

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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HOUSE

Thursday, May 30, 1985

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

Prayer by Reverend James O'Brien, South Paris Congregational Church, Augusta.

Quorum called; was held.

The Journal of yesterday was read and approved.

Papers from the Senate Ought to Pass in New Draft

Report of the Committee on Business and Commerce on Bill "An Act to Provide Protections to Boxers" (S.P. 253) (L.D. 648) reporting "Ought to Pass" in New Draft (S.P. 613) (L.D. 1606)

Came from the Senate, with the report read and accepted and the New Draft Passed to be Engrossed as amended by Senate Amendment "A" (S-158)

Report was read and accepted and the New Draft read once.

Senate Amendment "A" (S-158) read by the Clerk and adopted and the New Draft assigned for second reading later in today's session.

Ought to Pass in New Draft

Report of the Committee on Legal Affairs on Bill "An Act Requiring Treatment and Rehabilitation as a Condition for License Restoration when Convicted of Alcohol or Drug Related Vehicular Homicide" (S.P. 231) (L.D. 593) reporting "Ought to Pass" in New Draft (S.P. 614) (L.D. 1613)

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 Gorham, Representative Hillock.

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair. Would someone explain this bill?

Representative Masterman of Milo moved acceptance of the Committee Report.

Whereupon, the Committee Report was accepted, the New Draft read once and assigned for second reading tomorrow.

Ought to Pass in New Draft/New Title

Report of the Committee on Legal Affairs on Bill "An Act to Outlaw 'Happy Hour' in all Retail Establishments that have a Maine Liquor License" (S.P. 232) (L.D. 594) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Prohibit Certain Practices Which Encourage Excessive Drinking" (S.P. 615) (L.D. 1614)

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 as Amended

Report of the Committee on Education reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-139) on Bill "An Act to Define Eligibility for School Purposes and to Determine Financial Responsibility for the Education, Care and Treatment of State Agency Clients" (Emergency) (S.P. 477) (L.D. 1284)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (S-139) and Senate Amendment "A" (S-154)

Report was read and accepted and the bill read once.

Committee Amendment "A" (S-139) was read by the Clerk and adopted.

Senate Amendment "A" (S-154) was read by

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

Non-concurrent Matter

Bill "An Act to Increase Consumer's Remedies under the Unfair Trade Practices Laws" (H.P. 715) (L.D. 1025) which was passed to be engrossed as amended by Committee Amendment "A" (H-167) in the House on May 24, 1985.

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act Concerning the Location of Agency Liquor Stores and the Licensing of Seasonal Agency Stores" (H.P. 1047) (L.D. 1522) 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-148) in non-concurrence.

On motion of Representative Smith of Island Falls, the House voted to recede.

Senate Amendment "A" (S-148) was read by the Clerk and adopted.

Representative Smith of Island Falls, under suspension of the rules, moved that the House reconsider its action whereby House Amendment "A" was indefinitely postponed.

The SPEAKER: The Chair recognizes the Representative from Island Falls, Representative Smith.

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: This bill is back, it didn't come back via Van Buren or Standish but back as the crow flies. We have had a chance to think about this bill since last Monday and I do not wish to repeat everything but I still want to pose the question, which direction should we be going? Should we be liberalizing the liquor laws and then taking a hard stand on drunk driving, raising the drinking age, post warnings to women who are pregnant, warning of the harmful effects of alcohol. We are promoting alcohol and drug free parties for our graduating students. We are asking to raise the tax or premium on alcohol to help those who need help, help to get away from this alcohol habit. Now, do you know of anyone alcohol has helped? Only those who are in it for the dollars, selling it.

State stores offer it for sale but are not pushing it. Agency stores are open more hours, they may not be as careful who they sell to. I probably have been around as much alcohol as the average person, maybe more. After World War II, while still in the service, I worked in the NCO Club as a bartender nights and weekends. Service pay was not that great in 1945. Also, when I got out, I joined the VFW Post and again, I served as a bartender to get the post bar on a paying basis. Of course, being a teetotaler may have helped that cause. My point is that I am not opposed to making alcohol available, I just hate to see it poisoned and more agency stores will do that.

The radius is the easiest and cheapest way to measure the distance. Some observers see the ready availability of alcohol as a plot to weaken the fiber of society. It is unfortunate, but true, that something in today's society makes alcohol compulsively attractive to the young. More and more, we manage to shape the lure of alcohol into a configuration that resembles a writ of passage into adulthood. Promotion and advertisement certainly must increase consumption; otherwise, why would so much be spent on it? Treatment programs are expanding and costing more.

We had a proposal to raise the premium on tax. There are three programs serving 1282 clients; six programs serving 899 clients; four programs serving 5,156 clients and one program serving 33 clients; 26 programs serving

5,165 clients—now, I ask you, what direction are we going in? What are we doing to help? We are passing more liberal laws. Is this the answer?

I mentioned an article in the paper in regard to Russia's view on alcohol. They include raising the drinking age from 18 to 21 and are cutting back in liquor production and sales hour with stiffer penalties for public drunkenness and drunken driving. Work camps or special work programs would be set up for alcoholics and there would be treatment services in large cities. More education about the evils of drinking would be instituted and a nationwide chain of sobriety clubs would be planned. The output of hard liquor would be reduced annually beginning next year and production of soft drinks will be increased. I think that is the way to go.

I think we are going in the wrong direction. We have a director, who has ignored and broken the laws, passed by this state, taken it upon himself to place more agency stores to increase the sales to make himself look good and at whose expense? He wants this bill to cover his tracks and make more liquor stores and weaken the state stores, another try to get the state out of control. Let's keep the law as it is and maybe give a study and more thought as to the direction we are going in. What is the true cost to our taxpayers for broken homes, jail, keep and so many others? I was told that you cannot be your brother's keeper but I answered, "if I have a broken home and that family is on ADC, I think that I am part of that brother's keeper."

A study would try to give us a more detailed account of true costs to society that alcohol has brought us so I would ask you today to reconsider indefinitely postponement of this amendment.

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

Representative REEVES: Mr. Speaker, Men and Women of the House: I hope that you will vote against reconsideration of the indefinite postponement of the amendment of the Representative from Island Falls.

I was happy to give him the courtesy to debate this issue again and I would like to refresh as to what this bill actually does. It clarifies the 10 mile limit between state stores and agency stores. There was an ambiguity and a question about whether it should be 10 miles measured in a direct radius from the state store or 10 miles measured by the most reasonable direct route of travel. This bill clarifies that agency stores may be at a distance of 10 miles from a state store by the most reasonable direct route of travel. This is a small change and it seems like a very reasonable one.

I hope that you will vote against reconsideration of the indefinite postponement of the Representative from Island Falls amendment.

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

Representative DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I voted in favor in committee and I don't see any great problem with the amendment that this gentlemen is trying to put on. What difference does it make if it is a mile one way or the other? I think it is probably a fair amendment.

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

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

If the 10 miles is measured by the road and an incomplete road or something like that and the distance changes to a store that is already in existence, is that store automatically eliminated if the mileage changes?

The SPEAKER: The Representative from Dover-Foxcroft, Representative Law, has posed a question through the Chair to anyone who

may respond if they so desire.

The Chair recognizes the Representative from Mexico, Representative Perry.

Representative PERRY: Mr. Speaker, Ladies and Gentlemen of the House: Existing stores are grandfathered and if the road is rebuilt, and they end up being nine miles from the other store, they are grandfathered in.

I would like to deal with the question of agency stores on a seasonal basis. The Bureau of Alcoholic Beverages Director felt that, due to the influx of tourism in this state, that seasonal stores would address the tourism problem a lot better than it exists today.

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

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will support my seatmate in defeating this move for reconsideration. I would just like to make a couple of points.

The gentlemen from Island Falls is sort of turning this into a wet/dry issue as if the failure to pass his amendment will open the state to the creation of many, many more agency stores. I doubt that it would probably be more than one or two.

The basic bill that was put in, I put in myself because of a problem in my district of a storeowner who had originally been granted an agency store permit before the 10 mile limit was put in and found that he was 10 miles from one state store and 8 miles from another agency store. He asked me to do something about it. I put the bill in to do away with the 10 mile limit. There was another bill put in to do away with the 10 mile limit. Nobody really has been able to gauge why 10 miles was decided upon. I am certainly one of the strongest supporters of the state's staying in the liquor business. I have certainly, as former chairman of the Special Select Committee on Alcoholism, am very well aware of the problems that we have with alcoholism and the need for the state to deal with it. I am also very skeptical about the many efforts over the years to try and deal with alcoholism by making alcohol less available or even to prohibit it entirely. We have been trying to do that since 1856 and it really hasn't worked very well.

I hope all of you will be thinking about some of the things that the gentlemen from Island Falls said later on when we have to deal with the question of raising the premium on alcohol to complete our treatment system but, at this point, I think this is a very reasonable compromise compared to what the original bill tried to do. I think if you defeat this attempt, we will just have more bills in the future trying to do away with the 10 mile limit so I hope you will support the gentledady from Pittston.

The SPEAKER: The Chair recognizes the Representative from Island Falls, Representative Smith.

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: Whether this is a wet or dry issue, I don't think is the case. The case is, are we weakening the law, which we are doing. Now, we have fifth graders that know what radius is; yet, we have a director who is on salary, (I wouldn't dare to guess what that is) can't read the law and know what radius is. That seems to be his problem because he has ignored that law, not once but several times.

I have an item here that says: "the cost to the U.S. is more than \$60 million a year for the care of alcohol related problems. Now, the amount of taxes taken in on alcohol is \$12.2 million—I ask you, how long can anyone stay in business spending \$60 million and taking in \$12.2? This is just another ploy to get the state out of the liquor business, nothing else. There is no compromise here, it is simply a matter of trying to use road miles and gain more stores and that is exactly what it will be doing so I hope you will vote with me on this.

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

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: I don't consider this is a wet or dry issue either. This bill is going to increase sales, \$1.6 million and we have a myriad of legislation before this committee and some of it has been resoundingly defeated; some of it has been endorsed; all of it has to do with alcohol and alcohol related problems. \$1.6 worth of alcohol, I venture to guess, is going to increase consumption. It is obvious that it is coming and how many OUI cases are involved can be debated and how much premium money will go to the rehabilitation of the alcoholic. I look at it in a different way, now the alcoholic, he seems to be getting a lot of attention now as far as his responsibilities are concerned; I am concerned about the victims of the alcoholic, the people that he destroys on our highways and I want people to think about this. We will always have alcohol in our society and I am not proposing to ban alcohol by any means. I want us to consider if we promote consumption of alcohol, not to just consider the alcoholic, but the damage he does on our roads to the innocent people of the State of Maine, who are just so far out of the mainstream of what we are thinking up here that is just hard for me to believe.

I support the gentlemen from Island Falls.

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

Representative REEVES: Mr. Speaker, Men and Women of the House: The fiscal note which the Senate Amendment put on this bill was \$650,000. This bill may result in the following increase in revenues and that is because of the possibility of opening the sixth seasonal liquor store, that doesn't have anything to do with the part we are discussing right now, which has to do with changing the definition of 10 miles.

The committee had two bills to do away with the 10 mile radius between state stores and agency stores. The committee decided not to do away with the 10 mile radius but to change the language which said 10 mile radius in the bill to 10 miles because nobody travels, except a crow flying, on a direct radius. It seemed like a very reasonable and very simple compromise to say 10 miles, all distances shall be determined by the most reasonable direct route of travel. That is the real distance that is now legislated between state stores and agency stores.

The other part of the bill allows the licensing of six special seasonal agency stores. It provides temporary authority to the Liquor Commission to issue six months seasonal licenses to a total of six agency stores. It provides temporary authority to the Liquor Commission to issue six months seasonal licenses to a total of six agency stores. This authority will expire on September 30, 1989 unless the legislature acts. The Bureau of Alcoholic Beverages and the Bureau of Liquor Enforcement are required to investigate the effectiveness of the new license and report back to the legislature. The Commission will determine the location of the seasonal stores on the basis of the increase in seasonal population and the weekly sales volumes of existing agency stores located in the same areas and all areas may be considered including ski areas as well as summer vacation sites. So, you have two different issues in this bill.

The Legal Affairs Committee and other committees of the legislature are also dealing with a great deal of legislation having to do with OUI, having to do with treatment for alcoholism but we really have to separate the issue of how we are going to manage our state regulated liquor industry and this bill, I think, makes a very reasonable definition of the 10 mile limit between state stores and agency stores and that is the basis of the amendment

which we are considering now and I hope you vote against reconsideration of the indefinite postponement of the amendment. Ten miles by the road is a lot more sensible definition of the distance than 10 miles as the crow flies.

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

Representative MASTERMAN: Mr. Speaker, Ladies and Gentlemen of the House: The issue we have before us apparently is the amendment and at first I was in favor of the 10 mile as by traveled way but since that time, I have had some time to consider what we were doing and I can see problems and many arguments as to what that traveled way was, by what street, by what road and maybe we could manipulate quite a bit to satisfy our own needs.

Attention has been called to the rest of the bill, however, so I will talk about that for just one second. If you believe that you would like to get rid of the state stores, this is a good bill to tie into because that is exactly what it does is erode the viability of the state stores. These other stores that has been alluded to, in my estimation, are convenient stores — convenience for whom? There is no reason that anyone who wants to procure an alcoholic beverage can't go to a state operated store, which I believe is the only way to handle alcohol, which is the most addictive chemical substance known to man. Today, I am going to be voting with my good friend from Island Falls and I hope you will too because this is one more nail in the coffin if you want to get of state stores. I hope you will support my good friend, Mr. Smith from Island Falls.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: These seasonal stores are just for six months of the year where there is a large influx of summer or winter tourists. Now, these people knowing that the stores are going to be convenient when they come into the State of Maine may be willing to wait and buy their liquor in this state and we will keep the tax dollars. I do not believe that this bill, in anyway, is going to entice anyone to drink any more or any less. I certainly believe in complete state control of alcoholic beverages and I do not see this bill as any tool to get rid of any control by the state. I also do not see this bill as an expansion of liquor stores. These stores are just for six months when the tourists are here vacationing.

I know that we have problems with alcohol and it certainly is expensive but being at the committee and studying alcoholism, OUI's and everything, it is a very small percentage of our people who take a drink who causes that many problems and I realize that it is expensive.

The question here is not enticing people to drink, it is not taking control away from the state, it is keeping tax dollars being spent in Maine where we can use them.

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

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

I would like to pose a question to anyone on the committee. Has the 10 mile radius ever been challenged on a legal basis of actually surveying the 10 miles from the liquor stores? I would think that anyone who challenged that 10 mile radius could force the state into a very expensive proposition.

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

The Chair recognizes the Representative from Island Falls, Representative Smith.

Representative SMITH: Mr. Speaker, Ladies

and Gentlemen of the House: I wrote to the Attorney General's Office and got an opinion. The radius is in the law. Radius is what it is and it has been in the court and the court ruled, even though you crossed a swamp, radius is still radius.

Representative Smith was granted permission to speak a third time.

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: A few nights ago on TV, on the news, it showed a baseball field and the problems they were having with alcohol there. They are going to cut back the amount of alcohol and beer to help solve their problems. They have decided that it is no longer a family affair when you go and take a chance of having beer spilled on you or take a chance of getting beaten up. They go down on the field and hassle the players so I think the problem is getting bigger and bigger and I certainly don't want see us doing it here in this state.

I had no opposition to those six stores. I have no opposition at all. If they want those six agency stores for summertime purposes for the influx of the tourist trade, I have no problem with that. My problem is taking away the radius and putting road miles, that certainly increases the sales, increases the stores. If we have a Director who cannot figure radius, then it is time we hired a new one.

Mr. Speaker, I would request a roll call.

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

Representative MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: I don't believe that Representative Smith from Island Falls answered my question. I realize that the law says radius but if you would a compass on a map, how do you turn that point onto land? A surveyor is the only one that can do that and I have enough boundary problems of my own that I know the cost is very, very high. Has the state had this problem, is the question that I asked.

The SPEAKER: The Representative from Canton, Representative McCollister, has posed an additional question through the Chair to anyone 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: I think that Representative McCollister makes a very good point. It is much easier to measure 10 miles by a road than 10 miles as the crow flies. It makes a great deal of sense to have the 10 mile limit measured by the most reasonable direct route of travel. This, alone, would be much easier to enforce that way.

The SPEAKER: The Chair recognizes the Representative from Van Buren, Representative Martin.

Representative MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I believe that we are dealing with two separate issues here. How do we measure the distance? And then establishing six new agency stores. Now, if the concern of the Representative from Island Falls and the Representative from Gorham is increasing the availability, I don't see why they want to vote to have six additional stores. I am not against the six additional stores at all, no problem with me whatsoever, but I don't see what his thinking is -- it is all right to increase the availability in the southern part of the state but to try to curb it up north, which is exactly what he is trying to do. In my opinion, if people want to buy liquor, they are going to buy liquor, I don't care where you sell it, if it 20 miles apart, 50 miles apart or 5 miles apart. On the other hand, you have corner stores selling beer and wine maybe every 500 feet apart. It is all a form of alcohol, if they drink enough of it, no matter in what form or shape, it is still alcohol. I don't understand what these people are trying to tell you, that it is all right to in-

crease the availability in the southern part of the state but we should not change the road measurement so that we can try to curb the availability in the northern part of the state so I please ask you to vote with Representative Reeves on this business.

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 Island Falls, Representative Smith, that the House reconsider its action whereby House Amendment "A" was indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 107

YEAS:—Armstrong, Baker, A.L.; Bell, Bonney, Bost, Boutillier, Bragg, Brown, A.K.; Callahan, Carrier, Chonko, Clark, Conners, Crouse, Crowley, Daggett, Davis, Dexter, Dillenback, Drinkwater, Duffy, Erwin, Handy, Hepburn, Higgins, L.M.; Hillock, Kimball, Lander, Law, MacBride, Macomber, Masterman, Matthews, Mayo, McHenry, Michaud, Moholland, Paradis, E.J.; Parent, Pines, Randall, Rice, Richard, Ridley, Ruhlin, Scarpino, Sherburne, Small, Smith, C.B.; Smith, C.W.; Sproul, Stevens, A.G.; Stevenson, Strout, Swazey, Tammaro, Taylor, Walker.

