

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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FIRST CONFIRMATION SESSION

August 29, 1985

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SECOND CONFIRMATION SESSION

October 11, 1985

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HOUSE

Tuesday, May 28, 1985

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

Prayer by Father John Bellefontaine, Sacred Heart Catholic Church, Hallowell.

Pledge of Allegiance.

Quorum called; was held.

The Journal of Friday, May 24, 1985 was read and accepted.

Papers from the Senate

The following Communication:

THE SENATE OF MAINE

Augusta

May 24, 1985

The Honorable Edwin H. Pert

Clerk of the House

112th Legislature

Augusta, Maine 04333

Dear Clerk Pert:

Please be advised the Senate Insisted and Joined in a Committee of Conference on the disagreeing action of the two branches of the Legislature on "Resolve, to Establish a Commission to Prepare a Revision of the State's Motor Vehicle Laws" (Emergency) (S.P. 321) (L.D. 810). The President has appointed the following conferees:

Senator Danton of York

Senator Erwin of Oxford

Senator Shute of Waldo

Thank you.

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 24, 1985

The Honorable John L. Martin

Speaker of the House

112th Legislature

Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on State Government, the Governor's nomination of Harold L. Gosselin of Lewiston for reappointment to the State Personnel Board.

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 24, 1985

The Honorable John L. Martin

Speaker of the House

112th Legislature

Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on State Government, the Governor's nomination of Tobie Nathanson of Saco for reappointment to the State Personnel Board.

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 24, 1985

The Honorable Edwin H. Pert

Clerk of the House

112th Legislature

Augusta, Maine 04333

Dear Clerk Pert:

Senate Paper 520, Legislative Document 1397, AN ACT to License Dietitians, having been returned by the Governor together with his objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

Seven voted in favor and twenty-six against, and accordingly it was the vote of the Senate that the Bill not become a law and the veto was sustained.

Sincerely,

S/ Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

Tabled and Assigned

Bill "An Act Relating to the Maine-New Hampshire Interstate Bridge Authority Portsmouth-Kittery Bridge and Approaches Thereto" (S.P. 601) (L.D. 1577)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

(The Committee on Reference of Bills had suggested reference to the Committee on Transportation.)

Was read.

On motion of Representative Theriault of Fort Kent, tabled pending further consideration and tomorrow assigned.

Unanimous Leave to Withdraw

Report of the Committee on Local and County Government reporting "Leave to Withdraw" on Bill "An Act Relating to Service of Process by Sheriffs, Deputies and Constables" (S.P. 307) (L.D. 796)

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Authorize a Bond Issue in the Amount of \$2,000,000 to Establish an Occupational Safety Loan Fund" (S.P. 491) (L.D. 1318)

Report of the Committee on Fisheries and Wildlife reporting "Leave to Withdraw" on Bill "An Act to Allow Certain Fish and Wildlife Offenses to be Treated as Civil Violations" (S.P. 88) (L.D. 269)

Report of the Committee on Education reporting "Leave to Withdraw" on Bill "An Act to Provide for Continued Educational Opportunities for Disabled Students" (S.P. 567) (L.D. 1495)

Report of the Committee on Utilities reporting "Leave to Withdraw" on Bill "An Act to Provide for an Independent Study of Telephone Service Costs" (Emergency) (S.P. 378) (L.D. 1012)

Report of the Committee on Utilities reporting "Leave to Withdraw" on Bill "An Act to Maintain Universal Telephone Service" (Emergency) (S.P. 377) (L.D. 1011)

Report of the Committee on Utilities reporting "Leave to Withdraw" on Bill "An Act to Ensure Affordable Telephone Costs for Non-profit Social Service Corporations by Prohibiting the Local Measured Service Rate Structure for these Customers" (S.P. 469) (L.D. 1272)

Report of the Committee on Utilities reporting "Leave to Withdraw" on Bill "An Act to Preserve Affordable Flat Rate Local Telephone Service" (Emergency) (S.P. 454) (L.D. 1257)

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

Ought to Pass in New Draft

Report of the Committee on Business and Commerce on Bill "An Act to Provide Greater Discretion to the Governor in Making Appointments to the Maine State Board of Nursing and to Require that this Board Contain at least 2

Representatives with Administrative and Supervisory Experience" (S.P. 183) (L.D. 501) reporting "Ought to Pass" in New Draft (S.P. 599) (L.D. 1571)

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

Report was read and accepted, the New Draft read once and assigned for its second reading later in today's session.

Ought to Pass in New Draft

Report of the Committee on Business and Commerce on Bill "An Act to License Respiratory Care Practitioners" (S.P. 226) (L.D. 614) reporting "Ought to Pass" in New Draft (S.P. 591) (L.D. 1554)

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

Report was read.

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

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: Before we accept the Committee Report, I would like to have someone explain the necessity of licensing respiratory care practitioners. It is my understanding that they have not been in the past — this is why the bill is before us and I would like to know what the need is, whether or not it is to protect the public and if it is, I would like someone to explain the bill, please.

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

Representative BRANNIGAN: Mr. Speaker, I move acceptance of the Committee Report.

Mr. Speaker, Men and Women of the House: After careful consideration and deliberation about the licensing of respiratory therapists, it was decided by the committee, unanimously, that this was a group that was deserving and needing of licensure. The licensing bill, after revision, was found to be in compliance with those things that we look for in licensing. Again, this is part of the movement of care outside of the hospital, out into the community, also within the hospitals — these people who deal with respiratory illness deal with very lifesaving needs, they deal with life threatening issues and so it was the feeling of the committee that this group did need to be licensed, should be licensed, and that this licensing bill and all of its surrounding issues are in good order.

Whereupon, the Committee Report was accepted, the Bill read once and assigned for Second Reading later in today's session.

Ought to Pass as Amended

Report of the Committee on Agriculture reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-105) on Bill "An Act to Encourage A Viable Agriculture for Maine" (S.P. 489) (L.D. 1316).

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-105) as amended by Senate Amendment "A" (S-114) thereto.

Report was read and accepted and the Bill read once.

Committee Amendment "A" (S-105) was read by the Clerk.

Senate Amendment "A" (S-114) to Committee Amendment "A" was read by the Clerk and adopted.

Committee Amendment "A" as amended by Senate Amendment "A" thereto was adopted and the Bill assigned for second reading later in today's session.

Non-Concurrent Matter

RESOLVE, Creating the Commission to Study Emergency Medical Services in Maine (H.P. 341) (L.D. 458) (C. "A" H-116) which was Finally

Passed in the House on May 17, 1985.

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-116) as amended by Senate Amendment "A" (S-112) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Require Final Usage Labeling for all Surimi Products" (Emergency) (H.P. 1052) (L.D. 1528) which was Passed to be Engrossed in the House on May 20, 1985.

Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-116) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Improve Remedies for Violations of Used Car Laws" (H.P. 806) (L.D. 1152) on which the Majority "Ought to Pass" as amended Report of the Committee on Business and Commerce was read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-142) in the House on May 23, 1985.

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

On motion of Representative Brannigan, the House voted to adhere.

Orders

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

ORDERED, that Representative Darryl N. Brown of Livermore Falls be excused May 28, 29, and 30 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Duane R. Lander of Greenville be excused May 28, 29, and 30 for personal reasons.

Was read and passed.

Reports of Committees

Unanimous Ought Not to Pass

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Change the Frequency of Determination of Stumpage Value for Purposes of the Maine Tree Growth Tax Law" (H.P. 747) (L.D. 1070) 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 McSWEENEY from the Committee on Aging, Retirement and Veterans on Bill "An Act Concerning Deductions from State Disability Retirement Allowances of Social Security Disability Benefits" (H.P. 656) (L.D. 928) reporting "Leave to Withdraw"

Representative STEVENS from the Committee on Business and Commerce on Bill "An Act to Regulate Rate of Insurance Charged to Motor Coaches used in the Tourist Trade" (H.P. 711) (L.D. 1021) reporting "Leave to Withdraw"

Representative CARRIER from the Committee on Judiciary on Bill "An Act Amending the Maine Juvenile Code to Allow the Attorney General to Exercise the Powers of a Juvenile Caseworker in Appropriate Cases" (H.P. 410) (L.D. 563) reporting "Leave to Withdraw"

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

Ought to Pass in New Draft

Representative WARREN from the Committee on Legal Affairs on Bill "An Act Concerning Times for Voter Registration" (H.P. 810) (L.D. 1155) reporting "Ought to Pass" in New Draft (H.P. 1106) (L.D. 1595)

Report was read and accepted. The New Draft read once and assigned for second reading later in today's session.

Ought to Pass in New Draft/New Title

Representative MURPHY from the Committee on Local and County Government on Bill "An Act to Grant Municipalities the Option of Repairing Private Roads Within Subdivisions" (H.P. 702) (L.D. 996) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Allow the Town of York to Repair Private Roads Within Subdivisions" (H.P. 1098) (L.D. 1592)

Report was read and accepted. The New Draft read once and assigned for second reading later in today's session.

Ought to Pass in New Draft/New Title

Representative PERRY from the Committee on Legal Affairs on Bill "An Act to Enable Use of Certain Procedures for Absentee Ballots" (H.P. 241) (L.D. 282) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Concerning Absentee Voting at Designated Places" (H.P. 1105) (L.D. 1594)

Report was read and accepted. The New Draft read once and assigned for second reading later in today's session.

Ought to Pass in New Draft/New Title

Representative RYDELL from the Committee on Business and Commerce on Bill "An Act to Create Inactive Professional Licenses for Members of the Armed Forces" (H.P. 863) (L.D. 1225) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Concerning Temporary Licenses for Members of the Armed Forces" (H.P. 1107) (L.D. 1596)

Report was read and accepted. The New Draft read once and assigned for second reading later in today's session.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act Concerning the Forfeiture of Vehicles of Persons Operating after License Suspension who are Operating under the Influence" (H.P. 684) (L.D. 970)

Signed:

Senators:

NAJARIAN of Cumberland
TRAFTON of Androscoggin
STOVER of Sagadahoc

Representatives:

REEVES of Pittston
PERRY of Mexico
PAUL of Sanford
RIOUX of Biddeford
WARREN of Scarborough
DILLENBACK of Cumberland
BOTT of Orono
NICKERSON of Turner

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

Signed:

Representatives:

MASTERMAN of Milo
MURPHY of Berwick

Reports were read.

Representative Reeves of Pittston moved the acceptance of the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Pittston, Representative Reeves.

Representative REEVES: Mr. Speaker, Ladies and Gentlemen of the House: There was very little support on the Legal Affairs Committee for approving confiscation of vehicles at this time to deter the long term and hardcore OUI offender. The Legal Affairs Committee is still dealing with three very complex bills, the major purpose of which is to focus on effective penalties and procedures for deterring repeat offenders of OUI. The idea of confiscating vehicles creates a great deal of problems with lien holders on vehicles and an unfair burden on innocent family members who may need that car for work and basic transportation.

A large majority of the committee voted "Ought Not to Pass" on this bill and to hold

over in committee another bill which deals with the same subject of either registration suspension or confiscation and I would urge you to vote "Ought Not to Pass" on this bill at this time and let the committee continue to work on a comprehensive OUI bill which we will be presenting to you later.

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

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: You have a handout which was just given to you on my testimony here plus a copy of a recent article in the paper dealing with this issue. If you could just take a minute to look at those, I would appreciate it.

L.D. 970 is a bill that deals in a narrow scope of OUI legislation. This L.D. would only affect those who have their driver's license under suspension for OUI and continue to break the law by driving drunk under suspension. Maine's tough OUI laws have had no effect on these drunk drivers who present a danger to every Maine citizen.

Since 1979, convictions for repeat drunk drivers operating after suspension for OUI have shown a dramatic increase from 240 convictions in 1979 to a high of 623 convictions in 1983. Most of these drunk drivers have been convicted more than two times of OUI while under license suspension. As you all know, over half of the deaths on Maine's highways are directly related to drunk driving. The courts in this state have failed in their responsibility to deal with these repeat offenders. Every week we read in the papers across the state how the courts treat these offenders. Enclosed are news articles dealing with a local man who, under suspension for OUI, caused a car crash that killed his mother and he was OUI at the time of over 2.0.

This man, being OUI at the time, went to court. The judge would not decide the sentence so he delayed sentencing for six months — it might go on to eighteen months — since then, it has been alleged that this drunk driver has been seen by a citizen driving around the city of Augusta with a beer in his hand. This law would not allow the judge to duck this responsibility.

Support for this bill has been overwhelming across the state. You only have to read the editorials every week and you will see but even more than the editorials in the newspapers, on January 30, 1985 the state's largest TV station, WGME in Portland, took an official poll on forfeiture of motor vehicles for repeat OUI offenders. The public agreed 700 yes to 433 no. As the workability of this bill, I have sat down and discussed this with the Secretary of State and his people. The Secretary of State supports this bill and feels that the mechanics are workable. Various police departments around the state have called me and said that this bill is the tool that they need to deal with this most serious problem on our roads today.

In order for this bill to apply, first, and I say again, the drunk driver must be convicted of OUI while under suspension for OUI, forfeiture shall take place only after this conviction and forfeiture of motor vehicles does not apply to commercial vehicles or vehicles taken without permission. All liens on these vehicles from innocent third party holders will be paid out of proceeds from the sale.

There are those who will say that this bill is too harsh and I am waiting for their arguments. Present law does not work. Statistics show this. We need to make repeat drunk drivers become aware of what will happen to them when they drive drunk. This bill affects every person in the State of Maine. It is obvious the laws have not addressed this problem. Statistics can show it. It has been proven in other states. California and New York, not only confiscate vehicles for this offense but they do it for juvenile habitual speeders.

In the State of Maine, if we go deer hunting at night and are caught by a game warden, our equipment is confiscated and forfeited to the State of Maine. I submit to all of you here, forfeiture is nothing new, we use it all the time in drug cases and it is a far more serious crime to endanger the lives by being irresponsible on our state highways than it is to go out hunting deer at night.

The SPEAKER: The Chair recognizes the Representative from York, Representative Rolde.

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: It may come as a surprise to some of you to know a bleeding heart like me is cosponsor of this legislation.

I look at it from a somewhat different angle than simply question having punishment or severe penalties for drunk drivers. My concern is getting those drunk drivers into treatment because I feel that those people who are repeat offenders have a very serious problem with alcoholism and it is going to take a great deal to cure them. The only thing that will eventually cure them is treatment in some of the centers that we have in the state. The way to do this, to get a person into treatment because the disease of alcoholism has been described — the first symptom is, you deny that you have it so you have to break through the person's defenses and make them understand what kind of situation they are in, and this is done through a technique called intervention. You usually use the shock of something like a loss of a job, loss of your family, and in this particular case, the loss of a car, and this might be enough to force the person into the kind of treatment that they need for the disease of alcoholism. I think in the long run that that is the only way you are going to get these people off the road.

The SPEAKER: The Chair recognizes the Representative from Pittston, Representative Reeves.

Representative REEVES: Mr. Speaker, Men and Women of the House: There is nothing in this bill that requires treatment for alcoholism. I just want to remind you that the Legal Affairs Committee is working on three very complicated bills dealing with the whole problem of OUI and particularly focusing on deterrents for the long term OUI offender, the Governor's Bill which proposes long sentences and heavy fines — another bill similar to this one, which proposes confiscation of vehicles or alternatively cancellation of registration.

One of the biggest problems that the majority of the Legal Affairs Committee saw with this bill was that the families of these hardcore OUI offenders, alcoholics, will be in very dire straights, particularly wives and mothers, perhaps having to use this family car to continue the only earnings that they have. The committee just felt that the subject of confiscation for OUI offense needed an awfully lot more study than just to pass on a bill at this time and I would urge you to vote "Ought Not to Pass" on this bill.

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

Representative STETSON: Mr. Speaker, Ladies and Gentlemen of the House: In my four years as counsel for the U.S. Customs Service, I had considerable experience with the forfeiture of vehicles. The forfeiture of a vehicle, crossing in from Canada with sacks of silver coins, that vehicle was forfeited to the United States. Other vehicles smuggling drugs into the country, whether it be just a few joints of whether it be a load of hash, I can tell you that the forfeiture provisions are very effective in the enforcement of our smuggling laws. But what is more important than smuggling is the fact that we have people going over our highways endangering the lives of many others and, incidentally, endangering their own lives. There is only one cure for the drunken driver

and that is to get him off the road and I say, this is a good bill and I will support it.

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

Representative COLES: Mr. Speaker, Men and Women of the House: My friend from Pittston mentioned another bill, which provides for the forfeiture of cars — that was my bill and I support in principle the idea of forfeiting cars for repeat OUI offenders. I believe that this bill is badly flawed particularly when it comes to the provisions regarding seizure of third party owners or third party cars. The only notice those third parties would have of their risk of forfeiture would be by the Secretary of State publishing a list of suspended drivers names in newspapers in general circulation. If we pass this bill, we are asking people to take a risk they essentially aren't going to know about. While I believe in the principle, I repeat again, I think this bill's procedures are badly flawed.

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

Representative DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I commend the people who sponsored this bill in an effort to do something for alcoholics but this is not the way to cure an alcoholic. An alcoholic is a person, as I understand it listening to the debate on the floor on past bills, is a very sick person. The people who suffer, when you take a vehicle away from an alcoholic, who is usually a poor person, will be the family. I gave an example in the committee about somebody living in Aroostook County who is ten miles away from a store or drugstore, they take the only vehicle away from the family, what is the poor wife and children going to do? They are the ones who suffer.

A lady, who happened to be a minister, at the meeting stood up and said, well, they can move. It is not that easy. We have had people testify at the committee meeting that the wealthy can afford to lose one of their two cars but certainly not the poor person who is an alcoholic and the reason they are poor is because they are alcoholics.

Representative Reeves of Pittston requested a roll call.

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

A vote of the House was taken and 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 Gorham, Representative Hillock.

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: I would like to raise issue with some of the arguments presented here.

First of all, it is the discretion of the judge of jurisdiction where the money goes to treat alcoholism. I submit to you that it may be the case, I allowed this flexibility, because all those who drive OUI are not necessarily alcoholics and the discretion should be left to the judge on whether they should support rehabilitation. It might be more than just that. We talk about economic harm to wives and lovers — we, as legislators, are paid to make difficult decisions and I will challenge anyone of you people to go to a constituent who has had a loved one seriously injured or killed by a person who fits in this category and statistics show that we are going to have them in the majority of our legislative districts — you should think about this when you vote on this bill.

We stand at a historic time with what I think is a somewhat simple decision. We know what the problem is, we know the narrow area of

the perpetrators of this crime and we have proven legislation that can deal with this. I must again state that it is a narrow area that we are talking about. In very few laws that we enact in this House can we isolate this problem and deal with it directly.

Just a few weeks ago, in mid-Maine, there was a man running down the street with a shotgun, indiscriminately shooting, injuring people. Obviously, he wasn't a very reasonable man — some say he wasn't very responsible. I submit to you that drunk drivers are not very reasonable people and certainly they are not responsible and they are in possession of a deadly weapon, an indiscriminately deadly weapon, that may affect the young children that are Pages in this House, anyone in our society.

I won't go into the horror stories of what it was like to witness one of these accidents, I think we all know that, or at least we should, and if we don't, perhaps we shouldn't be here.

Third party liens — people say that there is a problem there — the banks were up here in force, I didn't see them in the work session — you know why? Because they agreed with me, and this bill deals directly with protecting their interests, also the interests of commercial vehicles, lenders, leased vehicles and the such — and we talk about people who let other people borrow their car. How many let people just indiscriminately borrow their car and they don't know anything about them? Notice is served legally in the paper of OUI and operating after suspension, it is done in all other legal documents, why can't it be involved here? If it can be proved that the car was taken under duress or force or without permission or stolen, this law does not apply.

We hear about those who cannot afford to lose their cars or their motor vehicles in the inequity of the system — well, someone's 450 Mercedes is probably just as valuable to them as a 1966 Chevrolet but the one thing that we can't forget, they are lethal weapons used by proven irresponsible people. Are we going to take care of this bill today? I am willing to work with anyone, and I have amendments that could go on in second reader of this bill, that will clarify some of the issues that people think are a little foggy at this time. The Secretary of State doesn't think it is a problem, he is the one who has to administer it. All liens on vehicles are registered with the Secretary of State. The State Police do not think it is a problem; the local police don't think it is a problem, they are the ones who have to work with the system.

I urge you to vote against the pending motion of "Ought Not to Pass" and let this bill proceed.

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

Representative BOTT: Mr. Speaker, Men and Women of the House: On the surface, this looks like a pretty reasonable proposal. Someone is driving drunk — we will just take the car away — well the issue of alcoholism just isn't that simple. I think the Representative from Cumberland, Representative Dillenback, hit the nail right on the head when he talked about some of the problems that could result if this bill were to pass. I think, if we were to pass this bill, we would be attempting to deal with a particular problem and, at the same time, opening a door for a number of problems that perhaps we can't even begin to foresee right now.

The Legal Affairs Committee, right now, is studying a number of proposals to deal with the issue of alcoholism and I think it is interesting to note that there is not a single member of the Legal Affairs Committee that is standing up on this floor speaking in favor of this bill. I think Representative Hillock is well intentioned, I think he has a concern, I think it is a concern shared by all of us here

in dealing with alcoholism, but I don't think we do it by passing simplistic solutions.

The SPEAKER: The pending question before the House is the motion of the Representative from Pittston, Representative Reeves, 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. 90

YEAS:—Aliberti, Allen, Baker, H.R.; Beaulieu, Begley, Bell, Bonney, Bost, Bott, Boutlier, Brannigan, Brodeur, Brown, A.K.; Carroll, Carter, Chonko, Clark, Coles, Connolly, Cooper, Cote, Crouse, Crowley, Daggett, Descoteaux, Diamond, Dillenback, Drinkwater, Duffy, Erwin, Foss, Greenlaw, Gwadosky, Hale, Handy, Harper, Hayden, Hickey, Hoglund, Ingraham, Jackson, Jacques, Jalbert, Joseph, LaCroix, Lander, Law, Lawrence, Lebowitz, Lisnik, Macomber, Manning, Martin, H.C.; Matthews, Mayo, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, Moholland, Murray, Nadeau, G.G.; Nicholson, Nickerson, O'Gara, Paradis, P.E.; Paul, Perry, Priest, Racine, Randall, Reeves, Rice, Richard, Rioux, Roberts, Rotondi, Ruhlin, Rydell, Salsbury, Seavey, Simpson, Small, Smith, C.B.; Soucy, Stevens, A.G.; Stevens, P.; Swazey, Tamaro, Tardy, Taylor, Telow, Theriault, Vose, Walker, Warren, Wentworth, Zirkilton.

NAYS:—Armstrong, Baker, A.L.; Bragg, Cahill, Callahan, Carrier, Conners, Davis, Dellert, Dexter, Farnum, Foster, Hepburn, Hichborn, Hillock, Holloway, Kimball, Lord, MacBride, Masterman, McCollister, McPherson, Murphy, E.M.; Murphy, T.W.; Nelson, Paradis, E.J.; Parent, Pines, Pouliot, Ridley, Rolde, Scarpino, Sherburne, Smith, C.W.; Sproul, Stetson, Stevenson, Strout, Webster, Weymouth, Whitcomb, The Speaker.

ABSENT:—Brown, D.N.; Cashman, Higgins, H.C.; Higgins, L.M.; Kane, Nadeau, G.R.; Willey. 102 having voted in the affirmative and 42 in the negative with 7 being absent, the motion did prevail. Sent up for concurrence.

