

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Twelfth
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

December 5, 1984 - June 20, 1985

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August 29, 1985

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HOUSE

Monday, June 3, 1985

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

Prayer by Representative Murray of Bangor. National Anthem by the Central High School Band, East Corinth.

Quorum called; was held.

The Journal of Friday, May 31, 1985, was read and approved.

Papers from the Senate

The following Communication:
The Senate of Maine
Augusta

May 31, 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 accepted the Minority "Ought Not to Pass" Report on Bill, "An Act to Change the Way the Maximum Rate of Interest on Delinquent Taxes is Calculated." (H.P. 244) (L.D. 285)

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 31, 1985

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

Please be advised the President has appointed the following Conferees on Bill, "An Act to Reduce the Hours Required for Master and Journeymen Electricians." (H.P. 419) (L.D. 599)

Senator Bustin of Kennebec

Senator Danton of York

Senator Sewall of Lincoln

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 31, 1985

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

Please be advised the Senate Insisted and Joined in a Committee of Conference on the disagreeing action between the two branches of the Legislature on Bill "An Act Relating to the Affixing of Indicia of Payment of Real Estate Transfer Tax" (H.P. 764) (L.D. 1084)

The President has appointed the following Conferees:

Senator Twitchell of Oxford

Senator Diamond of Cumberland

Senator Emerson of Penobscot

Thank you.

Sincerely,

S/ JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

Unanimous Leave to Withdraw

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act Relating to Mediation in Proceedings under the Child and Family Services and Child Protection Act" (S.P. 472) (L.D. 1275)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Prohibit Probate Judges from the Active Practice of Law" (S.P. 76) (L.D. 172)

Report of the Committee on Business and Commerce reporting "Leave to Withdraw" on Bill "An Act to Make Liability Auto Insurance Mandatory" (S.P. 457) (L.D. 1260)

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

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act to Provide for Service Foresters" (S.P. 429) (L.D. 1187)

Signed:

Senators:

DOW of Kennebec

PEARSON of Penobscot

Representatives:

McGOWAN of Canaan

NADEAU of Lewiston

LISNIK of Presque Isle

SMITH of Mars Hill

FOSTER of Ellsworth

CHONKO of Topsham

BELL of Paris

CONNOLLY of Portland

CARTER of Winslow

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-178) on same Bill.

Signed:

Senator:

McBREAIRTY of Aroostook

Representative:

HIGGINS of Scarborough

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

Representative Carter of Winslow moved the acceptance of the Majority "Ought Not to Pass" Report.

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

Representative LORD: Mr. Speaker, Ladies and Gentlemen of the House: I would be remiss today if I didn't speak on this service forester bill. We all have heard that there is going to be a shortfall of forests in the early 21st Century. We have in the State of Maine those persons who own less than 5,000 acres, a total of 180,600 landowners who manage and own 6,536,000 acres of woodlot. For instance, let's take away the 10 acres, which is what I call more or less house lots, you still have 78,400 people with 5,329,300 acres of woodlot and I think if we manage these lots properly, it would help an awfully lot to make up for the shortfalls we anticipate.

In 1980, we had 23 service foresters lopped off and we have been told that we have forest management practices coming along that are going to help to maintain the woodlots but it is my opinion that unless you have somebody out there in the field pushing for this woodlot management, that your job is not going to be done. For that reason, I cosponsored the bill to go ahead and have five service foresters. I believe these service foresters should be working with small woodlot owners, not to just mark trees and like that, but to go out there and sell the idea of good woodlot management. Also, be sure and tell the landowners what is going to happen to their land if they go into this biomass cutting. I know it is taking place down our way, and when they get done, the place looks like a war had taken place. So, I think that this is a good bill and I would hope that you would give it some consideration.

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

Representative CARTER. Mr. Speaker, Ladies

and Gentlemen of the House: I would hope that you would go along with the Majority Report this morning.

Briefly, let me state that L.D. 1187 is an attempt to reinstitute a program back on the books that Program and Audit Review felt that it was an area that should be left to private enterprise several years back and the majority of the members on the Appropriations Committee agreed. There are enough private consultants available, throughout the state, to deal with this problem and, consequently, it should not be a burden for the state to provide this service. I would hope that you would go along with the Majority "Ought Not to Pass" Report.

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

A vote of the House was taken.

74 having voted in the affirmative and 51 in the negative, Majority "Ought Not to Pass" Report was accepted in concurrence.

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

Non-Concurrent Matter

Bill "An Act Pertaining to Interest on Abated Property Taxes" (H.P. 497) (L.D. 700) (C. "A" H-147) which was Passed to be Enacted in the House on May 29, 1985.

Came from the Senate Passed to be Engrossed as amended by Committee Amendment "A" (H-147) as amended by Senate Amendment "A" (S-172) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Require Recognition of Nursing Licenses Granted in other Jurisdictions" (H.P. 1003) (L.D. 1445) which was Passed to be Engrossed as amended by Committee Amendment "A" (H-227) in the House on May 29, 1985.

Came from the Senate Passed to be Engrossed as amended by Committee Amendment "A" H-227) as amended by Senate Amendment "A" (S-171) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Restructure the Duties and Funding of the Maine Land Use Regulation Commission" (S.P. 606) (L.D. 1600) which was Passed to be Engrossed in the House on May 30, 1985.

Came from the Senate Passed to be Engrossed as amended by Senate Amendment "B" (S-180) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Provide that Cost-of-Living Plans for Retired Persons under the Maine State Retirement System shall Apply to All Participating Local Districts that do not Provide Social Security Benefits for Employees" (H.P. 661) (L.D. 944) (C. "A" H-89 and S. "A" S-68) which was Passed to be Enacted in the House on May 6, 1985.

Came from the Senate Passed to be Engrossed as amended by Senate Amendment "B" (S-168) in non-concurrence.

On motion of Representative Hickey of Augusta, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Providing for the 1985 Amendments to the Finance Authority of Maine Act" (H.P. 785) (L.D. 1118) (C. "A" H-231)

— In House, Passed to be Engrossed as amend-

ed by Committee Amendment "A" (H-231) on May 29, 1985.

— In Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-231) on May 30, 1985 in concurrence.

— Recalled from Engrossing Department pursuant to Joint Order (S.P. 625)

Came from the Senate Passed to be Engrossed as amended by Committee Amendment "A" (H-231) as amended by Senate Amendment "A" (S-179) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Concerning Notice of Legal Obligations of Marriage on a Marriage Certificate" (H.P. 995) (L.D. 1432) (C. "A" H-195) which was Passed to be Enacted in the House on May 30, 1985.

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

Representative Reeves of Pittston moved that the House adhere.

Representative McHenry of Madawaska moved that the House insist and ask for a Committee of Conference.

Representative Dillenback of Cumberland moved that the House recede and concur.