NAYS:—Aliberti, Allen, Baker, H.R.; Beaulieu, Begley, Bott, Brannigan, Cahill, Carroll, Carter, Cashman, Coles, Connolly, Cooper, Cote, Dellert, Descoteaux, Diamond, Farnum, Foss, Foster, Greenlaw, Hale, Harper, Hayden, Hichborn, Hickey, Higgins, H.C.; Hoglund, Holloway, Ingraham, Jackson, Jalbert, Joseph, Lacroix, Lawrence, Lebowitz, Lisnik, Lord, Manning, Martin, H.C.; McCollister, McGowan, McPherson, McSweeney, Melendy, Michael, Mills, Mitchell, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, Nicholson, Nickerson, O'Gara, Paradis, P.E.; Paul, Perry, Priest, Racine, Reeves, Rioux, Roberts, Rolde, Rotondi, Rydell, Salsbury, Simpson, Soucy, Stetson, Stevens, P.; Tardy, Telow, Theriault, Vose, Webster, Wentworth, Weymouth, Whitcomb, Willey.

ABSENT:—Brodeur, Brown, D.N.; Gwadosky, Jacques, Kane, Pouliot, Seavey, Warren, Zirkilton, The Speaker.

58 having voted in the affirmative and 83 in the negative with 10 being absent, the motion did not prevail.

Whereupon, the House voted to concur.

Non-Concurrent Matter

Bill "An Act Relating to Scallop and Dragging in the Frenchboro Area" (H.P. 1055) (L.D. 1534) which was passed to be engrossed as amended by House Amendment "A" (H-219) in the House on May 28, 1985.

Came from the Senate with that Body having insisted on its former action whereby the Bill was passed to be engrossed in non-concurrence.

On motion of Representative Scarpino of St. George, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Create the Newcastle-Damariscotta Water District" (H.P. 1116) (L.D. 1626) which was referred to the Committee on Utilities in the House on May 28, 1985.

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

The House voted to recede.

On motion of Representative Hayden of Durham, tabled pending further consideration

and tomorrow assigned.

Non-Concurrent Matter

Bill "An Act Increasing the Authorized Indebtedness of Veazie Sewer District" (Emergency) (H.P. 1115) (L.D. 1625) which was referred to the Committee on Utilities in the House on May 28, 1985.

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

On motion of Representative Vose of Eastport, the House voted to recede.

On motion of Representative Diamond of Bangor, tabled pending further consideration and later today assigned.

Non-Concurrent Matter

Bill "An Act to Amend the Charter of the Winthrop Water District" (Emergency) (H.P. 1114) (L.D. 1624) which was referred to the Committee on Utilities in the House on May 28, 1985.

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

On motion of Representative Vose of Eastport, the House voted to recede.

On motion of Representative Diamond of Bangor, tabled pending further consideration and later today assigned.

Non-Concurrent Matter

Bill "An Act to Extend the Boundaries of the Gray Water District to Include the Entire Town" (H.P. 1113) (L.D. 1623) which was referred to the Committee on Utilities in the House on May 28, 1985.

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

On motion of Representative Vose of Eastport, the House voted to recede.

On motion of Representative Diamond of Bangor, tabled pending further consideration and later today assigned.

Non-Concurrent Matter

Bill "An Act to Permit the Manufacture and Sale of Higher Efficiency Laundry Detergents (S.P. 604) (L.D. 1598) which was referred to the Committee on Energy and Natural Resources in the House on May 29, 1985.

Came from the Senate with that Body having insisted on its former action whereby the Bill was passed to be engrossed without reference to a committee in non-concurrence.

On motion of Representative Michaud of Medway, tabled pending further consideration and tomorrow assigned.

Non-Concurrent Matter

Bill "An Act to Amend the Nuclear Issues Clearinghouse Law" (S.P. 561) (L.D. 1490) on which the Majority "Ought Not to Pass" Report of the Committee on Education was read and accepted in the House on May 29, 1985.

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

Representative Brown of Gorham moved that the House adhere.

Representative Handy of Lewiston moved that the House recede and concur.

Representative Small of Bath 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 Lewiston, Representative Handy, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 108

YEAS:—Baker, H.R.; Beaulieu, Bost, Boutillier, Brannigan, Carroll, Cashman, Coles, Connolly, Cote, Crouse, Handy, Hoglund, Joseph, Michael, Mitchell, Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, Pouliot, Priest, Randall, Reeves, Rolde, Rydell, Simpson, Warren.

NAYS:—Aliberti, Allen, Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bott, Bragg, Brown, A.K.; Cahill, Callahan, Carrier, Carter, Chonko, Clark, Connors, Cooper, Crowley, Daggett, Davis, Dellert, Descoteaux, Dexter, Diamond, Dillenback, Drinkwater, Duffy, Erwin, Farum, Foss, Foster, Greenlaw, Hale, Harper, Hayden, Hepburn, Hichborn, Hickey, Higgins, L.M.; Hillock, Holloway, Ingraham, Jackson, Jalbert, Kimball, Lacroix, Lander, Law, Lawrence, Lebowitz, Lisnik, Lord, MacBride, Macomber, Manning, Martin, H.C.; Masterman, Matthews, Mayo, McGowan, McHenry, McPherson, McSweeney, Melendy, Michaud, Mills, Moholland, Murphy, E.M.; Murphy, T.W.; Nicholson, Nickerson, O'Gara, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Perry, Pines, Racine, Rice, Richard, Ridley, Rioux, Roberts, Rotondi, Ruhlman, Salisbury, Scarpino, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stetson, Stevens, A.G.; Stevens, P.; Stevenson, Strout, Swazey, Tammara, Tardy, Taylor, Telow, Vose, Walker, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

ABSENT:—Brodeur, Brown, D.N.; Gwadosky, Higgins, H.C.; Jacques, Kane, McCollister, Seavey, Theriault, The Speaker.

28 having voted in the affirmative and 113 in the negative with 10 being absent, the motion did not prevail.

Whereupon, the House voted to adhere.

Messages and Documents

The following Communication:

MAINE STATE RETIREMENT SYSTEM
State House Station 46
Augusta, Maine 04333

April 1, 1985

Honorable Joseph E. Brennan
Governor of Maine

State of Maine, Augusta

Members, 112th Legislature

Dear Governor Brennan and Members of the Legislature:

Enclosed herewith is a copy of the 1984 Annual Report of the Maine State Retirement System as required by law (5 MRSA, Section 1031, subsection 9) and addressed to its members.

Sincerely,

S/ RICHARD J. McDONOUGH
Chairman

Board of Trustees

Maine State Retirement System

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

Orders

Later Today Assigned

On motion of Representative BAKER of Portland, the following Joint Resolution: (H.P. 1117) (Cosponsors: Representative GWADOSKY of Fairfield, RICHARD of Madison and Speaker MARTIN of Eagle Lake)

JOINT RESOLUTION REQUESTING
LIMITATIONS ON INVESTMENT AND
DIVESTITURE OF PUBLIC FUNDS IN THE
REPUBLIC OF SOUTH AFRICA AND
NAMIBIA

WHEREAS, the Republic of South Africa

practices a policy of racial segregation known as apartheid, which discriminates against Blacks, persons of mixed race and persons of Asian origin, who comprise more than 80% of the population of the Republic of South Africa; and

WHEREAS, this practice results in these groups being denied South African Citizenship; places severe restrictions on freedom of speech and movement; and restricts access to education, housing and public facilities; and

WHEREAS, apartheid and the policies associated with apartheid are used to separate non-white family members from each other, to justify the torture of and destruction to Blacks, Asians and persons of mixed races and to deprive non-whites of a decent standard of living; and

WHEREAS, many citizens of the State of Maine have expressed concern regarding these inequities and injustices and are of the opinion that corporations in which public funds are invested should treat all of their employees in a socially responsible manner; and

WHEREAS, persons responsible for the management and investment of funds held in trust for others must exercise their duties in accordance with the "Prudent Man" Rule, of the Maine Revised Statutes, Title 18-A, section 7-302; and

WHEREAS, the Sullivan Principles, as developed by Reverend Leon H. Sullivan, attempt to provide some minimal form of employment protection and opportunity to Blacks, Asians and persons of mixed races; and

WHEREAS, most of the recent "reforms" of the government of the Republic of South Africa are not substantive reforms and are intended only to give the appearance of reform; now, therefore, be it

RESOLVED: That We, the Members of the 112th Legislature, now assembled in the First Regular Session, request the Board of Trustees of the Maine State Retirement System and all other persons who serve as trustees for public funds to divest their accounts, within 2 years and within the constraints of the "Prudent Man" Rule, of all securities issued by companies and corporations doing business in South Africa and Namibia which have not signed the Sullivan Principles; and be it further

RESOLVED: That the Maine Legislature requests the board of trustees and all other persons who serve as trustees for public funds to establish a policy prohibiting further investments in companies and corporations doing business in South Africa and Namibia which have not signed the Sullivan Principles and that the trustees consider the means by which existing investments in companies and corporations doing business in South Africa and Namibia may be divested over time in the future; and be it further

RESOLVED: That the Executive Director of the Maine State Retirement System and the Treasurer of State report the results of their investment efforts and to the Joint Standing Committee on State Government on January 1, 1986; and be it further

RESOLVED: That suitable copies of this Joint Resolution be prepared and transmitted forthwith by the Secretary of State to the Board of Trustees of the Maine State Retirement System and the Treasurer of State.

Was read.

On motion of Representative Lacroix of Oakland, tabled pending adoption and later today assigned.

Reports of Committees

Divided Reports

Later Today Assigned

Majority Report of the Committee on Business and Commerce on Bill "An Act to Require Two Members of the Public on All State Licensing Boards" (H.P. 857) (L.D. 1216) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Regarding Members of the

Public Serving on State Licensing Boards" (H.P. 1125) (L.D. 1631)

Signed:

Sensors:

DANTON of York
BUSTIN of Kennebec

Representatives:

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

Minority Report of the same Committee reporting "Ought to Pass" in New Draft under New Title Bill "An Act Regarding Members of the Public Serving on State Licensing Boards" (H.P. 1126) (L.D. 1632) on same Bill.

Signed:

Sensor:

SEWALL of Lincoln
Representatives:
ARMSTRONG of Wilton
BAKER of Orrington

Reports were read.

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

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

Divided Report

Later Today Assigned

Majority Report of the Committee on Local and County Government reporting "Ought Not to Pass" on Bill "An Act to Provide a Referendum to Abolish County Government and Authorize Reassignment of its Functions and Duties to Appropriate State Municipal Agencies" (H.P. 379) (L.D. 520)

Signed:

Sensors:

TUTTLE of York
STOVER of Sagadahoc

Representatives:

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

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-249) on same Bill.

Signed:

Sensor:

BALDACCI of Penobscot

Representative McHenry of Madawaska moved acceptance of the Majority "Ought Not to Pass" Report.

On further motion of the same Representative, tabled pending his motion to 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. 495) (L.D. 1321) Bill "An Act to Authorize the Public Utilities Commission to Act on an Expedited Basis in Certain Cases" Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-142)

(S.P. 468) (L.D. 1271) Bill "An Act to Ensure Reduced Telephone Rates for Volunteers and Nonprofit Organizations Serving the Deaf, Hearing Impaired and Speech Impaired"

Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-141)

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.

Passed to Be Engrossed

Bill "An Act Renaming Registered Day Care Providers as Home Baby-sitting Service Providers" (H.P. 1120) (L.D. 1616)

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

Representative Pines of Limestone moved that the House reconsider its action whereby the Majority Report was accepted.

Representative Manning of Portland 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 Pines of Limestone that the House reconsider its action whereby the Majority "Ought To Pass" Report was accepted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 109

YEAS:—Aliberti, Allen, Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bott, Bragg, Brown, A.K.; Cahill, Connors, Davis, Dellert, Dillenback, Drinkwater, Farnum, Foss, Foster, Greenlaw, Harper, Hepburn, Hichborn, Hickey, Higgins, L.M.; Hillock, Holloway, Ingraham, Jackson, Kimball, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Macomber, Martin, H.C.; Masterman, Matthews, McPherson, Murphy, E.M.; Murphy, T.W.; Nicholson, Nickerson, Paradis, E.J.; Paradis, P.E.; Parent, Pines, Randall, Rice, Richard, Rolde, Salsbury, Scarpino, Sherburne, Small, Smith, C.W.; Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Taylor, Telow, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

NAYS:—Baker, H.R.; Beaulieu, Bost, Boutilier, Brannigan, Carrier, Carroll, Carter, Cashman, Chonko, Clark, Coles, Connolly, Cooper, Cote, Crouse, Crowley, Daggett, Descoteaux, Diamond, Duffy, Erwin, Hale, Handy, Hayden, Higgins, H.C.; Hoglund, Jalbert, Joseph, Lacroix, Lisnik, Manning, Mayo, McColister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, Moholland, Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, O'Gara, Paul, Perry, Pouliot, Priest, Racine, Reeves, Ridley, Rioux, Roberts, Rotondi, Ruhlin, Rydell, Simpson, Smith, C.B.; Soucy, Stevens, P.; Swazey, Tammaro, Tardy, Theriault, Vose, Walker, Warren.

ABSENT:—Brodeur, Brown, D.N.; Callahan, Dexter, Gwadodsky, Jacques, Kane, Seavey, The Speaker.

71 having voted in the affirmative and 71 in the negative with 9 being absent, the motion did not prevail.

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

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

Orders of the Day

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

The following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, has preference in the Orders of the Day and continues with such preference until disposed of as provided by

Rule 24.

Bill "An Act to Amend the Reapportionment Law" (S.P. 619) (L.D. 1630)

— In Senate, Passed to be Engrossed without reference to a Committee.

(Committee on Reference of Bills had suggested reference to the Committee on State Government)

TABLED — May 29, 1985 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING — Reference.

On motion of Representative Diamond of Bangor, retabled pending reference and tomorrow assigned.

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

HOUSE DIVIDED REPORT - Majority (8) "Ought Not to Pass" - Minority (5) "Ought to Pass" as amended by Committee Amendment "A" (H-223) - Committee on Fisheries and Wildlife on Bill "An Act to Appropriate Funds for the Wildlife Management Institute to Conduct a Study of the Department of Inland Fisheries and Wildlife" (H.P. 457) (L.D. 658)

TABLED - May 29, 1985 by Representative JACQUES of Waterville.

PENDING - Motion of same Representative to accept Majority "Ought Not to Pass" Report.

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

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: There is an amendment being drafted and I would appreciate it if someone would table this until later.

On motion of Representative Diamond of Bangor, retabled pending the motion of the Representative from Waterville, Representative Jacques, that the House accept the Majority "Ought Not to Pass" Report and later today assigned.

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

Bill "An Act to Amend the Election Laws" (H.P. 274) (L.D. 344)

TABLED - May 29, 1985 by Representative DIAMOND of Bangor.

PENDING - Adoption of Committee Amendment "A" (H-214).

On motion of Representative Diamond of Bangor, retabled pending adoption of Committee Amendment "A" and tomorrow assigned.

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

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

TABLED - May 29, 1985 by Representative SMITH of Mars Hill.

PENDING - Passage to be Enacted.

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

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

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

TABLED - May 29, 1985 by Representative DIAMOND of Bangor.

PENDING - Final Passage.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I move indefinite postponement of this Resolve and all its accompanying papers.

This Resolve was found to be unconstitutional by some of the legal people throughout the statehouse here so, therefore, I am moving that it be indefinitely postponed.

While I am on my feet, I would like to point out one of the reasons why I had a bill in that was going to make the registrar of deeds pay on a timely fashion all monies they receive to the county treasurer. During a hearing and subsequently since that hearing, we have found that the counties of Kennebec, Washington and Sagadahoc registrar of deeds do not invest any money that they receive whatsoever, absolutely nothing. The money sits in a non-interest bearing account. I would like to read from July of 1984 what just in transfer tax alone those counties had. The County of Kennebec took in \$12,460.80 for transfer tax. That money did not have to go to the state until the 10th day of the month, which was \$10,973. Of that, they kept \$1,869. \$12,000 sat in a non-interest bearing account for almost 10 days. The County of Sagadahoc was \$3,872 in a non-interest bearing account. The County of Washington, \$2,413.95. There are counties out there that I think the Committee on Local and County Government found out that they are not investing at all. One of the questions put to them was, why couldn't they do that and they said, it is tough to do that on a daily basis. They said they only have a staff of three in one county and I think that was the County of Knox, who was more or less the leader in registry of deeds. Those monies that I just quoted to you, if they are average revenues, the previous legislature doubled the transfer tax so that now the County of Kennebec, if they averaged \$12,000 in the month of July, will now average the \$24,000. There is \$24,000 that won't be invested. We talk about small business in this House and we talk about small business throughout the state; you show me a small business that doesn't invest \$24,000 and I will show you a business shouldn't be in business.

I would hope that maybe down the road we could come out with a Joint Resolution and maybe inform these registry of deeds throughout the state that they should be investing their monies, not only the registry of deeds monies to deal with transfer tax but I think also the monies that they get from other sources of income.

This bill has been in for three terms simply because it was discovered that my county, the County of Cumberland, was not investing. I will give you an idea -- Cumberland County in July of 1984 took in \$49,000 in just transfer taxes alone. In the last two years they have been investing, not only on a weekly basis but on a daily basis.

I don't accept the fact, because Cumberland is the biggest that they can do it. Small business can do it, so can't small registry of deeds through all the State of Maine. I would hope that when you go back to your counties, you would start looking at the monies that could be invested. The small, little town of Manchester, where Representative Daggett is a Selectman, he told me that just in that small, little town last year, in interest they gained \$14,000, that is a pretty good sum of money so I would hope that when you go back to your counties, you would explain to them that if they don't start doing it, the Local and County Government Committee next term will be putting a bill out most likely to say that you had better start doing it.