Divided Report

Majority Report of the Committee on Human Resources reporting "Ought Not to Pass" on Bill "An Act to Limit the Number of Clients Assigned to Human Services Caseworkers" (H.P. 940) (L.D. 1350)

Signed:

Senators:

GILL of Cumberland
BERUBE of Androscoggin

Representatives:

MELENDY of Rockland
MANNING of Portland
SEAVEY of Kennebunkport
CARROLL of Gray
PINES of Limestone
KIMBALL of Buxton
TAYLOR of Camden
ROLDE of York

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

Signed:

Senator:

BUSTIN of Kennebec

Representatives:

NELSON of Portland
BRODEUR of Auburn

Reports were read.

Representative Carroll of Gray moved the acceptance of the Majority "Ought Not to Pass" Report.

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

Representative NELSON: Mr. Speaker, Men and Women of the House: We will not debate this very long, this is my bill and Representative Brodeur also cosponsored it. It came as a result of some very great concerns that most people of the state have regarding case workers. We believed that it was a bill whose time had come. An already too heavy workload has been

become unbearable with the increased number of reports of abuse and neglect. We have come a long way since the days when Charles Dickens wrote: "when children were objects to be bartered" but we still have far to go. In the meantime, we must keep doing what we can, even though the measures are only stop gaps. We must help case workers because they are the frontline troops who are out there trying to save our children.

The committee believes that you have seen many bills dealing with the concerns of the case workers who are burned out, who are unprepared to go before the court, who are only putting out fires. We know that, the committee knows that, we have other bills that are dealing with the problem. We even thought about having a study dealing with case worker burnout.

You know, there are some people who believe that the first thing case workers ought to do is go to charm school but that is not what this bill is addressing. It is addressing the great concern that we all have about being, perhaps in some cases, undereducated and overworked. They are just putting out fires, they are not doing their jobs so we, as a committee, decided that we would take this bill and send it on to Audit and Program Review because they are doing a study, they are doing an investigation, of the problems of case workers and children in our state within the Department of Human Services. So, although I didn't vote with the committee, I felt that it was important that I got up and speak to the need for this kind of thing and the need is being met in another committee and so it was the wise judgment of the majority of the committee to vote "Ought Not to Pass" on this because this deep concern will be met, hopefully, through the Audit and Program Review study.

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

A vote of the House was taken.

116 having voted in the affirmative and 6 in the negative, the motion did prevail. Sent up for concurrence.

Divided Report (Recommended)

Majority Report of the Committee on Marine Resources reporting "Ought to Pass" on Bill "An Act Providing for the Regional Management of Marine Fisheries Within the Territorial Waters of the Atlantic States" (H.P. 855) (L.D. 1211)

Signed:

Senator:

BROWN of Washington

Representatives:

MANNING of Portland
VOSE of Eastport
SALSBURY of Bar Harbor
CONNERS of Franklin
CROWLEY of Stockton Springs
COLES of Harpswell

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

Signed:

Senators:

CHALMERS of Knox
SHUTE of Waldo

Representatives:

RICE of Stonington
SCARPINO of St. George
MITCHELL of Freeport
RUHLIN of Brewer

Reports were read.

On motion of Representative Crowley of Stockton Springs, recommitted to the Committee on Marine Resources.

Divided Report

Majority Report of the Committee on Legal Affairs on Bill "An Act to Provide a Discount to Restaurants on the Sale of Alcoholic Beverages" (H.P. 277) (L.D. 347) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Concerning the Sale of Alcoholic Beverages to Certain Licensees" (Emergency) (H.P. 1104) (L.D. 1593)

Signed:

Senators:

TRAFON of Androscoggin
NAJARIAN of Cumberland
STOVER of Sagadahoc

Representatives:

REEVES of Pittston
PAUL of Sanford
RIOUX of Biddeford
MURPHY of Berwick
BOTT of Orono
WARREN of Scarborough

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

Signed:

Representatives:

PERRY of Mexico
MASTERMAN of Milo
DILLENBACK of Cumberland
NICKERSON of Turner

Reports were read.

The SPEAKER: The Chair recognizes the Representative from Pittston, Representative Reeves.

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

Mr. Speaker, Men and Women of the House: This bill began as an act to restore the 8 percent discount of the purchase of liquor to hotels and restaurants licensees. As you remember, this discount had been removed in the closing days of the last legislative session, the 110th.

The Legal Affairs Committee felt that it was necessary to study the amount of money that the state was actually gaining from this 8 percent discount and particularly to study the issue of restaurants and hotels buying their liquor from agency stores, which were now providing transportation.

The New Draft before you requires that all licensees report to the State Liquor Commission their purchase of alcoholic beverages and the Commission will supply the forms for these reports. The Commission will review the reports and purchasing patterns of the agency stores and then will report its conclusions to the Joint Standing Committee on Legal Affairs by January 31, 1986. This legislation will truly evaluate the effect of the elimination of the 8 percent discount on the state General Fund. We really felt that we didn't have information to either restore or completely reject the 8 percent discount at this time, that the actual figures were lacking and getting concrete figures on this issue is what this bill intends to do.

So, I hope that you will vote for the "Ought to Pass" Report.

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

Representative DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to prolong this but I just want to say that the bill originally came in to give the discount to the restaurants because they were buying on a wholesale basis, buying in quantity, and now they have to pay the same price that you and I pay at any liquor store. The problem, therefore, was that the state was not getting the additional 2 percent that they thought they would get because the restaurants and hotels are buying through these agency stores which were delivering it at no cost to them. So, consequently, the bill was changed. It also allows the Liquor Commission to promulgate rules, and I think one of the rules will be that they will not allow them to deliver anymore. It adds

a great deal of paper work and we really did nothing for the group and we are just creating a lot of work. They were better off the way they were and I am a little upset that we didn't allow them some discount.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Perry.

Representative PERRY: Mr. Speaker, Ladies and Gentlemen of the House: The removal of the 8 percent discount created a new industry by allowing the agency stores to make deliveries. Based on what we heard in committee, these agency stores are expanding their business tremendously.

I concur with what Representative Dillenback said, that this bill started out in one form and ended up in another and I am not sure what conclusions we will draw from a study when we already know that the liquor stores have already told us, some of them, that they are losing business to agency stores. I would rather see a restoration of some kind with some kind of discount to restaurants and hotels in lieu of a study.

The SPEAKER: The Chair recognizes the Representative from Pittston, Representative Reeves.

Representative REEVES: Mr. Speaker, Men and Women of the House: The clearest message that the committee got during hearings on this bill was that neither Commissioner Scribner nor Commissioner Guy Marcotte could give us any concrete figures on how much revenue the state was losing or the agency stores were gaining on the loss of the discount.

The crucial language in this bill that we are trying to pass today says: "the commission, meaning the Liquor Commission shall evaluate the effect of the elimination of the discount formerly extended to licensees on the purchase of liquor from the commission and special agency stores. The Commission shall report its conclusions to the Joint Standing Committee on Legal Affairs by January 31, 1986." This study does not have a fiscal note; it simply mandates that the Liquor Commission give us the information that we really need to understand this situation.

I hope that you will vote for it.

Representative Paradis of Augusta requested a roll call.

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

A vote of the House was taken and 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 Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: A few weeks ago, an employee of the Alcoholic Beverage Commission contacted me to let me in on something that was happening. When this legislature created agency stores, I don't think in any way, they voted to permit a new industry to establish itself and deal directly with licensees. A few years ago, when we took off the discount to the licensees, in essence, this is what agency stores have become, they deal directly with license holders, they provide and deliver, in many cases directly, alcoholic beverages to them. This is causing a problem. Agency stores are to deal with the public but I do not believe they are an industry that deals directly with licensees. By permitting this action to happen, without any justification, the state is losing hundreds of thousands of dollars because of that 8 percent discount that the agency stores receive from the state in order to sell. Now, they need a marginal profit in order to maintain themselves but they are not

an industry, going out with trucks, delivering to licensees.

This person, who asked to remain anonymous, contacted me and came over and met with myself and also talked to his own Representative and let us in on this information. I think the the signers of this Majority Report are very responsible. It takes a look at the problem, tries to identify exactly what the problem is, what the cost incurred by permitting this action to happen, the degree and depth of it and then would report back to us. I think it is very responsible and I think we have an obligation if we are going to permit these agency stores to keep in operation, to tell them, no you are not a new industry, you are not supposed to go out—one of them, \$30,000 a month of business to license and that is ridiculous. They can sell to the general public and I would vote for that but not sell as a new distributing firm. I think this legislation is needed.

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

Representative BOTT: Mr. Speaker, Ladies and Gentlemen of the House: When this legislation initially came before our committee, it called for a reinstatement of the 8 percent discount. As a member of the Legal Affairs Committee, I was strongly in favor of that because I had serious questions as to the way that that 8 percent was taken away last session. It was taken away in the waning days down on the Appropriations Table without a public hearing, without the people that were affected out in the businesses and actually being aware that this was taking place. It was quite clear that the majority of the committee was not willing to reinstate that 8 percent discount at this time. They felt that it wouldn't meet with the approval down in Appropriations because money is so tight so we decided to study this issue and find out just what the magnitude of the problem is before coming to you and asking to reinstate that 8 percent discount.

Well folks, in order to have a study, you have to have data to conduct the study on. If you were to vote for the "Ought Not to Pass" Report on this, you would be eliminating the amount of data that we were able to look at as a committee because the businesses would not be able to continue purchasing the alcohol from the agency stores. That really won't give us a clear picture as to what the trend is and then we can't come forth with an argument for reinstating that 8 percent discount so I hope you will vote with the majority of the committee.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: If you do not vote for the Majority Report on this bill today, what you are doing to your restaurant owners is that they will have to buy from a state liquor store and, therefore, we will not have a chance to do the study that we want to do.

Also, some of the restaurants, who are up north, will have to drive 50 miles to their nearest state liquor store in order to buy their liquor. The Majority Report on this bill lets these people continue to buy from these agency stores and if the agency stores want to give them a discount, I just don't feel that that is really any of our business.

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

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: Just one quick observation about the debate that we have been listening to, the state is in the liquor business. Either we stay in the liquor business, control the liquor business, or we get out of the liquor business.

The SPEAKER: The Chair recognizes the

Representative from Mars Hill, Representative Smith.

Representative SMITH: Mr. Speaker, is there a price tag on this bill? A loss of revenue?

The SPEAKER: The Chair would advise the Representative from Mars Hill, Representative Smith, that there is no fiscal note attached to the bill.

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

Representative BOTT: Mr. Speaker, Men and Women of the House: In answer to the good gentleman's question, if we don't pass this legislation, there will be a loss of revenue but we won't be able to figure out how much because we won't have the figures in order to conduct the study.

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

ROLL CALL No. 91

YEAS:—Aliberti, Allen, Baker, H.R.; Beaulieu, Bott, Boutilier, Brannigan, Brodeur, Carroll, Cashman, Clark, Coles, Connolly, Cooper, Crouse, Dellert, Descoteaux, Diamond, Erwin, Farnum, Greenlaw, Gwadosky, Hale, Handy, Hayden, Hichborn, Hickey, Hoglund, Joseph, Kane, Lacroix, Lander, Law, Lawrence, Macomber, Manning, Martin, H.C.; Mayo, McHenry, McSweeney, Melendy, Michael, Michaud, Mills, Moholland, Murphy, E.M.; Murray, Nadeau, G.G.; Nelson, O'Gara, Paradis, P.E.; Paul, Pouliot, Priest, Racine, Reeves, Richard, Ridley, Rioux, Roberts, Rolde, Roton-di, Ruhlin, Rydell, Scarpino, Simpson, Stevens, P.; Swazey, Tammara, Tardy, Vose, Walker, Warren, Wentworth, Weymouth, Willey

NAYS:—Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bost, Bragg, Brown, A.K.; Cahill, Callahan, Carrier, Carter, Chonko, Connors, Cote, Crowley, Daggett, Davis, Dexter, Dillenback, Drinkwater, Duffy, Foss, Foster, Harper, Hepburn, Higgins, L.M.; Hillock, Holloway, Ingraham, Jackson, Jalbert, Kimball, Lebowitz, Lisnik, Lord, MacBride, Masterman, Matthews, McCollister, McGowan, McPherson, Mitchell, Murphy, T.W.; Nicholson, Nickerson, Paradis, E.J.; Parent, Perry, Pines, Randall, Rice, Salsbury, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Taylor, Telow, Webster, Whitcomb, Zirkilton

ABSENT:—Brown, D.N.; Higgins, H.C.; Jacques, Nadeau, G.R.; Theriault, The Speaker

76 having voted in the affirmative and 69 in the negative with 6 being absent, the Majority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading later in today's session.

Divided Report

The Majority Report of the Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-191) on Bill "An Act to Protect Freshwater Wet Lands" (H.P. 567) (L.D. 838)

Signed:

Senators:

USHER of Cumberland
KANY of Kennebec
EMERSON of Penobscot

Representatives:

MICHAUD of Medway
JACQUES of Waterville
MITCHELL of Freeport
COLES of Harpswell
HOGGLUND of Portland
HOLLOWAY of Edgecomb

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

Signed:

Representatives:

RIDLEY of Shapleigh

BROWN of Livermore Falls
LAW of Dover-Foxcroft
DEXTER of Kingfield

Reports were read.

The SPEAKER: The Chair recognizes the Representative from Medway, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: I move the acceptance of the Majority "Ought to Pass" Report.

Mr. Speaker, Men and Women of the House: What this bill does is quite simple. Under our current statutes, all the land in the unorganized territories are protected through the Land Use Regulation Commission. In the organized territories, the coastal land is protected under the Great Pond's Act, Stream Alteration and the Mandatory Shoreland Zoning. What this bill attempts to do is to protect the remaining one-third of the wetlands in the organized territories, which is 10 acres or more.

The committee has adopted several exemptions for agricultural activities, forest activities, peat mining, and hydro. At the time we had the public hearing, there was one person who opposed the bill. There were many who spoke in favor of the bill. We also had a lobbyist from the Realtors' who also spoke in favor of this bill.

This is a pretty good piece of legislation that attempts to protect the remaining one-third of the wetlands in the organized territories, which are over 10 acres, so I hope this House would adopt the Majority "Ought to Pass" Report.

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

Representative LAW: Mr. Speaker, Ladies and Gentlemen of the House: I hope that this motion does not pass. I am in favor of protecting the wetlands as much as anybody. I believe that this bill is, at the worst, ill conceived, premature and ill-timed. There are some problems in the southwest part of the state that are very serious and in the effort to solve those problems, they are attempting to pass a bill that will solve everybody's problems whether they have one or not.

I would like to share a few thoughts with you. I would like to read about two sentences from the supplement, 1979 through 1984, Supplement Title 38. Reference to the map are maps that the DEP prepared, designating the wetlands and have sent to the towns for confirmation. Then, "the committee shall review these maps and determine whether a regulatory program should be instituted and how any such regulatory program would be coordinated with existing permit requirements, the committee then shall report its findings and recommendations to the First Regular Session of the 112th Legislature." I am not sure whether the review they refer to is the review that we had of about a half an hour of some maps down in the Natural Resources, but if it was, I think that it too bad because those maps are not up to date. If the recommendations and report consist of this bill, then I believe it is completely inadequate.

Over the weekend, I went to the planning board of Dover-Foxcroft. When the maps came to them last Fall, there were a lot of designated wetlands on those maps but, in the review by the planning board, again using the criteria supplied by the DEP, all but two of those wetlands were removed. Those two wetlands happened to be lands owned by the state and that was purchased many years ago for wildlife habitat, I assume ducks, but I am not sure. That is irrelevant. The point is, all of them were removed except the two. Now, one of those that was supposed to have been removed, but was not, and I have to assume that there are many others because that is the only one I know, happens to be the ten acres on my farm. That is nothing but a beaver bog, okay? In that beaver bog, what you can identify from the

aerial photographs is beaver burn, which is merely the dead trees killed by the flooding caused by the beaver.

Many years ago, I cut that land with my dad back in the late 1940's and early 1950's and we cut elm, poplar, cedar, fir and spruce, just about any tree that you can name, we cut.

The reference in the bill to vegetation excluded all of that. The intent from the legislation is, if it is trees, then the only trees that would be considered would be alder, stunted spruce and stunted tamarack. Those would grow on the wetlands. Obviously, that does not include what we cut.

There are two points in the bill, one in agriculture. It exempts agriculture in active agriculture. What I would like to know, which the bill does not speak to at all is, if a farmer was going to engage in agriculture on one of those wetlands and he wanted to drain it, of course, he would have to grade it, possibly fill it but at least he would change the characteristics from its being a wetland, it would not longer be a wetland; if it was, he couldn't farm it—now, the bill, as it is written, if he stops farming, the exemption is removed. I don't know what the intent is there either. If we remove the exemption, if it is not going to change the characteristic of this dried up wetland. I don't know what the intent is, are we suppose to restore that wetland by regrading it or not, it doesn't speak to that.

Another area that there is an inconsistency in the bill is that it speaks to forest exemptions. If you are engaged in normal forest practices in managing or harvesting the timber, you are exempt but, if you read the statement of fact, it says that the forests are excluded anyway and should never have been included for an exemption.

Going back to the definition, the vegetation definition of a wetland, if there is anything worth cutting on there, it would have never been included in the wetlands. I don't know exactly what that means. Now, as I said before, I think that we have got to do something to protect these wetlands but I do not think that a bill can be written to cover every case with just a few simple terms. The reference was made that it was a simple, clear bill, that is just not the case. Our legislature is infamous for trying to solve a specific problem, a far reaching problem, that covers a lot more and creates a lot more problems and ill feelings than it ever intended.

With that, I would ask for a roll call.

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

Representative RIDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to say a couple of words on this. I, too, am all for looking after our swamps and I think that anybody that lives out in the country appreciates what the swamps actually do but I don't feel this bill was directed in the right direction. When they defined between swamp and lowland or pasture, in the Spring of the year when we have our rainy season, a lot of these seven or eight acre swamps are going to be fifteen and twenty acres and then in the Fall, when the rain stops and everything dries up, they are going to be four or five acre swamps. Do you realize how many ten acre swamps there are in the State of Maine? Ten acres probably seems like a lot of land if you were looking for a house lot on Main Street in Portland, but, out in the country, ten acres isn't a very big plot of land. I don't know how they are ever going to enforce this thing and it is just another encroachment, I think, on the landowner out in the country. Those swamps that we do have aren't worth much other than the holding of the earth together. I just don't think that this bill defines things close enough or is headed in the right direction so I would hope that you would vote against the "Ought to Pass."

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: The bill before you tries to close a hole in our land use laws, a hole that would protect fresh water wetlands and bogs. Already the Representative from Medway has said the LURC law, the Great Ponds Act, the Stream Alteration Act and the Coastal Wetlands Act attempt to protect some freshwater wetlands but some get through.

You might ask yourself why we need to pass this bill. The freshwater wetlands are an extremely valuable resource that are the habitat of many plants and animals and they help control floods. In fact, and it is a very interesting fact, in some parts of this country bogs are being used to clean up polluted water because passing slowly through the bog, the nutrients leave the water.

Also, in this state, some bogs are constantly being drained and filled, a little at a time, it is chipping away at our natural resources. Usually, they are being drained and filled to put in housing developments or build parking lots.

The bill has these four very important exemptions. Agriculture is exempted, forestry is exempted, normal forestry, peat mining is exempted and hydro power is exempted.

There has been quite a bit of discussion about the definition of a wetland and both Representative Law and Representative Ridley brought that point up. The definition of a wetland is very clear. It is a piece of land that exhibits both wetland soils and wetland plants. Since an area that would flood in the Spring does not contain wetland plants, that would not be considered a wetland.

I hope you will support this bill before you today and I would like to leave you with a thought that was brought to our committee during the public hearing on this bill. It was a quote from Aldo Leopold in a book called the Sand County Almanac and the quote is: "The first thing that a tinkerer learns is that he never throws away the part."

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative McPherson.

Representative McPHERSON: Mr. Speaker, Ladies and Gentlemen of the House: Let me just relate to you a little incident that happened over the years in Eliot. Years ago, when the railroad came in through a wetland area, they constructed the railroad, there was no problem, they abandoned the line fifteen or twenty years ago and the DOT took this right-of-way and made it into a highway which then brought development. On each side of this highway, little by little, people were filling in—as we called it, swamp or wetland or whatever you want to call it, fresh water bog. Now, what has happened is they have removed that reservoir area and, every time we get a heavy rain or a winter of heavy snow or run off the in the Spring, all of these people that have filled in this land, are flooded out. What do we do? I think if you can pass this bill and prevent this from happening in some of the other areas in the state, it would be a wise move. I would suggest that you support it.

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

Representative WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: Usually, I am not in favor of the government putting restrictions on land in our areas but, at the present time, due to the shortage of housing in Cumberland and York County, many, many developers are coming out of Massachusetts and buying up any open space there is. In York County the water table level is about three feet and, needless to say, we cannot keep developing all the bogs in that area.

The SPEAKER: A roll call has been re-

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 Canton, Representative McCollister.

Representative McCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: This morning I have heard a lot of discussion about the need to save a natural resource to protect the public from the shortage of water, from floods, providing a place for the ducks and the birds. If this is truly a social problem, then why should an individual taxpayer bear the burden? Why should we not institute a program whereas the state buys those property rights from the landowner? In my committee upstairs, we heard this Spring the tale of hundreds of miles of riverfront that the property rights have been taken by LURC, taken from the property owner. How long can we take from the property owner his property rights without reimbursing him?

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

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I was just looking this amendment over in regards to "An Act to Protect Freshwater Wetlands." I don't think anybody ever objects to that. I think it is a good conservation measure but I think one must also realize that municipalities already have the authority to do that. They have the authority to do that through a comprehensive zoning plan. They also have the opportunity to do it; if they don't have a comprehensive plan, they have the opportunity to do it through shoreland zoning. So, I just don't think there is a need for the amendment. If you want to look at the amendment, the back page, it creates six new positions with the appropriation of approximately \$300,000 in the next two years.

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

ROLL CALL No. 92

YEAS:—Aliberti, Allen, Baker, H.R.; Beaulieu, Begley, Bell, Bonney, Bost, Bott, Boutilier, Brannigan, Brodeur, Brown, A.K.; Cahill, Callahan, Carrier, Carroll, Carter, Cashman, Chonko, Clark, Coles, Connolly, Cooper, Cote, Crouse, Crowley, Davis, Dellert, Descoteaux, Diamond, Dillenback, Drinkwater, Erwin, Farnum, Foss, Foster, Greenlaw, Gwadosky, Handy, Harper, Hayden, Hichborn, Hickey, Higgins, L.M.; Hillock, Hoglund, Holloway, Ingraham, Jacques, Jalbert, Kimball, Lacroix, Lawrence, Lebowitz, Lisnik, Lord, Macomber, Manning, Martin, H.C.; Masterman, Mayo, McGowan, McHenry, McPherson, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, Moholland, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, G.G.; Nelson, Nicholson, O'Gara, Paradis, E.J.; Paradis, P.E.; Paul, Perry, Pines, Pouliot, Priest, Racine, Randall, Reeves, Rice, Richard, Rioux, Roberts, Rolde, Rotondi, Ruhlin, Rydell, Salsbury, Scarpino, Simpson, Small, Soucy, Sproul, Stevens, P.; Stevenson, Strout, Swazey, Tammaro, Taylor, Telow, Theriault, Vose, Walker, Warren, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton, The Speaker.