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

Representative REEVES: Mr. Speaker, Men and Women of the House: I hope that you will defeat the motion to recede and concur so that we can insist and ask for a Committee of Conference. We debated this bill in the House several times and voted for it two or three times. I hope that we can maintain our position that this is a good bill that may provide a little bit of information to those who are about to marry and perhaps we can work out a compromise with the Committee of Conference. So, please vote against the motion to recede and concur.

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

Representative STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I don't know whether I heard the good Representative from Pittston properly but if she said that this gives misinformation, but that is what it does. This bill would have us tell the public that each of us had a duty to support the spouse and children. It does not say minor children. This bill would tell everybody that you have a duty to support your children until the day they die. Well, maybe it is coming to that. It also says to somebody that happens to be incarcerated, you shall not marry, particularly not marry another paraplegic, because each of you has the duty to support your spouse. That is not the law, ladies and gentlemen, so I don't think we should start putting on a marriage license what isn't the law.

I ask you all to go along with the motion to recede and concur.

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

Representative REEVES: Mr. Speaker, Ladies and Gentlemen of the House: Just to clarify what I said to the Representative from Damariscotta, I said a little bit of information, not misinformation. I can't quote exactly the title regarding support obligations but I am sure that the support obligations are based on the ability of a man or a woman to provide financial support for their spouse or minor children. I know that, in the law, there is a bit of distinction between the obligation for the husband and the obligation for the wife. The husband is obligated to provide support for this wife and minor children; the wife is obligated to provide support for the husband when he is need, that is one distinction.

As I mentioned before, our state has a large department in the Department of Human Services which spends a great deal of money and personnel time pursuing divorced spouses who do not feel that they have any legal obligation to pay alimony or support payments. I think it would be of great advantage to those considering marriage to know that if they do marry, there are legal, financial obligations that need to be met.

I hope that you will vote against the motion to recede and concur and send this to a Committee of Conference.

The SPEAKER PRO TEM: The Chair will order a vote. The pending motion before the House is the motion of the Representative from Cumberland, Representative Dillenback, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

76 having voted in the affirmative and 46 in the negative, the motion did prevail.

Messages and Documents

The following Communication:

State of Maine
Office of the Governor
Augusta, Maine 04333

May 31, 1985

To the Honorable Members of the 112th Maine Legislature:

I am returning without my signature or approval L.D. 627, "An Act to Protect Lobster Gear."

This legislation would interfere unnecessarily with the right to navigation in the territorial waters of the United States.

The bill would restrict the use of cutting devices which keep boat propeller shafts free of weeds, debris, and lines. These cutting devices have a legitimate navigational purpose. They can be legally used in the territorial waters of every other coastal state in this nation. They can be freely bought and sold in Maine, whether or not this bill becomes law.

The right to freely navigate the seas is a longstanding American principle. It is every citizen's right to use the territorial waters free of worry over man-made hazards to navigation. No group of people has a preferential right to use those waters. Lobstermen may place their traps there, but must do so in such a way as to permit safe, unimpeded vessel traffic.

Lobster traps, buoys and buoy lines — properly rigged, maintained, and attended — generally are not an impediment to navigation. But carelessly rigged traps, with an excess of buoy line; or traps placed indiscriminately in designated navigation channels, or in waters routinely and frequently traversed; are an impediment to navigation, and a public safety hazard. The burden is on lobster fishermen to fish their traps prudently with due respect to the lawful rights of all users of the territorial waters.

There are further reasons for not placing this legislation in Maine's statutes. First, for all practical purposes, the law would be unenforceable. Thousands of watercraft owned by non-residents traverse Maine's territorial waters every year. It is unreasonable to expect voluntary compliance with such a unique requirement for the duration of their presence in Maine's waters. It is impossible to conceive of how a reasonable fraction of these vessels could be checked for compliance. As I have said before, laws which cannot be enforced should not be a part of the Maine statutes. They foster disrespect for the law and our legal institutions.

Second, for those few people who might be cited for violating this law — most likely from distant states unfamiliar with such an unusual local practice — the penalties are unreasonably severe. The legislation provides that violations are a Class D criminal offense, with the penalty being up to a year in prison, or up to a \$1,000 fine, or both.

For all of these reasons — the principle of

free navigation, the lack of enforceability of the law, the excessive penalty provisions — I veto this bill.

Sincerely,
S/ JOSEPH E. BRENNAN
Governor

Was read and ordered placed on file.

The accompanying Bill "An Act to Protect Lobster Gear" (H.P. 445) (L.D. 627) (Conf. Com. "A" H-130).

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

Representative SCARPINO: Mr. Speaker, Men and Women of the House: I would urge you to vote to override the Governor's veto on this particular issue. I would like to give you a few short reasons so we won't prolong this anymore than necessary.

The Governor's statement that this legislation will interfere unnecessarily with the right to navigation in the territorial waters of the United States — it won't interfere, anyone can go wherever they want to go, they would just have to go there with no cutters, perhaps a cage. Go down a little further and it says, "lobstermen may place their traps there but must do so in such a way as to permit safe, unimpeded vessel traffic in waters routinely or frequently traversed with due respect to the law for rights of all users in territorial waters." There are no waters in the State of Maine that aren't routinely and generally traversed. There are two different respects involved here, there is respect to the fishermen for the pleasure boater and the boat operator, respect to the boat operator for the fisherman. Now, you say that it is not illegal in the federal waters, that is absolutely right, it is not, but the federal government has a program, the Fishermen's Protective Act, and everyone that uses those waters commercially, who is not a resident of the United States, pays into a fund. Any fisherman who loses gear, any fixed gear, through the action of another vessel, is compensated out of that fund. We have no such protection for the Maine fisherman in this state. People from out of this state or out of this nation can freely traverse these waters and they don't pay into a fund to reimburse the fisherman for his gear loss.

Now the final part, the part about the unenforceability, it is an enforceable piece of legislation, it is just as enforceable as every other marine law that we have on the statutes. If this bill shouldn't be law, because it is unenforceable, then I would suggest, quite honestly, not facetiously suggest, that we remove every marine resources law that we have on the books because they are all equally enforceable or equally unenforceable to this law. As to the penalty of being extreme, if it cost \$50 for a trap and one boat going through one area in the space of 15 minutes, can cut off 50 or 60 or 100 traps, add it up. It is not out of scale.

Once again, I would urge you to vote to override the Governor's veto.

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

ROLL CALL No. 122V

YEAS:—Begley, Bell, Bonney, Bott, Bragg, Cahill, Callahan, Clark, Coles, Conner, Davis, Dellert, Dexter, Dillenback, Drinkwater, Farnum, Foss, Greenlaw, Handy, Harper, Hichborn, Higgins, L.M.; Holloway, Ingraham, Jalbert, Kimball, Lander, Lawrence, LeBowitz, Matthews, Mayo, McCollier, McSweeney, Murphy, E.M.; Murphy, T.W.; Nickerson, Priest, Randall, Rice, Rolde, Rydell, Salisbury, Scarpino, Seavey,

Sherburne, Small, Smith, C.B.; Smith, C.W.; Sproul, Stetson, Stevenson, Swazey, Webster, Wentworth, Weymouth, Whitcomb, Zirkilton.