Whereupon, the Resolve was indefinitely postponed.

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

Bill "An Act to Further Competition in the Liquor Trade" (H.P. 1119) (L.D. 1615)

TABLED - May 29, 1985 by Representative HIGGINS of Scarborough.

PENDING - Passage to be Engrossed.

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

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

Bill "An Act to Restructure the Duties and Funding of the Maine Land Use Regulation Commission" (S.P. 606) (L.D. 1600)

TABLED - May 29, 1985 by Representative HAYDEN of Durham.

PENDING - Motion of Representative HARPER of Lincoln to Reconsider whereby Senate Amendment "A" (S-136) was Indefinitely Postponed. (Roll Call Requested)

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 of Lincoln, Representative Harper, that the House reconsider its action whereby Senate Amendment "A" was indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 110

YEAS:—Aliberti, Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bott, Bragg, Brown, A.K.; Cahill, Connors, Crouse, Davis, Dellert, Dillenback, Drinkwater, Farnum, Foss, Foster, Greenlaw, Harper, Hepburn, Hichborn, Higgins, L.M.; Hillock, Ingraham, Jackson, Jalbert, Kimball, Lander, Law, Lawrence, Lebowitz, Lisnik, Lord, MacBride, Masterman, Matthews, Mayo, McPherson, Mills, Murphy, E.M.; Murphy, T.W.; Nicholson, Nickerson, Paradis, E.J.; Parent, Pines, Randall, Rice, Ridley, Salsbury, Scarpino, Sherburne, Small, Smith, C.B.; Smith, C.W.; Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Taylor, Telow, Webster, Wentworth, Weymouth, Whitcomb, Zirkilton.

NAYS:—Allen, Baker, H.R.; Beaulieu, Bost, Boutillier, Brannigan, Carrier, Carroll, Carter, Cashman, Chonko, Clark, Coles, Connolly, Cote, Crowley, Daggett, Descoteaux, Diamond, Duffy, Erwin, Hale, Handy, Hayden, Hickey, Higgins, H.C.; Hoglund, Holloway, Jacques, Joseph, Lacroix, Macomber, Manning, Martin, H.C.; McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, O'Gara, Paradis, P.E.; Paul, Perry, Pouliot, Priest, Racine, Reeves, Richard, Rioux, Roberts, Rolde, Rotondi, Ruhlén, Rydell, Simpson, Soucy, Stevens, P.; Swazey, Tammara, Tardy, Theriault, Vose, Walker, Warren, The Speaker.

ABSENT:—Brodeur, Brown, D.N.; Callahan, Cooper, Dexter, Gwadosky, Kane, Moholland, Seavey, Willey.

69 having voted in the affirmative and 72 in the negative with 10 being absent, the motion did not prevail.

Whereupon, the Bill was passed to be engrossed in non-concurrence and sent up for concurrence.

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

SENATE REPORT - "Ought to Pass" as amended by Committee Amendment "A" (S-129) - Committee on Legal Affairs on Bill "An Act Relating to Absentee Voting" (S.P. 32) (L.D. 33)

- In Senate, Report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-129) as amended by Senate Amendment "A" (S-144) thereto.

TABLED - May 29, 1985 by Representative DIAMOND of Bangor

PENDING - Acceptance of Committee Report.

On motion of Representative Diamond of Bangor, retabled pending acceptance of the

Committee Report and tomorrow assigned.

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

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

- In House Passed to be Engrossed as amended by Committee Amendment "A" (H-155) on May 23, 1985.

- In Senate, Failed of Passage to be Engrossed.

TABLED - May 29, 1985 by Representative DAVIS of Monmouth.

PENDING - Further Consideration.

On motion of Representative Diamond of Bangor, retabled pending further consideration and later today assigned.

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

Bill "An Act to Increase Fees for Licenses Issued by the Department of Marine Resources" (H.P. 761) (L.D. 1081) (C. "A" H-237)

TABLED - May 29, 1985 by Representative SCARPINO of St. George.

PENDING - Passage to be Engrossed.

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

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

Bill "An Act to Authorize Aroostook County to Raise \$2,100,000 for Renovations and Additions to the Aroostook County Jail" (S.P. 617) (L.D. 1628)

TABLED - May 29, 1985 by Representative McHenry of Madawaska.

PENDING - Passage to be Engrossed.

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

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

HOUSE DIVIDED REPORT - Majority (8) "Ought Not to Pass" - Minority (5) "Ought to Pass" as amended by Committee Amendment "A" (H-220) - Committee on State Government on RESOLVE, to Establish a Study Commission on Government Competition with Private Enterprise (H.P. 996) (L.D. 1433)

TABLED - May 29, 1985 by Representative DAVIS of Monmouth.

PENDING - Acceptance of Either Report.

On motion of Representative Diamond of Bangor, retabled pending acceptance of either report and later today assigned.

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

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

TABLED - May 29, 1985 by Representative DIAMOND of Bangor.

PENDING - Passage to be Engrossed.

Representative Bost of Orono offered House Amendment "A" (H-210) and moved its adoption.

House Amendment "A" (H-210) was read by the Clerk.

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

Representative CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair. I wonder if the sponsor of the amendment could explain it.

The SPEAKER: The Representative from Portland, Representative Connolly, has posed a question through the Chair to the sponsor who may respond if he so desires.

The Chair recognizes the Representative from Orono, Representative Bost.

Representative BOST: Mr. Speaker, Ladies and Gentlemen of the House: This is simply an amendment that is presented on behalf of the

Committee on Bills in the Second Reading. It amends the bill in Section 2 by inserting after the amending clause the following: "(a) application for abatement." This is simply a technical amendment.

Whereupon, House Amendment "A" was adopted.

Representative Strout of Corinth offered House Amendment "B" (H-236) and move its adoption.

House Amendment "B" (H-236) was read by the Clerk.

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

Representative CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair. I wonder if the sponsor of this amendment could explain what it does.

The SPEAKER: The Representative from Portland, Representative Connolly, has posed a question through the Chair to the sponsor of the amendment who may respond if he so desires.

The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I thought maybe this was going to be adopted without any discussion. I couldn't support the original bill as presented but in the spirit of compromise, I offered this amendment today which basically says that on the first lien notice we would agree to let a notice go on that the people may apply for abatement due to poverty or infirmity during the 18 month period. My concern is putting this notice on the last 30 days before foreclosure. It puts the municipal officials and the councilmen across the state in a short time situation where they have to make a decision on abatement. If we allow this to go on the first lien notice, there is always a chance that those people who may have problems during that 18 month period will rectify those problems and the municipalities may be able to sit down with individuals and work out arrangements where these requested abatements could be taken off before the property becomes tax acquired.

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

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

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

TABLED - May 29, 1985 by Representative DIAMOND of Bangor.

PENDING - Passage to be Engrossed.

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

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

HOUSE DIVIDED REPORT - Majority (10) "Ought Not to Pass" - Minority (3) "Ought to Pass" as amended by Committee Amendment "A" (H-204) - Committee on Legal Affairs on Bill "An Act Relating to Forcible Entry and Detainer Actions" (H.P. 409) (L.D. 562)

TABLED - May 29, 1985 by Representative REEVES of Pittston.

PENDING - Acceptance of Either Report.

Representative Reeves of Pittston moved acceptance of the Majority "Ought to Pass" Report.

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

Representative CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: I hope you vote in opposition to the motion to accept the Majority "Ought to Pass" Report so we can go to the "Ought Not to Pass" Report. If you will notice, the report on that particular bill was

10 to 3 against accepting the bill. I would like to give you a little information as to what the bill is all about.

First of all, if you own an apartment building and you have a situation where your son or daughter gets married and you want to get somebody out of there in order to give them a rent, it will be extremely difficult to do so. Right now you can do it and you can do it easily if there is a good reason.

The bill extends the just cause situation, which is not explained too much in the bill itself. When you come to just cause, you are really facing a hard situation to explain what just cause is. In this particular bill, if I have somebody that I want to rent one of my properties to, I can give them a 30 day notice and have them out and probably put my mother in there or my sister or whatever. There is nothing wrong with that. There is nothing wrong that I might have \$50,000 invested in the property and that I should at all times maintain control of the property by maintaining who lives there. I suggest to you that this is not a good bill. This is a bad bill and I think the members of the committee have recognized it by coming out with a 10 to 3 against the bill.

I hope that you vote against the present motion and then we can make the motion to accept the "Ought Not to Pass" and get rid of that awful bill.

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

Representative DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: It has been some time since I rented property. However, I find that 30 days is an ample notice. Usually, what happens after you give a 30 day notice, they go to the judge or to the court and ask for an extension because of hardship and it might take six months to get somebody out of the place. I think it is ridiculous to ask another 30 days in this bill and I voted against it and I hope you will too.

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

Representative CONNOLLY: Mr. Speaker, Members of the House: I beg to differ with the two previous speakers. I am the sponsor of this legislation. The bill was before the Legal Affairs Committee for a considerable amount of time and while the committee was not able, in the final analysis, reach an agreement on a solution to the problem, I do appreciate the time and the effort that the committee and their staff people put into working on the legislation.

The bill, as it has been amended considerably by the committee, is a very, very modest proposal. The legislation will still allow landlords to evict tenants, as they can now with 7 days notice, if a tenant is late in paying their rent. The bill, as it has been amended, would still allow landlords to evict tenants with just 30 days notice for the usual reasons that tenants are evicted, if they damage the property, if the building is going to be condemned or there are criminal activities going on in the building, those usual kinds of things that occur. The bill makes one, and granted it is small, but it makes one forward, progressive change in the existing procedures that landlords are allowed to use when they evict a tenant. What the bill says, and it only applies to those landlords who own five or more units, is that if a landlord does not have a cause, if he doesn't have one of those reasons that I have already laid out for you, if he simply wants to evict the tenant arbitrarily, instead of giving 30 days notice that he is required to do right now, he must give the tenant 60 days notice. It is a reasonable approach, it affords a reasonable protection to that euphemistic, good tenant, who is facing eviction, who has not been a bad tenant and needs that time in which to find a place to live.

The reason that the bill was introduced was

because there are, in certain instances right now, a great unfairness in the eviction process and, in some cases, tenants are unfairly and arbitrarily evicted. It would be unfair for me to say that all landlords abuse their tenants and abuse the eviction process and it would be unfair of me to say that even a majority of landlords act that way but there are 'some' landlords, who for no good reason, arbitrarily evict their tenants.

When testimony was given to the committee, there were numerous examples of tenants being unfairly evicted. Tenants were evicted because of age; tenants were evicted because of the racial makeup of the family; tenants were evicted because they recently came from an institution and are now living in the community; tenants were evicted because they were poor; tenants were evicted unfairly because they have to rely on General Assistance. Every single one of those items is prohibited by current law but the landlords are able to use a loophole if they want to evict a tenant for one of those reasons by simply giving a 30 day notice without giving any reason whatsoever and that is what this bill attempts to try and deal with.

There are housing crises particularly for poor families with children in the State of Maine -- it occurs, and I see it probably more often than some of you because I come from the city of Portland and prices in the city of Portland are fairly severe -- the phenomena, and I think Representative Murphy spoke about it on another bill yesterday, in Portland and coastal areas of the state, not just in the southern areas of the state but also moving up the coast to the Rockland, Ellsworth area, is described by the Social Scientist as gentrification; we refer to it in my neighborhood as 'yuppyization' -- this is a phenomena that has been occurring in the west end of Portland and in the Munjoy area of Portland in the last three or four years. Large numbers of young, professional people are moving into the city, they are buying apartment buildings, they are evicting tenants and if they don't turn the buildings into condominiums after they complete the renovations in the apartment building, then they are charging rents, three, four and some cases five times higher than was charged before. The families that typically lived in those housing units are now no longer able to afford that housing. That phenomena is beginning to spread across the state in certain areas and when you couple that situation with the massive cutbacks in federally subsidized housing programs that are coming down from Washington, it doesn't take anyone, I think, who is less than a genius to understand what the problem is as far as poor and lower middle income families are concerned.

This legislation is not going to correct that situation but it is going to put some kind of fairness in the eviction process. When this bill was originally presented to the committee, the committee took a great deal of interest in it and they instructed the Landlords Association and those of us who were supporting it to try and work out an agreement that would be acceptable. We sat down with the fellow who represented the Landlord Association, a fellow who owns a great deal of apartments in the city of Portland, a very reasonable landlord, and we worked out an agreement that was acceptable to both sides. We went back to the Legal Affairs Committee and presented it tentatively to them and initially everybody on the committee that we talked with agreed that this was an acceptable proposal. However, the fellow who represented the Landlords Association went back to the association and those folks, in my opinion anyway, have an unreasonable attitude about this whole situation. They told him, no, even this compromise is not acceptable and they went back to the Legal Affairs Committee and, at that point, a compromise which appeared to have unanimous agreement

in the committee, fell apart. After that occurred, the bill was even watered down further and the bill now only applies to those landlords who own more than five units and it allows landlords to evict people in 30 days, if they have a legitimate reason, in the case of non-payment of rent. If the landlord doesn't have what the Representative from Westbrook described a good cause, he can still evict a tenant, the only difference is that he has to give 60 days notice.

In all the years that I have been in the legislature, there has been a historical antagonism between landlords and tenants. One member of the committee described to me, and I think he is right, at least on some issues that come before this House, sometimes we have legislation by anecdote. All of us have a story, we know somebody in this case, we know a bad landlord or we know a bad tenant and that might color our perspective on this issue. What this bill is all about is a question of fairness. It is a reasonable, it is a modest proposal and I would hope that you would support the motion that is pending.

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

Representative PERRY: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to my committee chair on this particular bill because having been neither a tenant nor a landlord and having listened to all testimony, for and against, I see a good balance presently between landlords and tenants. Let us not disturb the balance. I urge you to support the Majority Committee Report.

This bill gives the tenant an extra 30 days to stay in the apartment. Under this present law, landlords usually charge a month's rent security deposit; if the law changes, I am sure the landlord would require two months rent and this, in a lot of cases, would not be affordable to a lot of people. I would like to leave it alone and, in a lot of cases, when the landlord gives the eviction notice, that is the last time he sees any rent coming.

I urge you to defeat the present motion and support the "Ought Not to Pass" Report.

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

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

I would like to ask this question, and this is based on an actual fact, it actually happened to me -- as some of you may know, the old farm homestead burned down this summer, which my son was living in, and fortunately, we had another house on the farm that we were renting. When the place burned down, my son had no place to live and the people realized the predicament that we were in and they voluntarily moved somewhere else but suppose if this law goes into effect, would we have to wait 60 days to have gotten this tenant out of there?

The SPEAKER: 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 Pittston, Representative Reeves.

Representative REEVES: Mr. Speaker, Members of the House: In answer to that question, no. One of the reasons for eviction is change of use and that would certainly involve your need to use that rental unit for a member of your family or for any other purpose. Number six say, "condemnation, change of use or removal from the rental market of the rental unit."

What this amendment to the bill does is that it changes the current eviction procedures for residential tenants to make them similar to the current procedures that govern evictions from mobile home parks and it is a two tiered system providing just a slightly longer notice, 30 days more notice, if you want to go through an evic-

tion without cause procedure. The list of causes for evicting is pretty complete, non-payment of rent, utility charges of reasonable incidental service charges, failure of the tenant to comply with local ordinances or state or federal laws or regulations relating to rental residential property, damage by the tenant or his invitees to the property, repeated conduct of the tenant on the property, which disturbs the peace and quiet or the safety of other tenants in the building, failure of the tenant to comply with any reasonable written rules established by the landlord in the rental agreement at the start of the tenancy, condemnation, change of use, which covers anything else you might need to use your property for or removal from the rental market, renovation or reconstruction of any portions of the building and under any other terms and expressed conditions in the original lease so anybody who rents can put special terms in also. This list of evictions for just causes is tried and true. It is already in the statutes for people who rent in mobile home parks. The amendment that was added was to then say you can still have an eviction without cause of 60 days notice so it seems like a pretty modest proposal and it is a proposal that is already in law. Those of us who support it think that it covers just about every contingency that you could reasonable want to evict someone for.

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

Representative BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I would ask you to go along with the request of Representative Connolly at this point in time. I have no alternative but to stand and ask you to support his efforts. I happen to represent a district where the impact has been extremely serious and is continuing to increase. In this past year, I have been able to document from 83 cases, in one year's time, of people who have been told that they have to leave their apartment and many times without very good cause. Why? Out of state investors, group investors coming in and buying homes, converting apartments, raising the rent to the point where the people cannot afford to live there any longer. Of the 83 that were told they had to leave, some of the landlords were most reasonable and did not put them under the hammer of the 30 days; however, some were not. There just is not any available housing situations in a community like mine. There is one instance, for example, where a developer went to a planning board and advocated and got their permission to build housing, middle income housing. After they secured all their permits and all the permissions that they needed, they came back to city hall, simply announced that what they were planning to build as affordable apartment units are now going to be condominiums and there was nothing my community could do about it. I put in two bills this year to try to do something to help people in my particular community. Those bills were given "Ought Not to Pass" Reports by the same committee who is bringing to you a Minority Report. People need to have time to be able to find alternative housing.

In the Munjoy Hill area, what used to be an affordable housing unit of \$260 or \$250 a month, pay your own utilities, is now going for \$400 a month plus pay your own utilities and no major renovations to those buildings. The buildings are looking better because they are putting aluminum siding over rotting wood. I feel that, unfortunately, you may look at this as a big city bill — well, it is a big city bill from where I stand because I happen to live in a big city and I happen to see what is happening to my people so I urge you — we are not asking here for anything that is unreasonable, these people deserve a chance and I ask you to go along with what Representative Connolly is asking for. As a matter of fact, I plead with you

to do that.