NAYS:—Armstrong, Baker, A.L.; Bragg, Connors, Daggett, Dexter, Hale, Hepburn, Jackson, Lander, Law, MacBride, Matthews, McCollister, Nickerson, Parent, Ridley, Seavey, Sherburne, Smith, C.B.; Smith, C.W.; Stetson, Stevens, A.G.; Tardy.

ABSENT:—Brown, D.N.; Duffy, Higgins, H.C.; Joseph, Kane, Nadeau, G.R.

121 having voted in the affirmative and 24 in the negative with 6 being absent, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-191) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Repeal Provisions for Same Day Registration under the Election Laws" (H.P. 188) (L.D. 222)

Signed:

Senators:

TRAFION of Androscoggin
NAJARIAN of Cumberland
STOVER of Sagadahoc

Representatives:

REEVES of Pittston
PERRY of Mexico
PAUL of Sanford
RIOUX of Biddeford
WARREN of Scarborough
BOTT of Orono
NICKERSON of Turner

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-194) on same Bill.

Signed:

Representatives:

MURPHY of Berwick
DILLENBACK of Cumberland
MASTERMAN of Milo

Reports were read.

The SPEAKER: The Chair recognizes the Representative from Pittston, Representative Reeves.

Representative REEVES: Mr. Speaker, Ladies and Gentlemen of the House: I move the House accept the Majority "Ought Not to Pass" Report.

This bill repeals the provisions for registration on election day. We have had election day registration in Maine for many years. It is well known that the highest voter turn out is in states that have election day registration and Maine has one of the highest voter turn outs in the nation.

In all of the committee hearings on this and similar bills, we have heard of no cases of fraud that has ever been reported to the Attorney General's Office or prosecuted in the courts of Maine related to registration of voters on election day and I hope that you will vote "Ought Not to Pass" on this bill.

The SPEAKER: The Chair recognizes the Representative from Milo, Representative Masterman.

Representative MASTERMAN: Mr. Speaker, Men and Women of the House: I have heard, not only in work sessions but in the caucus that this could be considered a political bill. I think that is far from the truth. Before I go any further, I have been good this morning, I haven't been on my feet before and I am not going to take much of your time now but I do want to put this on the record. I have both Republican registrars and I have Democrat registrars and everyone of them has pleaded with me over the years to please at least give us one day when we can attend to the work that needs to be done prior to election. They keep telling me about 100 to 150 coming in after four or five o'clock at night and they are inundated and they say that they can't possibly be sure that these people are registered voters. That is all I want to say this morning because I want that on the record. I hope you will vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Ladies and Gentlemen of the House: I stand

today to urge you to support the "Ought to Pass" minority position. I speak as a cosponsor of this bill and I speak as a legislator who is concerned about the legal responsibility that we create for town election officials. True, as a legislator and an elected official, we want to encourage the maximum voter turn out and this is not an attempt obviously, to discourage voter turn out, but we charge election officials with the responsibility of determining if the person who seeks to vote is a resident of the area in which they are registering and I think we create a position that is difficult, if not impossible, for a town registrar to verify that everyone that comes in at the last minute is indeed a resident of that community.

So, I would urge you to consider the "Ought to Pass" position on this bill.

Representative Dillenback of Cumberland requested a roll call vote.

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

Representative MAYO: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: Could someone from the committee explain to me whether this bill applies to local elections as well as state elections or state elections only?

The SPEAKER: Representative Mayo of Thomaston has posed a question through the Chair to any member of the committee, who may respond if they so desire.

The Chair recognizes the Representative from Pittston, Representative Reeves.

Representative REEVES: Mr. Speaker, Ladies and Gentlemen of the House: This would apply to both local and state elections. It would be a major change in our election laws.

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

Representative WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: Every year this bill comes up, as you know. Every year we hear, there are no problems. Talk to any registrar, any clerk after an election, a week after the election, they cannot find dozens of people who registered on that day, no sign of them anywhere, especially on special interest elections. Someday, those of you who have not been involved in an election process or special interests groups will realize the importance of checking residency of your voters and see that only those entitled to participate will be setting policy, ordinances and taxes for your municipalities.

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

Representative BOTT: Mr. Speaker, Men and Women of the House: The true test of the success or failure of any democracy is the degree of citizen participation. Across the country, we have had a pitifully low degree of participation but here in the great old State of Maine, our participation rate is high. In fact, we lead the nation. We set an example for the nation. I think one of the reasons is we encourage our people to participate and one of the ways to do that is to allow them a fundamental right to vote on election day. That means, if someone has been tuned out for a little while in terms of going out to register, then they decide they want to cast their vote, they can go down there and their vote means something.

We had no examples of abuse before us in committee. There is no reason why we should change the current law. Instead, what we are talking about is the registrars. Let me tell you something, elections have been going for a number of years and they have been going fine. The registrars have been able to manage to do their duties somehow and somehow we continue to have registrars that are willing to

accept the duties that include duties on election day so I would say it comes down to: what do you want to do, do you want to support the people and their fundamental right to vote here or do you want to talk about some petty inconvenience to the registrar? I would urge you to support the Majority "Ought Not to Pass" Report of the committee.

The SPEAKER: The Chair recognizes the Representative from Mechanic Falls, Representative Callahan.

Representative CALLAHAN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to relate to you what happened, I think three or four years ago, when the first referendum on the nuclear referendum took place. At that time, in the town of Poland, I am not positive about the figure but I know it was 63 or 65, in the 60's, of people that came in a bus. It was said that they went from town to town. In this particular town, with so many people registering on that day, there was no time to do much checking. After the election, this number of 63 that I mentioned, was the number that they couldn't find in the town. Mechanic Falls also had people that they couldn't find.

I do relate to you the feelings of the registrars in both Mechanic Falls and in Poland, that they should have at least one day. The day of the election, the people should be registered prior to the election day.

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

Representative DRINKWATER: Mr. Speaker, Ladies and Gentlemen of the House: I got involved with the sponsor of this bill through a request by the city of Belfast and their problem was, it would be an hour before closing time or even shorter than that, right up until closing time, and they would have them coming in there by the carloads. It put the election officials in a bind. We have five wards in Belfast and every ward seemed to be in the same bind. I guess I was willing to present the bill because I felt that being able to vote was a privilege and that you should be proud of the fact that you can vote and that you should be able to go down there and sign up long before eight o'clock at night or closing time. So, I hope today that we have enough votes to swing this thing over because there are a lot of people that feel the same way as I do.

The SPEAKER: The Chair recognizes the Representative from York, Representative Rolde.

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to tell you why I always support registration on election day. This is an incident that happened in my town before we had registration on election day. All of you know how difficult it is to get young people to sign up to vote. They will give you all kinds of strange reasons why they shouldn't and they are very unsure of themselves about signing up to vote. I had a discussion with a young man once prior to an election. It took me about an hour to convince him that he should sign a registration card. I brought that card down to the town hall in plenty of time for him to be put on the roles. On election day, when he came down to vote, after I had persuaded him at great length, that card had been lost and he was not allowed to vote. I doubt probably if he has ever voted since. That is why I will always support registration on election day.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I serve as a local election official for local elections in my town. I am quite disturbed that this bill would change the way that we allow people to register to vote. A lot of times the individuals in my town come and register, they

may have just moved into the town and register on the same day that they want to vote. Rather than require someone to have to make two trips to city hall or two trips to the voting place, I believe that we should leave the law as it is and I would urge you to vote for the Majority 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, obviously more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

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

Representative HEPBURN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to relate to you an incident that happened in Somerset County this year. It just came out in a meeting that Senator Mitchell had in Skowhegan, one of the town meeting gatherings that happen around the state. Some people from a Plantation in the northern part of the county came down and they were all up in arms that the assessors race in their town had been swayed by people who moved into town one day, moved out the next, and had registered to vote in the meantime. I think there was a total of 8 people who registered to vote on that day of the election. They said, I am just working temporarily with so and so up the road and I am living there right now. They registered to vote, those 8 individuals, and the assessors race was won by four votes so it is obvious to see the impact that this law can have on races, especially local races, and in many cases, legislative races. I think we certainly can point with some pride that the State of Maine has one of the highest percentages of its population voting but I think if we are doing that through fraudulent means, that is nothing we should be terribly proud of.

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

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: We have heard arguments here about the problems of the clerks and so forth—just to be brief, the town of Gorham registered 400 people in the late afternoon of the election. How they voted, we really don't know but I want to leave you with this thought: voting is a right for every individual in our country and state, rights demand responsibility.

We heard mention here today that someone who is not attuned to the situation enough to register before and has to register on the day of the election, I submit to you that perhaps they are not attuned enough to know who they are voting for to begin with.

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

Representative DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: As several legislators have said this morning, this bill comes before this session almost every other year, it is constantly debated in one form or the other and it is constantly rejected and rightly so. This year should be no different.

I question the comments of some members who claim that voting is a privilege; fortunately, Representative Hillock, clarified that it is a right, not a privilege, and with that right, of course, responsibilities do come along. What we have to do is balance the responsibilities of citizens and their right to participate in the democratic process. I think when you look at that balance, we have to tilt it in favor of the citizens ability to participate. There were questions raised in support of removal of this provision that say there is abuse or fraud; yet,

nobody has pointed to any specifics. Of course, we have laws that deal with such cases of fraud and abuse but yet nobody has ever given the committee nor this body any clear cut examples of where they exist.

Passage of this particular legislation would not remove abuse and fraud or violations of the law of any kind but it would disenfranchise the significant number of Maine citizens who, for whatever reasons, desire to register and vote on the same day. In my own community of Bangor, we had over a 1,000 people register and vote on election day. If there was any fraud or abuse that existed, I know of none. If any did exist, nobody reported it.

I was talking to a legislative staff member a moment ago and asked them about the question that Representative Wentworth raised and that is, whether or not people come in and fraudulently register, using assumed addresses or names, in order to vote. The implication given apparently was that the registrars or the town clerks have no ability to deny them registration but the law as it is now written says, that if the registrar or town clerk feels that a person is not qualified to vote, they can ask for some proof of identification or residency. That exists in the law, that is an option. For those town clerks who are so offended by the existence of this right to register on election day, I would suggest that they look at their responsibilities, see for themselves whether or not they are fulfilling their obligations as registrars or town clerks and if they do, indeed, believe that somebody is trying to register who should not be, then they should question them as they have the right under the law. I think we would be making a grave mistake if we change the law that now exists and deny so many Maine citizens the ability to register and vote and take part in our system of government. For that reason, I urge you to support the motion before this body.

The SPEAKER: The pending question before the House is the motion of the Representative from Pittston, Representative Reeves, 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. 93

YEAS:—Aliberti, Allen, Baker, H.R.; Beaulieu, Bost, Bott, Boutilier, Brannigan, Brodeur, Brown, A.K.; Carroll, Cashman, Clark, Coles, Connors, Connolly, Cooper, Cote, Crouse, Crowley, Daggett, Descoteaux, Diamond, Duffy, Erwin, Foster, Greenlaw, Gwadnosky, Hale, Handy, Hayden, Hichborn, Hickey, Hoglund, Jackson, Jacques, Joseph, Kane, Kimball, Lacroix, Lisnik, Macomber, Manning, Martin, H.C.; Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, Moholland, Murray, Nadeau, G.G.; Nelson, Nickerson, O'Gara, Paradis, P.E.; Paul, Perry, Pouliot, Priest, Randall, Reeves, Rice, Richard, Ridley, Rioux, Roberts, Rolde, Rotondi, Ruhlin, Rydell, Simpson, Smith, C.B.; Soucy, Stetson, Strout, Swazey, Tammara, Tardy, Telow, Theriault, Vose, Walker, Warren, Webster, The Speaker.

NAYS:—Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bragg, Cahill, Callahan, Carrier, Chonko, Davis, Dellert, Dexter, Dillenback, Drinkwater, Farnum, Foss, Harper, Hepburn, Higgins, L.M.; Hillock, Holloway, Ingraham, Jalbert, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Masterman, Matthews, McPherson, Murphy, E.M.; Murphy, T.W.; Nicholson, Paradis, E.J.; Parent, Pines, Racine, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.W.; Sproul, Stevens, A.G.; Stevenson, Taylor, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

ABSENT:—Brown, D.N.; Carter, Higgins, H.C.; Nadeau, G.R.; Stevens, P.

91 having voted in the affirmative and 55 in the negative with 5 being absent, the motion did prevail. Sent up for concurrence.

At this point, Representative Gwadosky of Fairfield assumed the Chair to act as Speaker pro tem.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-195) on Bill "An Act Concerning Notice of Legal Obligations of Marriage on a Marriage Certificate" (H.P. 995) (L.D. 1432)

Signed:

Senators:

TRAFTON of Androscoggin
NAJARIAN of Cumberland
STOVER of Sagadahoc

Representatives:

REEVES of Pittston
PERRY of Mexico
PAUL of Sanford
RIOUX of Biddeford
WARREN of Scarborough
MURPHY of Berwick
MASTERMAN of Milo
BOTT of Orono
NICKERSON of Turner

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

Representative:

DILLENBACK of Cumberland

Reports were read.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Pittston, Representative Reeves.

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

Mr. Speaker, Ladies and Gentlemen of the House: This is a very simple bill, which adds one line to the marriage certificate. Presently, right in the middle of the marriage certificate, there is a sentence which says the laws of Maine provide that only authorized persons may solemnize marriages in this state and this bill proposes to add another sentence, just underneath this, "the laws of Maine provide that both men and women have obligations to support their children and their spouses."

When the Representative from Madawaska, Representative McHenry, brought this bill to our committee, there was a certain amount of laughing at the hearing, that anything so simple might actually do something to address the serious problems of divorce and support payments and support of children, which we all recognize are growing in marriage. Then, when the committee finally thought about it, they decided that this was a simple bill that could put an intelligent sentence on the marriage certificate, which people would actually read, which points to some of the serious, legal obligations of marriage and so we had an almost unanimous report signing out this bill, which, incidentally, has no fiscal note.

I hope that you will vote to pass it.

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

Representative DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: It is unusual to be the only person that objects to something but it won't affect me right away, probably will never affect me, but I thought that when you took your vows, whether it be in a church or before the Justice of the Peace, etc. you took a person for better or worse, richer or poorer, in sickness and in health and I thought it was a reflection on the intelligence of the race that we didn't have the right or even the intelligence to think that we would support our own spouse and children. If you want that on your certificate, all you have to do is vote for it, you younger people, I doubt that I would want it on my certificate.

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

Committee Amendment "A" (H-195) was

read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

Divided Report

Majority Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-197) on Bill "An Act to Change the Way the Maximum Rate of Interest on Delinquent Taxes is Calculated" (H.P. 244) (L.D. 285)

Signed:

Senator:

DIAMOND of Cumberland

Representatives:

HIGGINS of Portland
CASHMAN of Old Town
MAYO of Thomaston
WEBSTER of Cape Elizabeth
ZIRNKILTON of Mount Desert
INGRAHAM of Houlton
NELSON of Portland
SWAZEY of Bucksport

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

Senators:

TWITCHELL of Oxford
EMERSON of Penobscot

Representatives:

McCOLLISTER of Canton
JACKSON of Harrison

Reports were read.

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

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

Mr. Speaker, Ladies and Gentlemen of the House: Currently, the procedure for setting the maximum interest allowed on unpaid real estate taxes is that the State Treasurer sets the rate yearly and the towns have to live with it. What this bill would do is it would set the rate at the maximum interest rate allowed for major credit cards, such as Visa, Master Charge, etc. which is 18 percent.

The reason the bill is in that we do have instances in this state where investors don't pay their real estate taxes because they can earn more money on their investments than the interest rate allowed by the state. Right now, that interest rate is 13½ percent. In communities where you have a large amount of investment real estate, this is a particular problem because it is more lucrative to invest in more investment real estate than it is to pay your real estate taxes.

We also have a situation where towns are competing with major investors, who pay perhaps their Master Charge at 18 percent and use that money to pay their Master Charge rather than pay their property taxes. Towns as they collect their property taxes are in competition and credit cards are one of the chief competitors. What this bill does is allow them to charge the same interest rate that the credit cards have.

I think the other thing is that this is a local control issue. It does not set a minimum rate that has to be charged; it sets a maximum rate.

I was on the City Council in Old Town for six years and we never charged the maximum rate. As a matter of fact, five of the six years, we didn't charge any interest rate on delinquent taxes and we did it for a very good reason -- because the town fathers in Old Town, like every other town and city in this state, they know who is on their delinquent taxpayers roles and they know if they are on there because they can't pay their taxes or if they are on there because they are spending the money somewhere else. In Old Town, the people who are on our delinquent tax roles are there because they are having a hard time to make their payments. That being the case, the city chose not to charge any interest rate. The

majority of towns in this state do not charge the maximum today. All we are doing with this bill is allowing communities like Bangor, Portland, and other communities with a large amount of investment property, to charge an 18 percent interest rate that will allow them to collect their taxes. If the smaller towns like Milford and Bradley, up in my area, choose not to charge that interest rate, that is their option. They can charge no interest rate at all or they can charge anything in between. They will set it at their town meeting the same as they do now.

I urge your support of the Majority Report in passage of this bill.

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

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I am on the Minority Report on this piece of legislation which the Representative from Old Town has so eloquently explained what the bill does. I have a philosophical problem with this piece of legislation. My problem is, is the interest rate that is charged to a delinquent taxpayer, a penalty, or is it the rate which will be charged to that delinquent taxpayer which will adequately cover the cost to the community in ascertaining those funds which, through some cause, the taxpayer has the inability to pay? I say that that is not the penalty. I say the penalty because of one's inability to pay the property tax is when foreclosure comes due.

I have to commend the gentleman for his fairness when he sat on the town council in Old Town in recognizing that sometimes you don't need an axe to do a hatchet job.

Currently, most municipalities throughout this state, are borrowing money on tax anticipation notes of anywhere from five percent to seven percent. They allowed, this year, by state law or the ceiling set by the State Treasurer, to charge 15 percent for delinquent taxes. Next year, they will be allowed to charge, either 12 or 13 percent, for delinquent taxes. I think one only has to look at their town reports, if your community publishes one, or in your local newspapers, if the city so desires to have it printed, that your delinquent taxpayers, the majority of them, are the people that really don't have access to these credit cards that we heard discussed this morning. They probably don't have access to a lot of money. Some communities in this state, the taxes are on an average of about 10 percent of one's yearly income so it is no wonder that you have high rates of unpaid taxes.

I also would like to commend those communities which haven't bumped up against the ceiling, which they are allowed. I think if we give some of these communities in the state the opportunity to set a maximum of 18 percent, some of these communities will set a maximum at 18 percent. Is that really helping those people that have the inability to pay their property taxes? I don't think it is. If we are concerned about that investor that is out there using that money in some other area, he is going to have to pay interest on that. If we put a lien against it, he is going to have to pay off that lien. Don't forget, those communities are still borrowing money at the rate I stated earlier. So, I don't really see any need for this piece of legislation. I think it is going to cause more heartaches and problems for those people who do not have the ability to pay their property taxes even at the current rate of 15 percent or the new established rate of 12 or 13, whatever it is. If we bump that thing to 18 percent, we are just making it a little more difficult for that person or those persons to pay their property taxes.

Mr. Speaker, I would request the yeas and nays when the vote is taken.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to support my good friend from Old Town, Representative Cashman. I feel that this bill is the ultimate, the absolute ultimate, in local control. We are saying to our municipalities that you can make the decision, we are not mandating an arbitrary state figure, we are allowing our town councils or city councils to set the rate of interest they wish to charge on delinquent tax. They set anywhere up to 18 percent under this bill. This bill will provide for consistency from year to year. A town can set a policy that they wish to establish and not have to vary that policy depending on the arbitrary rate set by the State Treasurer. I feel, again, that this bill is the ultimate in local control and I would urge you to accept the Majority "Ought to Pass" Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Old Town, Representative Perry.

Representative PERRY: Mr. Speaker, Members of the House: I support Representative Cashman's motion, perhaps not for the same reasons but for similar reasons as to what he has spoken to today.

When he talked about his tour on the City Council, I served on some portion of that but I can't recall of having approved of any free interest rates to anyone. During my stay on that council, we found that when we were waiving the interest premiums or payments down to what we were borrowing money in anticipation of taxes, that our tax roles rose, they increased with each year, until finally, we had to do something about it and when we brought it up to the going rate that was out there on the street, we began to reduce our taxes that were owed and obligated to the town. I represent a total of 14 towns and I see the similar action as they talk and discuss in their town meetings so if you don't keep it above, you will find the town in the money lending business and the other citizens will be supporting or subsidizing those that are reduced.

I urge passage of the bill.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Westbrook, Representative Carrier.

Representative CARRIER: Mr. Speaker, Members of the House: I am opposed to this bill for the following reasons. A few years ago, I put in a bill to limit the amount the town could charge on delinquent taxes. If I recall, it would allow the town to charge 2 or 3 percent more than what they were borrowing their money at. At that time, they were borrowing for about 6 or 7 percent.

Charging 18 percent, which some towns did charge this year until they were told by the State Treasurer that they could not do that and must bring it down to 15 percent, is an excessive rate.

Let me give you an example. When I presented that bill, there were a lot of people there but do you know who they were? They were the tax collectors from different towns, hollering that they had already committed themselves. If they collected \$50,000 extra in interest from the people, that was already committed to spend on certain other things for the town. I don't think that this is right. There are a lot of people today that do not have much savings. Assuming someone has \$500 in savings in the bank, a lot of people do not have, but he has \$500 in the bank, the man has a heart attack, he goes to the hospital, the taxes are due or overdue, is he going to tell his wife to take that \$500 and go pay the taxes? I don't think so. I don't think that that would be good judgment. He doesn't know how long he is going to be out. He might have to pay rent and he would be short of money so I think the priorities will put a person into a position where you wouldn't pay your taxes. If you can't pay them at that time, you are not going to be able to pay them later on with the high interest that

they charge now. Fifteen percent is excessive on taxes. The reason they do that, ladies and gentlemen, is because they claim that industry does not pay their taxes—well, if industry does not pay their taxes, charge a higher rate to industry, but don't punish the person in the community that cannot afford to pay his taxes because of sickness or whatever, most people meet their obligations when they can. I don't believe the city has the right to put a lien against a property. Some of them do that, too. Don't forget, some of them do not show any consideration to the people in the community. If it hadn't been for the State Treasurer this year, they would have charged them 18 percent. Think about that. Think about your family, your neighbors, and the ones that are not fortunate enough to have money set aside to pay their taxes when due. They mean to pay it and they will if they can. I don't think that this is the kind of punishment that they need.

I hope you vote against 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, 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 PRO TEM: The Chair recognizes the Representative from Old Town, Representative Cashman.

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I just wanted to respond to a few arguments that have been made. First of all, we do have provisions in the law in this state that if a person can't pay their property taxes because of poverty or infirmity, that they can apply to the city or the town for an abatement. That was kicked around in here a little bit the other night. It is a matter of law in this state.

The other point that I want to reemphasize, after listening to some of the points made in opposition to this bill, is that I think this is a vote of whether you have enough faith in your local officials to set an interest rate that reflects their tax roles. I think if we are truly in favor of local control, and that is an argument that we hear a lot in this House, that this bill shouldn't be a problem.