NAYS:—Aliberti, Allen, Armstrong, Baker, A.L.; Baker, H.R.; Beaulieu, Bost, Brannigan, Brodeur, Brown, A.K.; Brown, D.N.; Carrier, Carroll, Carter, Cashman, Chonko, Connolly, Cooper, Cote, Crouse, Crowley, Daggett, Descoteaux, Diamond, Erwin, Foster, Gwadosky, Hale, Hayden, Hepburn, Hickey, Higgins, H.C.; Hillock, Hoglund, Jackson, Jacques, Lacroix, Law, Lisnik, Lord, MacBride, Macomber, Manning, Martin, H.C.; Masterman, McGowan, McHenry, McPherson, Melendy, Michaud, Mills, Mitchell, Moholland, Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, Nicholson, O'Gara, Paradis, E.J.; Parent, Paul, Perry, Pines, Pouliot, Racine, Reeves, Richard, Ridley, Rioux, Roberts, Rotondi, Simpson, Soucy, Stevens, A.G.; Stevens, P.; Strout, Tamaro, Tardy, Taylor, Telow, Theriault, Vose, Walker, Warren, Willey, The Speaker.

ABSENT:—Boutilier, Duffy, Joseph, Kane, Michael, Paradis, P.E.; Ruhlin.

57 voted in favor of same and 87 against, with 7 being absent, and accordingly the veto was Sustained.

At this point, Speaker Martin resumed the Chair.

Reports of Committees

Ought to Pass in New Draft/New Title

Representative GWADOSKY from the Committee on State Government on Bill "An Act to Establish the Department of Post-secondary Vocational-technical Education" (H.P. 162) (L.D. 196) reporting "Ought to Pass" in New Draft under New title Bill "An Act to Establish the Maine Vocational-technical Institutes Administration" (H.P. 1132) (L.D. 1639)

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

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

Divided Report Later Today Assigned

Majority Report of the Committee on "Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-273) on Bill "An Act to Control Acid Rain" (H.P. 263) (L.D. 317)

Signed:

Senators:

USHER of Cumberland
EMERSON of Penobscot

Representatives:

MICHAUD of Medway
RIDLEY of Shapleigh
COLES of Harpswell
HOGIUND of Portland
DEXTER of Kingfield
BROWN of Livermore Falls
HOLLOWAY of Edgecomb
LAW of Dover-Foxcroft

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-274) on same Bill.

Signed:

Senator:

KANY of Kennebec

Representatives:

JACQUES of Waterville
MITCHELL of Freeport

Reports were read.

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

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

Representative MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: Acid rain is a national problem and it is going to require

a national solution. The statistics indicate that Maine's sources account for only 10 percent of the acid deposition in this state and the goal of this bill and the other bill that was introduced, I think, was to strengthen our hand in dealing with the midwestern states by allowing us to be able to say that we have taken steps to control acid rain here in Maine.

There were two bills introduced this session to deal with this problem. One was an executive bill, which tried to address this problem, by controlling the emissions which came out of the stacks of industry. The second approach, which came from the environmental community was one which tried to control the problem by controlling what went into the burners to be burned in the first place. The executive bill, which is the Majority Report does absolutely nothing. It takes the level of acid emissions that was reached in 1980 and sets that as a cap. The Department of Environmental Protection has done some projections on the use of fuel in this state and projected the subsequent SO₂ emissions and determined that they would be reduced by 10 percent by 1990. Not only does the bill do nothing but in our committee deliberations on this bill, everyone who was affected by the bill came in and gave us an amendment and we adopted it. There is a utility amendment, a paper company amendment, there are only 14 people in the state who put this stuff into the air and they all have amendments in this bill that makes them absolutely happy. I, frankly, don't see the sense in passing a bill that does absolutely nothing. This bill doesn't cut emissions and most importantly, it doesn't give us a bargaining chip on the national level when we go out and deal with the midwestern states because all they would have to do is read this bill and they would realize what a joke it is, a complete joke. In fact, you could pass this bill in the state of Ohio or Indiana or Illinois or any of those states that are causing the problem and it wouldn't reduce the acid rain that falls in Maine at all. They could pass this bill in Ohio and keep on burning the dirty coal forever. All they would have to do is go back, check which year they produced the most SO₂ emissions, set the level right there and keep on burning it from now on. The bill really is a joke, it is a complete and total farce. The worst thing about this bill is that if we pass it, the people of this state are going to think that we have done something about the problem when actually we have done absolutely nothing.

In the Governor's veto message earlier today, he said that some laws which are unenforceable do nothing but foster disrespect for the law.

The Minority Report in this bill is a modest proposal and it would require a 20 percent cutback of SO₂ emissions over the 1980 level. Remember, that the 10 percent cutback is already projected just because of the change in our fuel use because oil, which is the source of pollution, is becoming more expensive and people are changing to other products in its place.

I would urge the members of the House to think really carefully about passing a terrible, scurvy bill like this. Frankly, you would be better off to pass nothing. The Minority Report isn't bad, the Majority Report really stinks, it is a terrible, terrible bill, it does nothing but mislead the people.

The SPEAKER: The Chair recognizes the Representative from Livermore Falls, Representative Brown.

Representative BROWN: Mr. Speaker, Ladies and Gentlemen of the House: Representative Mitchell has briefly described to you the difference between the two bills in saying that the Majority Report does nothing and the report that he signed, along with a couple of others, really does something to attack the problem. I think that it is important that we understand a little bit about acid rain before

we vote on this issue. I am not going to go into a long discussion, just a couple of very, very basic factors. One is that those who favor the Minority Report are suggesting that, once again, Maine become a leader. Well, I think we have to ask ourselves just how far do we go in becoming a leader in attacking some of these nationwide, national problems that affect us but which we don't necessarily generate ourselves. Even the proponents of the Minority Report admit that, when you look at the whole acid rain problem as it affects Maine, only about 10 percent of that problem originates within Maine. In fact, less than 10 percent.

If we went with the stricter version, we would be reducing sulfur emissions by 20 percent over a relatively short period of time and that would reduce Maine's acid rain problem by less than 10 percent so if you do your math carefully, you will see that if we do all of these great and wonderful things and show the federal government that we are really taking action up here, we have reduced our impact by acid rain by less than 1 percent. I think we have to look at the cost, again born by some of our larger employers in this state, to create that net result of less than 1 percent impact by acid rain. You just have to ask yourselves whether or not the headlines are worth the results. I think that they are not. I think they are not, not because it is not a big problem, we recognize acid rain as a big problem and I would not be one to say that it is not, but let's look at what Maine has done to help solve that problem on its own without legislation. From the period of 1972 to 1982, Maine reduced its residual oil and coal fired energy consumption by 43 percent. Ohio, on the other hand, where a good deal of our problem comes from, only reduced their consumption by 15 percent. Maine industry is looking hard at biomass projects, looking hard at hydro projects; again, projects which are going to reduce our dependency on coal and oil and, thereby, reduce the long term effects of acid rain as a result of sulfur fuels. So, I maintain that Maine has taken a leadership role in this issue, on its own, without legislation such is proposed. I think it is also important to point out that the sulfur, which has been described as the major component leading to the problem of acid rain, the highest sulfur fuel in Maine, for example, is 2.5 percent sulfur and that is a high. Most of the industries are using less than that but that is the high. Our midwestern friends are using fuels with sulfur content of 7 and 8 percent and, yet, we want to take a leadership role in saying, we are doing something in this state to control acid rain. If we took that view, we would be doing something all right, we would be controlling less than 1 percent of the problem, but we would be affecting a lot of jobs. I think it is time that we just step back for a moment and visualize what we are doing to industry out there. They have just about had enough. If we were making significant advances, as a result of this legislation, I would be in favor of it, but we are making significant advances without legislation and I think we ought to continue in that direction.