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

Representative DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: My good friend, Representative Connolly, has made some very strong arguments in favor of this bill but, unfortunately, the problem cannot be solved by an additional 30 days. We have the problem of the landlord's cost also increasing, which the other speaker made reference to. They cannot afford to have people in these tenements or in these houses who are disrupting their property. I know what Mr. Connolly has just raised his hands about, but the problem is, we do have disruptive people going into these apartments. Some of these people have parties, they are up all night, they cause problems and what do you do about these people? I would like to have a legal mind in this House tell me how you evict a person even though the law says that, if they are disrupting, if they are doing something that is incorrect, how do you enforce it? It is their word against your word. Consequently, you have a greater problem, you have to go to the court. When you go to the court, you know what the problem is, it is delay, there is cost, there is money involved, so this isn't an easy, simple matter. I am sorry that the people have no place to go. I am very upset that taxes in the City of Portland have gone up, that the plumbers are getting \$17 and \$18 an hour, the carpenters are getting more money, the economy has caused this. Unfortunately, we have a group of people who cannot find a place to live but giving them additional 30 days is not going to correct this problem.

So, I voted against this bill because I think we have a good law on the books presently. I see no reason to extend it any further.

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

Representative CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to the previous speaker and he is my good friend, we just happen to have a disagreement on this one. This bill does not change anything with respect to the tenant who damages an apartment with respect to that euphemistic bad tenant except in one small way, if the tenant does destroy the apartment or damage the apartment, if the landlord wants to evict them in 30 days, and only if the landlord owns five or more units, will then have to go to the judge and say, your honor, I am evicting this tenant because the tenant damaged the apartment and this is what I have to prove it. If the landlord owns four apartments or less, then this does not apply. The landlord can still evict in 30 days without any reason. All right? But it does provide some protection for that so-called good tenant, that tenant that paid his rent, that doesn't damage the apartment and doesn't do any of the other bad things that normally are associated with eviction and it would prevent the so-called bad landlord from arbitrarily being able to say, hey, you are out the door in 30 days and I am not going to give you any reason whatsoever.

The original bill said that, unless you had good cause, you wouldn't be able to evict at all and the compromise that was worked out tried to appease some of the folks in the Landlords Association was to give an additional 30 days. This proposal is not going to hurt landlords, it is a good proposal. I would urge you to support it.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would like to respond to Representative Ridley's question. I feel as though that he did not change the use of that house so, therefore, he

could not get those people out. It would have been a problem for him to move them out in order to move in his son, daughter or any member of his family or anyone else for that matter.

What this bill really does is take away your tenancy at will. It almost tells you who you can rent to, when, how you can get them out and it completely controls landlords. You go from 30 days to 60 days on a notice and there is a list in the amendment here of 'just causes' and some of these are reasonable but nevertheless, if you just want your apartment for your elderly parents or whoever you might want it for, there is no way that these people have to move. We all know, even if they don't pay their rent — they say, evict them in seven days, if you can get them out in 90 days, you are very fortunate because they will stay there, they will go through the court and they have free legal advice and you are paying for yours.

I urge you to vote for the majority "Ought Not to Pass" Report.

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

Representative CARRIER: Mr. Speaker, and Members of the House: For a few minutes I would like to talk about the practical side of things. I would like to refer back to the question that Mr. Ridley asked and the answer, in my opinion, is the same as Mrs. Murphy's. If I had spoken before she did, that is what I would have said. I would add a little more to it.

If your son had tried to put these people out, he would have had the usual 30 day notice. Assuming these persons are that certain type that knows about all the freebies, you would have, in my opinion, to give them a 60 day notice. Let me remind you ladies and gentlemen, that unless you have been through it, the day that you give notice for eviction is the day that the payments stops. That means that you can lose 60 days of rent. Besides that, if they don't get out on their own, it will take you another two weeks or three weeks to get them out of there. It will cost you legal fees up to the amount of \$200 or \$300.

Now to make it more complicated, assuming that that present property you own, you furnish the utilities, and the tenants are there for 60 days or more, you cannot shut off the utilities even if they don't pay you. Now, how 'just' is this? I just don't believe people could promote such a foolish bill, really.

We talk about unreasonable attitudes, probably from the landlord to the tenants, and there is some unreasonable attitudes and I am not here to shelter the landlords in any way, if they aren't any good, poke it right to them; and if the tenants aren't any good, poke it to them too.

The proposition that is offered here today is one that you have no control over the money that you have invested. Let's put it this way, would you want somebody to come around and tell you what you are going to do with your house, aside from the local city officials as far as a decent living is concerned. I don't think you would. I do think it hurts that much more when you have some of your hard earned money invested into a property and then, if you are acting in a decent way, that you cannot get rid of the bad people within a reasonable time.

I suggest to you that the ones that are so concerned about these people — I will sell you some property — I will have some of my friends sell you some property — go in with all your goody everyday affairs and get all of those people in there and you absorb the loss. I have absorbed enough loss along with the other people that make investments. If you have good tenants, you don't have to worry. The ones that own property want good tenants and they are justified in wanting good tenants. I think that this is the whole crux of it, that if people go in there and they behave, they pay their rent

on time and everything else, that they don't have to worry about having to move. If they have to move because of making condominiums or other things, hey, that is the way life is today. There are a lot of things that I don't like being done but I have to live with it. As far as raising the numbers or minimizing the numbers of rents that you have, if you have a five room rent today and you cut it down to two rooms and bath, financially, you are going to get just as much as you do for five rooms. If you have a cash investment in that particular property, you have to get your income and, if you don't, you are going to take it out and put it in the bank and probably have somebody take that building and turn it into offices, that doesn't produce rent. A lot of well meaning laws that have been passed here, as far as tenants and landlords, which were passed in this House previously, have not worked. Five years ago, ten years ago, people come here, we have no rent here, we have no rents there. Well, you have less rents over there. I have owned property in Portland. You have less rents in Portland than you had before. Why? Because on the practical side of things we have passed laws — I didn't vote for them — but we have passed laws in here that you think you are going to take care of all the situations but they do not.

People who own their property and they want to turn them into condominiums or — if I want to rent to Representative Connolly, it is my business; if I don't want to rent to him, I don't have to, I don't want to be forced to rent to anybody. If I want to leave it empty, that is also my business. Lots of time we go beyond that, which is not reasonable, such as burning it down.

I could go on forever and tell the truth of how things are but, let's forget this fairness affair. If you want to talk about fairness, talk about my money that I have earned and invested into a property to make money but I won't go back to that subject. Let's talk about that kind of fairness.

I move the indefinite postponement of this bill and all its papers and ask for a roll call.

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

Representative BOUTILIER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair.

I would like to ask the chairman of the committee, if we make this change in the law and notice is given and the tenant then refuses to pay the rent, what will be the change as far as days of eviction and, if any, what will they be?

The SPEAKER: Representative Boutilier of Lewiston poses a question through the Chair to the chairman of the committee who may answer if she so desires.

The Chair recognizes the Representative from Pittston, Representative Reeves.

Representative REEVES: Mr. Speaker, Ladies and Gentlemen of the House: The present law says that, when rent is 14 days overdue, a tenant may be evicted upon the receipt of written notice within seven days and that still applies.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Paul.

Representative PAUL: Mr. Speaker, Ladies and Gentlemen of the House: I have been sitting here listening to this debate and, after having spent 26 years as a policeman, I can tell you I have been on a few house calls. I realize that there are two sides to every issue and I have seen those. I am one of the members of the Legal Affairs Committee, one of the ten that voted "Ought Not to Pass" and I can see with this bill, especially the amendment, that there undoubtedly will be a lot of court cases should this bill become law.

The amendment states that this is a two

tiered system providing a slightly longer period for tenants to vacate. The tenant, presently, has 30 days. If I was a landlord, I don't believe allowing another 30 days would be considered a slightly longer period, I think I would be giving a tenant 30 days free rent.

I hope you vote against the motion on the floor.

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

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

The proponents of this bill have given us a pretty good scenario as to the problems that are encountered in the rental market in Portland—would like to ask those same proponents, granting an additional 30 days under this legislation, what would do to alleviate that housing problem?

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

The Chair recognizes the Representative from Portland, Representative Connolly.

Representative CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: In response to the question, this bill in and of itself would not do anything to alleviate the problem but because the problem is so severe, because there is such a shortage of affordable housing for lower income people, what this would do for the good tenant is allow an additional 30 days in which to try to find an apartment. If you get a notice that says you have to be out in 30 days, that is a very, very short period of time to find an apartment particularly if you have children. The whole point of this is to provide additional time for those people who are considered good tenants and that they would have the opportunity to find a place to which they can move.

While I am on my feet, a couple of things that I would like to correct. In the situation that Mr. Paul and another speaker referred to about this bill just allowing another 30 days where a person could rent free, there is a provision in the law, as Representative Reeves has already said, that doesn't change that. If a tenant doesn't pay a utility or is behind in their rent and that goes on for 14 days, it can then be a seven day notice to evict. You don't even get the 30 days, let alone the 60 days, if you are behind in your rent or your utilities so I hope, Representative Carrier, that you understand that it covers that situation.

As far as Representative Ridley's situation is concerned, there are two responses to that: (1) Representative Ridley would be able to do just what he did because he owns less than five units. I sent him a note and he wrote back and said that he only has one unit. Then Representative Reeves is right, he can take it off the rental market and provide it to his family presumably at no charge to the family until they get back on their feet and that is a change of use as defined in the legislation.

As I said earlier when I got up and spoke on the bill, there has been this historical antagonism, it is the age old question of property rights versus the right of someone to have a place to house themselves and their families and this bill, as I have said four or five times already, is a modest proposal. I don't think that we need to debate it anymore but I would like to vote against the motion to indefinitely postpone it.

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

Representative BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I would like to bring another perspective. Of the 83 people who were displaced this year in my particular district on Munjoy Hill, more than half of those people were middle income people so this is not a low income people bill. I just cannot com-

prehend why anyone would not want to be able to allow someone 30 days extra to be able to try to self-help themselves to try to find a decent place to live in a community like mine or yours. If I were given an eviction notice and I was allowed 60 days as opposed to 30 days, you can better believe it that I have to pay my rent if I get that extra 30 days. If I don't pay my rent, then I can be evicted with 'just cause' because I am no longer a good tenant. I just don't know how to impress you with the terrible problems that we are facing in large communities to raise housing and I really feel that this bill is to protect those good tenants and they are in the majority, not in the minority, ladies and gentlemen.

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

Representative BOTT: Mr. Speaker, Men and Women of the House: The good gentlemen from Portland, Representative Connolly, talked about the historic antagonism between landlords and tenants and I would say to you that that historic antagonism has produced a very delicate balance. It would seem to me that the way to address the shortage of housing would be put more rental units on the market which would mean more landlords getting into the act. If we tilt the balance too far against the landlords and add to the difficulties in providing units for rental housing that we might have less landlords and this problem might even get worse. I think that there is a historical balance here and that is why I joined the other majority members in urging you to indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Paul.

Representative PAUL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make a correction. I stated earlier that I would hope the members would vote to defeat the motion on the floor. That was incorrect. I wish to vote to support the motion on the floor.

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 indefinite postponement of the bill and all its accompanying paper.

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

Representative CASHMAN: Mr. Speaker, under Joint Rule 10, I would request permission to be excused from voting on this.

The SPEAKER: The Chair will grant this request of Representative Cashman of Old Town to be excused from voting pursuant to the Joint Rules and House Rules.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Connolly and inquires for what purpose the Representative arises?

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

Mr. Speaker, since this bill deals with classes of landlords, would anybody who is a member of this body, who is a landlord and owns five or more units, be in conflict with a vote on this legislation?

The SPEAKER: The Chair would advise the Representative from Portland, Representative Connolly, that a number of years ago, the legislature and the Governor signed legislation which took away the authority of the presiding officers to make decisions on conflict of interest. However, the Chair can read to any member present, if they would like, House Rule

and Joint Rules which deal with that issue and they can make their interpretation accordingly.

The Chair recognizes the Representative from Portland, Representative Connolly.

Representative CONNOLLY: Mr. Speaker, can I conclude from what you said that it would be appropriate for the Commission on Governmental Ethics to make a ruling on that question?

The SPEAKER: The Chair would advise the Representative from Portland that it would be if someone makes that request.

Representative CONNOLLY: Mr. Speaker, how properly can that request be made? Through the Chair or directly.

The SPEAKER: It can be made by any member of this body at any time or a member of the general public, pursuant to law.

Representative CONNOLLY: Directly to the Commission?

The SPEAKER: That is correct.

Representative CONNOLLY: If I am in order, since I intend to pose that question to the Commission, I would move that this bill be tabled for one legislative day.

The SPEAKER: The Chair would advise the Representative that the motion to table is not in order during a roll call and would further advise the Representative from Portland that the Commission refuses to meet in such order and, therefore, it would not make any difference anyway if you tabled it for a week.

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

Representative ERWIN: Mr. Speaker, I am unsure if I would be excused or not since a member of the other body that I am related to asked to be excused so perhaps I should too.

The SPEAKER: The Chair will read Joint Rule 10, which quite frankly, is very clear.

"No member shall be permitted to vote on any question in either branch of the legislature or in committee, whose private right distinct from public interest is immediately involved."

House Rule 19 reads as follows: "every member who shall be in the House when a question is put, where he is not excluded by interest, shall give his vote unless a presiding officer for reasons shall excuse him, and when the yeas and nays are ordered, no member shall leave his seat until the vote is declared; in all elections by the House, or on joint ballot of the two Houses, no member shall leave his seat, after voting, before a return of the House is had."

The Chair would advise members of the House that the Chair will grant permission at this time pursuant to those rules if anyone so requests. The Chair has already granted permission to the Representative from Old Town, Representative Cashman, to be excused from Voting. If the Representative from Rumford, Representative Erwin, wished to be excused, the Chair will grant that request.

Representative ERWIN: Mr. Speaker, I only have two units.

The SPEAKER: The Chair would advise the Representative that, as I remember, the legislation before us applies to landlords with five or more; therefore, there would be no need to be excused pursuant to the rules at this time.

The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative MURPHY: Mr. Speaker, I would like to pose a question also.

Does this also apply to tenants? Do they have an interest in this bill also?

The SPEAKER: The Chair would advise the Representative that she knows the answer to that question herself and I have made no determination as to whether or not members should be excused or not and that is entirely in your conscience and not in mine pursuant to state law.

The SPEAKER: The pending question before the House is indefinite postponement of bill and all its accompanying papers. Those in favor

will vote yes; those opposed will vote no.

ROLL CALL No. 111

YEAS:—Aliberti, Allen, Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bost, Bott, Bragg, Brown, A.K.; Cahill, Carrier, Carter, Clark, Connors, Cooper, Cote, Crowley, Daggett, Davis, Dellert, Descoteaux, Dexter, Dillenback, Drinkwater, Duffy, Erwin, Farnum, Foss, Foster, Greenlaw, Harper, Hepburn, Hichborn, Hickey, Higgins, L.M.; Hillock, Hoglund, Holloway, Ingraham, Jackson, Jacques, Jalbert, Joseph, Kimball, Lander, Law, Lawrence, Lebowitz, Lisnik, Lord, MacBride, Manning, Martin, H.C.; Masterman, Matthews, Mayo, McHenry, McSweeney, Melendy, Michael, Michaud, Moholland, Murphy, E.M.; Murphy, T.W.; Nicholson, Nickerson, O'Gara, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Perry, Pines, Pouliot, Racine, Randall, Rice, Richard, Ridley, Rioux, Roberts, Ruhlman, Salsbury, Scarpino, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Swazey, Tammara, Tardy, Taylor, Telow, Theriault, Vose, Walker, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton

NAYS:—Baker, H.R.; Beaulieu, Boutilier, Brannigan, Carroll, Chonko, Coles, Connolly, Crouse, Diamond, Hale, Handy, Hayden, Higgins, H.C.; Lacroix, McCollister, McGowan, Mills, Mitchell, Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, Priest, Reeves, Rolde, Rotondi, Rydell, Simpson, Stevens, P.; Warren

EXCUSED:—Cashman

ABSENT:—Brodeur, Brown, D.N.; Callahan, Gwadodsky, Kane, Macomber, McPherson, Seavey, The Speaker.

110 having voted in the affirmative and 31 in the negative with 9 being absent, and 1 excused, the motion did prevail.

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

Bill "An Act Concerning Absentee Voting at Designated Places" (H.P. 1105) (L.D. 1594)

TABLED—May 29, 1985, by Representative DIAMOND of Bangor.

PENDING—Motion of Representative MCCOLLISTER of Canton to Indefinitely Postpone Bill and Accompanying Papers.

On motion of Representative Diamond of Bangor, retabled pending the motion of the Representative from Canton, Representative McCollister, that L.D. 1594 and all its accompanying papers be indefinitely postponed and tomorrow assigned.

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

Joint Order relative to Joint Standing Committee on Education Reporting out a Bill relating to the Administration of Vocational Education (S.P. 622)

—In Senate, read and passed.

TABLED—May 29, 1985, by Representative NADEAU of Saco.

PENDING— Passage.

On motion of Representative Crowley of Stockton Springs, retabled pending passage and later today assigned.

Bills Held

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

Representative NELSON: Mr. Speaker, is the House in possession of: Bill "An Act to Mandate a Course in Cardiopulmonary Resuscitation in High Schools" (H.P. 257) (L.D. 311)?

(—In House, Adhered to Acceptance of the Majority "Ought Not to Pass" Report of the Committee on Education)

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

The Chair recognizes the Representative from Portland, Representative Nelson.

Representative NELSON: Mr. Speaker, I now

move that the House reconsider its action whereby the House adhered.

Men and Women of the House: I had asked before if the body would kindly allow me and the other sponsors the opportunity to meet in a Committee of Conference so that we could change the title and not mandate it and simply allow that opportunity for those schools and districts that don't know they have the opportunity to offer this course to do so.