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

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: Again, the gentleman from Old Town has brought out another point, which was alluded to a little earlier by the gentleman from Westbrook, local control. When municipalities were given home rule, I questioned why they were not given the authority to charge what interest rate they wanted to charge. I submit that they were concerned about the same things that some of us who have discussed this this morning are concerned about. It might be fine for a town council, which has nine members or five members, to sit there and make the decision as to what they will charge for an interest rate but when your legislative body in the municipalities or in the cities are the residents of those communities, those are the ones who are going to make the decision as to what the interest rate is going to be and I don't disagree that that probably is the purest form of government. But how many of you people have attended a town meeting and looked at Article 5, 6, 7, 8, or 9—because that is usually where it sits, is to the rate of interest that a community or municipality would charge for delinquent taxes—how many of you people have ever heard debate in regard to the interest rate? I would suggest that it is very seldom. I have only heard that once in all the town meetings that I have ever attended and I have been attending town

meetings now for over 20 years. I have only heard that once, a debate on the interest rate that was going to be charged by the municipality. I submit to you folks this morning that when those municipal fathers decide to bump that limit to 18 percent, that there will not be any debate on that because those people, who want to debate that issue, won't be there because they didn't pay their property taxes and had too much pride to show up to take part in that portion of government.

I call on you this morning to have some concern for the people of this state, some of those who do not have the ability or who are less fortunate than some of us, who don't have the proceeds to pay their property taxes when their property taxes are due. If it only involves one municipality, I think that that is a crime. I suggest that we should not do it and I hope you vote against the pending motion.

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

Representative ZIRNKILTON: Mr. Speaker, I would like to pose a question to the Representative from Old Town, Representative Cashman.

Could you explain the process that is now available to those who are not fortunate enough to have funds on hand to pay their property taxes and explain the process of abatements and waivers?

The SPEAKER PRO TEM: The Representative from Mt. Desert, Representative Zirkilton, has posed a question through the Chair to the Representative from Old Town, Representative Cashman, who may respond if he so desires.

The Chair recognizes that Representative.

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I must say that it warms my heart to hear the gentleman from Harrison championing the causes of the poor.

To answer Representative Zirkilton's question also pretty much answers Representative Jackson's concerns—if, in fact, a person or member of a community cannot pay their property taxes because of poverty or infirmity, they may apply to the town council or the board of selectmen for an abatement of taxes because of one of those two reasons. That is a matter of law in the State of Maine. It has existed for many years and is used in those cases of dire poverty.

What this bill aims to address is not that situation, rather the situation where we have real estate speculators and other people who are investing their money, who choose to invest it at a higher rate of interest than they are charged on their delinquent taxes.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Sanford, Representative Hale.

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: I urge you today to support the Minority "Ought Not to Pass." I speak to you as a present town father. I know that my municipality could not, in any conceivable way, pay an 18 percent tax on unpaid taxes. It is true that the biggest offenders are industry. They do take their money and they do utilize it but, unfortunately, the majority of our taxpayers are not industry, they are small homeowners. They are widows, they are people who are struggling as the Representative from Westbrook said, to keep their head above water, to try encourage industry to come into the State of Maine and I feel the way the rate is set right now is fair to all municipalities. This would not allow it to leave it up to any individual municipality as to what they can or can't charge. It is set by the state.

I urge you to support the Minority "Ought Not to Pass."

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

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: I would

just like to briefly respond to that point made. The 18 percent is a cap. It is a maximum rate, it by no means mandates that a municipality must charge an interest rate of 18 percent, it merely means that that option is available to them if they so choose. If their concern is attracting industry to their area and looking out for those who are not as fortunate to be able to pay their taxes in a timely fashion, then they don't have to charge 18 percent. It is as simple as that. The issue is local control. You, as a town father, as you said, have the opportunity to set that rate with your selectmen or fellow council members, we are not telling you what interest rate you can charge, we are just telling you that that is the maximum amount that can be charged.

THE SPEAKER PRO TEM: The Chair recognizes the Representative from Sanford, Representative Hale.

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: There is no question in my mind and I am sure that there is none in your minds that have served as town fathers—irregardless of the fact of how much you can charge, every municipality will charge maximum. There will be justification for it regardless of any circumstances.

Again, I urge you to support the "Ought Not to Pass" Report.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I want to urge you to accept the Majority Report. As I said before, this is the ultimate in local control. Let our municipalities choose what they want to charge. If they choose not to charge 18 percent, they can set it lower than that. I think it is rather arbitrary that the State Treasurer is involved in setting this cap. I feel that the bill, as presented, is appropriate and I support the statements that have been made by my good friend from Old Town, Representative Cashman.

THE SPEAKER PRO TEM: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I rise too as a town father from the town of Lisbon. I have been a selectman close to 10 years. I represent a town that found themselves stuck by some big industries, such as Hillcrest Poultry, who did not pay their taxes—they said, "here is the bill, take it" and we ended up losing over \$175,000. I know what they did with the money that they didn't pay their taxes with, they invested it.

I am a great believer of local control. I think rather than wait for the state to decide up here in Augusta who will pay what, I don't go for that. I think it should be determined so you do have people, whether it be the mills, Hillcrest Poultry, and Lisbon is not the only town who got stuck royally, I think the neighboring suburb of Lewiston got stuck the same way, and I think we should vote for this bill.

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

Representative RIDLEY: Mr. Speaker, I would like to pose a question through the Chair.

As it is now, the state says you can charge 15 percent. Under this new setup, who determines what the percentage is going to be? Is there a cap at 18 percent and who decides what that cap is?

THE SPEAKER PRO TEM: The Representative from Shapleigh, Representative Ridley, has posed a question through the Chair to anyone who may respond if they so desire.

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

Representative CASHMAN: Mr. Speaker, in answer to the gentleman's question, current-

ly the cap or the maximum allowable interest rate charge is set year to year by the State Treasurer. What this bill would do is it would tie the cap to the maximum allowable interest rate charged on major credit cards. That currently is 18 percent. If the cap were to be changed again, the legislature would have to raise the maximum amount of interest charged on major credit cards.

I would also point out that the cap that is set now is also just that, a cap. The treasurer doesn't tell the towns that they have to charge 15 percent, they can charge anything in between.

THE SPEAKER PRO TEM: The Chair recognizes the Representative from Augusta, Representative Hickey.

Representative HICKEY: Mr. Speaker, I would like to pose a question through the Chair to the Representative from Old Town, Representative Cashman.

Under the present system that the towns and cities use, the districts in those communities, do they come under the same law that the city uses in its operation? The sanitary districts, the water districts?

THE SPEAKER PRO TEM: The Representative from Augusta, Representative Hickey, has posed a question through the Chair to the Representative from Old Town, Representative Cashman, who may respond if he so desires.

The Chair recognizes that Representative.

Representative CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: I think I have been up on this issue more than any other issue since I have been here but in answer to the question, if I understand it, the amount of money that the sewer districts can charge on delinquent bills is also set by the town fathers and they are subject to the same cap but, again, they could set two separate rates if they so chose.

THE SPEAKER PRO TEM: The Chair recognizes the Representative from Canton, Representative McCollister.

Representative MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: We mustn't lose sight of the fact that interest above prime reflects on the soundness of the property that is being loaned against. Real estate is pretty safe and secure. Credit cards are not, that is why credit card prices are high and we must not forget, just a couple of years ago, we had 21, 22 percent interest rate with no assurance that they are not going to be back.

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

Representative RIDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to make a point. I was a Selectman for about 15 years and I don't seem to recall us ever having this problem. The way it was handled in our town and several of the surrounding towns, there was always an article put in the warrant to see what time taxes became due and also what interest they were going to charge and then we were aware of what the maximum would be as was set by the state. It was not the Selectmen that decided what the interest was going to be, it was the towns people that decided and there was quite a lot of controversy over it at times just what it would be. I know for many years it was always down about the same interest of what banks were getting but we did finally get it up a little bit. I always felt that as long you were getting a little bit more than what it was costing you to borrow money that you really weren't in too bad a shape.

At this point, Speaker Martin resumed the Chair.

THE SPEAKER: The pending question before the House is the motion of the Representative from Old Town, Representative Cashman, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those op-

posed will vote no.

ROLL CALL No. 94

YEAS:—Allen, Armstrong, Baker, A.L.; Baker, H.R.; Begley, Bost, Bott, Boutillier, Branigan, Brodeur, Cahill, Carroll, Cashman, Chonko, Clark, Coles, Connolly, Cooper, Crouse, Crowley, Davis, Dellert, Descoteaux, Diamond, Dillenback, Duffy, Erwin, Foss, Foster, Greenlaw, Gwadosky, Handy, Harper, Hayden, Hepburn, Hickey, Higgins, L.M.; Hillock, Holloway, Ingraham, Jacques, Jalbert, Joseph, Kane, Kimball, Lacroix, Law, Lawrence, Lebowitz, Lisnik, Lord, MacBride, Macomber, Manning, Martin, H.C.; Matthews, Mayo, McGowan, McPherson, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, Murphy, T.W.; Murray, Nadeau, G.G.; Nelson, Nicholson, Nickerson, O'Gara, Paradis, E.J.; Paradis, P.E.; Perry, Pines, Priest, Racine, Randall, Reeves, Rice, Richard, Rioux, Roberts, Rolde, Rydell, Salsbury, Simpson, Small, Smith, C.B.; Soucy, Sproul, Stetson, Stevens, A.G.; Swazey, Tardy, Taylor, Telow, Vose, Warren, Webster, Weymouth, Whitcomb, Zirkilston.

NAYS:—Aliberti, Beaulieu, Bell, Bragg, Brown, A.K.; Callahan, Carrier, Connors, Cote, Daggett, Dexter, Drinkwater, Farnum, Hale, Hichborn, Hognlund, Jackson, Lander, Masterman, McCollister, McHenry, Moholland, Murphy, E.M.; Parent, Paul, Pouliot, Ridley, Rondoni, Ruhlin, Scarpino, Seavey, Sherburne, Smith, C.W.; Stevens, P.; Stevenson, Strout, Tamaro, Theriault, Walker, Wentworth.

ABSENT:—Bonney, Brown, D.N.; Carter, Higgins, H.C.; Nadeau, G.R.; Willey, The Speaker.

104 having voted in the affirmative and 40 in the negative with 7 being absent, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-197) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

Divided Report Later Today Assigned

Majority Report of the Committee on State Government reporting "Ought Not to Pass" on Bill "An Act to Abolish the Office of Energy Resources" (H.P. 612) (L.D. 882)

Signed:

Senators:

KANY of Kennebec
ANDREWS of Cumberland

Representatives:

GWADOSKY of Fairfield
DESCOTEAUX of Biddeford
NADEAU of Saco
BOUTILLIER of Lewiston
LACROIX of Oakland
COTE of Auburn
SPOUL of Augusta
HICHBORN of LaGrange

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (H.P. 1108) (L.D. 1597)

Signed:

Senator:

HICHENS of York

Representatives:

DILLENBACK of Cumberland
WENTWORTH of Wells

Reports were read.

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

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

Consent Calendar First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:
(S.P. 546)(L.D. 1459) Bill "An Act to Transfer

and Allocate Funds to the Judicial Department for the Fiscal Year Ending June 30, 1985" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(S.P. 559) (L.D. 1488) Bill "An Act to Amend the Maine Insurance Guaranty Association Act" Committee on Business and Commerce reporting "Ought to Pass"

(S.P. 308) (L.D. 797) Bill "An Act to Clarify the Laws Relating to Landlords and Tenants" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-106)

(S.P. 402) (L.D. 1112) Bill "An Act Concerning Programs for the Homeless" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-108)

(S.P. 355) (L.D. 963) Resolve, Establishing the Maine Commission on the Role of State Government in Providing Independent Living Opportunities and Services to Disabled Persons in Maine Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-110)

(S.P. 320) (L.D. 809) Bill "An Act Concerning Misuse of Dealer Plates and Clarification of Dealer Plate Provisions" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-111)

(H.P. 606) (L.D. 876) RESOLVE, Authorizing the Town of Fort Kent to Convey its Interest in Certain Public Lands in Fort Kent, Aroostook County" Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-198)

(H.P. 1014) (L.D. 1463) Bill "An Act to Require Refuse Receptacles to Comply with Federal Safety Standards" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-199)

There being no objections, the above items were ordered to appear on the Consent Calendar later in today's session under the listing of Second Day.

(H.P. 854) (L.D. 1210) Bill "An Act Concerning Reports to the Federal Government Relating to Missing Children" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-203)

On objections of Representative Erwin Rumford, was removed from the Consent Calendar, First Day.

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

Committee Amendment "A" (H-203) was read by the Clerk.

Representative Erwin Rumford offered House Amendment "A" (H-211) 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 and the bill assigned for second reading later in today's session.

(H.P. 782) (L.D. 1115) Bill "An Act to Encourage Retraction of Defamatory Statements" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-202)

There being no objections, the above item was ordered to appear on the Consent Calendar later in today's session under the listing of Second Day.

Consent Calendar Second Day

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

(H.P. 920) (L.D. 1325) Bill "An Act to Strengthen the Law Relating to Purchase of

Foodstuffs from Maine Concerns" (C. "A" H-189)

(H.P. 708) (L.D. 1018) Bill "An Act to Require Disclosures by Transient Sellers"

(H.P. 376) (L.D. 157) Bill "An Act Concerning 'Beano' or 'Bingo' on Indian Reservations" (C. "A" H-193)

(H.P. 784) (L.D. 1117) Bill "An Act to Provide for Legislative Oversight Prior to the Implementation of Departmental Rules" (C. "A" H-196)

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

Passed to Be Engrossed Tabled and Assigned

Bill "An Act to Require Adequate Notice of Tax Lien Foreclosure" (H.P. 1090) (L.D. 1583)

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

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

Bill "An Act Relating to One-way Rental Vehicles" (H.P. 1091) (L.D. 1584)

Bill "An Act Concerning Education Programs for Gifted and Talented Children" (H.P. 1092) (L.D. 1585)

Bill "An Act Concerning Retail Sales of Beer and Wine" (H.P. 1093) (L.D. 1586)

Bill "An Act to Provide for a Setup Period Prior to Opening of the Polls" (H.P. 1094) (L.D. 1587)

Bill "An Act to Clarify and Standardize Enrollment Status on Voting Lists" (H.P. 1095) (L.D. 1588)

Bill "An Act to Protect the Voting Rights of Township Residents" (H.P. 1097) (L.D. 1590)

Bill "An Act to Establish Minimum Energy Efficiency Standards for Major Appliances Sold in Maine" (H.P. 1096) (L.D. 1589)

Bill "An Act to Create the Commission on Farmland Loss" (H.P. 434) (L.D. 635)

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

As Amended

Bill "An Act to Increase the Handling Fee for Returnable Containers" (S.P. 93) (L.D. 291) (C. "A" S-103)

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

Later Today Assigned

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

On motion of Representative Paradis of Augusta, tabled pending passage to be engrossed as amended and later today assigned.

The following item appearing on Administrative Supplement was taken up out of order by unanimous consent:

Tuesday, May 28, 1985

Reference is made to (S.P. 321) (L.D. 810) RESOLVE, to Establish a Commission to Prepare a Revision of the State's Motor Vehicle Laws (Emergency)

In reference to the action of the House on Thursday, May 23, 1985, whereby it Insisted and Asked for a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative CARTER of Winslow

Representative KANE of South Portland

Representative McPHERSON of Eliot

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

Consent Calendar

First Day

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

(H.P. 425) (L.D. 605) Bill "An Act Relating to Contracts for Children's Placement at Residential Treatment Facilities" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-205)

There being no objections, the above item was ordered to appear on the Consent Calendar of later today's session under the listing of Second Day.

Reports of Committees

Divided Report

Majority Report of the Committee on Business and Commerce on Bill "An Act to Reduce the Hours Required for Master and Journeymen Electricians" (H.P. 419) (L.D. 599) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Reduce the Hours Required for Journeymen Electricians" (H.P. 1109) (L.D. 1612)

Signed:

Representatives:

ARMSTRONG of Wilton

MURRAY of Bangor

ALIBERTI of Lewiston

TELOW of Lewiston

HILLOCK of Gorham

RYDELL of Brunswick

MARTIN of Van Buren

BAKER of Orrington

STEVENS of Bangor

BRANNIGAN of Portland

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

Signed:

Senators:

SEWALL of Lincoln

DANTON of York

BUSTIN of Kennebec

Reports were read.

On motion of Representative Brannigan of Portland, the Majority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading later in today's session.

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

Passed to Be Enacted Emergency Measure

An Act to Amend the Law Concerning the Student Incentive Scholarship Program Under the Education Law (S.P. 68) (L.D. 119) (S. "A" S-88; C. "A" S-85)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 119 voted in favor of the same and 15 against and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Amend the School Construction Law (H.P. 508) (L.D. 713) (S. "A" S-96; to C. "A" H-128)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of the same and none against and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Establish a Vehicle Rental Agency in the Department of Conservation (H.P. 834)

(L.D. 1178) (H."A" H-161 to C. "A" H-129)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of the same and 29 against and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Place the State Board of Licensure of Administrators of Medical Care Facilities other than Hospitals Within the Department of Business, Occupational and Professional Regulation (H.P. 978) (L.D. 1410) (C. "A" H-145)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 117 voted in favor of the same and 2 against and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

RESOLVE, Concerning the Establishment of a Social Services Transportation Review Committee (H.P. 1053) (L.D. 1529) (H. "A" H-160)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 101 voted in favor of the same and 25 against and accordingly, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

An Act Requiring Clarification of Dates Upon Which Local Property Tax Penalties Accrue (H.P. 139) (L.D. 164) (C. "A" H-139)

An Act to Amend the Maine Community Services Act (H.P. 266) (L.D. 336) (S. "A" S-102)

An Act Authorizing the Department of Inland Fisheries and Wildlife to Continue to Regulate the Harvest of Antlerless Deer. (H.P. 268) (L.D. 338) (C. "A" H-151)

An Act to Amend Permit Procedures Relative to Final Disposition of Dead Human Bodies (H.P. 422) (L.D. 602) (C. "A" H-136)

An Act to Regulate Fishing Derbies (H.P. 646) (L.D. 916) (H. "A" H-180)

An Act to Redefine the Southern Boundary to Enlarge the Moose Hunting District (H.P. 681) (L.D. 967) (C. "A" H-150)

An Act to Require Full Disclosure by Financial Planners (H.P. 793) (L.D. 1123) (H."A" H-159; C."A" H-143)

An Act to Clarify the Agricultural Exemption in the Workers' Compensation Laws (H.P. 883) (L.D. 1240) (C."A" H-156)

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

An Act to Amend the Procedures of the State Board of Arbitration and Conciliation (H.P. 957) (L.D. 1377) (C. "A" H-137)

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

On motion of Representative Beaulieu of Portland, under suspension of the rules, the House reconsidered its action whereby L.D. 1377 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-212) and moved its adoption.

House Amendment "A" 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.

Later Today Assigned

An Act to Relating to Scalping and Dragging in the Frenchboro Area (H.P. 1055) (L.D. 1534)

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

On motion of Representative Zirnkilton of Mt. Desert, tabled pending passage to be enacted and later today assigned.

An Act to Assure Appropriate Education and Treatment of People who are Deaf or Hearing Impaired (H.P. 1064) (L.D. 1543)

An Act to Amend the Charter of the Jackman Sewer District (H.P. 1086) (L.D. 1591)

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.

Bill Held

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Richard.

Representative RICHARD: Mr. Speaker, is the House in possession of: Bill "An Act to Repeal the Maximum Length Lobster Measurement" (H.P. 196) (L.D. 230)?

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

Mr. Richard of Madison moved that the House reconsider its action whereby the Minority "Ought Not to Pass" Report was accepted.

Representative Vose of Eastport requested a Division.

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I hope you, in reconsidering this bill, will vote in favor of L.D. 230. I apologize for repetitiveness of last Friday's discussion.

To cover a little of the ground for some of the people who were absent, in testimony, the Department of Marine Resources Commissioner and biologist first stated that the conservation issue is like a myth. Very few lobsters, over five inch measure, in territorial waters, less than one percent are in those water so the conservation measure is a myth and this is why New Hampshire, Massachusetts and Canada do not have a five inch max limit. Fishermen are not unanimously convinced over the conservation benefits of the oversized law. Considerable number of fishermen argue for repeal.

Secondly, the economic issue—the oversized law places Maine offshore lobster fishermen at a competitive disadvantage. Maine fishermen competing in Maine offshore waters with Massachusetts fishermen and New Hampshire fishermen are at a disadvantage because they must sell their lobster landings in New Hampshire and Massachusetts, a costly unnecessary disadvantage to our offshore fishermen. Maine lobster dealers are also at a decided disadvantage because they cannot offer the full size range of lobsters, which out of state and Canadian buyers demand, so this weakens Maine's market, a competitive disadvantage for they are forced to limit their Maine lobster sales to small lobsters only. Maine large lobsters caught in Maine offshore waters must be sold and marketed in New Hampshire and Massachusetts so Maine's offshore industry belongs to Massachusetts and New Hampshire and this makes no sense at all to me.

Removal of Maine's unique and negative five inch measure will aid the lobster industry. It is bad enough to have the ICC put Maine at a disadvantage, as in the shoe industry and the potato industry and other industries. Here is a case where our laws are hurting our industry—let's repeal this five inch measure, then we will be air shipping lobster cargoes from the Bangor International Airport, from the Jetport in Portland and we will have a full lobster industry like New Hampshire and Massachusetts. Whether we pass this bill or

not, the large lobsters, over five inches, will be taken by Massachusetts and New Hampshire fishermen and a few brave Maine lobster fishermen will continue to fish offshore and will take their catch out of state and our lobster dealers will continue to operate at a real disadvantage.

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

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: The problem with this bill, is I don't think all of us on the committee are really very sure of the ground that we are on on this bill, I am not going to get up here and say that the Representative from Stockton Springs is wrong; I am simply saying that I don't know.

We have hashed this bill out in committee and if you recall, it is a 7 to 6 report. Most of the Representatives on both sides of the issue had difficulty trying to decide what to do. However, in another bill that will be forthcoming, there is a proposed study that will look at this issue, as well as the increasing the lower amount,—all I am saying is that I hope that you don't vote in favor of this issue at this time, delay it, let us look it over, let our committee look it over. I repeat, in our hearing that was held at Samoset, there were 300 lobstermen there plus and the reason that I can use that figure is because there were 300 chairs on the floor all occupied and the rest were standing. By a show of hands who favored this bill, there was at least 90 percent of them, if not more, that were against this bill, in my opinion. Let's go down to 75 percent then. At least, there was a real good majority, I will put it that way. Perhaps I was in error trying to use percentages because that is very difficult to say.

I think all we are asking for here is the delay in implementation of this law. I am not saying that it is right or wrong but I would appreciate it if you would vote against this today.

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

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: Last Friday and today you have heard comments from biologists that have said that it is difficult to say for sure whether or not the industry would be harmed. Just for the sake of arguing, I will now present you with some testimony in a letter that you received earlier today. They say they believe that the industry will be harmed. Just briefly, it says: "In the Marine Resources Committee hearing on May 8th, J. Crouse, the Department of Marine Resources top biologist and lobster expert stated: I am concerned about the size of the brood stock. We are treading on thin ice if we repeal the five inch law." Backing him up is another of Maine's leading lobster experts, UMO Professor, Robert Bayer, "as Canada gets further into studying the situation, it looks like large lobsters are a part of the brood stock. They are recognized as making up a large part of the brood stock and they feel the offshore brood stock is causing their resources to survive."