In terms of what the bill does, I would contradict Representative Mitchell, who says that the bill does nothing, it certainly does, both versions in fact, including the Majority Report, include a study of nitrous oxide effects on acid rain. This is an issue that has been overlooked. Too often we look to industry and say that sulfur fuel is causing the problem and there is a lot of documentation out there which indicates that nitrous oxide may be creating quite a bit of the problem as well. I think it is important for this state to know just what impact nitrous oxides are having on the overall problem. That is the major part of the bill as far as I am concerned, to give us a little better handle on where the total problem originates.

So, I certainly support the Majority Report and hope that you go along with it.

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

Representative JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I don't often sign a Minority Report. As a matter of fact, I haven't done it this year and I don't think I have done it too many times in my four times here. One of the things that many of the people in my district asked me this past campaign, and even though I was unopposed, I do campaign, was if we were going to do anything positive about acid rain. I assured them that, when the time came, I would certainly try to do something positive about acid rain and that is why I am on the Minority Report.

I will make a prediction to you, that as long as the big industries of this country have so much influence in Congress and in state legislatures all across this country, there will be very little done except semantics and lip service on acid rain.

There are two basic reasons I signed the Minority Report. The State of Maine has a cap of 2.5 on its sulfur content fuel. That is higher than any other state in New England. You can argue that all you want. The two closest states are Vermont and New Hampshire and they are 2.0. Some of the other states in New England go from there down. I still felt that it would be very difficult for Mr. Cohen and Mr. Mitchell to be in Washington arguing about the mid western states doing something about dumping their acid rain on this state when Maine still allows the highest maximum cap to be 2.5. One of the reasons is because we burn a quality fuel oil which is 2.3, which is higher than any other state in New England. What they do by batching it, that is mixing lower quality with higher quality, they can maintain that 2.3 average which is fine if you sell oil.

One of the big concerns that I had was that we have been talking an awful lot about acid rain and that started back in 1978, 1979 and we have never really done anything to step that forward. When things start affecting what I consider to be my water quality and my fish and my trees and my peoples trees and water quality, I think we should do something about it.

I understand how things are and I understand where the big guns are and where the big money is. We will be talking about acid rain 20 years from now because whether you set a cap for 10 years from now—all this does is mean they will comply by 1990 and I think asking for a business to do it in 10 years isn't asking an awful lot when you are talking about the small percentage. It is true that some of them have done a lot on their own and I think they were smart to do so. The Majority Report doesn't do anywhere near enough as far as I am concerned and it doesn't do anywhere near enough as far as the majority of my constituents are concerned. Even though we have two Scott Paper Companies in the area and we have a Keyes Fibre nearby, there are still some concerns about acid rain and that is why I signed the Minority Report.

Mr. Speaker, I would ask for a roll call when the vote is taken.

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

Representative MICHAUD: Mr. Speaker, Men and Women of the House: Just briefly a few remarks. The reason why I signed the Majority "Ought to Pass" Report as amended, it is true Maine has done a lot for their acid rain and it is on a decline. The reason why I did not sign the Minority Report to call for an outright reduction is that there is still a lot to be learned about acid rain in Maine. I feel the problem can't be solved on a state by state basis, it has to be a national solution. Both reports do include a study of the problem.

I think the Majority Report is a positive step. Some of the concerns at the public hearing

was, what is the department going to do? How are they going to implement a cap? One thing that they will have to do is bring back the rules and regs to the committee so we will know how they plan on implementing the cap.

What basically committed me to go along with the Majority Report is that the Maine Audubon Society contacted Ivan Fernandez, Assistant Professor of Soil and Science Cooperation at the University of Maine in Orono and he has written a letter which basically convinced me that we have to be cautious in what we do. I will quote from the letter. "My impression of research today regarding aquatic effects suggests that only a limited number of water bodies in Maine may be currently affected by sulfur deposition." May. It goes on further to say, "Are the costs to Maine industry and citizens worth the expected benefit? My feeling is that a cap on sulfur emission may be more appropriate given the current understanding as to the magnitude of the problem related to aquatic effects while still demonstrating a sincerity by Maine to take action on this issue." It says, "no evidence exists to support the claim that acid deposition has an effect on forests productivity".

I think the Majority Report is the realistic report. I think it is good to say yes, we are asking for a reduction in acid rain but what do we say, we are going to reduce and then we are going to see if there is a real problem? The department is supposed to bring back to the committee next year their rules and regulations on how they are going to implement the cap. I think that this body should adopt the Majority Report because it is sending out the study and also puts a cap so that they will not be any more acid rain deposition until we find out exactly what the problem is.

I would hope you would join me in supporting the Majority "Ought to Pass" Report.

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

Representative LAW: Mr. Speaker, Ladies and Gentlemen of the House: I would like to say why I supported the Majority Report and make three quick points that have not been brought up.

One, if you try to control the input rather than the output, you have a tendency to lessen the input of initiative on ways to remedy. For example, one of the local cement plants has found that if you use the higher percentage oil, they can mix it with some of their waste material that would not nearly be waste from their products and lower the sulfur content that way.

Second, we did add amendments to some of the industries that wanted them. One we reduced the requirement that one of the electrical companies up north, does not use a standby oil generator but the price they have to pay for electricity from Canada is based on the price of the oil if they did use it. So, we added an amendment, that if you don't use a particular generator more than 20 percent of the time, that is excluded.

Our third point is that my good friend from Freeport suggested that the Midwest will see right through us but we are going to fool our local people. I would like to suggest that the local people are just as smart as the Midwesterners.

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

Representative MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to repeat my main objection to this bill. My main objection is the false impression that it is going to create among our people. Those who support the Majority Report could have done absolutely nothing except pass out the nitrous oxide study and achieve just as much. In fact, the Majority Report is so weak that once it is implemented almost every industry

in the state will be able to increase its emissions up to the level of 1980, which I think is just a joke.