So, I again ask this body to give me that privilege to meet with members of the other body so that we can come back with something that might be more acceptable to this body. The bill has no money attached to it. It would allow these people to set up a course if they wished in four years, plenty of time. I am asking again for the indulgence of this body to allow this group to meet in a Committee of Conference and come forward with something that would be palatable for the members of this House. Therefore, I hope you will vote with me on the motion to reconsider so we could go on to another motion.

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

Representative BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I believe that we have spent about as much time as this body needs to spend on this little bit of legislation that can already be considered in their own school units under local control right now without spending any more time on this foolishness. I hope you will vote against reconsideration of this.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Portland, Representative Nelson, that the House reconsider its action whereby the House voted to adhere. 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 70 in the negative, the motion did not prevail.

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

Representative MAYO: Mr. Speaker, is the House in possession of: An Act Relating to the Affixing of Indicia of Payment of Real Estate Transfer Tax (H.P. 764) (L.D. 1084)?

(—In House, Receded and Concurred to Indefinite Postponement.)

Representative Mayo of Thomaston moved that the House reconsider its action whereby the House voted to recede and concur.

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

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

Passed to Be Enacted

Constitutional Amendment

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment, and a two-thirds vote of the House being necessary, a total was taken. 104 voted in favor of same and none against, and accordingly the Resolution was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure

Later Today Assigned

An Act to Clarify and Correct Certain Laws Relating to Marine Resources Laws (H.P. 1066) (L.D. 1548) (H. "A" H-188)

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

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

Emergency Measure

An Act to Transfer and Allocate Funds to the Judicial Department for the Fiscal Year Ending June 30, 1985 (S.P. 546) (L.D. 1459)

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. 112 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 Later Today Assigned

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

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

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

An Act Concerning Misuse of Dealer Plates and Clarifications of Dealer Plate Provisions (S.P. 320) (L.D. 809) (C. "A" S-111)

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

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

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

A local new car dealer contacted me some time ago and was having some trouble because the state had cut down the number of dealer plates new car dealers could have, but does this have anything in it regarding the plates that a new car dealer can have?

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

The Chair recognizes the Representative from Fort Kent, Representative Theriault.

Representative THERIAULT: Mr. Speaker, Ladies and Gentlemen of the House: This bill concerns only marginal dealers, those that sell twelve or fewer cars a year. So, if this dealer is a full fledged dealer that would sell more than twelve cars, he would not be affected.

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

An Act to Establish Pilot Indigency Screening Units for Court Appointed Counsel (S.P. 336) (L.D. 899) (C. "A" S-91)

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)

An Act to Encourage A Viable Agriculture for Maine (S.P. 489) (L.D. 1316) (S. "A" S-114 to C. "A" S-105)

An Act to Amend the Maine Insurance Guaranty Association Act (S.P. 559) (L.D. 1488)

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

An Act to License Respiratory Care Practitioners (S.P. 591) (L.D. 1554)

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

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

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: Before we pass this measure, I would like to bring a few points to your attention for your consideration. The

power to license can be used to deny individuals the legal opportunity to earn livelihoods in their chosen field. This is an awesome power, one that should be exercised judiciously. I wonder again, as I did when we debated the dietitian bill, who will benefit by enactment of this bill? The practitioners or the public? Does the public need to be protected from incompetence? Have they caused harm to the public? If I felt licensure was needed to protect the public health, safety and welfare, I would be speaking in favor of enactment but I am not convinced we have a problem. It is my contention, respiratory therapists will be the major beneficiary of this licensing law. They will again gain an exclusive right to deliver the services they provide, then their board made up of fellow practitioners will use its powers to restrict entering into this field by probably setting high education and experience requirements and giving difficult tests. They could establish monopoly conditions, which will enable them to control the availability affecting the cost of the services that will be provided. Respiratory therapists work under the supervision of M.D.'s in a hospital environment, their actions are closely monitored by physicians and staff personnel in the same manner as other hospital technicians. I don't see where or how they could cause any harm that would have an adverse effect on the public.

Another problem that I have with this bill is lack of educational and training courses available to become a respiratory therapist. When I asked the question of where does one obtain the necessary educational courses to pursue a career in this field—I was informed the only courses available in the state are offered by SMVTI, which limits entry into this career. Respiratory therapists become qualified through on the job training. If the services performed represented a threat to the public, health and safety, extensive educational courses would be offered through our university system.

I would urge you to vote against enactment. Mr. Speaker, I request 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 passage to be enacted. Those in favor will vote yes, those opposed will vote no.

ROLL CALL No. 112

YEAS:—Aliberti, Allen Armstrong, Baker, A.L.; Beaulieu, Bost, Bott, Boutilier, Branigan, Brown, A.K.; Cahill, Carroll, Cashman, Chonko, Clark, Coles, Connolly, Cooper, Cote, Crouse, Davis, Descoteaux, Diamond, Dillenback, Duffy, Erwin, Foster, Greenlaw, Handy, Hayden, Hickey, Higgins, L.M.; Hillock, Hoggund, Holloway, Lacroix, Lawrence, Lebowitz, Lisnik, Manning, Martin, H.C.; Matthews, Mayo, McGowan, McSweeney, Melendy, Mills, Mitchell, Moholland, Murphy, T.W.; Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, Nickerson, O'Gara, Paradis, E.J.; Paradis, P.E.; Perry, Pines, Priest, Reeves, Rice, Rioux, Roberts, Rolde, Ruhlin, Rydell, Scarpino, Simpson, Small, Stevens, P.; Tammara, Taylor, Telow, Vose, Walker, Warren, Webster, Weymouth

NAYS:—Begley, Bell, Bragg, Carrier, Carter, Connors, Dellert, Dexter, Drinkwater, Farnum, Foss, Hale, Harper, Hepburn, Hichborn, Ingraham, Jackson, Jacques, Jalbert, Joseph, Kimball, Lander, Law, Lord, MacBride, Masterman, McCollister, McHenry, Michael, Michaud, Murphy, E.M.; Nicholson, Parent, Paul, Pouliot, Racine, Randall, Richard, Ridley, Rotondi, Salsbury, Sherburne, Smith, C.B.; Smith, C.W.;

Soucy, Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Swazey, Tardy, Theriault, Wentworth, Whitcomb, Willey, Zirkilton

ABSENT:—Baker, H.R.; Bonney, Brodeur, Brown, D.N.; Callahan, Crowley, Daggett, Gwadosky, Higgins, H.C.; Kane, Macomber, McPherson, Seavey, The Speaker

80 having voted in the affirmative and 57 in the negative with 14 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act Relating to Collective Bargaining over the Compensation System for State Employees (S.P. 594) (L.D. 1559) (H. "A" 208)

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)

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

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

RESOLVE, Authorizing the Town of Fort Kent to Convey its Interest in Certain Public Lands in Fort Kent, Aroostook County (H.P. 606) (L.D. 876) (C. "A" H-198)

RESOLVE, to Create a Greenbelt Area on the East Bank of the Kennebec in Augusta (H.P. 1017) (L.D. 1468) (H. "B" H-168)

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

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

Passed to Be Enacted

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

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

An Act to Allow Sheriffs' Deputies to Hold Nonpartisan Local Office (H.P. 366) (L.D. 486) (H. "A" H-148)

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

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

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

I would like an explanation as to what this bill does with the amendment.

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

Representative CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentleman's question, the bill allows sheriffs' deputies to hold certain offices and the amendment states what the offices are that they can't hold. They are selectmen, city councilman and budget committee person.

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

Later Today Assigned

An Act Concerning "Beano" or "Bingo" on Indian Reservations (H.P. 376) (L.D. 517) (C. "A" H-193)

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

On motion of Representative Diamond of Bangor, tabled pending passage to be enacted

and later today assigned.

An Act Relating to the Interdepartmental Committee and Children's Residential Treatment Centers (H.P. 425) (L.D. 605) (C. "A" H-205)

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

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.

Later Today Assigned

An Act Establishing a Tuition Waiver Program at State Institutions for Children of Firefighters and Law Enforcement Officers Killed in the Line of Duty (H.P. 478) (L.D. 681) (C. "A" H-176)

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

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

An Act to Restrict Certain Agencies with Respect to Purchases of Real Property (H.P. 630) (L.D. 774) (S. "A" S-125)

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

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

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

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

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

Would the sponsor or someone from the committee explain if this bill would mandate that sometime in the future the schools in Maine would have a breakfast program?

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

The Chair recognizes the Representative from Lewiston, Representative Handy.

Representative HANDY: Mr. Speaker, Ladies and Gentlemen of the House: The answer is no. As you will recall, this bill was recommended to the Education Committee and the committee unanimously reported out an amendment which was attached to the bill which only required that in those towns a public meeting be held and, in no way, does it mandate a breakfast program.

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

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

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

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

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

An Act to Expand the Inspection of Used Car Dealers Conducted by the Division of Motor Vehicles (H.P. 737) (L.D. 1046) (H. "A" H-190 to C. "A" H-184)

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.

Later Today Assigned

An Act to Encourage Retraction of

Defamatory Statements (H.P. 782) (L.D. 1115) (C. "A" H-202)

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

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

An Act to Provide Legislative Committees with Copies of Rules Proposed by State Agencies (H.P. 784) (L.D. 1117) (C. "A" H-196)

An Act to Expand the Victim's Rights Laws (H.P. 808) (L.D. 1154) (C. "A" H-175)

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.

Later Today Assigned

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)

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

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

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

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

An Act to Strengthen the Law Relating to Purchase of Foodstuffs from Maine Concerns (H.P. 920) (L.D. 1325) (C. "A" H-189)

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.

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

Passed to Be Enacted

An Act to Amend the Procedures of the State Board of Arbitration and Conciliation (H.P. 957) (L.D. 1377) (H. "A" H-212; C. "A" H-137)

An Act Relating to Municipal Regulation of Hazardous Waste and Chemical Substances (H.P. 961) (L.D. 1382) (H. "A" H-157; C. "A" H-138)

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

An Act 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 Engrossed Bills as truly and strictly engrossed.

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

Representative STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I ask you to take a good look at this bill before we make a terrible mistake. This bill, if passed into law, is actually against public policy because it would create a chilling effect on marriage. It would do the following: (1) it would discourage marriages that might otherwise legitimize illegitimate children; in other words, when a girl and a boy, unmarried, discover that the girl is pregnant and they go the Clerk's Office to pick up a marriage license and the young man reads on there this admonition, you are going to be held the rest of your life to support that child, it might make for a lot of illegitimate children in our state. You may laugh at that but it just isn't that funny.

(2) It will discourage the breadwinners from becoming stepparents to the detriment of a good many widows with minor children. Again, the prespective stepfather goes to the Clerk's Office, picks up this marriage license and is about to sign it when he sees this admonition, if you marry this girl, you are going to be bound

for the rest of your life to support her children.

(3) It will discourage rich people from marrying poor people.

(4) It will encourage abortions and pre-nuptial agreements to abort any unplanned pregnancy.

(5) It will exclude the physically handicapped people from marriage by suggesting that they will lose public benefits, for the marriage between two handicapped people would be actually illegal and void.

Stop and think of these considerations because each and every one of them is valid. I suggest to your further why not just put on the marriage certificate—"spousal rape is a crime."

Mr. Speaker, I urge we vote against enactment.

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

Representative McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: It may sound funny to some people but I have tried for six years, believe it or not, I have been wracking my brains of which I don't have many probably, to find ways to encourage people from getting divorced. I have been trying to find ways to get people off AFDC, food stamps and all these programs—these are concerns of my people and I do have a concern and every time I come up with a suggestion, that lawyers here say it is unconstitutional, you can't do this, you can't do that, I can't do a darn thing it appears, when it comes to divorced people. I was wondering why so I looked at the Department of Human Services and I think about half or may be more that are divorced, probably that is the problem. I even spoke to the Governor and then I realized that he also is divorced. I am serious, there are a lot of problems in this state, a lot of problems with divorce and I am trying in every way that I can to do something about it.

The good lawyer from Damariscotta has suggested that we should have shotgun marriages, which is against the law. I married a woman that had three children and I will support those children. These are my responsibilities. It is the law of the State of Maine that you are responsible for your children and your wife—what is so darn bad about putting it on the license and telling the people exactly where they stand. You have to go through lawyers and I don't think we should.

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

Representative DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I guess I was the only person that objected to this bill when it came out of committee but I had a different reason. I thought it was an insult to the intelligence of the people of the State of Maine that you have to put on a marriage certificate that you have to support you spouse and your children. I think it is ridiculous to think that by putting this on your marriage certificate that this is going to correct any evils or problems that we have in this state.

I thought that the vows you took were the things that judged you or gave you the direction in which you would take care of your wife and children.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I think the admonition to anyone should not be on the marriage certificate but on the divorce decree.

Representative Stetson 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 passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 113

YEAS:—Aliberti, Allen, Baker, H.R.; Beaulieu, Begley, Bost, Bott, Boutilier, Branigan, Carrier, Carroll, Carter, Cashman, Chonko, Clark, Coles, Connolly, Cooper, Cote, Crouse, Dellert, Descoteaux, Diamond, Duffy, Erwin, Handy, Hayden, Hichborn, Hickey, Jacques, Joseph, Lacroix, Lisnik, Manning, Matthews, Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, Moholland, Murphy, E.M.; Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, O'Gara, Paradis, P.E.; Paul, Perry, Priest, Racine, Randall, Reeves, Rice, Richard, Rioux, Roberts, Rotondi, Ruhlin, Rydell, Simpson, Smith, C.B.; Stevens, P.; Stevenson, Swazey, Tammara, Tardy, Theriault, Vose, Walker, Warren, Whitcomb, The Speaker.

NAYS:—Baker, A.L.; Bell, Bonney, Bragg, Brown, A.K.; Cahill, Crowley, Daggett, Davis, Dexter, Dillenback, Drinkwater, Farnum, Foss, Foster, Greenlaw, Hale, Harper, Hepburn, Higgins, L.M.; Hillock, Hoglund, Holloway, Ingham, Jackson, Jalbert, Kimball, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Martin, H.C.; Masterman, McPherson, Murphy, T.W.; Nicholson, Nickerson, Paradis, E.J.; Parent, Pines, Pouliot, Ridley, Salisbury, Scarpino, Sherburne, Small, Smith, C.W.; Soucy, Sproul, Stetson, Stevens, A.G.; Strout, Taylor, Telow, Webster, Wentworth, Weymouth, Willey, Zirkilton

ABSENT:—Armstrong, Brodeur, Callahan, Conners, Gwadosky, Higgins, H.C.; Kane, Macomber, Rolde, Seavey

79 having voted in the affirmative and 61 in the negative with 11 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Later Today Assigned

An Act Concerning Nomination Petitions for Unenrolled Candidates (H.P. 1063) (L.D. 1542) Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

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

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

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

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

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

An Act to Change the Sales Tax Treatment of Property Used in the Production of Tangible Personal Property (H.P. 1085) (L.D. 1576)

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

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.

Later Today Assigned

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

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

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

An Act Concerning Retail Sales of Beer and

Wine (H.P. 1093) (L.D. 1586)

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

The SPEAKER: The Chair recognizes the Representative from Island Falls, Representative Smith.

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: This bill has been sailing right along. I don't know how many of you have taken a look at it but what it does is --- a good friend of mine, who happens to be a lawyer, looked at it and said that he thought I was reading it right -- it opens up every hole in the wall that wants to sell beer. If you were selling pizza or subsandwiches, you can have the ingredients following a conference in the back room and qualify for a beer license. I don't know how the grocery stores feel about this but it seems as though they have to have a \$1,000 worth of merchandise on the shelves that is saleable to the consumers. In this case, it would be any ingredients that would go into the making up of the pizza or whatever you might be selling in sandwiches in the back room.

So, I would hope that we would give this indefinite postponement.

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

Representative REEVES: Mr. Speaker, Men and Women of the House: I hope that you will vote against indefinite postponement of this bill. At present, retail stores who want to be licensed to sell beer or wine can buy a license for \$250 for beer and \$250 to sell wine and they have to have stock of a \$1,000 worth of groceries in the store. Now, what this bill does is say that if part of the food stuffs which can be counted in the \$1,000 are consumable products used on or off the premises in the preparation of food for consumption on or off the premises, compatible merchandise shall be displayed in the general sales area except that the food stuffs and other consumable products used in the preparation of food are not required to be displayed and may be stored elsewhere on the premises. What it does is allow stores that do sell pizza and sandwiches to count those products that they are selling in the value of their \$1,000 worth of groceries when they apply for a license to sell beer or sell wine.

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

Representative BOUTILIER: Mr. Speaker, Men and Women of the House: This is my piece of legislation and would like to speak briefly on the bill. If you have watched my voting record, I would, in no way, in writing up this piece of legislation want to increase the sale of alcohol. My intent was to help those small businesses that are forced to have a \$1,000 literally rotting away on the shelves. Now, the stores that comply with this license procedure that sell groceries are going to be unaffected by this as there are a small amount of businesses out there that sell a high percentage of hot sandwiches, whether it be pizzas or subs and the like and they are forced to have the same \$1,000 requirement. What we have in these small stores is a just barely \$1,000 amount either behind the counter in the form of cigarettes or disposable razors or flashlight batteries or we have \$300 worth of paper towels or \$250 worth of Campbell's tomato soup sitting on the shelf collecting dust and never being sold. This is a waste, not only for the store as far as space, but it is a waste to the consumer who purchases the goods that have been sitting there for three or four months. It is also a waste for the distributor who has to put stuff on the shelf only to pick it up two or three months later at a cost to them.

It was a needed piece of legislation as far as a change in the law, it will not increase or decrease the stores that sell beer or wine, it will not increase or decrease the revenue to the

state because it allows for no change in license and I think it is a good piece of legislation.

Just to clarify, I will read the Statement of Fact of L.D. 1586 and I think that says it all. "The purpose of this New Draft is to provide that certain stocks of food stuffs and consumable products may be included in a retailers stock as compatible merchandise. For the purpose of obtaining a retail malt liquor or table wine license, this will affect only those retailers that do not have a stock of groceries but are required to maintain a stock worth a \$1,000 in compatible merchandise. This will eliminate the practice of stocking a \$1,000 worth of compatible merchandise, which is unrelated to the business, and is never sold. The stock of food stuffs must be on the premises but need not be displayed in the general sales area as is required of all other compatible merchandise."