I want to briefly tell you the difference between a small lobster, roughly 3 to 3½ inches and lobster that is over the present five inch law—a one and a half pound lobster will yield approximately 20,000 eggs and, of those 20,000 eggs, 2 percent or 400 lobsters will survive to reach adult life. That takes approximately seven years. An 8 pound lobster will yield nearly 200,000 eggs; again, 2 percent will survive; only in this case, this means 4,000 lobsters have the potential to reach adult life. The 8 pound female lobster has a market value of \$20.00 if you take her today and sell her to a lobster dealer. If you leave her in the ocean floor, the 4,000 lobsters that will survive to be keepers, as they are known in the industry, will have a market value of \$10,000. The choice to me is very clear. It is \$20.00 now or \$10,000 later.

I urge you not to reconsider this bill.

The SPEAKER: The Chair recognizes the Representative from York, Representative Rolde.

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for getting up but I was not here Friday and I am not going to ask you to repeat the entire debate but I am very torn on this particular bill. I do have one question which I would like to pose to anyone who could answer it.

I represent the lobstermen who are closest to the area where large lobsters are sold in New Hampshire and I have not basically heard from them one way or another on this bill. I am concerned over the fact that taking these large lobsters is done basically through dragging and if we now make this legal in the State of Maine, will that mean that draggers will come in within the 3 mile limit and cause most of the lobstermen a problem?

The SPEAKER: The Representative from York, Representative Rolde, has posed a question through the Chair to anyone who may respond if they so desire.

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

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: As I understand it, it would not be possible. The 111th Legislature passed a law which prohibited draggers from possessing scallops inside the three mile limit.

Representative Martin of Eagle Lake requested a roll call.

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

A vote of the House was taken and 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 Madison, Representative Richard, that the House reconsider its action whereby the Minority "Ought Not to Pass" Report was accepted. Those in favor will vote yes; Those opposed will vote no.

ROLL CALL No. 95

YEAS:—Aliberti, Allen, Armstrong, Baker, H.R.; Bost, Boutillier, Brannigan, Brodeur, Cahill, Callahan, Carrier, Carroll, Cashman, Coles, Connolly, Cooper, Cote, Crouse, Crowley, Descoteaux, Diamond, Duffy, Gwadosky, Hale, Handy, Hayden, Hickey, Hoglund, Jacques, Joseph, Lacroix, Manning, Martin, H.C.; McCollister, McGowan, McHenry, Melendy, Michael, Mills, Mitchell, Murray, Nelson, Nicholson, O'Gara, Perry, Pouliot, Priest, Racine, Rice, Richard, Ridley, Rioux, Rotondi, Ruhlin, Rydell, Simpson, Soucy, Swazey, Tardy, Taylor, Warren.

NAYS:—Baker, A.L.; Beaulieu, Begley, Bell, Bott, Bragg, Brown, A.K.; Clark, Connors, Daggett, Daggett, Davis, Dillert, Dillenback, Drinkwater, Erwin, Farnum, Foss, Foster, Greenlaw, Harper, Hepburn, Hichborn, Higgins, L.M.; Hillock, Holloway, Ingraham, Jackson, Jalbert, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Macomber, Masterman, Matthews, Mayo, McPherson, McSweeney, Moholland, Murphy, E.M.; Murphy, T.W.; Nickerson, Paradis, E.J.; Parent, Paul, Pines, Randall, Reeves, Rolde, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Sproul, Stetson, Stevens, A.G.; Stevens, P.; Stevenson, Strout, Tammara, Telow, Theriault, Vose, Walker, Webster, Wentworth, Weymouth, Whitcomb, Zirkilton.

ABSENT:—Bonney, Brown, D.N.; Carter, Chonko, Dexter, Higgins, H.C.; Kane, Kimball, Lisnik, Michaud, Nadeau, G.G.; Nadeau, G.R.; Paradis, P.E.; Roberts, Willey, The Speaker.

61 having voted in the affirmative and 74 in

the negative with 16 being absent, the motion did not prevail.

(Off Record Remarks)

By unanimous consent, all matters requiring Senate concurrence were ordered sent forth with to the Senate.

On motion of Representative Jalbert of Lisbon.

Recessed until four o'clock in the afternoon.

(After Recess)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: Divided Report, Majority Report of the Committee on State Government reporting "Ought Not to Pass" on Bill "An Act to Abolish the Office of Energy Resources" (H.P. 612) (L.D. 882) and Minority Report of the same Committee reporting "Ought to Pass" in New Draft (H.P. 1108) (L.D. 1597) on same Bill which was tabled earlier in the day and later today assigned pending the motion of Representative Gwadosky of Fairfield that the House accept the Majority "Ought Not to Pass" Report.

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

Representative ARMSTRONG: Mr. Speaker, Ladies and Gentlemen of the House: I am the prime sponsor of this bill, which has been rewritten in committee, and as you can see on your calendar, has come out with a Divided Report. I would urge you to vote against the pending motion, which is acceptance of the Majority Report.

What are we going to spend our money for here in the State of Maine? How about Education? Are we going to upgrade teachers' salaries as promised in the last session? The University of Maine system and the VTI's need more money and more resources. Sooner or later, I think that state government is going to be asked to pick up a bigger share of local education, if federal revenue sharing money to the municipalities and the counties dry up. How are we going to deal with overcrowded and antiquated jails in the State of Maine? It is going to take a lot of money. How about the child abuse and neglect programs that a committee is currently looking into? I can't remember what the price tag on that is but I believe it was a significant sum of money. How about retraining our shoe workers and other factory workers when their plants close down? What are we going to do for money to make up the cuts in federal block grants that may affect a variety of human services programs? How are we going to cover lost sales tax revenues if we exempt industries from sales tax on fuels, a measure that I personally feel we must do to make our industries be somewhat competitive with other New England states.

My contention, along with other people, is that we must reexamine our priorities in the allocation and expenditure of state revenues. I have got to believe that there are currently higher priorities for our limited state revenues than the Office of Energy Resources.

This bill being considered by you right now frees up to about \$2 million in the next biennium and these funds could be used to fund things that some of us feel have a higher priority.

Let me give you a brief history of the Office of Energy Resources. It was created by an act of the legislature in 1973 in response to an oil crisis that you all remember at that time. The original bill authorized five positions in the Office of Energy Resources and had a first year appropriation of \$46,500. As the oil crisis waned or diminished, the Office of Energy Resources grew. By fiscal year 1981, the Office

of Energy Resources had 48 people authorized and an annual expenditure in the range of \$2.7 million. Something else has happened along the way—most of the resources of the Office of Energy Resources came from federal sources. This reached a high in 1980 of 91 percent, 91 percent of the money that they used for expenditures was federal money. However, federal money is drying up and this percentage decreased to 17 percent in 1984 and thus, 83 percent of their resources in 1984 and I believe more in 1985 has had to come from the state's General Fund.

Those of us who are cosponsor and cosponsors of this bill find little fault with the work done by the Office of Energy Resources and its accomplishments in the 10 years that it has been in operation. I believe that a number of legislators here today will enumerate the accomplishments of the Office of Energy Resources and what effects the Office of Energy Resources projects have had on our towns and cities and public buildings in the past 10 years. I believe others here will outline the Appropriation Committee's functions in funding or not funding OER and other state agencies. I believe those here still will explain the work of the Audit and Program Review Committee and the committees findings in regard to the Office of Energy Resources.

Let me state for the record that we don't quarrel with any of these things but times and needs do change and new problems arise and must be addressd and we will compete for these state funds and we must be willing to consider changing our priorities and reallocate our resources.

This L.D., quite simply, is an attempt to provide you and the legislative committees with a guide or roadmap to a treasure chest that holds more than \$2 million which I believe can be freed up to fund higher priority items, when and if the cupboard is bare.

I would ask for a Division on the pending motion and I would urge you to vote against it.

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

Representative WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I am a cosponsor of this bill and I served as the first Deputy Director of the Office of Energy Resources. At that time, we, as a country and the State of Maine, were facing a very serious energy problem. We did not have the ability to continue to rely on foreign petroleum that we had become accustomed to and we needed to make very serious changes in how we used energy and how we managed state policy. The times have changed, indeed, we are no longer faced with that as one of our most serious state problems and I think that there are many other much more serious and pressing needs for our dollars than to spend it on a very large staff for energy planning.

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 comment on the views of the 10 members of the State Government Committee who voted this bill out "Ought Not to Pass" and I would begin by suggesting that the \$2 million treasure chest that Representative Armstrong referred to might more appropriately be called "a path down the yellow brick road which has no return and many turns."

Let me say at the outset that the Office of Energy Resources probably suffers from one thing and that is probably a lack of visibility. If you are looking for a reason, I would suggest that the reason that the Office of Energy Resources suffers from a lack of visibility is that, unlike other agencies with jurisdiction over environmental issues, the Office of Energy Resources doesn't issue permits for one thing and secondly, it doesn't release regulations and

it doesn't generate the heated debate that follows from the mandatory imposition of various standards. From the view and feelings of the 10 people on State Government Committee who signed this "Ought Not to Pass," the Office of Energy Resources is, indeed, an important and active office here in the State of Maine, an office that is helping Maine residents conserve energy and save many times more dollars than we, in fact, invest in the taxpayers money to support this office.

The Office of Energy Resources currently is providing assistance to over 50 companies, which are planning to build wood, hydro or co-generation products in Maine, products which represent hundreds of millions of dollars worth of economic development for the state. In total, these energy projects combined are expected to produce about \$1.8 billion worth of power between now and 1998 and create hundreds of jobs. One example in the paper within the last two to four weeks, a \$30 million wood-waste co-generation plant for Sherman Station and they will continue to work with small and large companies in communities as they plan these energy projects.

To listen to the supporters of this bill, you would think that the State of Maine was no longer in an energy crunch. The fact is, even though it is very easy to be complacent about the oil glut, which many of us may feel we have, oil prices are still higher than they were in 1973; in fact, they are five times higher than they were before the 1973 oil embargo. Even with conservation and switching to other fuels, Maine consumers are still spending over three times as much in energy as we were in 1972. Currently, we spend 62 percent of our energy just on petroleum. We spend \$2 million a year on petroleum and I don't have to explain to you where we get petroleum from. It certainly is not a benefit to the state for us to be buying petroleum.

At the same time, however, there is a tremendous opportunity and potential to save millions of dollars in wasted energy costs currently in Maine. The Office of Energy Resources has already realized large scale savings. Let me give you a couple of examples—the Office of Energy Resources developed a water heater insulation program, which most of you are familiar with. This is a program which they have proposed to the PUC, which audited it and adopted it by the major utilities. This one program is now saving consumers about \$3 million a year, about five times the amount of money state taxpayers spend on the Office of Energy Resources. It is a program that has created more than 50 jobs to installation companies. The Office of Energy Resources ran a municipal bond program which has saved communities and local taxpayers about \$1 million a year. The Office of Energy Resources administers a federal conservation program for schools and hospitals in many of your districts, which has given out over \$6 million in grants for conservation improvements throughout the State of Maine.

If this bill were to pass, Maine will lose nearly \$1 million in federal funds in fiscal year of 1986 alone. This would include \$500,000 in grants to Maine schools and hospitals for conservation improvements. The Office of Energy Resources has provided information and assistance to thousands of individuals in cities and towns around this state to help them conserve energy in their homes and apartments. During the coming year, they will be emphasizing, as state government is, on economic development they will be assisting small businesses. They will be working with the private sector helping Maine businesses save money and energy.

As Representative Armstrong alluded to, just recently the Joint Standing Committee on Audit and Program Review thoroughly went over the Office of Energy Resources and the committee's report gave them high marks for

their work in the area of energy conservation. They recommended that they be continued to give the importance of energy issues within the State of Maine.

With the possibility of future oil prices with the effects that Seabrook is going to be having upon us all that we know about, that we haven't even seen yet, it is important to have an office like the Office of Energy Resources around. It is important to have someone with the expertise and knowledge of rapidly changing technology and products to help Maine businesses reduce their energy costs.

I agree with Representative Armstrong that the time may come, if the federal government cuts back, that we may have to prioritize this particular department as we do every other department but I think the most appropriate approach is through the appropriations process. They have to go through Appropriations, they have to justify their existence just like they do with the Audit and Program Review Committee; if they don't justify their existence, Appropriations doesn't give them the money. It is just as simple as that. They have 15 positions now, which are funded by the state; 13 positions, which are funded by federal government. If a change comes down the road, that is a question that we will have to take into consideration, what our priorities are going to be comparing this program with the other programs.

To pass a bill out like this, which simply abolishes it, I think, is really to cut the hands off that is assisting many Maine businesses now and I am not sure that that is what we want to do and that is why the majority of us on the committee signed the bill out "Ought Not to Pass" and we hope you do the same.

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 I appreciate the gentleman from Fairfield mentioning the Audit and Program Review Committee report because I would like to quote to you from that report. "The Office of Energy Resources is empowered by Maine statute to formulate and maintain a state comprehensive energy resources plan for the state; provide comprehensive emergency planning to assure a full and adequate statewide fuel distribution in the event of another protracted fuel crisis; provide energy policy analysis and recommendations to the Governor; receive and administer federal funding for specified energy conservation and resource development in the state; and provide the public with ongoing efforts to disseminate up-to-date information on energy conservation developments and techniques. The statutes which pertain to the Office of Energy Resources are characterized by language which emphasizes desirability rather than authority. For example, a review of OER statutes revealed seven uses of the word "encourage" and six uses of the word "voluntary," words which prescribe a limited statutory mandate. The preponderance of this language is made clearer by the comparatively few instances of authoritative language such as empowered, which is only used twice; mandatory, which is used once and enforce, which appears once." I would emphasize that I am reading directly from the Audit and Program Review Committee report.

The report goes on to say "that the bulk of OER's current mandate is found in its planning and public information functions. Its most significant regulatory function is limited to fuel emergencies declared by the Governor." The Audit and Program Review Committee goes on to say "that they recognize this lack of statutory authority and the limits that this lack of authority has placed on all OER accomplishments." The committee recommends that a list of statutes, which OER feels needs strengthening, be developed by OER for sub-

mission to the Audit Committee so that further consideration may be given to the nature and scope of OER's statutory mandate.

I would conclude from this report that the Audit Committee is saying to OER, you had better go out and find yourselves jobs, do a search through the statutes and find some more responsibilities that you can take on to justify your existence. I would suggest that the time the gentleman referred to earlier, that the time has come, let's bite the bullet, let's do away with this OER department.

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

Representative ARMSTRONG: Mr. Speaker, Ladies and Gentlemen of the House: I would just to go on record and correct a couple of things that the good gentleman from Fairfield, Representative Gwadosky, said. While the title of the bill is to abolish the Office of Energy Resources, those of us who looked into it at depth did feel that the variety of functions the office performs are of importance to the State of Maine and we, obviously, did not want to take a chance of losing any federal revenues so reading the important things from the Statement of Fact at the end of the bill, and you can go back through it, but this new draft authorized the Bureau of Public Improvements to adopt energy performance standards for consideration of life cycle costs of public buildings. This is a function that the OER has performed that we feel the Bureau of Public Improvements could adequately handle.

Another thing, transfers administration of the Maine Energy Resources Development Fund - that is a fund that accepts federal monies, the State Development Office, and as you heard before, the federal money, unfortunately, is pretty well dried up. Another thing the bill does is that it transfers the administration of the ride sharing program to the Department of Transportation - that is a logical place for it anyway. I understand that this involves two or three people in the Office of Energy Resources and that the Bureau of Transportation says that they can handle it without any additional personnel. Should be done anyway.

The bill further transfers the responsibility for providing warranties for the sale and installation of solar energy equipment to the Department of Business, Occupational and Professional Regulations, I think that that is a logical transfer. It transfers the responsibility of administering any fuel allocation programs or other federal conservation, production and energy extension service programs to the Bureau of Civil Emergency Preparedness so we did take into consideration some of the more vital things that the Office of Energy Resources is doing. We did not want to lose the federal monies. We thought these transfers could be made and even by making these transfers, we can still free up something like \$2 million in the biennium.

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I was delighted that Representative Armstrong read from the New Draft again because it gave me the opportunity to also go over the New Draft and it is true that they are transferring the Ride Share Program to the Department of Transportation at the cost of about \$20,000 a year. They are transferring some funds with the Bureau of Civil Emergency Preparedness of another \$2500 and another \$2000 for the State Fire Marshals, which even if we pass this money, I don't want there to be any confusion, the State of Maine is still going to lose a million dollars in federal funds, clean and simple. Don't be misled, don't think for a second that all these responsibilities of the Office of Energy Resources has been reallocated to various areas of state government because it is not true. If

you pass this bill, the State of Maine loses one million dollars in federal funds.

The SPEAKER: The Chair recognizes the Representative from York, Representative Rolde.

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Since the Audit and Program Review Committee has been mentioned by some of the speakers and since one of them, the Representative from Orrington, has basically given you his idea of what our objectives were, I would like to add something that he did not put into his reading from our report.

The fact is that when the Audit and Program Review Committee looks at a department, we must make a positive motion in order to keep that particular agency alive. In other words, we can't just do nothing, we have got to say, yes, we feel they should continue. We took that vote in our committee and that vote was unanimous that the Energy Department should continue.

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

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to prolong this debate but I just felt that I had something to add to the debate. I don't think any of the sponsors of this legislation take issue at the past performance of the Office of Energy Resources or the current performance of the Office of Energy Resources. I have to agree with the good gentleman from Wilton, Representative Armstrong, when you are in a tight budgetary moment, you have to look and prioritize and make decisions as to where cuts can be made if they need to be made.

In viewing the budget document, in reviewing the Office of Energy Resources, it was felt that we could remove this department and integrate its functions with other agencies of state government, which would result in a substantial savings of state government. By L.D. 1597, I think it bears the proof, I think one must realize that the Office of Energy Resources has provided a function to the State of Maine that has been a good function. One also must recognize that the Maine Cooperative Service provides many of those same programs. One must recognize that the CAP agencies at your county level are regional levels and provide many of the same functions that the Office of Energy Resources performs.

From my standpoint, and I am sure of many others, that when we need money, we should be looking at areas of state government where some of these duplications arise, where we can integrate some of these functions into other agencies of state government relatively inexpensively and still maintain the same standards of performance which I assume, and I would like to stand here and say, would be provided, with the abolishment of the Office of Energy Resources and by integrating those functions that we stated earlier into other areas of state government.

I would hope today that we, as legislators, would bite the bullet and make a decision and begin prioritizing state government and spending the funds where they really need to be spent.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Mills.

Representative MILLS: Mr. Speaker, Men and Women of the House: I think Representative Jackson has some good points about the fact that we have to realize that we always have to be looking in areas that we might be able to cut back in. I think that is important and that is why we have the Program and Audit Review Committee and I was glad to serve on that committee last year when we looked into the energy department.

I think it is important for you to look at who is sponsoring this bill and you will notice that

nobody who was on the Audit and Program Review Committee is a sponsor of this bill. Perhaps somebody could say that they didn't ask them but I think it is important to notice that if they did feel compelled that we are wasting money there, then nobody from that committee went out and sponsored their own bill to do away with the Department of Energy.

Recently, at the NCSL Conference, my committee met with the Secretary of Energy and during the meeting, he mentioned the fact that the federal government is probably going to be cutting back on funds and probably in the energy department. I think it is important for us to think about that if the federal government is going to be cutting away funds from us, that it might not be a wise idea for us to be cutting away these funds in the energy department also because we are a northeastern state that is going to continuously having high energy needs. I think it is important for us to have a Department of Energy for that reason so I think it is important for us to realize we just did an audit on this department, the federal government is probably going to be cutting back funds in this area and that we always are going to be a high energy needing state and I think it is important that we keep the department. I hope you support the motion.

Representative Foster of Ellsworth requested a roll call.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Kane.

Representative KANE: Mr. Speaker, Ladies and Gentlemen of the House: I have a couple of figures that I thought might interest people. It has been said here that the budget was \$2 million for this office. It is my understanding that the state funding is closer to \$600,000 of a budget of about \$1 million and I think that that \$2 million figure was reflected in the budget and accounted for about a million dollars in oil overcharges that were really just a sheer pass through that office's budget. So, it is not really fair or accurate to count that as either a state funded budgetary expenditure or federally funded budgetary expenditure. It was a penalty paid by oil companies and it went back to Maine consumers.

The other point I would like to make is that the people in Maine have saved over \$3 million so far just on one program of the Office of Energy Resources, the water heater wrap program. That program by itself has more than paid for the cost of this office.

The other thing to keep in mind is that we, in Maine, are not unique in that we are in a bad way when it comes to oil. It is a cold climate, far away from everything, but we are unique in one regard and that is we spend more money per capita than any other state in the union on it, over \$1300 a year per person. The suggestion before us today is penny wise and pound foolish and I urge you to defeat it.

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

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

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

ROLL CALL No. 96

YEAS:—Aliberti, Allen, Baker, H.R.; Beaulieu, Bost, Bott, Boutlier, Brannigan, Brodeur, Brown, A.K.; Cahill, Carroll, Carter, Cashman, Chonko, Clark, Coles, Connolly, Cooper, Cote, Crouse, Crowley, Daggett, Descoeteaux, Diamond, Drinkwater, Erwin,

Gwadosky, Hale, Handy, Hayden, Hichborn, Hickey, Higgins, H.C.; Hoglund, Jalbert, Kane, Lacroix, Lisnik, Macomber, Manning, Martin, H.C.; Masterman, Mayo, McCollister, McGowan, McHenry, McPherson, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, Moholland, Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, O'Gara, Paradis, P.E.; Paul, Perry, Pouliot, Priest, Racine, Reeves, Rice, Richard, Ridley, Roberts, Rolde, Rotondi, Ruhlin, Rydell, Scarpino, Simpson, Smith, C.B.; Soucy, Sproul, Stevens, P.; Strout, Swazey, Tammara, Tardy, Telow, Theriault, Vose, Walker, Warren, The Speaker.

NAYS:—Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bragg, Callahan, Conners, Davis, Dellert, Dexter, Dillenback, Duffy, Farnum, Foss, Foster, Greenlaw, Harper, Hepburn, Higgins, L.M.; Hillock, Holloway, Ingraham, Jackson, Kimball, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Matthews, Murphy, E.M.; Murphy, T.W.; Nicholson, Nickerson, Paradis, E.J.; Parent, Pines, Randall, Salsbury, Seavey, Sherburne, Small, Smith, C.W.; Stetson, Stevens, A.G.; Stevenson, Taylor, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

ABSENT:—Brown, D.N.; Carrier, Jacques, Joseph, Rioux.

91 having voted in the affirmative and 55 in the negative with 5 being absent, the motion did prevail. 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 Friday, May 24, 1985, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

SENATE DIVIDED REPORT—Majority (12) "Ought to Pass" as amended by Committee Amendment "A" (S-91)—Minority (1) "Ought Not to Pass"—Committee on Judiciary on Bill "An Act to Establish Pilot Indigency Screening Units for Court Appointed Counsel" (S.P. 336) (L.D. 899)

—In Senate, Majority "Ought to Pass" Report read and accepted and Bill passed to be Engrossed as Amended by Committee Amendment "A" (S-91)

TABLED—May 23, 1985 by Representative PARADIS of Augusta.

PENDING—Motion of same Representative to Accept the Majority "Ought to Pass" as amended Report.

Whereupon, the Majority "Ought to Pass" Report was accepted and the bill read once.

