the Municipal Charter Revision Process (H.P. 1054) (L.D. 1530)

An Act Pertaining to Municipal Licensing

Fees (H.P. 1058) (L.D. 1538)

An Act Pertaining to Polling Times (H.P. 1061) (L.D. 1540)

An Act to Remove the Time Limit for Tabulating Election Returns and the Requirement for the Presence of the Municipal Officers (H.P. 1062) (L.D. 1541)

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.

#### Finally Passed

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

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

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

#### Reports of Committees

##### Unanimous Leave to Withdraw

Representative BROWN from the Committee on Education on Bill "An Act to Provide the State Payment for Residential Placements for Special Education Students in the Current Year" (Emergency) (H.P. 946) (L.D. 1355) 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. 920) (L.D. 1325) Bill "An Act to Strengthen the Law Relating to Purchase of Foodstuffs from Maine Concerns" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-189)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, May 28, 1985 under the listing of Second Day.

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

#### Petitions, Bills and Resolves Requiring Reference

The following Bills and Resolves were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

##### Appropriations and Financial Affairs

Bill "An Act Authorizing a Bond Issue in the Amount of \$3,500,000 for the Purpose of Historic Preservation and Main Street Projects" (H.P. 1100) (Presented by Representative ROLDE of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed.)

Sent up for concurrence.

##### Taxation

RESOLVE, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in Both the Unorganized Territory and the Municipalities of the State (H.P. 1099) (Presented by Representative HIGGINS of Portland) (Cosponsors: Senator TWITCHELL of Oxford, Representatives SWAZEY of Bucksport and MAYO of Thomaston)

(Ordered Printed.)

Sent up for concurrence.

#### Reports of Committees

##### Unanimous Ought Not to Pass

on Transportation on Bill "An Act Concerning the Placement of Railroad Lights" (H.P. 618) (L.D. 888) 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 BAKER from the Committee on Utilities on Bill "An Act Concerning the Adoption and Implementation of Mandatory Local Measured Telephone Service" (H.P. 416) (L.D. 582) reporting "Leave to Withdraw"

Representative PARADIS from the Committee on Utilities on Bill "An Act to Study the Effect of Local Measured Service" (Emergency) (H.P. 826) (L.D. 1167) reporting "Leave to Withdraw"

Representative PARADIS from the Committee on Utilities on Bill "An Act to Delay Implementation of New Telephone Systems Pending Further Study (Emergency)" (H.P. 691) (L.D. 977) reporting "Leave to Withdraw"

Representative VOSE from the Committee on Utilities on Bill "An Act Relating to Measured Local Telephone Charges" (Emergency) (H.P. 447) (L.D. 629) reporting "Leave to Withdraw"

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

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

#### Passed to Be Engrossed

RESOLVE, Concerning Reauthorization of the \$30,000,000 Bond Issue for the Planning, Construction and Equipment of the Water Pollution Abatement Facilities (Emergency) (H.P. 1101) (Presented by Representative MICHAUD of Medway) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

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

#### Passed to Be Engrossed

Bill "An Act Authorizing a Bond Issue for Penobscot County to Raise Funds to Renovate or Expand the Penobscot County Jail" (H.P. 1102) (Presented by Representative STEVENS of Bangor) (Cosponsors: Senators MAYBURY of Penobscot, PEARSON of Penobscot, and Representative STROUT of Corinth) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

By unanimous consent, the Bill was read twice, passed to be engrossed without reference to any committee and sent up for concurrence.

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

#### Passed to Be Engrossed

RESOLVE, Authorizing the Somerset County Commissioners to Expend \$130,000 from Revenue Generated Through the Boarding of Prisoners for the Purpose of Making Modifications to the Somerset County Jail to Increase the Jails Rated Capacity (Emergency) (H.P. 1103) (Presented by Representatives HEPBURN of Skowhegan and DEXTER of Kingfield) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

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

#### Reports of Committees

##### Unanimous Leave to Withdraw

Representative GWADOSKY from the Committee on State Government on Bill "An Act to Provide for Termination or Nonrenewal of State Contract Funds to Private Nonprofit

Organizations for Cause" (H.P. 412) (L.D. 565) reporting "Leave to Withdraw"

Representative GWADOSKY from the Committee on State Government on RESOLVE, Requiring the Bureau of Public Improvements to Study and Evaluate Various Alternatives for Centrally Locating the Several Economic Development Agencies of the State Within a Single Facility (Emergency) (H.P. 77) (L.D. 97) reporting "Leave to Withdraw"

Representative BRANNIGAN from the Committee on Business and Commerce on RESOLVE, Establishing the Commission on Limited Benefit Health Insurance (Emergency) (H.P. 679) (L.D. 966) reporting "Leave to Withdraw"

Representative NELSON from the Committee on Human Resources on Bill "An Act to Require Medical Practitioners to Warn Patients of Possible Side Effects for Prescription Drugs" (H.P. 894) (L.D. 1289) 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. 708) (L.D. 1018) Bill "An Act to Require Disclosures by Transient Sellers" Committee on Business and Commerce reporting "Ought to Pass"

(H.P. 376) (L.D. 517) Bill "An Act Concerning 'Beano' or 'Bingo' on Indian Reservations" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-193)

(H.P. 784) (L.D. 1117) Bill "An Act to Provide for Legislative Oversight Prior to the Implementation of Departmental Rules" Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-196)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, May 28, 1985 under the listing of Second Day.

On motion of Representative Bost of Orono, under suspension of the rules, the House reconsidered its action whereby Bill "An Act To Expand the Inspection of Used Car Dealers Conducted by the Division of Motor Vehicles" (H.P. 737) (L.D. 1046) (C. "A" H-184) was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

The same Representative offered House Amendment "A" (H-190) to Committee Amendment "A" and moved its adoption.

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

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

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

On motion of Representative Paradis of Augusta, under suspension of the rules, the House reconsidered its action whereby Bill "An Act to Amend the Law Relating to Deputy Sheriffs, Appointments and Removal" (S.P. 312) (L.D. 801) (C. "A" S-93) was passed to be engrossed in concurrence.

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

Committee Amendment "A" (S-93) was read by the Clerk and adopted and the Bill assigned for Second Reading Tuesday, May 28, 1985.

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

#### Paper from the Senate

The following Joint Order: (S.P. 610)

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, May 28, 1985, at 10:00 in the morning.

Came from the Senate, read and passed.

Was read and passed in concurrence.

#### (Off Record Remarks)

Representative Small of Bath was granted unanimous consent to address the House:

Representative SMALL: Mr. Speaker, Ladies and Gentlemen of the House: I don't know whether the roll call machine malfunctioned or I did but I did sit through the debate on roll call 83 concerning the returnable container handling fees and had the machine been working properly or had I been working correctly, I would have been voting no on the motion to accept the "Ought Not to Pass" Report.

On motion of Representative Hoglund of Portland, adjourned pursuant to Joint Order (S.P. 619).