My good friend from Island Falls raised the question of, would this allow them to have a window where they pass out beer and wine and hot sandwiches? No, the present law clearly is understood that they must have a display area, they must have a walk in area to provide that service.

I would hope that you would support the Majority Report.

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

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

Does this allow restaurants to sell takeout liquor?

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

The Chair recognizes the Representative from Lewiston, Representative Boutilier.

Representative BOUTILIER: Mr. Speaker, Ladies and Gentlemen of the House: I am not a lawyer and I am not a liquor enforcement officer but I would say with 99 percent assurance, no.

The SPEAKER: The Chair recognizes the Representative from Island Falls, Representative Smith.

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: It seems as though anyone doing business certainly wouldn't tie up money in a stock that wasn't going to move. If they did, they wouldn't be in business very long. It doesn't seem so anyway.

I further believe that we are opening the door -- I don't know about restaurants, I was kind of concerned about that myself, they certainly could have a \$1,000 worth of stock in the back and they could have a few on display out front -- would this open the door for them? I am thinking that maybe it will.

I am also concerned about those stores that did put in a stock of groceries to get the beer sales and now you are going to give them stiff competition. I hope you vote with me today.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Island Falls, Representative Smith, that L.D. 1586, be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

38 having voted in the affirmative and 73 in the negative, the motion did not prevail.

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

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

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

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.

Later Today Assigned

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

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

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

An Act to Allow the Town of York to Repair Private Roads Within Subdivisions (H.P. 1098) (L.D. 1592)

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

The Chair laid before the House the following matter: An Act to Improve the Functioning of the Maine Milk Commission (H.P. 918) (L.D. 1324) which was acted upon in error previously in the day.

The SPEAKER: The pending question before the House is passage to be enacted. In accordance with the provisions of Article V, Part First Section 8, Paragraph 3, of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 128 voted in favor of same and 6 against, and accordingly, the Bill as passed to be enacted, signed by the Speaker and sent to the Senate.

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

Consent Calendar

Second Day

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

(S.P. 468) (L.D. 1271) Bill "An Act to Ensure Reduced Telephone Rates for Volunteers and Nonprofit Organizations Serving the Deaf, Hearing Impaired and Speech Impaired" (C. "A" S-141)

(S.P. 495) (L.D. 1321) Bill "An Act to Authorize the Public Utilities Commission to Act on an Expedited Basis in Certain Cases" (C. "A" S-142)

No objections having been noted at the end of the Second Legislative Day the Senate Papers were Passed to be Engrossed as Amended in concurrence.

Passed to Be Engrossed

Bill "An Act to Prohibit Certain Practices Which Encourage Excessive Drinking" (S.P. 615) (L.D. 1614)

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

As Amended

Bill "An Act to Provide Protections to Boxers" (S.P. 613) (L.D. 1606) (S. "A" S-158)

Bill "An Act to Define Eligibility for School Purposes and to Determine Financial Responsibility for the Education, Care and Treatment of State Agency Clients" (Emergency) (S.P. 477) (L.D. 1284) (C. "A" S-139; S. "A" S-154)

Were reported by the Committee on Bills in the Second Reading, read the second time and Passed to be Engrossed or Passed to be Engrossed as Amended in concurrence.

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

Papers from the Senate

Non-Concurrent Matter

Bill "An Act to Reduce the Hours Required for Master and Journeyman Electricians" (H.P. 419) (L.D. 599) on which the House Insisted on its former action whereby the Majority "Ought to Pass" in New Draft under New Title Bill "An

Act to Reduce the Hours Required for Journeyman Electricians" (H.P. 1109) (L.D. 1612) Report of the Committee on Business and Commerce was read and accepted and the New Draft Passed to be Engrossed on May 29, 1985.

Came from the Senate, with the Body having Insisted on its former action whereby the Minority "Ought Not to Pass" Report of the Committee on Business and Commerce was read and accepted and Asked for a Committee of Conference in non-concurrence.

Whereupon, the House voted to join in a Committee of Conference.

Non-Concurrent Matter

Bill "An Act to Authorize an Award System to Aid in Coyote Control" (H.P. 858) (L.D. 1217) on which the Majority "Ought to Pass" as Amended Report of the Committee on Fisheries and Wildlife was read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-224) in the House on May 29, 1985.

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

On motion of Representative Smith of Island Falls, the House voted to insist and ask for a Committee of Conference. Sent up for concurrence.

Non-Concurrent Matter

Bill "An Act to Establish Confidential Communications Between Certified Public Accountants and their Clients Concerning Tax Matters" (S.P. 620) which was Referred to the Committee on Taxation in the House on May 29, 1985.

Came from the Senate, with that Body having Adhered to its former action whereby the Bill was referred to the Committee on Judiciary in non-concurrence.

The House voted to recede and concur.

Reports of Committees

Unanimous Ought Not to Pass

Representative BEAULIEU from the Committee on Labor on Bill "An Act to Reform the Maine Workers' Compensation System" (H.P. 757) (L.D. 1062) 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 DRINKWATER from the Committee on Judiciary on Bill "An Act Concerning the State Civil Rights Act" (H.P. 882) (L.D. 1239) reporting "Leave to Withdraw"

Representative COOPER from the Committee on Judiciary on Bill "An Act to Increase the Classification of the Crime of Gross Sexual Misconduct under the Maine Criminal Code" (H.P. 890) (L.D. 1279) reporting "Leave to Withdraw"

Representative ALLEN from the Committee on Judiciary on Bill "An Act to Require that all Land Boundary Dispute Cases be Submitted to the Superior Court and to Create a Surveyor Panel to Which the Cases may be Referred" (H.P. 682) (L.D. 968) reporting "Leave to Withdraw"

Representative CARRIER from the Committee on Judiciary on Bill "An Act to Make Small Claims Courts More Effective" (H.P. 966) (L.D. 1401) reporting "Leave to Withdraw"

Representative PARADIS from the Committee on Judiciary on Bill "An Act Concerning Maine's Debt Collection Procedure" (H.P. 664) (L.D. 947) reporting "Leave to Withdraw"

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

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

(Off Record Remarks)

On motion of Representative O'Gara of Westbrook.

Recessed until four o'clock in the afternoon.

(After Recess)

4:00 p.m.

The House was called to order by the Speaker.

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

Emergency Measure

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

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. 106 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 Clarify and Correct Certain Laws Relating to Marine Resources Laws (H.P. 1066) (L.D. 1448) (H. "A" H-188)

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. 109 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.

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

An Act Concerning "Beano" or "Bingo" on Indian Reservations (H.P. 376) (L.D. 517) (C. "A" H-193)

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

An Act to Encourage Retraction of Defamatory Statements (H.P. 782) (L.D. 1115) (C. "A" H-202)

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

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)

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

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

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

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

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

Representative HOLLOWAY: Mr. Speaker, Ladies and Gentlemen of the House: I have just reviewed the New Draft of that particular legislation and I am happy with it.

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

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

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

Papers from the Senate

The following Communication:
THE SENATE OF MAINE
Augusta

May 30, 1985

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

Please be advised the Senate today joined in a Committee of Conference on Bill, "An Act to Amend the Law Relating to Deputy Sheriffs, Appointments and Removal." (S.P. 312) (L.D. 801)

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 30, 1985

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

Please be advised the Senate Adhered to its previous action whereby it Indefinitely Postponed Bill, "An Act to Increase Consumers' Remedies under the Unfair Trade Practices Laws" (H.P. 715) (L.D. 1025)

Thank you.

Sincerely,
S/ JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

Ought to Pass as Amended

Report of the Committee on Labor reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-104) on Bill "An Act to Amend Certain Sections of the Employment Security Law" (S.P. 493) (L.D. 1319).

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-104) and Senate Amendments "B" (S-127) and "C" (S-151).

Report was read and accepted and the Bill read once.

Committee Amendment "A" (S-104) was read by the Clerk and adopted.

Senate Amendment "B" (S-127) was read by the Clerk and adopted.

Senate Amendment "C" (S-151) 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 Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-150) on Bill "An Act to Amend the Law Relating to Employment and Dismissal of County Employees" (S.P. 530) (L.D. 1425)

Signed:

Senators:

TUTTLE of York
BALDACCI of Penobscot
STOVER of Sagadahoc

Representatives:

McHENRY of Madawaska
ROTONDI of Athens
DAGGETT of Manchester
SMITH of Island Falls
HALE of Sanford
NICKERSON of Turner

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

Representatives:

MASTERMAN of Milo
SALSBUURY of Bar Harbor
WENTWORTH of Wells
MURPHY of Berwick

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-150)

Reports were read.

Representative McHenry of Madawaska moved acceptance of the Majority "Ought to Pass" Report in concurrence.

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

Representative WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would not vote to accept the Majority Report in order that we might vote for the Minority Report.

This is a bill similar to the one we had the other day, only worse. This is taken care of by the personnel boards of the counties and the unions and I don't think we should interfere with their policies.

I would request a roll call.

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

Representative McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: This does not do what the previous did. This bill does something before the fact rather than after the fact. Presently you have a situation where the sheriff may choose to fire some of his employees and does not go to the county commissioner for approval of just cause and that is the law today, they must show just cause. But there are some sheriffs that just refuse to see that fact and they say, I am elected, I will do what I please. Before these employees are fired, all this bill says is they must go to the county commissioner and get approval. If anything, this will just reinforce the sheriffs position and will save the taxpayers money because presently the county sheriffs can fire, not legally, but they do fire employees, and regardless of what the county commissioners say, if they were not justly fired, the county has to pay for these employees.

There was a case where it did go to court and it cost this county \$7,000 for each employee that was fired and there were four employees and this is a cost to the taxpayers because one sheriff says, I will do it my way, no matter what you tell him. If this sheriff had gone to the county commissioners and the county commissioners had agreed with the sheriff, I believe we would not have had this situation. From then on, the unions could have gone to court directly and it would have been a saving to that county rather than fighting it and fighting it month after month. You are talking a lot of money to your taxpayers. All we are trying to do is if the county commissioners agree, fine, they agree with the sheriff these employees should be fired, then the unions go directly to court and the shorter you make that period, the more money that you are going to save. If you lengthen the process, it is going to cost the taxpayers more money, that is all it is. I am trying to do something here that will save money. It is not forcing unions on anybody it is just shortening that process whereby you have to end up in the court. If the parties don't agree, you end up in court and makes it shorter. You won't have the sheriff fighting with the county commissioners and the county commissioners says to the sheriff, you shouldn't rehire these people and the sheriff says, no, I am not going to take him back, you end up in court. All we are saying is, go to court directly but they don't agree.

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

Representative MURPHY: Mr. Speaker, Ladies

and Gentlemen of the House: This bill was put in because of one county sheriff. He took it through the courts, he took it to the union, the union won. He took it to the Maine Labor Board and they told him what to do and he ignored everybody, he even ignored the judge. So, I don't see what the bill is going to do with a sheriff like that. In the end, the voters took care of him because they voted him out of office because they were not happy with his performance and I just don't see why we should pass a law just to take care of one bad sheriff who was taken care of by the voters.

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

Representative BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: What the previous speaker just said may be true that that particular sheriff was taken care of but the point is, however, that it could happen again. After years of struggling in this body, we finally, a few years ago, granted collective bargaining rights to all county employees, including those sheriffs. The commissioners are the bargaining agents for the county in any contractual effort. One of the major reasons why we opted to grant them collective bargaining rights was to take politics out of county government.

This bill was referred to us not too long ago and came to our committee. We opted to recommit it, bring it back up here and sent it to County and Local Government Committee because they were dealing with a lot of issues concerning county government and we felt that it was appropriate that they have it before them. I believe that I can report securely that there was sentiment on our committee to have dealt with the issue ourselves but we felt it rightfully belonged there.

I think it is important that we pass this piece of legislation at this point in time. It clarifies the issue, it does take it, not necessarily for final adjudication to the bargainers for the counties but to a personnel board that is in place. There were people who were disenfranchised and we feel very strongly that we don't want this to occur again, because in that instance, it did cost that particular county an awfully lot of money, money expended because the statute was not there.

I urge you to support the prevailing motion.

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

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

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

ROLL CALL No. 114

YEAS:—Aliberti, Allen, Baker, H.R.; Beaulieu, Bost, Boutlier, Brannigan, Brown, A.K.; Carroll, Chonko, Clark, Coles, Cooper, Cote, Crouse, Daggett, Descoteaux, Diamond, Erwin, Gwadosky, Hale, Handy, Hayden, Hoglund, Jacques, Jalbert, Joseph, Kane, Lacroix, Lisnik, Macomber, Manning, Martin, H.C.; McGowan, McHenry, McSwaney, Mendeny, Michaud, Mills, Mitchell, Moholland, Murray, Nadeau, G.G.; Nadeau, G.R.; Nickerson, O'Gara, Paradis, E.J.; Paul, Perry, Pouliot, Reeves, Richard, Ridley, Rioux, Roberts, Rolde, Rotondi, Rydell, Simpson, Smith, C.B.; Stevens, P.; Swazey, Tammara, Theriault, Vose, Walker, Warren, Willey, The Speaker.

NAYS:—Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bott, Bragg, Brodeur, Cahill, Callahan, Carter, Connors, Crowley, Davis, Dellert,

Dillenback, Drinkwater, Duffy, Farnum, Foss, Foster, Greenlaw, Harper, Hepburn, Hichborn, Higgins, L.M.; Hillock, Holloway, Ingraham, Kimball, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Masterman, Matthews, McPherson, Michael, Murphy, E.M.; Murphy, T.W.; Nicholson, Paradis, P.E.; Parent, Pines, Racine, Rice, Salisbury, Scarpino, Sherburne, Small, Smith, C.W.; Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Taylor, Telow, Webster, Wentworth, Weymouth, Whitcomb, Zirnkilton.

ABSENT:—Brown, D.N.; Carrier, Cashman, Connolly, Dexter, Hickey, Higgins, H.C.; Jackson, Mayo, McColister, Nelson, Priest, Randall, Ruhlin, Seavey, Soucy, Tardy.

69 having voted in the affirmative and 65 in the negative with 17 being absent, the Majority "Ought to Pass" Report was accepted and the bill read once.

Committee Amendment "A" (S-150) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

Non-Concurrent Matter

An Act Pertaining to Polling Times (H.P. 1061) (L.D. 1540) which was Passed to be Enacted in the House on May 24, 1985.

Came from the Senate, Passed to be En-grossed as amended by Senate Amendment "A" (S-162) in non-concurrence.

The House voted to recede and concur.

Petitions, Bills and Resolves Requiring References

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

Transportation

Bill "An Act to Adjust Bridge Capital and Maintenance Responsibilities" (H.P. 1128) (Presented by Representative THERIAULT of Fort Kent) (Cosponsors: Representative McPHERSON of Eliot and Senators SHUTE of Waldo, ERWIN of Oxford) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Committee on Transportation suggested.
(Ordered Printed.)

Sent up for concurrence.

Consent Calendar First Day

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

(S.P. 50) (L.D. 68) Bill "An Act to Clarify and Make Corrections in the Fisheries and Wildlife Laws" Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (S-152)

(S.P. 136) (L.D. 375) Bill "An Act to Clarify Municipal Authority over Automobile Graveyards and Junkyards" Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-149)

(H.P. 408) (L.D. 561) Bill "An Act to Modify and Update Certain Laws Pertaining to Inland Fisheries and Wildlife" Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-262)

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

The following items appearing on Supplement No. 7 were taken up out of order by unanimous consent:

Reports of Committees Divided Report

Majority Report of the Committee on Business and Commerce reporting "Ought Not to Pass" on Bill "An Act to Provide for the Sale of Savings Bank Life Insurance" (H.P. 1046)

(L.D. 1524)

Signed:

Senators:

DANTON of York
BUSTIN of Kennebec
SEWALL of Lincoln

Representatives:

MARTIN of Van Buren
HILLOCK of Gorham
BAKER of Orrington
STEVENS of Bangor
ARMSTRONG of Wilton
TELOW of Lewiston

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-264) on same Bill.

Signed:

Representatives:

ALIBERTI of Lewiston
MURRAY of Bangor
RYDELL of Brunswick
BRANNIGAN of Portland

Reports were read.

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

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

Representative BRANNIGAN: Mr. Speaker, Men and Women of the House: This bill comes to us this afternoon on short notice, probably the shortest notice that I have ever seen.

One of the reasons I sponsored this bill now and have sponsored it in the past and want to speak to you about it this afternoon is, in a way, to put people on notice. It is, I believe, an opportunity for me and some members of my committee to say to you and others that things are in a state of change in the financial services industry. It is a cry I feel I must make, that our committee must make, as responsible legislators in the area of regulations of these regulated businesses, credit, insurance and banking. Change is happening and although in this area that we are going to examine here, there is great resistance to that change. Nevertheless, it is happening, it is going to happen with us or without us. It is, I believe, our responsibility that it happen with us, that that change come from the legislature and not from the judicial and, therefore, we are proposing that banks in this state be allowed to sell a very limited kind of life insurance.

There are organizations throughout this country that have fully expanded into the financial services industry. Sears & Roebuck, of course, is the greatest example although they are now being challenged by J.C. Penney and by American Express and by others. Sears, I believe, now owns three banks, owns the largest real estate group in the country, Caldwell Banker, Dean Witter, a huge stock brokerage firm plus their three banks, plus the Allstate Insurance, plus shoeshines, washing machines and all kinds of credits and a lot of other things. This is a massive corporation doing full financial services, more and more under one roof, more and more in one area. We have got to work with a segregated, regulatory department, insurance, banking, securities and credit.