Committee Amendment "A" (S-91) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

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

HOUSE DIVIDED REPORT—Majority (12) "Ought to Pass" as amended by Committee Amendment "A" (H-162)—Minority (1) "Ought to Pass" as amended by Committee Amendment "B" (H-163)—Committee on Agriculture on Bill "An Act to Clarify the Discretionary Authority of the Harness Racing Commission to License Pari-mutuel meets and Assign Racing Dates" (H.P. 790) (L.D. 1120)

TABLED—May 23, 1985 by Representative MICHAEL of Auburn.

PENDING—Motion of the same Representative to accept the Majority "Ought to Pass" as amended Report.

Whereupon, the Majority "Ought to Pass" Report as amended by Committee Amendment "A" was adopted and the Bill read once.

Committee Amendment "A" (H-162) was read by the Clerk and the Bill assigned for second reading tomorrow.

The Chair laid before the House the third

matter of Unfinished Business:

HOUSE DIVIDED REPORT—Majority (7) "Ought Not to Pass"—Minority (6) "Ought to Pass" in New Draft (H.P. 1080) (L.D. 1572)—Committee on Agriculture on Bill "An Act to Revise Rules Governing Certification of Seed Potatoes" (H.P. 249) (L.D. 303)

TABLED—May 23, 1985 by Representative MICHAEL of Auburn.

PENDING—Motion of the same Representative to accept the Minority "Ought to Pass" in New Draft Report.

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

Representative PARENT: Mr. Speaker, Members of the House: I don't think that we should pass this bill because it weakens the seed potato flushout program. This is a program designed to improve the quality of seed potatoes and, at the same time, to help restore the reputation of the Maine potato in the national market. This bill weakens that program and it is for that reason that the department originally opposed it. The Maine Potato Seed Board opposed it, the Maine Potato Council opposed it and the majority of the Agriculture Committee opposes it and it is for that same reason that I ask the members of the House now to do likewise and to vote against this bill.

The important point is that this important, but unfortunate, effect of this bill is to weaken a good, existing, effective, seed potato program. It is not in the best interest of the Maine potato seed industry and it would seem to me not to be to the good of the economy of the State of Maine.

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

Representative CROUSE: Mr. Speaker, Ladies and Gentlemen of the House: I ask for your support today to defeat this measure before you. The legislature enacted a five year generation flushout program for seed potatoes two years ago. Enactment of this legislation was in response to the Maine potato industry long range plan and was supported by all of the potato industry organizations. Its purpose is clear, to assist the industry in curing disease free seed to achieve long term industry improvement. This legislation was aimed at building and maintaining a potato seed industry in Maine, which is at least equal to the best in the nation. The compromise legislation that the minority of the committee is supporting removes from the rule making process the authority of the Department of Agriculture, a process that began two weeks ago in Presque Isle. The Department proposed a rule for experimental varieties to flush out after five years. This legislation puts in statute a seven year flushout program. It certainly does not enhance our idea of disease control, it weakens the whole idea of disease control for seed potatoes.

The question the industry has, should we be even more strict with new varieties from breeding programs than on our established varieties? The other serious question is, should we put in statute a political compromise, which is against the best interest of the potato industry? The potato industry groups are united against this bill. I will read to you those people who have signed a copy of a letter against this bill. The Aroostook Farm Bureau, Maine Potato Council, Maine Potato Commission, Maine Potato Sales Association, Maine Potato Industry Long Range Plan, the Family Farm Corp., Agricultural Bargaining Council and the Quality Control Board all signed a letter to us on the Agriculture Committee against this compromise idea.

I hope you vote against the motion before you today and accept the Majority Report of the Committee on Agriculture.

The SPEAKER: The Chair recognizes the Representative from Canton, Representative

McCollister.

Representative MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: This bill has just one purpose and that is to turn the Agriculture Department of the State of Maine into a policing action for the Frito Lay Corporation. This bill deals with a number of varieties of potatoes, which Frito Lay controls. A few years ago, they lost control of this and there is only one way they can get it back and that is through the flushout program. Are we going to allow the State of Maine to become Frito Lay's policemen? I say, we should not.

The SPEAKER: The Chair recognizes the Representative from Dexter, Representative Sherburne.

Representative SHERBURNE: Mr. Speaker, Ladies and Gentlemen of the House: This is my seventh year on the Agriculture Committee and every year we have put in bills that were supposed to try to strengthen the agriculture industry in this state and most of those bills, with the potato industry or the dairy industry, we find that the farmers out there are very much divided on their reaction to them.

Two years ago, we had this bill to create the flushout program and improve the quality of the seed that was used in the State of Maine. Through this method, we would increase the quality of the product. I believe in the seven years that I have been on the committee, this was the first legislation that we ever attempted to put into effect that the whole industry was united on and said it was a good bill. After one year, the industry is still united, that the flushout program for the five year five generation flush out is working and will improve the quality of potatoes that the consumers of Maine will be getting. I think it would be a big mistake to allow this L.D. 303 to be put into effect and to weaken that flushout program. As the good Representative from Caribou, Representative Crouse, mentioned the organizations in that industry are all in support of the flushout program and oppose this legislation.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative MacBride.

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I would request a roll call.

I do urge you to vote against this bill. We are trying hard to build up the potato industry back to what it used to be and even better, hopefully, for the future. We do not need this bill and, as you can see, we have eight potato organizations who are asking us to vote against it so I hope you will.

The SPEAKER: The Chair recognizes the Representative from Palmyra, Representative Tardy.

Representative TARDY: Mr. Speaker, Men and Women of the House: L.D. 303 in New Draft was a compromise worked out that do not weaken the flushout program, it strengthens it. Two years ago, the legislature enacted a generation program for seed potatoes. In the rules promulgated, experimental varieties, which is what we are talking about, do not have a flush out. They are exempt from the generation program for ever and ever.

What this bill does is bring them into the generation program with a seven year flushout. Keep in mind that we are talking about experimental varieties, less than 3 percent of those certified in the State of Maine. With the 100 acre threshold that is in this new draft, those varieties will drop to less than one and one half percent of the total certified acreage.

The wording in this bill, as I said, was developed by the Department of Agriculture and is consistent with the goals and objectives of the generation program. The proprietary rights of Frito Lay were a major issue in committee hearings. The new draft was acceptable to Dr. Clem Keeler, Director of Research and Planned Development for Frito Lay. It was also

consistent with the proposal of the Aroostook Family Farm Corp., and I quote: "all experimental varieties should have a seven year flushout when any experimental variety reaches a 100 or more certified acres in the State of Maine, all new seed would then enter into the five year flushout. Reasoning: farmers growing experimental varieties do not receive seed of that variety each year and to do so, would be cost prohibitive. It is impractical for a farmer to have several generations of all experimental varieties and would lead to restrictive costs. When a decision is made to keep and increase a variety of commercial proportions, it might already be in the fifth year and no seed available."

Most important, the compromise was acceptable to the proponents of the original L.D. 303. Keep in mind now that these are varieties that are not available to the grower from the Maine Seed Potato Farm. He has to go outside the State of Maine to secure nuclear seed of this variety.

For two years, this body of law has been in effect, two years and there is no defined, equivalent nuclear seed source. A whole body of rules and regulations premised on the farmer being able to get his seed from the Seed Potato Farm or from an equivalent nuclear seed source and nobody can tell us what constitutes an equivalent nuclear seed source. Ladies and gentlemen, we are being frivolous with the livelihood of those potato farmers that are raising these experimental varieties.

I have heard that this should be left to rule making—we spent the first eight weeks on the Agriculture Committee undoing the work of the Maine Milk Commission—just this past week, we overturned the rule making authority of the DEP in regard to Searsport. Probably the main reason why we shouldn't leave this and can't leave this to rule making is that, in the flow chart of the Administrative Procedures Act, the buck stops with the Commissioner. It is his responsibility to promulgate the rules. Our Commissioner of Agriculture has been very candid with the committee in that his brother, his son, and sister are all Frito Lay growers and that he has a very real conflict of interest.

I submit that there is consensus in support of L.D. 1572. We have been looking at the experimental varieties and there is another reason why this bill strengthens the generation program, the original legislation was passed two years ago and was fatally flawed. Those of you who are familiar with the potato industry or care, look at L.D. 1572, the original law read "foundation seed potatoes purchased from the State Seed Potato Farm shall not be designated certified seed beyond five generations." Foundation seed potatoes are a very distinct class of seed potatoes, meeting the highest standards of the industry. What we are saying in effect is that 80 percent of all the seed certified in the State of Maine technically is outside the body of the law and that the rules that have been promulgated in the last two years are based on flawed thinking and subject to legal question.

I submit to you that we cannot be frivolous, we cannot flush out the 18 out of 22 farmers, for example, growing one particular variety, would be out of business because of this generation program being shortened, out of business for those varieties, farmers have a way of sticking around.

I ask you to support the Minority Report.

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

Representative PARENT: Mr. Speaker, Members of the House: I am sorry but I just don't understand Representative Tardy's logic that this strengthens the flushout program. The undeniable fact is that this bill makes it easier to facilitate making exemptions for the program and then these exempted varieties

are allowed to flush out in seven years instead of five. Experts agree that as you get away from the first generation, the seed gets weaker, it is more susceptible to disease and this bill would lengthen the flushout to seven years instead of five. It does not strengthen the program.

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Ladies and Gentlemen of the House: There have been lots of new terms for even those of us on the Agriculture Committee, who are familiar with agriculture, to learn on this issue but I think there are several key aspects for us to remember as we consider a vote on this bill. I am very much in agreement with Representative Crouse in support of the majority position. One is that the potato farmers were very much, two years ago, in support of the law that we are now suggesting to pass an exemption to.

Two, the potato farmers now do not want the change in the majority. We have seen conflicts of personality, conflicts of business people and we have aired lots of dirty laundry on this issue but I think we have to look above all that and look at two of the key points that I just mentioned and that is to consider what the farmers want in this issue. We have talked about a compromise. There was a compromise drafted between the Department of the state, between business interest and between some legislators. The key element that was left out of this was the majority of the farmers.

I would urge you to support the position taken by Representative Crouse and support the majority position of the Committee on Agriculture.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative Lord.

Representative LORD: Mr. Speaker, Members of the House: At the workshop on this L.D. 303, there was an amendment presented and I would like to read you this last paragraph of the amendment. "The Commissioner 'may' upon application of one or more growers and for good cause temporarily waiver any or all of these requirements."

I asked Paul Mosher, who was working this law and is in charge of the regulation, if this was in the original working of the bill. He said, "it is." I feel that the mechanics are there that they can use if they want to bypass this five year flushout program if it is in the best judgement of the Commissioner. I realize that the Commissioner, in some way, may be in a conflict of interest but I believe that whenever anything like this happens, the Deputy Commissioner can take over and make a good judgment so I feel the mechanics are there. There is no need for this bill and I would urge you to defeat the Minority Report and go with the Majority Report.

The SPEAKER: The Chair recognizes the Representative from Palmyra, Representative TARDY:

Representative TARDY: Mr. Speaker, Ladies and Gentlemen of the House: I just want to point out the misconception that we are messing with the five generation program, we are not. That is in effect and it will stay in effect. What we are talking about is experimental varieties that are not, at the present time, in any generation program. This bill would put them into a seven generation program. It would be a 100 acre threshold on, that when any experimental variety goes over that 100 acre certified on a statewide basis, new seed of that variety coming into the state would come in on a five generation basis. So, the idea that we are weakening the program is totally erroneous. We are actually strengthening it and if you will look at the first part of 1572, we are correcting a fatal flaw in the bill.

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

Crouse.

Representative CROUSE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make just a few points on what Representative Tardy has mentioned. The real problem that the potato industry has with this compromise idea is that they have not had the opportunity to come down and testify, give their input on what they feel is a reasonable flushout idea, for experimental varieties. They have the proposed rule, they had the hearings in Presque Isle, and they had testimony given at that point on the rule change for experimental varieties, a five year proposed rule in Presque Isle, approximately two weeks ago.

What this piece of legislation does it that it moves to seven years, absolutely a weakening of the experimental variety flushout idea from the proposed rule of five years to seven that is proposed to put in statute in this piece of legislation.

As you all know, we have had some problems in the potato industry in the past, some of the markets have been drying up, some of the markets, for some very good reasons, have not been there in recent years, the seed program or seed market is one of our real strengths in the industry and we have an excellent program and, as I mentioned earlier, one of the best in the country. Anything we can do to strengthen the program is going to be beneficial for the sale of our seed and for reception of our seed out of the State of Maine.

I urge you to defeat this motion, let the rule process take place, and let the Department propose and go through the rule making process as scheduled.

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

Representative MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: I certainly appreciate the remarks from the gentleman from Caribou. We all support the flushout program, I think all the members on the committee do and I agree with the gentleman from Dexter that two years ago when we passed that flushout program, it was supported by virtually everybody in the industry and that program still is supported. This bill still supports that program. This bill, L.D. 1572, really deals with the matters of control within the potato industry among other things. When this bill came to the committee, it was opposed by the Department of Agriculture, it was opposed by what I call the potato clique and it was opposed by Frito Lay and Representative Tardy gave some description of what was going on with Frito Lay. Frito Lay grows potatoes in Maine through the Maine growers. They grow a particular variety FL-657, which they did not want to lose control of, even though that particular variety was developed with the use of federal funds by combining eight to twelve genetic types of potatoes. To Frito Lay's credit, they got together with Peter Mosher from the Department of Agriculture and the bill's sponsors and they worked out a compromise and the committee went home one night thinking that we had worked out a compromise which would be workable for everyone and that compromise was, over one of the weekends, opposed by what I call the potato clique. I don't blame the potato clique because they aren't concerned with the experimental varieties so this bill does not mean anything to them. It is easy to say, let's not jeopardize the flushout program because it doesn't affect them and that is why I say that it is the sole economic reason why it is so easy for the potato regulars, who usually just go along and give them what they want, to oppose this bill. I say, go with the compromise that was worked out between the bills sponsors, the Frito Lay Company, and the Department of Agriculture. It is a very good compromise. It allows all the potato growers to have the possibility of prospering rather than just a few. It doesn't leave anybody out.

I hope that you vote to pass L.D. 1572 on this next vote.

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

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

Representative Erwin of Rumford requested the Clerk read the committee report.

Whereupon, the Committee Report was read by the Clerk.

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

ROLL CALL No. 97

YEAS:—Brannigan, Brodeur, Coles, Daggett, Diamond, Duffy, Erwin, Gwadosky, Hayden, Hepburn, Jackson, Lacroix, Manning, McCollister, Michael, Nadeau, G.R.; Paradis, P.E.; Perry, Racine, Richard, Rotondi, Ruhlin, Tardy

NAYS:—Aliberti, Allen, Armstrong, Baker, A.L.; Baker, H.R.; Begley, Bell, Bonney, Bost, Bott, Boutlier, Bragg, Brown, A.K.; Cahill, Callahan, Carroll, Carter, Cashman, Chonko, Clark, Conners, Connolly, Cooper, Cote, Crouse, Crowley, Davis, Dellert, Descoteaux, Dexter, Dillenback, Drinkwater, Farnum, Foss, Foster, Greenlaw, Hale, Handy, Harper, Hichborn, Hickey, Higgins, H.C.; Higgins, L.M.; Hillock, Hognlund, Holloway, Ingraham, Jacques, Jalbert, Kimball, Lander, Law, Lawrence, Lebowitz, Lisnik, Lord, MacBride, Macomber, Martin, H.C.; Masterman, Matthews, Mayo, McGowan, McHenry, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, G.G.; Nelson, Nicholson, Nickerson, O'Gara, Paradis, E.J.; Parent, Paul, Pines, Pouliot, Priest, Randall, Reeves, Rice, Ridley, Roberts, Rolde, Rydell, Salsbury, Scarpino, Seavey, Sherburne, Simpson, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stetson, Stevens, A.G.; Stevens, P.; Stevenson, Strout, Swazey, Tamaro, Taylor, Telow, Theriault, Vose, Walker, Warren, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton, The Speaker.

ABSENT:—Beaulieu, Brown, D.N.; Carrier, Joseph, Kane, Rioux

23 having voted in the affirmative and 122 in the negative with 6 being absent, the motion did not prevail.

Thereupon, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

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

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

TABLED—May 23, 1985 by Representative CASHMAN of Old Town.

PENDING—Passage to be Engrossed.

Whereupon, the Bill was passed to be engrossed. Sent up for concurrence.

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

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

TABLED—May 23, 1985 by Representative DIAMOND of Bangor.

PENDING—Passage to be Engrossed.

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

The Chair laid before the House the sixth

matter of Unfinished Business:

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

TABLED—May 23, 1985 by Representative McHENRY of Madawaska.

PENDING—Passage to be Enacted.

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

Representative McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I was asked by many people why I had voted against this piece of legislation and I would like to tell the House that my reason for voting against it is because of the potential for abuse.

Presently, the County Commissioners can go out on bids for anything over \$500. We are bringing that up to \$1,000 and there is a potential there for abuse and that was the reason that the \$500 was put in. The proponents of this legislation have claimed that sometimes it costs more to go out to bid than the object you wanted to buy or the service that you want to buy. I really don't believe that because the County Commissioners at present only have to pick up the phone, call three or four individuals, have the costs estimated for the product or services that they want to buy and that is my whole reason behind my objecting to the \$1,000 because I can see probably a general store owner may be running or supporting the opponent of one of the Commissioners—you know, I really believe that he would be left out in left field for any product or service that he could render to the county because this person had been in opposition. You could also see where a person might support the present County Commissioners that they might have favoritism, they might purchase a product which might cost the taxpayers \$400 but seeing it did not have to go out to bid, maybe the purchase would be \$800, who knows? I am not saying that the County Commissioners would do this but there is that potential and I certainly don't like to put that potential out so, therefore, I would ask for a Division fearing that if I ask for a roll call, I might be rejected.

The SPEAKER: The Chair will order a vote. The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

80 having voted in the affirmative and 27 in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for Staggered 4-year Terms for Senators (S.P. 394) (L.D. 1093)

—In Senate—Majority "Ought to Pass" Report of the Committee on State Government was read and accepted and the Resolution Passed to be Engrossed.

TABLED—May 23, 1985 by Representative NADEAU of Saco.

PENDING—Motion of the same Representative to Reconsider whereby the Minority "Ought Not to Pass" Report of the Committee on State Government was read and accepted.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I ask permission to withdraw my motion and would make a few comments as to why.

I have "seen the light" and have been instructed, or should I say informed, that the gentlemen from Millinocket will introduce an amendment on this particular bill and I wish that everyone in this chamber would pay attention to it.

Whereupon, Representative Nadeau of Saco

was granted leave of the House to withdraw his motion to reconsider.

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

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

TABLED—May 24, 1985 (Till Later Today) by Representative GWADAOSKY of Fairfield.

PENDING—Passage to be Engrossed.

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

Representative GWADOSKY: I now offer House Amendment "A" (H-208) and move its adoption.

Mr. Speaker, Ladies and Gentlemen of the House: The purpose of this amendment is to correct the drafting error from Legislative Research.

Whereupon, House Amendment "A" was 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 first tabled and today assigned matter:

Bill "An Act Concerning an Oil Booming Exemption for Oil Transfer Vessels in Searsport Harbor" (Emergency) (H.P. 898) (L.D. 1293)

—In House, Minority "Ought to Pass" Report of the Committee on Energy and Natural Resources read and accepted and the Bill passed to be engrossed, May 20, 1985.

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

TABLED—May 24, 1985 by Representative CROWLEY of Stockton Springs.

PENDING—Motion of Representative MICHAUD of Medway to Recede and Concur.

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: We discussed and voted on this last week and I learned a lesson this morning about talking too much on the same bill. We voted 94 to 44 in favor of this bill last week so I hope today, without further comment, that you will stay with your vote and vote against this motion to recede and concur.

Whereupon, on motion of Representative Crowley of Stockton Springs, the House voted to recede.

The same Representative offered House Amendment "A" (H-207) and moved its adoption.

House Amendment "A" was read by the Clerk.

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: The purpose of this amendment is to strip the emergency preamble from the bill to make it more palatable to the other body.

Whereupon, House Amendment "A" was adopted.

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

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

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)

TABLED—May 24, 1985 by Representative MURPHY of Kennebunk.

PENDING—Passage to be Engrossed.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Represent-

ative Higgins.

Representative HIGGINS: Mr. Speaker, I would like to pose a question through the Chair to any member of the Taxation Committee who could answer this.

I have read over the bill and in there it indicates that it is going to eliminate the sales tax exemption on some items and instigate a new sales tax on some other items to replace the loss of revenue to the General Fund. That is all fine and good except the question I have is, who is paying more for what and who is going to get the benefit of all this? What is the magnitude of the sales tax shift? I understand that it is a significant amount of money and I think it would be nice if the House knew how much is shifting back and forth between the two categories.

The SPEAKER: The Representative from Scarborough, Representative Higgins, has posed a series of questions through the Chair to anyone on the Taxation Committee who may respond if they so desire.

The Chair recognizes the Representative from Harrison, Representative Jackson.

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: It is my information that was provided during the hearing and work sessions that the transfer which will result in a loss would be somewhere between three and three and a half million dollars. What this proposal does is remove the sales tax, which is currently exempted on new equipment, extends to used equipment and also it extends it to the parts used in repair. On the other side, it narrows the scope of exemptions of articles that were exempt used in the manufacturing process.

As far as the transfer of the burden, it was estimated that it will be those people who will be benefiting from the cost of the expansion of the used equipment and also to the people who use the parts for repair. I hope that answers the questions.

Whereupon, the Bill was passed to be engrossed. Sent up for concurrence.

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

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 24, 1985 by Representative BROWN of Gorham.

PENDING—Passage to be Engrossed.

Representative Rolde of York offered House Amendment "A" (H-131) and moved its adoption.

House Amendment "A" was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from York, Representative Rolde.

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I will try to explain this amendment to you. Its background is a bit complicated. It comes out of a bill that I put in at the request of a constituent, which would have released the students that we send to veterinary and medical schools from paying a 9 percent interest on the money that they must pay back to the state. This was a separate bill and would have come out of the Education Committee with a 12 to 1 report but the person who was going to sign to put it on the floor suggested that, perhaps, instead of doing that I try to amend this particular bill which has the 9 percent annual interest in it. It is kind of an odd way to go about it but I am a soft-touch so I didn't mind.

Let me just briefly say that the background of this is that the basic argument here is that we do have an inconsistency in postgraduate education. We require those who go to medical school, veterinary school, optometry or dental school to pay back the amount of money that the state uses to purchase their slots and also to do it at a 9 percent interest. However,

if they do come back to the state and serve so much time in what is called an underserved area, they are forgiven that debt.

The inconsistency is that we also have a postgraduate law school and, in effect, the state pays the same subsidy for those who go to law school. However, we don't require those lawyers to pay back the subsidy with interest or send them to underserved areas although with the number of lawyers in the state, perhaps we don't have any underserved areas. The person who asked me to put this bill in is the Treasurer of the Republican Town Committee in my town and she told me that this movement was part of the Republican platform and I feel a little bit awkward as being the point man for the GOP platform, but I feel I should put this issue before you.

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

Representative BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I move we indefinitely postpone House Amendment "A".

This amendment would allow medical students, who wish to practice outside the state, forgiveness of the interest of their school loans. I think it is unfair that we should allow the same rate of forgiveness for doctors who choose to practice out of state as we give those who return to practice here in Maine.

I hope that you will support the indefinite postponement of House Amendment "A."

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

Representative SMALL: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to give you a little clearer explanation of how this amendment would work.

Under present law, the medical loan program has three categories. Medical students who return to Maine to practice in underserved areas have their loans and interest forgiven by the state. Medical students who return to Maine but do not practice in underserved areas are required to pay the loan but are forgiven the interest. Medical students who choose to practice outside of the State of Maine must repay the loan and the interest.