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 Medway, Representative Michaud, that the House accept the Majority "Ought to Pass" Report. Those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL No. 123

YEAS:—Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bott, Bragg, Brown, D.N.; Cahill, Callahan, Carrier, Clark, Coles, Cooper, Cote, Crowley, Daggett, Davis, Dexter, Dillenback, Drinkwater, Duffy, Farnum, Foss, Foster, Greenlaw, Harper, Hepburn, Hickey, Higgins, L.M.; Hillock, Hoglund, Holloway, Ingraham, Jackson, Jalbert, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Manning, Masterman, McPherson, Michaud, Mills, Moholland, Murphy, E.M.; Murphy, T.W.; Nadeau, G.R.; Nicholson, Nickerson, O'Gara, Paradis, E.J.; Parent, Priest, Rice, Ridley, Rioux, Roberts, Salsbury, Seavey, Sherburne, Small, Smith, C.W.; Soucy, Stetson, Strout, Swazey, Tammaro, Taylor, Telow, Vose, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

NAYS:—Aliberti, Allen, Baker, H.R.; Bost, Boutilier, Brannigan, Brodeur, Brown, A.K.; Carroll, Carter, Cashman, Chonko, Connors, Connolly, Crouse, Dellert, Descoteaux, Diamond, Erwin, Gwadosky, Hale, Handy, Hayden, Hichborn, Jacques, Kimball, Lacroix, Lisnik, Macomber, Martin, H.C.; Matthews, Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Mitchell, Murray, Nadeau, G.G.; Nelson, Paul, Perry, Pines, Pouliot, Racine, Randall, Reeves, Richard, Rolde, Rotondi, Rydell, Scarpino, Simpson, Smith, C.B.; Sproul, Stevens, A.G.; Stevens, P.; Stevenson, Tardy, Theriault, Walker, Warren, Webster, The Speaker.

ABSENT:—Beaulieu, Higgins, H.C.; Joseph, Kane, Paradis, P.E.; Ruhlin.

79 having voted in the affirmative and 66 in the negative with 6 being absent, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-273) was read by the Clerk.

On motion of Representative Michaud of Medway, tabled pending adoption of Committee Amendment "A" and later today assigned.

Divided Report

Majority Report of the Committee on Business and Commerce reporting "Ought to Pass" on Bill "An Act to Change the Manner in Which the State Seeks Assurance of Motorists' Financial Responsibility" (H.P. 838) (L.D. 1189)

Signed:

Senator:

DANTON of York

Representatives:

ALIBERTI of Lewiston

TELOW of Lewiston

BRANNIGAN of Portland

MURRAY of Bangor

RYDELL of Brunswick

STEVENS of Bangor

MARTIN of Van Buren

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

Signed:

Sensors:

SEWALL of Lincoln

BUSTIN of Kennebec

Representatives:

BAKER of Orrington
ARMSTRONG of Wilton
HILLOCK of Gorham

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

The SPEAKER: The Chair Recognizes the same Representative.

Representative BRANNIGAN: Mr. Speaker, Men and Women of the House: This is a bill that has been before this body many times and many years and in many forms. It deals with automobile insurance and whether or not the people of the State of Maine should be required to have it. The reason it has come up before this body so many times, in so many forms, in so many years is, I believe, because the people of the State of Maine want it, and I believe most of them want the other people to have it too. They want us to do whatever we can — I say that, whatever we can—to make sure that they have it. Why then has it been defeated so many times since 1930 in this House and in this Legislature? Many reasons. I think one of the major reasons has been cost.

The way it had been drafted in the past, it has been very expensive, I say, the way it has been in the past, not this bill. It was very expensive because it had an aggressive enforcement mechanism, which required a great deal of work on the part of the insurance companies and a great deal of work, millions of dollars worth of work, on the part of our Secretary of State's Office.

Last session we presented a bill and we presented again this session a bill that is not so drafted. This bill evolved out of a study of the recurring request for some sort of mandation of automobile insurance. This bill came to this body and passed last year, then went to the other body and narrowly failed on one vote. We are bringing it back to you as a well developed piece of legislation that deals with the problem. This does say the people in the State of Maine must have automobile insurance. It is a passive system, however, that will administer this only when someone is in an accident or stopped for some other reason. Whenever they happen to be stopped, then an insurance check will be made. If the person does not convince the officer that they have automobile insurance, then a card is issued in which they can verify that they have it. That card duplicate goes to the Secretary of State's Office. If they don't verify it, their license is suspended or the registration is suspended. This is a passive system that will not cost the state money. In fact, it will probably, depending on how often this is used, bring money to the state because of the cost to people to have their license reinstated.

This is the first time that the Secretary of State's Office in the State of Maine, both our present Secretary of State's Office and those preceding it, have ever supported it. Those of you who have noticed, the Secretary of State himself has written to newspapers around this state supporting this bill. It is the first time that numbers of insurance agents themselves — in fact, the drafting of the bill was done with the help of independent insurance agents in the last session of this legislature.

So, we present it to you as a way in which we can carry out what I believe is the will of the people of this state that the other person be required to have insurance. It will not cure it all, it will not make everyone — just like our mandatory automobile licensing, people drive without a license, people will continue to drive without insurance, but they won't do it with our sanction. They won't do it with us saying, it is okay. Then we can go on from there with other remedies in this area.

So, I ask you to support the majority of our committee and to vote for the passage of this insurance measure.

The SPEAKER: The Chair recognizes the

Representative from Wilton, Representative Armstrong.

Representative ARMSTRONG: Mr. Speaker, Men and Women of the House: This is, as you have heard, a compulsory automobile liability insurance bill for Maine drivers. A compulsory automobile insurance is something that meets with a good deal of public support among legislators and among the people in the State of Maine. It certainly sounds like a good idea and everyone hopes that, when someone runs into them, that that party has liability insurance that the injured motorist can fall back on. Unfortunately, a number of states have tried compulsory liability insurance and in reality it just has not worked well and is very expensive. They tell us that in the states with compulsory liability insurance there are still anywhere from 12 to 20 percent of the motorists on the roads that, for one reason or another, don't carry it. So, when those people run into you, you are no better off than you are with the current system.

As you know reading in the paper all the time, many people are picked up for driving after suspension of license or what not. People that can get the key to an automobile are still going to drive.

The other problem is that in states with compulsory liability insurance, the policy holders, that is you and I and everyone else that takes the responsibility of buying insurance, in states with compulsory insurance, the policy holders, individuals, pay anywhere from 30 percent to 200 percent more in annual premiums. This is the hooker with compulsory automobile liability insurance. Judgments are higher, court awards are higher and these are passed on to increased rates.

So, while I certainly sympathize with anyone that has ever had an accident and been hit by an uninsured motorist, unfortunately, compulsory insurance doesn't take care of the problem of the uninsured motorist on the road and is very expensive.

Several other methods have been discussed in committee protecting people against losses and there are other ways of doing it. There are state administered pools where you can broaden your own uninsured motorist protection. One of the measures presented was a law to allow uninsured motorist protection to be broadened to include property damage so you can pick up the collision on your vehicle. But I am afraid if we pass this, it isn't going to solve the problem with the uninsured motorist out there and it is going to cost you and I and the Maine citizens more when you get your policy premium.