We have to have control of those areas. It is very important, therefore, that we move ahead in a planned and understood way. Savings bank life is a way for banks to begin to expand their powers. You may not like that, you may not like banks, but banks are going to compete in the financial services market. They are going to compete with Sears, they are going to compete with Prudential, which I believe now owns two banks. They are going to compete with all of the other changes that happen. They must or they cannot stay viable as financial institutions. My prediction would be—what will happen in this state will be the same as what has happened in other states—if we do not move ahead and give them some signal that the

legislature will allow them to begin to participate more fully, they will follow what other states have done. Insurance agents will get together with banks and begin to sell full lines of insurance in their lobbies. They will be challenged in the courts and, eventually, that will be upheld, I believe. I don't think that that is the way to go and I think we should really be thinking about being in control, taking advantage of the situation at this time and expanding the powers, just a bit.

Let's look at the product that we are asking this expansion be allowed into—saving bank life, we give them almost full equality with commercial banks and so we would naturally in this bill but savings bank life is a term being used and has been used for many years in New York, Massachusetts and Connecticut and is limited types of term insurance easily purchased, inexpensive and pure insurance, not mixed with some other investments, not solicited in your homes by aggressive sales people, just there advertised, then purchased, if you wish it. The cap on this bill is \$50,000 worth, not highly competitive with the very competitive and lucrative insurance business, not doing a ministry to the people as many people who are in the insurance business feel that they do, going and selling various instruments to people as life insurance and as investments. None of that. What we are offering is not an insurance company for banks—I won't say that I won't present that some other time—this would be provided by other insurance companies, this would be an outlet by licensed, insurance agents in banks. Inexpensive, pure, easily available and I say, no coercion.

You are going to hear, if we have a real debate, if this happens, the bank will not give you a loan unless you take insurance with them. Banks have been in the credit insurance business for a long time. We have had no abuses brought to our committee over the years. If we do, we will deal with them as we deal with other abuses in all of these areas.

So, I say to you with some feeling, this is a very important area that we are dealing with and I hope that you are aware of it, try to understand it, and I would say to you that this is one way to begin to advance the needs we have in the expanding financial services industry.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Ingraham.

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

I would like to know if this privilege is extended to full service banks or is it only for savings banks?

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

The Chair recognizes the Representative from Portland, Representative Brannigan.

Representative BRANNIGAN: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry that I wasn't clear on that point. This is for all banks, commercial banks, savings banks and saving and loan banks.

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

Representative BAKER: Mr. Speaker, Ladies and Gentlemen of the House: While I respect our good chairman from Portland, I have to take issue with him on this particular subject. First of all, there was no demonstration needed, either at the hearings or the work sessions, for this legislation, none at all. We heard from no member of the public in any discussion.

Second, I don't think that it is time for the legislature to become that agent of change that my friend from Portland has suggested. There is no reason for us to become that agent of change today. Only three states have adopted

savings bank insurance and the last of those was back about 1941 so this is not an issue that is coming from California and invading these. It is not an issue of huge import here in the State of Maine.

One of the reasons that I oppose this bill because I see the insurance here in the State of Maine as one of the last bastions of the small business. If we should pass this bill, we would be saying to those folks, good luck and God Bless, if you can get a job with the bank, fine; if you can't, maybe you can find a job digging potatoes in the Fall. I don't think any of us are ready to become that instrument of change as suggested by the gentlemen from Portland and I would urge that you support the Majority position on this issue.

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

A vote of the House was taken.

15 having voted in the affirmative and 85 in the negative, the motion did not prevail.

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

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

The Chair laid before the House the following matter: Bill "An Act to Amend the Reapportionment Law" (S.P. 619) (L.D. 1630)

—In Senate, Passed to be Engrossed without reference to the Committee.

(Committee on Reference of Bills had suggested reference to the Committee on State Government) which was tabled earlier in the day and later today assigned pending reference.

On motion of Representative Gwadosky, retabled pending reference and tomorrow assigned.

The Chair laid before the House the following matter: HOUSE DIVIDED REPORT—Majority (8) "Ought Not to Pass"—Minority (5) "Ought to Pass" as amended by Committee Amendment "A" (H-223)—Committee on Fisheries and Wildlife on Bill "An Act to Appropriate Funds for the Wildlife Management Institute to Conduct a Study of the Department of Inland Fisheries and Wildlife" (H.P. 457) (L.D. 658) which was tabled earlier in the day and later today assigned pending the motion of the Representative from Waterville, Representative Jacques, that the House accept the Majority "Ought Not to Pass" Report.

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

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I am a signer of the Minority "Ought to Pass" Report. In committee, members on the Minority Report voted to amend the L.D. to be a study of the biological research activities only and to replace the words "general fund" with "department funds." The Audit and Program Review Committee studied this department very thoroughly. The recommendations of that committee has been implemented and, under the reorganization, the department is running very efficiently. One area which we did not study in depth is the area of biological research. Members of that committee and the sub-committee, including Representative Smith and myself, did not have the expertise to do this type of study.

A study of this kind would result in recommendations as to the type of research project that should be done that are not being done, the research projects that are being done, that

should be terminated, and a determination of appropriate use of a complete project study. Inadvertantly, the amendment voted on in committee did not strike out the words "general fund" and replace them with the "department funds." If you would reject the motion to accept the Majority "Ought Not to Pass" Report, then I would be in a position to offer an amendment to the Minority "Ought to Pass" Report that would strike out these words.

I request that you vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Greenlaw.

Representative GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I am a cosponsor of this piece of legislation and most of us that were here in 1982 remember the problems that the department had with financing. In the next three years, we know within 18 months, we will be having a new commissioner. We also know that with 18 months, the Department will be back in a financial situation like it was before. It will mean that we will have to go through the same thing without a study. If we have a study, hopefully, we will be in a position to make a sound judgement on which way to go. There will be plans to investigate alternative financing for the department, hopefully, in the Special Session, and I believe that if we are not prepared to meet these problems when they come, we will have the problems with the people in the halls again. I support that we defeat the motion "Ought Not to Pass" and give this bill a chance to survive.

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

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: I was a signer of the Majority "Ought Not to Pass" Report on this bill.

This bill costs \$20,000. The bill was first introduced to study the whole department so we asked if there was a way to cut the cost down and also the fact that it had been studied so much that it was suggested that we find out how much it would cost just to study the biological side of this. They told us this would be \$20,000 again. We said, how come \$20,000 whether you do a part of it or all of it? There is \$10,000 of expenses involved even for a non-profit organization to study it so whether we study part of it or all of it it is \$20,000. I like to throw a penny in the wishing well but I sure hate to throw \$20,000 into the fish pond to find out that we are underfinanced.

I submit to you that we need to be fiscally responsible for that department, that this study isn't going to tell us that we need money and that we continue on with the committee the way we are going and that we pass the "Ought Not to Pass" on this.

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

Representative CONNORS: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will defeat the motion in front of us and go along with the Minority Report "Ought to Pass."

Here is an example of what we have. We have 70 pages of jobs, research that is going on within the department and they are all numbered with Job-177, Job-775 and so forth and I can't, in any way, analyze this myself and I don't think there are very many on the committee that can and if they can, we don't have the time to do it. I think we need this. As the previous speaker said, we are all right financially in the Fisheries and Wildlife Department for the next biennium, then we could run into very serious problems and when we do that, we are going to have to set priorities and to set priorities, I think we should know what we are doing. I think, with this study, this would

give us a handle on some places and perhaps we can cut out projects that have been going on for perhaps five years or six years and we can evaluate these. Recently, we just finished a bear study that we spent over \$750,000 in and we are not going to implement the recommendations of the biologists that did that study so I think we have wasted about three quarters of a million dollars and I think we can do something with this.

Representative Greenlaw of Standish 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 Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Men and Women of the House: Before you vote on this proposal, I would like to have you understand thoroughly what you are voting on. This started out as an idea by Representative Greenlaw that would get the Wildlife Management Institute to study the Fish and Wildlife Department. Since I have been here, 1978, the Fish and Wildlife Department has been studied four separate times and, as Representative Erwin said, it went through a very extensive review with Audit and Program Review last year and they covered everything except the biological services of the department. Now, the original bill called for \$20,000 to study the whole department. The Committee got together and asked how much it would cost to study just the biological services. We got the answer back that it would cost \$20,000 to study just the biological services. Then we asked, how much of that is the study? Then we found out that \$10,000 is for the study and \$10,000 is for the expenses of the Wildlife Management Institute. I guess probably they saw Mark Ash get away with it and they figured they could try it here and get away with it themselves. The thing that really concerns me is that the Wildlife Management Institute is made up of biologists so what we are asking is, biologists to study biologists, which is probably fine and dandy but that is like asking legislators to study legislators. At first I liked the idea and I started thinking of \$20,000 in terms of what will \$20,000 do. Now those of you who were here before remember that fiasco we went through as far as positions two years ago—\$20,000 is one game warden's position. It is also two vehicles and we have over 50 vehicles with 120,000 and more down there that should be changed over but weren't changed over because we couldn't buy any capital equipment.

Also, at this particular time, we don't have, as Representative Duffy said, the money we really should have to implement the recommendations that were made. Don't get me wrong, I am all for studying the biological services of that department but the total amount of money that is spent as far as the biological research is concerned, it is proportionate to the department, a small amount—you are probably talking \$2 million out of the overall \$15 million budget. So, when I have to look at where that \$20,000 was coming from and what you could get instead of that \$20,000 and then we found out that \$10,000 of it was going to be expenses so somebody could come up here and stay in the Waldorf-Astoria, I had a little objection to that. I would just as soon have us hire another game warden or supply them with their two vehicles or make sure that we have the personnel we need to provide the services. That is the choice you have here whether you want

to go with another study and it is going to be asking the foxes to study the foxes. If you think that is a good idea it is up to you.

The SPEAKER: The pending question before the House is the motion of the Representative from Waterville, 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. 115

YEAS:—Aliberti, Baker, H.R.; Beaulieu, Bonney, Bost, Boutillier, Brannigan, Brodeur, Brown, A.K.; Callahan; Carter, Cashman, Chonko, Coles, Cote, Crouse, Crowley, Dellert, Descoteaux, Diamond, Dillenback, Duffy, Foster, Gwadosky, Hale, Handy, Hayden, Hickey, Hoglund, Jacques, Jalbert, Joseph, Lacroix, Lisnik, Macomber, Manning, Martin, H.C.; Matthews, McGowan, McHenry, McSweeney, Michael, Michaud, Mitchell, Moholland, Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, Nickerson, O'Gara, Paradis, P.E.; Paul, Perry, Pouliot, Racine, Reeves, Richard, Ridley, Rioux, Roberts, Rolde, Rotondi, Ruhlman, Rydell, Simpson, Smith, C.B.; Smith, C.W.; Stevens, P.; Strout, Swazey, Tammara, Tardy, Telow, Theriault, Vose, Walker, Warren, The Speaker

NAYS:—Allen, Armstrong, Baker, A.L.; Begley, Bell, Bott, Cahill, Carroll, Clark, Conners, Cooper, Daggett, Davis, Drinkwater, Erwin, Farnum, Foss, Greenlaw, Harper, Higgins, L.M.; Hillock, Holloway, Ingraham, Kimball, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Masterman, Mayo, McPherson, Melendy, Mills, Murphy, E.M.; Murphy, T.W.; Nicholson, Paradis, E.J.; Parent, Pines, Randall, Rice, Salisbury, Scarpino, Sherburne, Small, Sproul, Stevens, A.G.; Stevenson, Taylor, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton

ABSENT:—Bragg, Brown, D.N.; Carrier, Connolly, Dexter, Hepburn, Hichborn, Higgins, H.C.; Jackson, Kane, McCollister, Priest, Seavey, Soucy, Stetson

79 having voted in the affirmative and 57 in the negative with 15 being absent, the motion did prevail. Sent up for concurrence.

The Chair laid before the House the following matter: An Act to Establish an Aroostook County Budget Committee (S.P. 310) (L.D. 799) (C. "A" S-98) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

The Chair laid before the House the following matter: Bill "An Act to Further Competition in the Liquor Trade" (H.P. 1119) (L.D. 1615) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

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

The Chair laid before the House the following matter: Bill "An Act to Establish a Kennebec County Budget Committee" (H.P. 300) (L.D. 389) (C. "A" H-155) which was tabled earlier in the day and later today assigned pending further consideration.

On motion of Representative Daggett of Manchester, the House voted to recede.

The same Representative offered House Amendment "A" (H-257) to Committee Amendment "A" (H-155) and moved its adoption.

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

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

Representative DAGGETT: Mr. Speaker, Ladies and Gentlemen of the House: This amendment is not a senario of roses. What it does is try to put local input into all county

budgets, money has to come from local property taxes. I feel that at least three persons from each commissioners' district will be appointed by the commissioners. Actually, the legislative delegation, on the whole, does not put their heart and soul and it can hardly find time to participate in the budget process as it is.

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

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I reviewed this amendment a few minutes ago. I thought I had an understanding with the gentlemen from Manchester as to what the amendment was. He told me yesterday that it was to create purely advisory commission but in reading the amendment, I find that, not only does it create a purely advisory commission, which I have no qualms with to advise the county commissioners, but it gives complete power to the county commissioners over the Kennebec County budget. That was not the amendment that I had agreed to. I do not urge this ouse to adopt that amendment at all. I urge the House to indefinitely postpone this amendment. this is a complete departure from the bill they had submitted to us originally and which its body had dealt with on previous occasions. It is a complete turnaround from where we were just a few hours ago.

Mr. Speaker, I move indefinite postponement of this amendment.

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

31 having voted in the affirmative and 77 in the negative, the motion did not prevail.

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

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

The Bill was passed to be engrossed as amended and sent up for concurrence.

The Chair laid before the House the following matter: Bill "An Act to Increase Fees for Licenses Issued by the Department of Marine Resources" (H.P. 761) (L.D. 1081) (C. "A" H-237) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

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

The Chair laid before the House the following matter: Bill "An Act to Authorize Aroostook County to Raise \$2,100,000 for Renovations and Additions to the Aroostook County Jail" (S.P. 617) (L.D. 1628) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

On motion of Representative Diamond of Bangor, tabled unassigned.

The Chair laid before the House the following matter: HOUSE DIVIDED REPORT—Majority (8) "Ought Not to Pass"—Minority (5) "Ought to Pass" as amended by Committee Amendment "A" (H-220)—Committee on State Government on RESOLVE, to Establish a Study Commission on Government Competition with Private Enterprise (H.P. 996) (L.D. 1433) which was tabled earlier in the day and later today assigned pending acceptance of either report.

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

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

Representative SPROUL: Mr. Speaker, Men and Women of the House: I just want to brief-

ly point out why myself and other members of the committee signed this particular legislation out in "Ought to Pass" form. It has become increasingly clear to me and I believe to most of us here that, within a very short period of time, this state, and in fact every entity of government, no matter what level, is going to be faced with a most severe financial crisis. It is my belief that instead of being called in at some point in Special Session or sometime in the waning days of a session and having to react to crisis and managing the affairs of state over blackmail and fear that it is much better that we plan ahead, that we have some facts to make some good, sound, rational decisions upon. It is for this reason that I believe that this is just one of many ways which we can be looking at those areas in which the state government spends its money and perhaps we can prioritize a little bit into what is absolutely essential. We must continue and perhaps we can find a few areas in which can be handled in the private sector. It is for this reason to avoid that management by crisis situation later on that I voted this out "Ought to Pass" and I would hope that you would vote against the pending motion.

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: Briefly, I would like to give you the reason that the majority of the committee voted this bill out "Ought Not to Pass."

This bill was one of ten bills which were referred to our committee this year, which created some sort of study or some sort of select group to study some portion of state government. It is not necessarily a bad idea, it only costs about \$6,000, they are going to get a group together that is going to look at state government and try to see how private industry does things somewhat better and they are going to report back in January of 1987.

Those of us on the Majority "Ought Not to Pass" Report feels that there are some other groups that are available to do this now without the expenditure of this money. The concern to the supporters of this bill was the contracts of the state deals. Ninety-five percent of all the contracts that they put out now already go out to bid and there is ample opportunity for private industry to be involved in those. We are concerned about the type of work—there has been some suggestion that perhaps the custodial work was something that could be put out to private market. If they are concerned and have complaints about the quality of work that is done by state employees, they they ought to come out and say it. If the concern is on the big projects like the highway projects and how effective it is for the State of Maine to be doing some of these repair projects, then I would refer one's attention to a bill that we already passed in this legislature, L.D. 1440, which was "An Act to Establish the Departmental Indirect Cost Allocation Program." I will read from the State of Fact to the bill which we have already passed and the Governor has signed into law. "This New Draft permits the Commission of Finance and Administration to standardize the various departments, existing indirect cost allocations proposals to allow for a more accurate estimate of the total cost of construction, repair and improvements to state owned property when performed with the department's own personnel, equipment and supplies." So, we have already enacted a bill that would for the first time allow us to keep some record keeping on specifically the larger amount of monies that is spent on these big projects when our own employees are involved.

We would suggest that there is a task force, a cabinet level task force, that is currently been active within the Brennan administration that could take up this issue if they were so inclined

or if someone had brought it to their attention. Also, there is the Business Advisory Council, which the Governor has implemented recently which we feel we would be in a good position to address these issues. The Business Advisory Council is a group of businessmen from across the state. They probably would have a good perspective in which to deal with these issues and we think there are some other groups that could be doing this and there wasn't anywhere near a consensus on the committee for allowing this type of intervention of private enterprise into state government and we don't think that it is appropriate and we urge you to vote against the bill, "Ought Not to Pass."

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: The gentlemen from Augusta has told you that this is a new issue. We are all aware of the fact of the tightening of the dollars and the choices that are ahead. Many times when that happens, we can look to the municipalities for new ideas and new alternatives.

If I could read to you a few short quotes from an article in the New York Times. It is not a newspaper that I usually read but the articles were brought to my attention having to do with the cities, now they are turning to private industry, private companies in terms of providing public services.