The amendment before us would give medical students, who choose to practice out of the state, the same benefit of interest forgiveness as those medical students who serve in the State of Maine. This is a substantial policy change. Most would agree that doctors who practice outside of Maine will be earning more than Maine doctors do—what then is the incentive for our medical students to return to Maine and open a practice?

I hope you will support the indefinite postponement of this House Amendment.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: In a clarification to the comments made by Representative Rolde from York, I also talked with that gentle lady that day and reviewed the platform and the platform addresses keeping the number of slots in terms of reserved spaces.

The SPEAKER: The pending question before the House is the motion of the Representative from Gorham, Representative Brown, that House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 97 having voted in the affirmative and 8 in the negative, the motion did prevail.

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

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

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

TABLED—May 24, 1985 by Representative GWADOSKY of Fairfield.

PENDING—Passage to be Engrossed.

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I move that this bill and all its accompanying papers be indefinitely postponed.

I make this motion only with the reassurance that no other amendments were forthcoming. There was some talk last week that possibly some amendments would be coming. In the event that they were going to be, I certainly would have allowed them to be offered. However, since amendments aren't forthcoming, I can see no other alternative now but to kill this bill.

As I said from the very beginning, this is a bill which really doesn't do what the various supporters hoped that it would do. This bill does nothing to change the current structure of the Bureau of Forestry. All this bill does is change two words—it changes the word "bureau" to the word "department." It doesn't give full range of responsibilities, it doesn't give them any more authority, it simply changes two words at the cost of \$500,000. From where I come from, that comes out to about \$250,000 a word.

There are a lot of serious problems, a lot of serious issues have been raised about the need for greater emphasis on forestry—our committee and I would suggest that there are other tools. If you are concerned about the number of foresters, which seems to be the concern of about 95 percent of the people who spoke in favor of the Department of Forestry, if you are concerned about the service forestry program, then you should support Senator McBrearty's bill, which increases more foresters. If you are concerned about forest practices, then I would suggest that you would adopt the recommendations of the Joint Select Committee on Forest Practices but this bill, which attempts to create a Department of Forestry, simply falls short.

I hope you would join me today in support of the motion to indefinitely postpone.

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

Representative SPROUL: Mr. Speaker, Men and Women of the House: I would hope that you would oppose the motion to indefinitely postpone this bill. The good Representative from Fairfield is correct, there were no amendments forthcoming and I think that that is an indication that perhaps there aren't as many problems with this bill as what opponents led us to believe in the previous debate.

We passed this overwhelmingly a week ago by a somewhat more than—roughly 15 votes, I don't remember the exact totals, I think we did that after lengthy debate, I think it was the correct decision at the time, I still think it is the correct decision.

The problem, quite simply, is that the Department of Conservation is not putting the resources needed into the forestry program. It simply is not a priority for them and it should be. They are not doing their job, it should be removed from their jurisdiction.

Mr. Speaker, I would request a roll call.

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

Representative BOUTILIER: Mr. Speaker, Men and Women of the House: I would hope that you would defeat the motion to indefinitely postpone. I may later move to recommit this bill back to the committee.

The SPEAKER: The Chair would advise the Representative from Lewiston, Representative Boutillier, that the motion to recommit takes priority over the motion to indefinitely postpone.

Representative BOUTILIER: Thank you, Mr.

Speaker, then I would move to recommit L.D. 441 to the Joint Standing Committee on State Government.

I would hope that you would vote in favor of the motion to recommit this bill to the Joint Standing Committee on State Government so that we could work out some of the problems with the bill. The bill, as written right now, is not truly a workable piece of legislation. The committee chose though, having the bill the first time in committee, not to work with the bill at all. I think that was a mistake. I would like to see the bill worked on in committee, come out and let the members of this body vote yes or no on the merits of a separate department of forestry and do so in good faith, knowing that if the bill passed, it would be a workable piece of legislation, which it is not at this time. I would hope that those who were, in principle, in favor of a separate department would vote in favor of recommitting L.D. 441 to the State Government Committee. I would also hope that there would be no further tabling motions so we could dispense with this item today.

Representative Gwadosky of Fairfield requested a Division.

Representative Lord of Waterboro requested that L.D. 441 be tabled for one legislative day.

Representative Gwadosky of Fairfield requested a Division.

The SPEAKER: The pending question before the House is the motion of Representative Lord of Waterboro that this bill be tabled one legislative day. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

59 having voted in the affirmative and 67 in the negative, the motion did not prevail.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I would urge to definitely vote against the motion to recommit for a couple of reasons. One, this was not well put together in draft form. It would have to go through an entire new draft. At this point in the session, that would be almost a fruitless effort. We, in the State Government Committee, have dealt with the VTI issue recently, for approximately six weeks. That bill hasn't even made it here yet. It is still undergoing some fine tuning.

I submit to you the rhetorical question, do we want to possibly work the bill another six weeks?

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

Representative BOUTILIER: Mr. Speaker, Men and Women of the House: I think the issue is not whether it's going to take us three days, three weeks, six weeks or whatever, the issue is this: this body is on the verge, let alone, what the other body might do or anybody else, of passing a piece of legislation, in principle, which would make a separate department of forestry. If you are in favor of that principle and I think on a number of votes taken on this subject, I think this body is in favor of that, then you want to have a workable piece of legislation. We do not have that now. The choice is this: are we going to have a workable piece of legislation or are we not? If we like the idea in principle, we want a workable piece of legislation and, therefore, we will vote to recommit this to the Committee on State Government.

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

Representative SPROUL: Mr. Speaker, Men and Women of the House: I will reiterate what I said just a few moments before. There were several opponents to the original bill during the original debate a week ago. Over a week has gone by none, none of those opponents have

brought forth any problems to this bill. I fail to see what recommitting it will do. I urge you to vote no on the pending motion.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative Lord.

Representative LORD: Mr. Speaker, Ladies and Gentlemen of the House: When the Department of Forestry was incorporated into the Department of Conservation, it was a working department, it had responsibilities, it had a position in the state. When they incorporated into the Department of Conservation, a lot of these responsibilities went into the Department of Conservation and my idea and thought was to pull it back on its own. It worked on its own for 100 years and the purpose of this bill would be to put it back on its own, to do the job that it had been doing. I feel that is what is doing a lot better job and I think testimony presented last week proved that it had done a better job on its own.

Whether of not two words or a hundred words—I say again, look at the thickness of that document and certainly there must have been a lot of more thought put into it at the Legislative Research than just two words. It is up to you folks what you want to do.

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I hope you oppose the motion to recommit and I say that for one simple reason—this bill, even if we dispose of this bill in one form or another, still goes to the other body. No one in here should think that by disposing of the bill that that will be the end of it, there is still another chance at the other end of the hall, if they have some different inclinations or so inclined to do something with the bill, they can send it back in a different form. Those who have yet to supply the various amendments to this bill that they agree are needed will have an opportunity over in that other body. We do not need this bill back into the committee.

We have never been given very clear directions from the sponsors of this legislation on what exactly they hope to achieve with this bill and I resent the implication by the Representative from Waterboro, Representative Lord, that the committee hasn't looked at this bill. I don't care if it is 200 pages long, it only changes two words.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Lewiston, Representative Boutilier, that this bill be recommitted to the Committee on State Government. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

20 having voted in the affirmative and 106 in the negative, the motion did not prevail.

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

Representative BOUTILIER: Mr. Speaker, Men and Women of the House: We have tried to recommit the bill, which is not a workable piece of legislation as now written to the committee, that obviously failed by a large margin, so I would hope by that same margin, that this body vote in favor of the motion to indefinitely postpone L.D. 441 and all its accompanying papers.

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 Augusta, Representative Sproul.

Representative SPROUL: Mr. Speaker, Men and Women of the House: In the last week, the issue has not changed. The issue is creating a department of forestry instead of the current Bureau of Forestry within the Department of Conservation. The reason this was brought forth was because it is felt that the Department of Conservation is not putting adequate priorities to the management of Maine's greatest resource, our forest.

I would hope that you would stick with your vote of a week ago, as I once again say, the opponents have not brought forth any amendments, they have not pointed out any deficiencies in this bill and I would ask that you stick by your prior vote on this and that you vote no.

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

Representative GWADOSKY: Mr. Speaker, I would like to pose a question through the Chair.

The question I would like to pose to Representative Sproul is: how can he, as a member of the Republican Party, advocate today for us to spend \$500,000 to make an improvement, which he knows makes no improvement?

The SPEAKER: The Representative from Fairfield, Representative Gwadnosky, has posed a question through the Chair to the Representative from Augusta, Representative Sproul, who may respond if he so desires.

The Chair recognizes that Representative. Representative SPROUL: Mr. Speaker, Men and Women of the House: It is always nice to receive such an unbiased and objective question.

I raised the question on the fiscal note in committee as the good Representative from Fairfield probably knows and the question I asked was never raised. True, this has a fiscal note on it, an appropriation, and the question I asked and no one seemed to know the answer to was: will this be tied up with the deappropriation from the Department of Conservation? I think that certainly a good portion of it would be. You do have the Bureau of Forestry, which would no longer be needed in Conservation and a lot of that, in my opinion, would only make sense to transfer that over.

The SPEAKER: The pending question before the House is the motion of the Representative from Fairfield, Representative Gwadnosky, that this bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 98

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

NAYS:—Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bott, Bragg, Cahill, Callahan, Conners, Davis, Dellert, Dexter, Dillenback, Drinkwater, Farnum, Foss, Foster, Greenlaw, Harper, Hepburn, Hichborn, Higgins, L.M.; Hillock, Holloway, Ingraham, Jackson, Jacques, Jalbert, Kimball, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Masterman, Matthews, McPherson, Mills, Murphy, E.M.; Murphy, T.W.; Nicholson, Nickerson, O'Gara, Paradis, E.J.; Parent, Pines, Randall, Rice, Roberts, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith,

C.W.; Sproul, Stetson, Stevens, A.G.; Strout, Swazey, Taylor, Telow, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

ABSENT:—Brown, D.N.; Carrier, Joseph, Kane, Rioux, Stevenson.

75 having voted in the affirmative and 70 in the negative with 6 being absent, the motion did prevail.

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

Divided Report

Majority Report of the Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-200) on Bill "An Act to Update and Improve the Education Laws of Maine" (H.P. 801) (L.D. 1135)

Signed:

Senators:

HICHENS of York

BROWN of Washington

Representatives:

SMALL of Bath

BROWN of Gorham

FOSS of Yarmouth

LAWRENCE of Parsonsfield

ROBERTS of Farmington

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-201) on same Bill.

Signed:

Senator:

GAUVREAU of Androscoggin

Representatives:

O'GARA of Westbrook

HANDY of Lewiston

CROUSE of Caribou

BOST of Orono

MATTHEWS of Caribou

Reports were read.

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

Representative BROWN: Mr. Speaker, I move acceptance of the Majority "Ought to Pass" Report as amended by Committee Amendment "A."

This bill makes a number of mostly technical changes in the education statutes. Section 10 of the bill, which repeals the teacher placement office in the Department of Educational and Cultural Services is the only section of the bill in which questions arose in committee. The teacher placement office was established many years ago to aid in the matching of teachers with job openings in the public schools. For a fee of \$5.00 a certifiable teacher may register with the office. The office will then provide the teacher with information on teaching, teacher openings in the public schools and will provide school administrators with information on potential candidates for those openings.

One time several years ago, nearly all teacher placements were handled through the placement office. More recently, however, the level of use has declined. This has occurred as teachers and administrators have come to rely more heavily on newspaper advertising and on on-campus recruiting to find and fill teaching positions.

The committee heard discussions and figures on the number of teachers in school units using the teacher placement office, on the success rate, on the availability of other methods of teacher placement, and on the need of the department to use the resources of the placement office to assist the overworked certification office. Additional requirements have been imposed by the new certification law and the certification office has a large backlog of work. The majority of the education committee felt that teacher placement was a responsibility that could adequately be handled outside of the department. At the same time, the teacher certification requirements are growing and must be handled in the department. Therefore, the majority supports Committee Amendment "A", which leaves section 10 in the bill repeal-

ing the teacher placement office. Committee Amendment "A" also adds a new section, Section 11 which reallocates resources from the teacher placement office to the teacher certification office.

I hope that you will support the majority report of the committee.

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

Representative BOST: Mr. Speaker, Men and Women of the House: I hope you will vote today against the pending motion by the good Representative from Gorham so that we may go on to adopt Committee Amendment "B". We have before us now a bill which was originally submitted by the Department of Educational and Cultural Services entitled "An Act to Update and Improve the Education Laws in Maine." (L.D. 1135). Unfortunately, as we all know, titles can often be deceiving and such is the case here as this bill would, if amended by Committee Amendment "A", which is now before you, certainly would not. It would update the educational laws but it certainly would not improve them.

It should be noted that all four sponsors of the original legislation, myself included, have signed Amendment "B" which would retain the office of teacher placement in the Department of Education and Cultural Services, an office which the original bill sought to delete. We have done so for many reasons, not the least of which was the fashion that this proposal was given to us, tucked at the very end of a lengthy Errors and Omissions Bill from the department, perhaps never to be detected. The rationale given by the department for omitting this office, which has been functioning well for over four decades, is that an additional staff person is needed in another office of that department and, rather than ask for an appropriation for an additional person, we cut out the teacher placement service to take up the slack. This would perhaps be an example of good government, trimming within rather than expanding, if it was not a very critical function like teacher placement. With the declining number of available teachers to our local units, with this service being seen by school administrators throughout the state as indispensable to their task of attracting new teachers with the necessity for someone to monitor the number of jobs available out there particularly in our rural areas and with the need to keep a pulse on trends in the mechanical arts, science and art areas which fluctuate frequently, I believe it is very important that we not take this step backwards and eliminate this position. Just as importantly as our teacher certification law settles into place, this teacher placement office, which has been in existence so long, will take on additional weight. My prediction to this House tonight is that in the 113th Legislature, the Department of Education will return to us asking for the position to be restored. They will give it another title perhaps to avoid embarrassment but it will perform the same critical functions, I can assure you.

I would like to read into the record a portion of a letter I received from the Education Department Chairperson at St. Joseph's College in North Windham: "there are several reasons why the office should continue. It would seem that school personnel needs will undergo significant changes over the next few years. These changes suggesting increased volume for the teacher placement division as early retirement will be a foregone conclusion in many instances. Moreover, a scan of usage over the past five years shows a dramatic increase in the numbers using that service. I am baffled as to why the office is up for repeal at a peak user time." It goes on to say: "the service also represents a very special link to Maine's elementary and secondary schools and teacher preparation institutions. This vital connection

is imperative for public relations and its removal would suggest one more perceived bureaucratic direction that the department is taking."

If the department needs staff to fill a void in another area, let's be upfront about it and ask that be included in their budget. This office has proven its worth time and time again. We will be making a real error here today if we arbitrarily choose to eliminate.

I ask that the House reject the motion before you.

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

Representative SMALL: Mr. Speaker, Men and Women of the House: I hope you will support the Majority "Ought to Pass" Report as amended by Committee Amendment "A". There are serious questions as to the cost-effectiveness of the placement office and this will be argued further on in the debate.

I am supporting this bill because I agree with the department's recommendation to better utilize these positions within its limited budget. We passed a new and greatly expanded teacher certification program last session. The department now needs at least two positions to keep up with the ever increasing workload. To do this, they are getting rid of a low priority position and reallocating the funds to a top priority area. As money grows tighter and needs become greater, I think it is not only desirable but necessary for departments to look over their own domain and set priorities based upon legislative policy. If you believe the new teacher certification law is a top priority, and if you can see the teacher placement office is not cost efficient and a lesser priority, I hope you will support the Majority "Ought to Pass" motion.

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

Representative HANDY: Mr. Speaker, Members of the House: I, too, urge you to reject the motion that is currently before you. I would like to talk about this teacher placement office from a practical standpoint. This is how it has been effective. For the new vacancies listed in 1980, there were 1,666; in 1981, 1,609; in 1982, 1,516; in 1983, 1,910 and in 1984, new vacancies listed were 2,817. As you can see, this is a critical office that is being utilized by superintendents and teachers alike.

One of the more poignant, if you will, examples cited at the hearing was a need in Eastport for a special education teacher. They desperately needed someone in the schools in Eastport to teach special education and, through the teacher placement office, an individual with a doctorate degree contacted the teacher placement office, found that there was that opening in Eastport and took the job in Eastport, Maine. What we are dealing with here, men and women of the House, are the needs of children.

The teacher placement office will serve or will play an integral role since the reform of our education statutes. It has been mentioned that people will rely more on classified advertising. Well, classified advertising does not provide credentials to superintendents. It merely outlines the needs for teachers.

Secondly, it was also indicated that the use of campus placement agencies is up. Well, campus placement agencies are very limited in their scope and the services that they can provide. They are regional; that is, if you sign up at a placement office in Farmington, you are pretty much going to be dealing with those regional areas, whereas the teacher placement that we have, deals with the entire State of Maine.

You, as an individual, who may be filing at one of these college placement offices will find that you will have overlap, if you file at one college placement office and you file at several

others throughout the state. So, you may be getting duplicate applications from various superintendent school districts.

Those placement offices charge \$20.00 per teacher who wants to get placed. So, once again, please reject the motion that is before you and let's keep the teacher placement office intact so it can serve the needs of teachers, superintendents and the children of our state.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative O'Gara.

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: I also urge you to vote against the pending motion. The Statement of Fact in Committee Amendment "B" of which I am a member of the committee, who voted for that amendment, really says it all. The program is still functioning and provides a useful service to many teachers and school units throughout the year. In fact, the placement office has already had more inquiries to this point in 1985 than at the same time in the last five years. If it continues along the same rate, it will, in fact, exceed any total number for any year in the last five years.

It just seems to be my judgment that, although this entire bill is really a housekeeping bill, this particular section is of vital interest. I have used it myself as a teacher in the past. I have urged teachers over the last several years to use it. This is not the time with all the changes being brought about by the reform to eliminate this service.

I urge you to vote against the pending motion.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: As you have heard, the only areas of controversy in this bill is the shift of personnel resources in the Department of Education from the teacher placement office to the teacher certification office. Testimony has been given on the critical needs in the certification area due to recent legislation. Some data on the use of the placement office may be helpful in your decision making. The placement office was established over 40 years ago, long before the requirement was set up that teaching positions should be advertised in our newspapers for affirmative action reasons. Recently, only about 70 teachers reported having received their positions through the placement office last year. Based on the annual cost of the office, that number translates into a cost to Maine's taxpayers of more than \$600 for each teacher placement. We simply cannot afford that kind of luxury now in light of the pressing need in the certification area. We have asked the Department of Education to set priorities in this bill with its personnel shift and was recommended by them. I urge you to support the Majority Report.

Representative Michaud of Medway requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of the members present and voting.

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 Caribou, Representative Crouse.

Representative CROUSE: Mr. Speaker, Ladies and Gentlemen of the House: I just want to focus on a couple of issues here. The committee was put in a position of choosing priorities. We were caught in the crossfire of which was more important, the certification office or the placement, and it was a very difficult position for us to be put in. We, as a committee, had to decide which direction we wanted to go. I

think the timing of this elimination of the teacher placement office is very, very ill-conceived because of what is happening in the teaching profession. What we see happening nation-wide is a trend away from the teaching profession, away from particular majors in the teaching area and with everything that we have passed in teacher certification, teacher testing, it will cause the drying up of the market for teachers and for people entering the profession. So, we have to have a monitoring device, we have to have a monitoring position in place in the department that will give us an idea of what direction we are headed in. It seems to me this is the worst time for us to drop this position when we are heading into that future, heading into that direction of where positions are open, what positions need to be filled and I hope you support Committee Amendment "B" here today.

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I agree with Representative Crouse's stand on this bill. If we eliminate the reference of this law, we eliminate forever the service that has been a stand-by over the years. Anyone that has been teaching since the early 1940's right up through knows that this office has been of vital importance.

I took the liberty of calling a former commissioner, a former superintendent, a current superintendent and asked them what they thought about eliminating the teacher placement office. They all agreed that there is still a need, especially in the perimeter areas. One of the superintendents I called was from the St. John Valley area and he said there was still a very strong need in the perimeter area for teacher placement service. He also said that the private agencies don't understand professional credentials etc. of teachers. This office does understand it. Just before the school year opens every year, there is a critical need for teachers. Superintendents and principals use, and have used, over the years, this office as a clearing house to bail them out just as the kids are marching into the classroom in early September. So, I think it would be a mistake just to get more money for another part of the Education Department. It could be, that to acquire good teachers, may be more important than the certification process.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of Representative Brown of Gorham that the House accept the Majority "Ought to Pass" Report. Those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL No. 99

YEAS:—Armstrong, Baker, A.L.; Begley, Bell, Bott, Bragg, Brown, A.K.; Cahill, Callahan, Connors, Davis, Dellert, Dexter, Dillenback, Drinkwater, Erwin, Foss, Foster, Greenlaw, Harper, Hepburn, Hichborn, Higgins, L.M.; Hillock, Holloway, Ingraham, Jackson, Kimball, Lawrence, Lebowitz, Lord, MacBride, Macomber, Masterman, Michaud, Murphy, E.M.; Murphy, T.W.; Nicholson, Paradis, E.J.; Pines, Racine, Randall, Richard, Roberts, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.W.; Sproul, Stetson, Stevens, A.G.; Strout, Tardy, Taylor, Webster, Wentworth, Whitcomb, Willey, Zirkilton.

NAYS:—Aliberti, Allen, Baker, H.R.; Beaulieu, Bonney, Bost, Boutillier, Brannigan, Brodeur, Carroll, Cashman, Chonko, Clark, Coles, Connolly, Cooper, Cote, Crouse, Crowley, Daggett, Descoteaux, Diamond, Duffy, Farnum, Gwadosky, Hale, Handy, Hayden, Hickey, Higgins, H.C.; Hoglund, Jacques, Jalbert, Lacroix, Lander, Law, Lisnik, Manning, Martin, H.C.; Matthews, Mayo, McCollister, McGowan, McHenry, McSwaney, Melendy, Michael, Mills, Mitchell, Moholland, Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, Nicker-

son, O'Gara, Paradis, P.E.; Parent, Paul, Perry, Pouliot, Priest, Reeves, Rice, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Simpson, Smith, C.B.; Soucy, Stevens, P.; Swazey, Tammaro, Telow, Theriault, Vose, Walker, Warren, Weymouth, The Speaker.

ABSENT:—Brown, D.N.; Carrier, Carter, Joseph, Kane, McPherson, Rioux, Stevenson. 61 having voted in the affirmative and 82 in the negative with 8 being absent, the motion did not prevail.

Thereupon, the Minority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "B" (H-201) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report Tabled and Assigned

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act Relating to Forcible Entry and Deleterious Actions" (H.P. 409) (L.D. 562)

Signed:

Senators:

TRAFTON of Androscoggin
STOVER of Sagadahoc

Representatives:

PERRY of Mexico
PAUL of Sanford
RIOUX of Biddeford
MURPHY of Berwick
MASTERMAN of Milo
BOTT of Orono
NICKERSON of Turner
DILLENBACK of Cumberland

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-204) on same Bill.

Signed:

Senator:

NAJARIAN of Cumberland

Representatives:

REEVES of Pittston
WARREN of Scarborough

Reports were read.