Mr. Speaker, I ask for a roll call.

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: I am wondering how many of you took the questionnaire and sent it out to your constituents as I did, and as was reported by many members of the Business and Commerce Committee that favored the passage of this bill. My statistics show that over 90 percent of the responses to my questionnaire as to, do you believe the motorists should be required to have liability insurance? I don't know how we could justifiably face our constituents and say 90 percent of you, and this is an accurate figure that was reported by most of the questionnaires that went out, want this liability insurance but we can't seem to get around to passing it.

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

Representative MURRAY: Mr. Speaker, Men and Women of the House: There are seldom events in peoples lives that are as devastating as being involved in an automobile accident. What makes this even more devastating often times is when a person has been involved in

an accident and not been at fault and someone hits them, caused a great deal of injury and was not covered by insurance. The present situation is frustrating at the very least and often very tragic at the worst.

There have been past attempts made by this legislature and others to deal with that problem of a victim of an accident who is not covered adequately. They have included mandatory uninsured motorist coverage, which we presently have, and they have included the proof of insurance requirements after someone has already been involved in an accident. I think these measures are good but, unfortunately, they don't address the problem as they should.

The basic issue still remains one of fairness. Should the motorists, who are allowed to operate on Maine roads, be held responsible for the financial liability to others that they are responsible for? I would say yes, that we in this state should mandate that type of responsibility. But I don't say this alone. As others have said, the popular support for this type of initiative is overwhelming. Despite the referendums or along with the referendum questions that we sent out, a national poll was conducted by the Harris Poll in which 91 percent responded that all drivers should be required by the government to carry automobile insurance. A more interesting statistic in that same poll is that 62 percent of the uninsured motorists themselves favor mandatory government obligation of automobile coverage.

The position that the Business and Commerce Committee has taken is one that says, yes, you shall, if you are licensed to operate on these state roads, be required to maintain financial responsibility. There have been arguments raised about the particular costs involved in other states. I found it interesting in the opponents presentations before the committee — they provided us with a list of some of the other states that have compulsory auto insurance and a cost in comparison to other states. The most recent listing of states that they gave us was 1978. Most of the other states they gave us were from dates in 1973, 1976, 1977 and they compare states — they couldn't tell us exactly why those states were compared as opposed to other states. Not only that, the proposals in other states are not like the proposal that we are discussing today. Much of the increase in cost that the insurance industry estimates is involved in the administrative costs of having to check and recheck whether or not their particular clients have coverage at the time of registration. This particular bill does not require that. It is a passive approach, as has been mentioned to you, but it is an approach which says the State of Maine will no longer, nor the citizens of Maine who are responsible in getting coverage, will no longer allow those people to operate on Maine roads and be condoned by the State of Maine to operate without auto insurance.

I hope you would approve of this passive approach and one that I think will make a significant step.

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

Representative BAKER: Mr. Speaker, Ladies and Gentlemen of the House: The experience in every state that has passed the compulsory system is that automobile insurance rates have gone up, not just modestly, but dramatically. Under a compulsory system, everything goes up, numbers of claims, awards and recoveries. There has been no exception to that pattern. As one who has lived outside the state for several years in a state with a compulsory insurance program, I can assure you that your constituents will not be very happy with the results if this bill passes because higher rates will surely follow as day follows night. If any of you have relatives or friends living in those states, I suggest you talk with them before you

make a vote on this bill and they certainly will verify my suggestion.

Second, this bill will not solve the problems of uninsured motorists. Even the sponsors admitted in the work session that there will still be a substantial number of people who will drive uninsured, perhaps as much as 12 percent of all motorists. There will also be a problem of enforcement. A person can buy insurance to get reinstated, then simply do not make the second monthly payment, thus they will be driving without insurance again. If we accept this bill, can we repeal the financial responsibility law and the uninsured motorist law? The answer is, obviously, no. Vermont and New Hampshire have defeated similar legislation. I hope you will reject the Majority Report.

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

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: As a signer of the Minority Report, I feel that it is my responsibility to give my opinion on this. There was a lot of debate and there were people on both sides of our committee but one thing we all agreed on was that there certainly is a lot of irresponsible motorists around the state that do not have insurance. The figures range from 15 to 20 percent. What was interesting was that these people are the ones that won't buy insurance under this plan either.

This is passive enforcement and the only way that they are going to have to show proof is after they have done the damage to the innocent people of the State of Maine. Presently, we are subsidizing these people under this system that is in the state at this time and, under this new system, it enacted, will be the same way except the cost of the insurance of all the good drivers in the State of Maine are going to go up. This can't be denied because every state in the union that has passed any form of compulsory insurance, the rates have gone up and the reasons are many and irrefutable.

I, too, sent out a questionnaire and people were concerned about the irresponsible, uninsured motorists in the State of Maine and they wanted some remedy to it. There are a lot of remedies to this but, in looking at remedies that make the people responsible that are presently irresponsible and to try to get away from subsidizing these people, an alternative was discussed, and an amendment may be put on later that would be directly aimed at these irresponsible people but I think when we look for remedies, we have got to see what effect they have on the people that are obeying the laws in the State of Maine. This would not, in my mind, help remedy the problem.

I urge you to vote against the pending motion.

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

Representative MURRAY: Mr. Speaker, Men and Women of the House: I would just like to agree in part with my friend from Gorham, Representative Hillock, in that this present system is subsidizing those people who are uninsured. You and I and those who are presently covered by insurance are subsidizing those that presently the State of Maine is saying, it is all right for you not to get insurance. I think that that is wrong. The Secretary of State's Office estimated that the reduction in uninsured motorists would be as high as 50 percent under a system like this. I think that is significant. Those that continue to abuse the system under the bill that is under your consideration could be required to abide by the proof of financial responsibility law that is on the books, which has much more teeth and if there is continued abuse, I think it could be dealt with under that. So, I think this is a significant bill, it is a good step and I hope you

would support the Majority Report.

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

A vote of the House was taken and 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 South Portland, Representative Macomber.

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: Today, I rise in opposition to the motion before you. If I read the bill correctly and I could stand to be corrected, you could be stopped for a violation such as a taillight and, just by a simple violation like this, you would have to provide certification that you have insurance of some sort; otherwise, you could, by not verifying this, lose your license and your registration. It seems quite harsh to me.

It seems that we are talking about compulsory insurance, whether we want to use that term or not, but I think the thing that bothers me was the statement by the gentleman from Portland, Representative Brannigan — he said that this would cost very little or perhaps nothing at all — the figures on Page 14 of the bill, the allocation that is necessary to finance this particular bill are 10 new positions in Motor Vehicle at a cost of \$524,000. I think a half a million dollar cost to enforce a bill that really is not that clearly written, I don't believe, I think is excessive.

I would hope that you would vote against the motion on the floor.