It makes reference to a survey that was recently financed by the Department of Housing and Urban Development, the first comprehensive study of privatization of local services. Up to this point, no comparable data existed for earlier periods because this trend is so new. If I could quote: "private contracts act as a good discipline on our own operations, said Mayor George Latimer of St. Paul. Private industry provides sanitation, street paving, some snow plowing, sewers, lighting improvement and other services. It gives local government more flexibility. It gives us option and remember we write the specifications, we write the contracts." The article goes on to say "supporters of the concept say private concerns can perform many services more efficiently than government by circumventing the politicians and the bureaucracy through bulk purchasing, reducing personnel, salaries and benefits. Supporters also say that competition has reduced the cost of government."

The final quote would be from Bill Donaldson, who worked with privatization as a city manager in Scottsdale, Arizona; Tacoma, Washington and Cincinnati, and I think that his quotes are very important in terms of the possible benefits for the State of Maine. "One of the things that I liked about contracting out was that it forced me to look at what it really cost to do a service," Mr. Donaldson said. "In theory, government ought to be more efficient than the private sector because it doesn't pay taxes or pay for the use of capital. Fortunately because there is no competition, most governments don't have the faintest idea of what it cost to do anything."

The gentlemen from Fairfield would have you believe that state government voluntarily will reduce its cost. State Government in terms of bureaus, departments or individual offices would let employees go in cost of efficiency. I think that you and I know differently.

This commission asks that we review the responsibilities in assigned costs for government services, that we compare the real costs between the private sector and public employees. I think that we need to have that information because if we don't have that information, the only choice available to us in the years ahead is to raise taxes and to raise fees.

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

Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I guess it was noted on the public hearing on this bill and this is obviously sponsored by Representative Murphy, it is kind of an ironic twist and ironic inconsistency that the individuals who support this bill support the idea of getting private industry more into government always refuse to support the single bill, which could save the state \$10 million and that is to get the state out of the liquor business. I can never figure out why that inconsistency is around but I would pose a question through the Chair to the Representative from Kennebunk—there was some concern at the public hearing that perhaps some of the custodial services, which are currently provided by the state employees, one of the things that they are considering about sending out to private enterprise—my question is, if they have some specific complaints about the quality of work about state employees here in the Capitol building, I would like to hear them.

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

The Chair recognizes that Representative.

Representative MURPHY: Mr. Speaker, in terms of the cleanliness of the State Capitol, no Mr. Gwadosky, I think it is extremely clean and a very open invitation to the citizens of the state. The commission can look at all areas of state government, whether it is printing or the state liquor stores, any aspect in terms of judging what the real costs are.

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

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I agree that there are many instances where private enterprise can perform those tasks more economically than possibly the state can. The reason that I mention this is that when I was serving with the Air Force in the housing management, what we did was we put out a lot of work that was formerly performed by inhouse and we determined, through a cost analysis, that it was more economical to have those services performed by outside contractors specifically painting quarters when quarters became vacant on a change of occupancy. Snow removal was also determined to be more economical and the way to do this was we did it through a cost analysis. Every time some of these projects came up, we required our activities to prepare a cost analysis to determine which way was more economical and, in this particular case, I don't think we need a study, what we need to do is to prepare something, prepare an L.D. requiring activities to prepare a cost analysis and if it is more economic to go with the private sector, then require them to go with the private sector. You can do that, you don't need a study to do that, it is more economical in a lot of cases to go with the private sector.

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

Representative SPROUL: Mr. Speaker, Members of the House: Just to clear up one thing which I hope is not being misconstrued. I felt I had been quite clear on this in committee. I am a cosponsor of this piece of legislation and, in no way, was I going into this with any particular area in mind that the job was being done poorly or where mismanagement was occurring or anything of that nature. I went in thinking as one who has consistently voted against the state getting out of the liquor business, of going into this study with an open mind so that we can look at what real, actual costs are and making our decisions upon that. I simply wanted to clear that up, that there were no areas in government we were after.

It was simply that we wanted an overall, objective view so we may step back and make good, sound management decisions based upon that.

Mr. Speaker, I would request 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 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. 116

YEAS:—Aliberti, Allen, Baker, H.R.; Beaulieu, Bost, Boutillier, Brannigan, Brodeur, Carroll, Carter, Cashman, Chonko, Clark, Coles, Cooper, Cote, Crouse, Crowley, Daggett, Duffy, Erwin, Gwadosky, Hale, Handy, Hickey, Hoglund, Jacques, Jalbert, Joseph, Lacroix, Lisnik, Macomber, Manning, Martin, H.C.; Mayo, McHenry, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, Moholland, Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, O'Gara, Paradis, P.E.; Paul, Perry, Pouliot, Racine, Reeves, Richard, Ridley, Rioux, Roberts, Rotondi, Ruhlin, Rydell, Simpson, Smith, C.B.; Stevens, P.; Swazey, Tammara, Tardy, Theriault, Vose, Walker, Warren, The Speaker

NAYS:—Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bott, Bragg, Brown, A.K.; Cahill, Callahan, Connors, Davis, Dellert, Descoteaux, Dillenback, Drinkwater, Farnum, Foss, Foster, Greenlaw, Harper, Hepburn, Hichborn, Higgins, L.M.; Hillock, Holloway, Ingraham, Kimball, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Masterman, Matthews, McPherson, Murphy, E.M.; Murphy, T.W.; Nicholson, Nickerson, Paradis, E.J.; Parent, Pines, Randall, Rice, Salsbury, Scarpino, Sherburne, Small, Smith, C.W.; Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Telow, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton

ABSENT:—Brown, D.N.; Carrier, Connolly, Dexter, Diamond, Higgins, H.C.; Jackson, Kane, McCollister, McGowan, Priest, Rolde, Seavey, Soucy, Taylor

73 having voted in the affirmative and 63 in the negative with 15 being absent, the motion did prevail. Sent up for concurrence.

The Chair laid before the House the following matter: Bill "An Act to Require Adequate Notice of Tax Lien Foreclosure" (H.P. 1090) (L.D. 1583) which was tabled earlier in the day and later today assigned pending adoption of House Amendment "B."

On motion of Representative Diamond of Bangor, retabled pending adoption of House Amendment "B" and tomorrow assigned.

At this point, the rules were suspended for the purpose of removing their jackets for the remainder of today's session.

The Chair laid before the House the following matter: Joint Order relative to Joint Standing Committee on Education Reporting out a Bill relating to the Administration of Vocational Education (S.P. 622) which was tabled earlier in the day and later today assigned pending passage.

On motion of Representative Brown of Gorham, retabled pending passage and tomorrow assigned.

The Chair laid before the House the following matter: An Act Relating to the Affixing of Indicia of Payment of Real Estate Transfer Tax (H.P. 764) (L.D. 1084) which was tabled earlier

in the day and later today assigned pending the motion of the Representative from Thomaston, Representative Mayo, that the House reconsider its action whereby the House voted to recede and concur.

Whereupon, the House reconsidered its action whereby it voted to recede and concur.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you not to go along with the pending motion to recede and concur so we can go on to insist and ask for a Committee of Conference. I would remind this body this was a unanimous report from the Committee on Taxation.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: This is nothing but a real estate broker's bill. This, in effect, borders on the violations of privacy. A few years ago, when the federal government went out of the Real Estate Transfer Tax, the state picked it up. At that time, when the federal government had the transfer tax, you did not have to affix it to the instrument to have it recorded. When the federal government went out of it, the state adopted and picked up that tax but they set up a system whereby when you recorded the instrument you recording a declaration of value. That declaration of value is confidential when you record it and only the Bureau of Taxation and the local tax assessors know what that valuation is.

What happens under this bill here is that they have eliminated that part where the declaration of value tells the Bureau of Taxation and the local tax assessors know what that valuation is.

What happens under this bill here is that they have eliminated that part where the declaration of value tells the Bureau of Taxation what you paid for it so they can have some determination as to what the trend of real estate sales are in the different localities and at the same time for the assessors. This opens right up so anybody can come along and go the the registry of deeds and find out what you paid for your house. What I say to the real estate brokers is, if they want to find out what a piece of real estate that they are putting up for sale is, they should learn to be an appraiser and give a fair price for it, not go out and have to run into the registry of deeds to find out what so and so's house sold for so they could come up with it. What you are doing now, if this is adopted, is taking a matter of depriving someone of their privacy. I had the question at the time when it came back—there was a question brought up as to the constitutionality of this particular bill. I would say now that you should turn down this motion and keep the privacy of the people so that when you do want to buy a piece of real estate, you don't have to tell the whole world what you paid for it.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Mayo of Thomaston that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Representative Mayo of Thomaston moved the House insist and ask for a Committee of Conference.

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

Representative WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: As the Representative from Thomaston, Representative Mayo, pointed out this was a unanimous report of the Taxation Committee and I hope you will support the motion from the Repre-

sentative from Thomaston.

Thereupon, the House voted to insist and ask for a Committee of Conference. Sent up for concurrence.

The following items appearing on Supplement No. 8 were taken up out of order by unanimous consent.

Reports of Committees

Unanimous Ought Not to Pass

Representative WILLEY from the Committee on Labor on Bill "An Act to Promote Occupational Health and Safety" (H.P. 926) (L.D. 1328) reporting "Ought Not to Pass"

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

Divided Report

Majority Report of the Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-265) on Bill "An Act Concerning Inspection of Safety Seat Belts" (H.P. 432) (L.D. 612)

Signed:

Senators:

ERWIN of Oxford

DANTON of York

Representatives:

THERIAULT of Fort Kent

MACOMBER of South Portland

McPHERSON of Eliot

CAHILL of Woolwich

MILLS of Bethel

CALLAHAN of Mechanic Falls

POULIOT of Lewiston

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

Signed:

Senator:

SHUTE of Waldo

Representatives:

MOHOLLAND of Princeton

SOUCY of Kittery

STROUT of Corinth

Reports were read.

Representative Theriault of Fort Kent moved the House accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the same Representative from Fort Kent, Representative Theriault.

Representative THERIAULT: Mr. Speaker, Ladies and Gentlemen of the House: We do have a large number of people using seatbelts voluntarily in this state. We also have a mandatory seatbelt law for children under four. The law says that the children will be in restraining seats but you all know that, in order to hold these restraining seats, you need seatbelts.

There are also a number of items that need to be inspected when a vehicle receives its yearly inspection. As a matter of fact, there are thirteen items. What this would do, it would require that the seatbelt be made one of those items inspected. This was supported by the majority of the committee. Now what can go wrong with seatbelts? There are a number of things that can go wrong. Just to give you an example, seatbelts need to be anchored in order for them to be effective and on some of our older vehicles the seatbelts anchors might be rusted to the point where they would not hold or restrain a person in case of an accident. There are other things that could go wrong also with seatbelts. There are mechanical devices on them such as ratchets that could be defective. In addition to that, some of these belts could be frayed. Like I said, there could be other reasons. Because we have some people that are depending on the safety of those belts in case of an accident, the majority of the committee thought that it should be made an item of inspection. I would hope that you would support the Majority Report.

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

Strout.

Representative STROUT: Mr. Speaker, Men and Women of the House: I hope tonight that you listen to this debate. What this bill does is it required mandatory inspection of seatbelts. Questions I had in committee and I still have is, if we require this to become law, what is going to happen to the individuals who go in to have their cars and trucks inspected that have taken their seatbelts out of their automobiles, some of their seatbelts don't work now, how long a time are they going to be tied up, not being able to operate their automobile because the seatbelt had been eliminated or was not able to be used?

A week or so ago, we defeated a mandatory seatbelt law. Does it make sense tonight to pass a law that says that we are going to mandate inspection of seatbelts when we do not have a law that mandates seatbelts?

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

Representative BOUTILIER: Mr. Speaker, Men and Women of the House: This is also my piece of legislation and I would like to explain the intent and the reason for the bill.

Hopefully, you have in front of you Title 29 that was just passed out to you which is the current inspection law. If you go down the list, you will see several items of which safety seatbelts is listed. This bill is not adding something that is not in the law dealing with seatbelts. It is already required that seatbelts be inspected. This bill is dealing with the clarification so that it is understood that when you inspect a seatbelt, you are checking to make sure it is functional. The reason I presented Title 29 in front of you is you will see on every item, body components, brakes, exhaust system, glazing horn, there is no description as to what a passing item would be. Say for instance in brakes, it doesn't say that the brakes will have such a resistance or that the pads will be such a diameter, it just says brakes. It is inferred and implied that it means functional, working brakes. Hopefully, the same thing is implied when they say seatbelt, that they are in the car and that they are functional. That presently is not the case. If any of you have ever had your car inspected, which I am sure you have, if at all the seatbelts are checked, the inspector will look inside the car to see if they are there on the seat, whether they are anchored properly, whether they buckle or unbuckle, whether the ability to hold a child restraint is apparent, this is never checked. If you have a child restraint law as we do in Maine, it is completely useless unless the seatbelt is functional. This bill mandates that the seatbelt will be functional.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair to the sponsor of this bill.

He says that is is now a requirement that seatbelts have to be inspected. If that is the case, why do we need this bill.

Secondly, it is my understanding that it is just a rule and regulation, it is not a law. What you are doing here is requiring it.

The SPEAKER: Representative Strout of Corinth has posed a question through the Chair to Representative Boutilier of Lewiston who may answer if he so desires.

The Chair recognizes that Representative.

Representative BOUTILIER: Mr. Speaker, Ladies and Gentlemen of the House: My original bill tried to deal with the whole issue of why it wasn't being done properly now and I had a provision in the bill to penalize an inspection station that did not inspect the car properly having to do with seatbelts. The committee felt that that penalty should not be excessive, meaning more than the present penal-

ty. I agreed with that. The point is that it will be definitely stated in this law that an inspectable seatbelt means a functional seatbelt. Now, whether you want to debate whether we should do that or not, the point is that they are not inspecting the seatbelts properly now. How do we make them do that? We do that by providing, within the legislation or within the statute, the written statement that the seatbelt will be functional.

Again, we have a child restraining law, we don't have a child restraint law that is effective if we don't have a functional seatbelt. If you voted against child restraint, you are consistent if you vote against this. If you didn't, I would hope you would vote for this provision.

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

Representative CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: While I am opposed to mandatory seatbelts, I view myself as a seatbelt advocate. When I ride in someone else's vehicle, I would like to have that seatbelt available for me to use and operational. More importantly, when my children get into a neighbor's car perhaps since I live in a rural area, I want that seatbelt to be operational for them to use.

To answer one of Representative Strout's concerns, if your seatbelts aren't operational and you have to find a part for that seatbelt, how long are people supposed to wait, if for example you go to have your car inspected and the exhaust system is not found inspectable and you have to wait,—you would have to wait to have the part come in.

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

Representative STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief on this.

I suggest that in this list of items to be inspected that we have not taken the time or wasted the public's money in defining the inspection requirements for tires, steering mechanisms, running gear reflectors and all the rest of it. I think these are matters for regulation and not by the Maine Legislature. I suggest that this is unnecessary legislation.

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

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

Under suspension of the rules, the bill was read the second time, the Bill was passed to be engrossed as amended by Committee Amendment "A" and sent up for concurrence.

Consent Calendar

First Day

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

(H.P. 1028) (L.D. 1480) Bill "An Act to Amend the Statutory Ceiling for the Certificate of Need Development Account" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-267)

(H.P. 1081) (L.D. 1573) Bill "An Act to Protect Deer Yards in the Organized Townships" Committee on Fisheries and Wildlife reporting "Ought to Pass"

Under suspension of the rules, Second Day Consent Calendar notification was given. The House Papers were passed to be engrossed or passed to be engrossed as amended and sent up for concurrence.

Passed to Be Engrossed As Amended

Bill "An Act to Amend Certain Sections of the Employment Security Law" (S.P. 493) (L.D.

1319) (C. "A" S-104; S. "B" S-127; S. "C" S-151)

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

The Chair laid before the House the following matter: An Act Establishing a Tuition Waiver Program at State Institutions for Children of Firefighters and Law Enforcement Officers Killed in the Line of Duty (H.P. 478) (L.D. 681) (C. "A" H-176) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Small of Bath, under suspension of the rules, the House voted to reconsider its action whereby L.D. 681 was passed to be engrossed.

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

The same Representative offered House Amendment "A" (H-269) to Committee Amendment "A" and moved its adoption.

House Amendment "A" (H-269) to Committee Amendment "A" was read by the Clerk.

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I wonder if the Representative from Bath would be so kind to explain the purpose of House Amendment "A"?

The SPEAKER: Representative Gwadosky of Fairfield has posed a question through the Chair to Representative Small of Bath, who may respond if she so desires.

The Chair recognizes that Representative.

Representative SMALL: Mr. Speaker, Ladies and Gentlemen of the House: The purpose of this amendment was to make a clarification in the original bill. What the original bill does is to provide for a waiver of tuition for children of firefighters and law enforcement officers who are killed in the line of duty. The tuition will be waived for eligible persons who attend the University of Maine, Maine Maritime Academy and the State VTI's. Cost other than the tuition will continue to be borne by the student and his or her family. What we neglected to do in this bill, we stated that the only ones eligible for this would be Maine students but we did not put in the bill that it had to be Maine firefighters or policemen that were killed. So, if a policeman out of state has been killed and then his family moved to Maine, technically the child would then have been eligible for the tuition waiver so this just clarifies the status of the firefighters when they are killed.

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

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

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

The Chair laid before the House the following matter: An Act Concerning Nomination Petitions for Unenrolled Candidates (H.P. 1063) (L.D. 1542) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Reeves of Pittsfield, retabled pending passage to be enacted and tomorrow assigned.

The Chair laid before the House the following matter: An Act to Protect the Voting Rights of Township Residents (H.P. 1097) (L.D. 1590) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

Vose.

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I have signed an amendment for L.D. 1590 and it is probably at the printers and it may be on its way back. I am not ready at this time.

On motion of Representative Hayden of Durham, retabled pending passage to be enacted and later today assigned.

(Off Record Remarks)

On motion of Representative Nadeau of Saco, Adjourned until eleven o'clock tomorrow morning.