On motion of Representative Reeves of Pittston, tabled pending acceptance of either report and tomorrow assigned.

The Chair laid before the House the following matter: An Act Relating to Scalping and Dragging in the Frenchboro Area (H.P. 1055) (L.D. 1534) which was tabled earlier in the day and later today assigned pending enactment.

On motion of Representative Zirkilton of Mt. Desert, under suspension of the rules, the House reconsidered its action whereby L.D. 1534 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-219) and moved its adoption.

House Amendment "A" (H-219) was read by the Clerk.

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

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I would like the gentleman to explain his amendment, because normally amendments are presented to this body and we don't know what is going on.

The SPEAKER: Representative Racine of Biddeford has posed a question through the Chair to Representative Zirkilton of Mt. Desert, who may respond if he so desires.

The Chair recognizes that Representative.

Representative ZIRNKILTON: Mr. Speaker, Men and Women of the House: I will gladly explain the amendment. The original bill, L.D. 1534, was in response to a scallop dragger that broke the electrical cable going between the Island of Frenchboro for the third time in a number of years. When this happened last year, we created a zone around that cable where it would be illegal to drag for scallops. Again, the cable was broken this year because of difficulties with enforcement and because some

scallop draggers just were not willing to obey the law and stay away from that area. It presented a major problem for the people on the island, the community of Frenchboro, who would be without electricity for a period of time until that cable could be fixed so Representative Salsbury presented this bill, which I cosponsored, which would again enlarge the area where it would be illegal to dive for scallops. I personally believe that it is not exactly fair in any way at all to penalize scallop divers for the actions of scallop draggers and I would hope with this amendment accomplish just that. It takes away the part of the bill that makes it not all right for scallop diving, it makes it so that we would again prohibit scallop dragging in the area but make it legal for scallop divers.

The SPEAKER: The Chair recognizes the Representative from Franklin, Representative Connors.

Representative CONNORS: Mr. Speaker, Ladies and Gentlemen of the House: I talked with a number of my lobster fishermen and they agreed to go with this as long as we made this a conservation area and kept out all scallopers, whether they were divers or draggers and this is the reason that I went with that and I think probably some of the other members of the committee did the same thing. It is a good conservation area, we have high tides running both ways in by there and this would put the seed of the scallops out. This is about the only scallop bed, real good scalloping we have left and if we allow this to be taken by divers or draggers, we have lost the whole area around there so this is a good seed area where we can pick up the seed and seed down other areas. I think we ought to oppose this amendment.

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

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: I think it is important to point out that not one legislator came into this session presenting a bill to make that area a conservation zone. The Department of Marine Resources did not submit any piece of legislation proposing a conservation zone in that area and they did not pursue any regulatory process to make that area a conservation zone. No one even considered the idea. Scallop dragging went on in the area, lobster fishing went on in the area, scallop diving went on in the area and everybody for the most part was as happy as they could be.

When the cable was broken, we ran into the problem which resulted in the bill that is now before you. I think what Representative Connors is referring to is not so much lobstermen but scallop draggers. The scallop draggers agreed not to oppose the bill if the scallop divers were also prohibited from taking scallops in the area. I really don't see any reason why a scallop dragger would be upset with a scallop diver going into the area. The scallops are there and they would still be there for the taking if the scallop draggers had not disobeyed the law time and time again and forced us to come back here and enlarge that zone and now pursue an actual conservation zone. Again, I will emphasize that the Department did not come forth with this idea and I will reiterate the point that I see no reason at all why scallop divers should be penalized for the actions of the few thoughtless scallop draggers.

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

A vote of the House was taken.

87 having voted in the affirmative and 17 in the negative, House Amendment "A" was 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. 3 were taken up out of order by unanimous consent:

Reports of Committees

Unanimous Leave to Withdraw

Representative HICKEY from the Committee on Aging, Retirement and Veterans on Bill "An Act to Provide for the Inclusions of State Paid Employee Retirement Contributions as part of the Earnable Compensation of Confidential Employees" (H.P. 451) (L.D. 653) reporting "Leave to Withdraw"

Representative GWADOSKY from the Committee on State Government on Bill "An Act to Require all Second Session Bills to have Emergency Preambles" (H.P. 492) (L.D. 695) reporting "Leave to Withdraw"

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

Consent Calendar

First Day

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

(H.P. 852) (L.D. 1208) Bill "An Act to Amend the Liquor Laws" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-213)

There being no objections, the above item was ordered to appear on the Consent Calendar of Wednesday, May 29, 1985 under the listing of Second Day.

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

Orders

On motion of Representative BRANNIGAN of Portland, the following Joint Order: (H.P. 1110)

ORDERED, the Senate concurring, that the Joint Standing Committee on Business and Commerce be directed to report out a bill to the House "Relating to the Authority of Medical Service Organizations and Nonprofit Hospitals to make Incidental Indemnity Payments."

Was read and passed and sent up for concurrence.

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

Papers from the Senate

Unanimous Ought Not To Pass

Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Make Jail Sentences Mandatory in Cases of Sex Offenses Against Children" (S.P. 275) (L.D. 733)

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

Unanimous Leave to Withdraw

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Provide Disclosures to Nursing Home and Hospital Residents Transferring Property" (S.P. 430) (L.D. 1188)

Report of the Committee on Legal Affairs reporting "Leave to Withdraw" on RESOLVE, Establishing an Alcohol Awareness Study for Servers of Alcohol" (S.P. 573) (L.D. 1497)

Report of the Committee on State Government reporting "Leave to Withdraw" on Bill "An Act Creating a Department of Maine's Economic Future" (S.P. 262) (L.D. 671)

Report of the Committee on Energy and Natural Resources reporting "Leave to Withdraw" on Bill "An Act to Extend the Operation of the Low-level Waste Siting Commission and the Low-level Waste Siting Fund" (S.P. 83) (L.D. 264)

Report of the Committee on Energy and Natural Resources reporting "Leave to

Withdraw" on RESOLVE, to Establish an Advisory Commission on Public Lands Policy and Management (Emergency) (S.P. 238) (L.D. 632)

Report of the Committee on State Government reporting "Leave to Withdraw" on Bill "An Act Relating to the Classification of the Deputy Treasurer and Supervisor of Abandoned Property" (S.P. 466) (L.D. 1269)

Report of the Committee on Aging, Retirement and Veterans reporting "Leave to Withdraw" on Resolve, Creating a Commission to Study Age Discrimination in Employment (S.P. 483) (L.D. 1311)

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

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Allow a Landlord to Enter a Rental Unit if the Rental Unit Reasonably Appears to have been Vacated Permanently and no Notice has been Given" (S.P. 252) (L.D. 647)

Signed:

Senators:

TRAFTON of Androscoggin
NAJARIAN of Cumberland

Representatives:

REEVES of Pittston
PAUL of Sanford
BOIT of Orono
NICKERSON of Turner
WARREN of Scarborough

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

Signed:

Senator:

STOVER of Sagadahoc

Representatives:

PERRY of Mexico
RIOUX of Biddeford
MURPHY of Berwick
MASTERMAN of Milo
DILLENBACK of Cumberland

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

Reports were read.

On motion of Representative Reeves of Pittston, the Majority "Ought Not to Pass" in concurrence was accepted.

Non-Concurrent Matter

Bill "An Act to Restrict Certain Agencies with Respect to Purchases of Real Property" (H.P. 630) (L.D. 774) which was Passed to be Engrossed in the House on March 1, 1985.

Came from the Senate, Passed to be Engrossed as Amended by Senate Amendment "A" (S-125) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

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) on which the Majority "Ought to Pass" as amended Report of the Committee on Business and Commerce was read and accepted and the Bill passed to be Engrossed as amended by Committee Amendment "A" (H-166) in the House on May 24, 1985.

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

On motion of Representative Brannigan of Portland, the House voted to adhere.

Consent Calendar

First Day

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

(H.P. 274) (L.D. 344) Bill "An Act to Amend

the Election Laws" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-214)

(H.P. 1037) (L.D. 1511) Bill "An Act Concerning Unemployment Compensation Contributions by Home Knitting Businesses" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-215)

(H.P. 936) (L.D. 1342) RESOLVE, Relating to the Development of an Interdepartmental Plan to Identify Needed Resources for a Statewide Network of Out-of-home Placements and Aftercare, Follow-up and Transitional Services (Emergency) Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-216)

(H.P. 1026) (L.D. 1478) Bill "An Act to Reauthorize the Forest Resource Assessment and Marketing Program" (Emergency) Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-217)

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

The following items appearing on Supplement No. 6 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:

Local and County Government

Bill "An Act to Establish a Portion of the Boundary between the Town of Clinton in the County of Kennebec and the Town of Pittsfield in the County of Somerset" (H.P. 1111) (Presented by Representative MCGOWAN of Canaan) (Cosponsor: Senator MATTHEWS of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act to Provide Financing for Rail Transportation" (H.P. 1112) (Presented by Representative MELENDY of Rockland) (Cosponsors: Representative VOSE of Eastport and Senator CARPENTER of Aroostook)

(Ordered Printed)

Sent up for concurrence.

Utilities

Bill "An Act to Extend the Boundaries of the Gray Water District to Include the Entire Town" (H.P. 1113) (Presented by Representative CARROLL of Gray) (Cosponsors: Senator DIAMOND of Cumberland and Representative MITCHELL of Freeport) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Bill "An Act to Amend the Charter of the Winthrop Water District" (Emergency) (H.P. 1114) (Presented by Representative DAVIS of Monmouth) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Bill "An Act Increasing the Authorized Indebtedness of Veazie Sewer District" (Emergency) (H.P. 1115) (Presented by Representative BOST of Orono) (Cosponsor: Senator MAYBURY of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Bill "An Act to Create the Newcastle-Damariscotta Water District" (H.P. 1116) (Presented by Representative STETSON of Damariscotta) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)
Sent up for concurrence.

Consent Calendar Second Day

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

(S.P. 546) (L.D. 1459) Bill "An Act to Transfer and Allocate Funds to the Judicial Department for the Fiscal Year Ending June 30, 1985" (Emergency)

(S.P. 559) (L.D. 1488) Bill "An Act to Amend the Maine Insurance Guaranty Association Act"

(S.P. 308) (L.D. 797) Bill "An Act to Clarify the Laws Relating to Landlords and Tenants" (C. "A" S-106)

(S.P. 402) (L.D. 1112) Bill "An Act Concerning Programs for the Homeless" (C. "A" S-108)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were passed to be engrossed in concurrence or passed to be engrossed as amended in concurrence.

(S.P. 355) (L.D. 963) RESOLVE, Establishing the Maine Commission on the Role of State Government in Providing Independent Living Opportunities and Services to Disabled Persons in Maine (C. "A" S-110)

On objection of Representative Nelson of Portland, was removed from the Consent Calendar, Second Day.

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

Committee Amendment "A" (S-110) was read by the Clerk.

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

(S.P. 320) (L.D. 809) Bill "An Act Concerning Misuse of Dealer Plates and Clarification of Dealer Plate Provisions" (C. "A" S-111)

(H.P. 606) (L.D. 876) RESOLVE, Authorizing the Town of Fort Kent to Convey its Interest in Certain Public Lands in Fort Kent, Aroostook County (C. "A" H-198)

(H.P. 1014) (L.D. 1463) Bill "An Act to Require Refuse Receptacles to Comply with Federal Safety Standards" (C. "A" H-199)

(H.P. 782) (L.D. 1115) Bill "An Act to Encourage Retraction of Defamatory Statements" (C. "A" H-202)

(H.P. 425) (L.D. 605) Bill "An Act Relating to Contracts for Children's Placement at Residential Treatment Facilities" (C. "A" H-205)

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

Passed to Be Engrossed

Bill "An Act to Provide Greater Discretion to the Governor in Making Appointments to the Maine State Board of Nursing and to Require that this Board Contain at least 2 Representatives with Administrative and Supervisory Experience" (S.P. 599) (L.D. 1571)

Bill "An Act to License Respiratory Care Practitioners" (S.P. 591) (L.D. 1554)

Bill "An Act Concerning Times for Voter Registration" (H.P. 1106) (L.D. 1595)

Bill "An Act to Allow the Town of York to Repair Private Roads Within Subdivisions" (H.P. 1098) (L.D. 1592)

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

Tabled and Assigned

Bill "An Act Concerning Absentee Voting at Designated Places" (H.P. 1105) (L.D. 1594)

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

The SPEAKER: The Chair recognizes the Representative from Canton, Representative McCollister.

Representative MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: I take exception to this bill. I do not believe that the committee intended to slander the Representatives in this House. The intent of the bill say to eliminate the abuse of absentee voting. I do not believe anyone has ever accused me of abusing the absentee ballot process in any nursing home or elderly housing development.

This bill says: "no person who is a candidate in the same electoral division as the voter or who is a member of the candidates immediate family may collect absentee ballot applications, absentee ballots in any nursing home, housing for the elderly or any designated place." It further goes on to say that your town clerk will do the absentee balloting in those facilities and if she does not, you still cannot do it.

Mr. Speaker, I move the indefinite postponement of this bill and all its accompanying papers.

On motion of Representative Diamond of Bangor, tabled pending the motion of Representative McCollister, that this bill and all its accompanying papers be indefinitely postponed and tomorrow assigned.

Bill "An Act Concerning Temporary Licenses for Members of the Armed Forces" (H.P. 1107) (L.D. 1596)

Bill "An Act Concerning the Sale of Alcoholic Beverages to Certain Licensees" (Emergency) (H.P. 1104) (L.D. 1593)

Bill "An Act to Reduce the Hours Required for Journeymen Electricians" (H.P. 1109) (L.D. 1612)

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

As Amended

Bill "An Act to Encourage A Viable Agriculture for Maine" (S.P. 489) (L.D. 1316) (S. "A" S-114 to C. "A" S-105)

Was reported by the Committee on Bills in the Second Reading, read a second time, passed to be engrossed as amended in concurrence.

Bill "An Act to Protect Freshwater Wet Lands" (H.P. 567) (L.D. 838) (C. "A" H-191)

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

Bill "An Act Concerning Notice of Legal Obligations of Marriage on a Marriage Certificate" (H.P. 995) (L.D. 1432) (C. "A" H-195)

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

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

Representative DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I keep having questions asked on this bill. For instance, if you have a second marriage and your spouse has several children, I suppose you are obligated to support them also but I would like to have a roll call on this, Mr. Speaker.

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 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 Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: When I look at this bill. I can't help but think of the number of young people we have tried to persuade to get a marriage license; now you are putting more restrictions and they sure as heck aren't going to get a marriage license now. I was just thinking this afternoon, if my good wife would divorce me and then persuade me to marry her again, you can rest assured that she would close a few loopholes the next time around. Where is it going to stop? When I got married thirty years ago, I knew what my obligations were, I didn't have to be told on a marriage license what my obligations were when I got married because that was something my parents taught me. I was taught that at the church and at the schools. When the day comes when you have to put on a piece of paper telling a young couple what their obligations are as to supporting their spouse or their children, I think we had better start all over again a new way of teaching children.

The SPEAKER: The Chair recognizes the Representative from Pittston, Representative Reeves.

Representative REEVES: Mr. Speaker, Ladies and Gentlemen of the House: I would just say a couple of words in defense of this bill which is almost a unanimous committee report. One is that no marriage vows are legally required. There is no kind of vows that have to be taken in order for a person to be legally married. The only thing that has to be done is that the marriage certificate has to be signed and witnessed. The State of Maine goes through a great deal of trouble and expense to enforce the legal obligations of marriage. There is a whole department of support enforcement to try to get, mostly husbands, to pay their child support and I don't think that we are talking about the kinds of marriages where people understand what their legal obligations are, we are talking about giving just a little word of advice or just a little warning to think about how serious the legal obligations of marriage are right on the certificate.

I hope that you will vote to pass this bill.

The SPEAKER: The pending question before the House is passage to be engrossed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 100

YEAS:—Aliberti, Allen, Baker, H.R.; Beaulieu, Begley, Bost, Bott, Boutilier, Brannigan, Brodeur, Carroll, Cashman, Chonko, Clark, Coles, Connolly, Cooper, Crouse, Crowley, Descoteaux, Diamond, Duffy, Erwin, Gwadosky, Handy, Hayden, Hichborn, Higgins, H.C.; Hoglund, Jacques, Lacroix, Lisnik, Manning, Martin, H.C.; Masterman, Matthews, Mayo, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, Murphy, E.M.; Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, Nickerson, O'Gara, Paradis, P.E.; Parent, Paul, Perry, Priest, Randall, Reeves, Rice, Richard, Roberts, Rolde, Rotondi, Ruhlin, Rydell, Scarpino, Simpson, Smith, C.B.; Stevens, P.; Swazey, Tammaro, Tardy, Taylor, Theriault, Vose, Walker, Warren, Wentworth, Whitcomb, The Speaker.

NAYS:—Armstrong, Baker, A.L.; Bell, Boney, Bragg, Brown, A.K.; Cahill, Callahan, Conners, Cote, Daggett, Davis, Dellert, Dexter, Dillenback, Drinkwater, Farnum, Foss, Foster, Greenlaw, Hale, Harper, Hepburn, Hickey, Higgins, L.M.; Hillock, Holloway, Ingraham, Jackson, Jalbert, Kimball, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Macomber, McCollister, McPherson, Moholland, Murphy, T.W.; Nicholson, Paradis, E.J.; Pines, Pouliot, Racine, Ridley, Salsbury, Seavey, Sherburne, Small, Smith, C.W.; Soucy, Sproul, Stetson, Stevens, A.G.; Strout, Telow, Webster, Weymouth, Zirkilton.

ABSENT:—Brown, D.N.; Carrier, Carter, Joseph, Kane, Rioux, Stevenson, Willey.

81 having voted in the affirmative and 62 in

the negative with 8 being absent, the motion did prevail. Sent up for concurrence.

Bill "An Act to Change the Way the Maximum Rate of Interest on Delinquent Taxes is Calculated" (H.P. 244) (L.D. 285) (C. "A" H-197)

Bill "An Act Concerning Reports to the Federal Government Relating to Missing Children" (H.P. 854) (L.D. 1210) (H. "A" H-211) to C. "A" H-203)

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

The following items appearing on Supplement No. 8 were taken up out of order by unanimous consent:

Consent Calendar

First Day

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

(H.P. 1027) (L.D. 1479) Bill "An Act to Establish a 5-day Special Muzzle-loading Hunting Season" Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-221)

(H.P. 723) (L.D. 1032) Bill "An Act Relating to the Regulations and Distribution of Funds for All-terrain Vehicles" Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-222)

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

The following item appearing on Supplement No. 7 was taken up out of order by unanimous consent:

Orders

On motion of Representative ROLDE of York, the following Joint Order: (H.P. 1118) (Cosponsors: Representatives MURPHY of Kennebunk, MICHAUD of Medway and SMITH of Island Falls) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35 on May 22, 1985.)

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO REEXAMINE CERTAIN REGULATIONS OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY RELATING TO SOLID WASTE

WE, your Memorialists, the House of Representatives and Senate of the State of Maine of the One Hundred and Twelfth Legislature now assembled, most respectfully present and petition the Members of Congress of the United States as follows:

WHEREAS, municipalities throughout the country face severe problems in the disposal of solid waste; and

WHEREAS, these problems impinge most severely upon states with many rural communities that lack the resources of larger communities; and

WHEREAS, there are many small communities that now face the possibility of having to close their existing dumps because of the regulations of the United States Environmental Protection Agency; and

WHEREAS, the experience of numerous Maine communities has been that the alternative of sanitary landfill has been costly, ineffective and far more polluting than the existing system of open dump burning; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge the Members of Congress of the United States to provide appropriate assistance in causing the United States Environmental Protection Agency to reexamine its rules relating to solid waste disposal, particularly as they apply to small communities, to make necessary revisions and to provide

technical assistance to the communities to help find efficient, workable, cost-effective and environmentally sound solutions to the problems of solid waste disposal; and be it further

RESOLVED: That a suitable copy of this resolution be transmitted by the Secretary of the Senate to the President of the Senate and the Speaker of the House of Representatives in Congress of the United States and to each Member of the Maine Congressional Delegation.

Was read and adopted and sent up for concurrence.

The Chair laid before the House the following matter: Bill "An Act to Amend the Law Relating to Deputy Sheriffs, Appointments and Removal" (S.P. 312) (L.D. 801) (C "A" S-93) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair. Could someone from the committee please explain this bill?

The SPEAKER: The Representative from Augusta, Representative Paradis, has posed a question through the Chair to anyone on the Local and County Government Committee who may respond if they so desire.

The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: This bill's intent is that the sheriff will reappoint their deputy sheriffs. Presently, if the sheriff refuses to appoint the deputy, there is nothing that can be done. I remember a few years ago we tried to get politics out of it. What we did was reappoint the deputies every three years so that they would not be automatically fired by not being reappointed. That has not worked out the way we had figured it would, so presently the sheriffs, if they so wish, they do not reappoint the deputies. You have to think that the counties are training these deputies by sending them to the academy—even at minimum wage, you are talking about over \$2,000, that is not counting their mileage and their room and board. It is an expense to the county to train these people at the Justice Academy.

Some people do not like the idea because they figure the sheriffs should be able to not reappoint because the members that he is reappointing are not from the same party. We, in Local and County Government, don't believe in party issues as far as the sheriff is concerned and that was the prime reason for the three years, which did not seem to work. This bill will try to make it work.

The only way the sheriff will be able to get rid of the deputies is with just cause, like any other county employee. If they have just cause, get rid of them; if they do not have just cause because of politics, you should not get rid of the deputies at the expense of the county tax and the payers of local property tax.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: I will be very brief. I hate to say that I am sort of a watchdog on county government but maybe it is a self appointed role that I would like to take very seriously tonight. I was trying to follow the bill as the good gentleman from Madawaska was trying to explain this. I was here a few years ago when we passed collective bargaining for county employees. I was very happy to support that. It details a grievance procedure that employees can follow if they feel as though they have been unjustly charged or unjustly let go from office, fired.

What this bill does is put all of these collec-

tive bargaining procedures into the law. There is no item that has to be negotiated. There is no right that has to be negotiated. It gives statutory recognition to everything that ought to be bargained. Now, I don't mind being fair to these employees. I happen to be a member of a party that looks out for these employees but I don't think that it is correct to tell the sheriffs of the sixteen counties that all the jail guards, all the deputies, are going to have lifetime appointments because, in essence, that is what you are doing with this bill if this bill is passed because you have to prove with a preponderance of evidence that the person is not fit to continue as a guard or a deputy sheriff. I don't think that is what we intended when we passed collective bargaining. We passed a fair mechanism, which we gave to state employees about 10 years ago, where they could grieve different procedures. Now we are saying, that is not enough, we are going to write into the law everything you don't think you have. It doesn't give management very much to say.

Mr. Speaker, I would like a Division on this bill.

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

Representative WENTWORTH: Mr. Speaker, Members of the House: This bill was put in by a member of the other body and immediately, all three commissioners and the sheriffs of my county said, please don't back that bill. We have been besieged by all the other counties blaming us for putting it in. They said, all these matters included would be taken care of by a personnel board and the union.

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

Representative MCHENRY: Mr. Speaker, I would request that the Clerk read the Committee Report.

Whereupon, the Clerk read the Committee report.

The SPEAKER: The Chair will order a vote. The pending question before the House is passage to be engrossed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

48 having voted in the affirmative and 73 in the negative, the motion did not prevail.

(Off Record Remarks)

On motion of Representative Jacques of Waterville,

Adjourned until ten o'clock tomorrow morning.