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

Representative BRANNIGAN: Mr. Speaker, Men and Women of the House: Just to answer Representative Macomber, yes, under this bill, when you are stopped now for a taillight, you are asked for your license and registration. After this would go into effect, you would be asked for your license and registration and proof of insurance. If the officer was not satisfied with the proof of insurance or if you had no card or policy with you, then you would be given a card which would give you a chance to go to your insurance agent and verify. If you were not verified, you would lose your license, you would have proven that you were not following the laws in the State of Maine. We are saying that people in Maine should drive responsibly and should do that by carrying insurance. As far as the cost is concerned, there will be increased costs to the state but the fiscal note tells us that that will be amply taken care of by reinstatement fees. The Secretary of State's Office feels that \$200,000 or \$300,000 at least will probably come in in income over expenses so it will not cost the State of Maine.

The whole business about the insurance companies going up on rates — first of all, just from another point of view, I figure automobile insurance is going to go up anyway, we have been having a real competitive war going on out there on all kinds of property and so forth and some of these companies have gotten hurt and they are having trouble reinsuring, nothing to do with this bill, so probably our insurance costs are going to go up. Maybe. But, if they put them up just because of this bill, this does not require the insurance companies to chase people, it does not keep them in constant touch with the Secretary of State's Office, it does not cost them the money that all the other types of automobile insurance requirements in other states cost them. So, I think if they go up on their premiums, it is not justified under this particular bill.

Lastly, we can cover ourselves, we must cover ourselves against the other person but

that particular type of insurance is called uninsured motorists or under-insured motorists and I think people in this state tend to have that stick in their craw. We all should be examined and we all should put up at higher limits our uninsured motorists but a lot of people say, doggone it, if other people aren't required, why should I have to pay? There is a little blockage there and once we get, at least the State of Maine on record as saying other people have to have insurance, then I think maybe we can encourage people to have better under-insured and uninsured motorists because people will drive without it.

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

Representative STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I believe the Representative from Portland has just pointed out a fatal flaw in this whole process when he says that, when asked for proof of insurance, that the driver would produce an insurance policy, I think anybody knows that you can buy an insurance policy today, as soon as it is delivered, you can cancel it, you don't have to surrender the policy at all, you can still use that to show there is proof of insurance even though you have cancelled the policy the day after it was issued.

Furthermore, this bill does precious little to protect us against the out of state drivers. They are the ones I am really afraid of.

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.

If you are driving someone else's car, you don't know it but it is uninsured, and you are stopped, will you lose your license because it isn't insured?

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 Portland, Representative Brannigan.

Representative BRANNIGAN: Mr. Speaker, Men and Women of the House: I would hope that once such a law was in place that people who do not drive other peoples unregistered cars, they would also not drive uninsured cars of other people.

The SPEAKER: The Chair recognizes the Representative from Princeton, Representative Moholland.

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you do not go along with this bill today. My good friend, Representative Brannigan, said that the insurance wouldn't go up. My insurance bill last year was \$72,000; this year, when I got my bill, it was \$92,000. I have to carry plenty of insurance but when we have people down in our district that are working for minimum wage and they cannot afford to put insurance on their car to get back and forth to work. I don't know how they are going to afford it if they have to be stopped by the State Police for a taillight out and have to produce proof of insurance, they don't have any, they won't be able to get to work with their cars so, therefore, we will be giving out more food stamps and everything else.

I hope you don't go along with this mandatory insurance because the tourist people coming into this state, I am sure that they are not all insured. You are going to have a certain percentage of accidents no matter what so I hope you will defeat this bill today.

The SPEAKER: The pending question before the House is the motion of the Representative from Portland, Representative Brannigan, that the House accept the Majority "Ought to Pass" Report.

The Chair recognizes the Representative

from Winslow, Representative Carter.

Representative CARTER: Mr. Speaker, I request permission to be excused pursuant to House Rule 19.

The SPEAKER: The Chair will grant the request of the Representative from Winslow, Representative Carter.

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

ROLL CALL NO. 124

YEAS:—Alberti, Allen, Baker, H.R.; Beaulieu, Bonney, Bost, Boutillier, Brannigan, Brodeur, Carroll, Chonko, Coles, Connors, Cooper, Cote, Crowley, Daggett, Descoteaux, Diamond, Drinkwater, Duffy, Gwadosky, Hale, Handy, Hayden, Hichborn, Hickey, Higgins, L.M.; Hoglund, Holloway, Jackson, Jacques, Jalbert, Joseph, Lacroix, Lisnik, MacBride, Manning, Martin, H.C.; Masterman, Mayo, McCollister, McGowan, McHenry, Melendy, Michael, Michaud, Mills, Mitchell, Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, O'Gara, Paradis, E.J.; Paul, Perry, Pouliot, Priest, Racine, Reeves, Rice, Richard, Ridley, Rioux, Roberts, Rolde, Rydell, Scarpino, Seavey, Simpson, Smith, C.W.; Soucy, Stevens, P.; Swazey, Tammaro, Tardy, Telow, Theriault, Vose, Walker, Warren, Weymouth

NAYS:—Armstrong, Baker, A.L.; Begley, Bell, Bott, Bragg, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carrier, Cashman, Clark, Crouse, Davis, Dellert, Dexter, Dillenback, Erwin, Farnum, Foss, Foster, Greenlaw, Harper, Hepburn, Hillock, Ingraham, Kimball, Lander, Law, Lawrence, Lebowitz, Lord, Macomber, Matthews, McPherson, McSweeney, Moholland, Murphy, E.M.; Murphy, T.W.; Nicholson, Nickerson, Parent, Pines, Randall, Rotondi, Salsbury, Sherburne, Small, Smith, C.B.; Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Taylor, Webster, Wentworth, Whitcomb, Willey, Zirkilton

ABSENT:—Connolly, Higgins, H.C.; Kane, Paradis, P.E.; Ruhlin, The Speaker

EXCUSED:—Carter

83 having voted in the affirmative and 61 in the negative with 6 being absent and 1 excused, the Majority "Ought to Pass" Report was accepted and the Bill read once and the Bill assigned for second reading later in today's session.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-275) on Bill "An Act Concerning Coverage of Certain Trials by the Electronic Media" (H.P. 820) (L.D. 1161)

Signed:

Senators:

CHALMERS of Knox
CARPENTER of Aroostook
SEWALL of Lincoln

Representatives:

PRIEST of Brunswick
COOPER of Windham
LEBOWITZ of Bangor
MacBRIDE of Presque Isle
PARADIS of Augusta
ALLEN of Washington
DRINKWATER of Belfast

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

Signed:

Representatives:

CARRIER of Westbrook
STETSON of Damariscotta
KANE of South Portland

Reports were read.

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

Committee Amendment "A" (H-275) was read by the Clerk and adopted and the Bill

assigned for second reading later in today's session.

Divided Report Tabled and Assigned

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act Concerning the Provision of Certain Reports for Court-ordered Examinations" (Emergency) (H.P. 947) (L.D. 1356)

Signed:

Senator:

CHALMERS of Knox

Representatives:

KANE of South Portland
PRIEST of Brunswick
COOPER of Windham
LEBOWITZ of Bangor
MacBRIDE of Presque Isle
STETSON of Damariscotta

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-277) on same Bill.

Signed:

Senators:

CARPENTER of Aroostook
SEWALL of Lincoln

Representatives:

DRINKWATER of Belfast
ALLEN of Washington
PARADIS of Augusta
CARRIER of Westbrook

Reports were read.

Representative Paradis of Augusta moved the acceptance of the Minority "Ought to Pass" Report.

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

Divided Report

Majority Report of the Committee on Business and Commerce reporting "Ought to Pass" as amended by Committee Amendment "A" (H-279) on Bill "An Act to Amend the Provisions Governing the Conversion of a Mutual Insurer" (Emergency) (H.P. 1024) (L.D. 1476)

Signed:

Senators:

SEWALL of Lincoln
BUSTIN of Kennebec
DANTON of York

Representatives:

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

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

Signed:

Representative:

BAKER of Orrington

Reports were read.

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

Committee Amendment "A" (H-279) 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 Business and Commerce reporting "Ought to Pass" as amended by Committee Amendment "A" (H-280) on Bill "An Act to Protect Shareholders in Maine Corporations" (H.P. 678) (L.D. 965)

Signed:

Senators:

SEWALL of Lincoln

BUSTIN of Kennebec
DANTON of York

Representatives:

BAKER of Orrington
ALIBERTI of Lewiston
HILLOCK of Gorham
ARMSTRONG of Wilton
MURRAY of Bangor
BRANNIGAN of Portland
TELOW of Lewiston
MARTIN of Van Buren

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-281) on same Bill.

Signed:

Representatives:

STEVENS of Bangor
RYDELL of Brunswick

Reports were read.

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

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

Men and Women of the House: It used to be that people played with money and properties and corporations and various things, they played a game called Monopoly and that was a game that was not seriously harmful to people, although some people's blood pressure may have gone up and their feelings may have been hurt, according to if they won or lost. We have another game going on in this United States, I am sure that many of you have read about it, it is a great game of interest, it is called the game of Mergers and Acquisitions with great and colorful people—someone by the name of T. Boone Pickens, Sir James Goldsmith and others are involved in this game. This game has its own language. You hear things like greenmail, white knights, shark repellents and golden parachutes. However, this game is a dangerous game. It is a game that is hurtful to many people. It is disruptive. It is the corporate world. It is a game that this bill wishes to place a rule in that will bring fairness and some stability in the area of mergers and acquisitions, at least here in the State of Maine.

Let me give you a couple of scenarios of what can happen when this game is being played. It is not far from home, not far from here at all. There was an article in this morning's paper, the Portland paper, talking about greenmail, which I will refer to in a minute. I saw the name St. Regis mentioned. Great Diamond has also been involved in some of these games played.

What happens sometimes is one of these raiders, so-called, comes in with a small amount of their own money and quite a large amount of borrowed money, sometimes it is called fake money or trash bonds in the game of Monopoly, they borrow this money and they buy a controlling interest in the company. Probably those shareholders were paid more than their stock was fairly worth at that time. Those shareholders that they approached and took over took their shares to gain control. But once control is gained, what happens is the company is broken up to pay off those trash bonds and all of that borrowing. The company is terribly hurt by that. There were other stockholders that were not approached by the raiders and their stock faltered and even sometimes failed. This bill would keep that from happening.

Greenmail—this is another scenario in which the raider comes in and begins to buy up and says, "Ha, Ha, I am coming, I am going to take over your company, I am going to bust it up and take control. Oh, you can stop me, I bought these shares for \$30. Want to pay me \$60?" Then, supposedly a white knight or something—somehow the rest of the shareholders must come up with the money to buy these people out. Sounds a lot like blackmail, it is only called greenmail because

it deals with money.

So, there is turmoil in the corporate areas, it does damage and it can do damage to the companies that do business in the State of Maine. Now, we have about only 20 companies that are big and publicly traded that are incorporated here in Maine. These are the ones that will be affected, not small corporations, not your partnerships, just large traded corporations. This is to protect the shareholders. It says, you can continue to play the merger and acquisition game, doesn't outlaw it as others will say here in a few minutes, but it says if you want to get into it, you have got to be willing to pay the fair, market share to everybody. So, once you have gotten 25 percent control of a publicly traded company, you must offer the rest of the shareholders the same price. It is fair value for small stockholders who may get left hanging out there.

This morning's Portland paper had a very interesting article that really increased my understanding of this. It says that one of the groups that have been hurt is the pension fund. A former Speaker from California has reported to have been very upset as he got involved in pension funds. They have been hurt badly with their investments because of these raiders. It has reduced the value of their stock and made it very unpredictable in the work they do in investing the money of pension funds. So, it affects large groups, small groups, it affects people.

This is a fair bill, it is a bill that brings a good corporate atmosphere to the State of Maine and I ask you to support this bill this morning.

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

Representative STEVENS: Mr. Speaker, Men and Women of the House: I rise to speak against the Majority Report of L.D. 965 for eight reasons. There are really more reasons than that but I narrowed them down to eight. I ask the House to please be patient, bear with me while I go through these reasons why I believe this bill should not pass.

We have out a version B of the bill that I feel meets the needs that the gentlemen from Portland just outlined. The first reason that I am against this bill is that the title of the bill and its primary purpose are not in accord. The bill should be more aptly titled "An Act to Protect Maine Management in the State of Maine." It should not be titled "to protect shareholders." The primary focus of this bill is to protect current management in their positions in the State of Maine.

The second reason I support the defeat of this bill is that it starts from a false hypothesis. This is easy to do because of the inflammatory language that is frequently used in the popular press amongst people in this House. With the greenmail and the raiders and the white knights and the poison pills, it immediately has your interest. It seems so dramatic. The truth of the matter is, that there is nothing in this bill that says anything about green mail or hostile raiders, it says about corporate takeovers, corporate mergers, that is all it says, there is no difference in the between the hostile or a friendly merger or takeover. I think the House should remember that when you look at the bill and decide its merits.

Three, this bill is aimed at protecting a class of people that has historically been given protection by government bodies. It is aimed to protect shareholders, usually of significant income, and it is aimed to protect management. Traditionally, government sees the need to protect the indigent, the handicapped, the infirm, and I don't see Maine, at this point in time, needs to protect this particular class of people.

The next reason, the supporters of this bill are asking something from the legislature that they could get from their shareholders. This is the most important reason for my objecting to this bill. Currently, in the State of Maine, the

shareholders could give management the protections that are outlined in this bill 'if' management would ask and 'if' the shareholders could agree.

There is not one person that I have talked to that said that corporations could not give these management protections to themselves by virtue of the shareholders. Then, one would ask, why did management come to the Maine Legislature and give us these protections? When speaking with the corporation that was the instigator of this bill, I asked him that same question. I said, why don't you just go to your shareholders tomorrow and say, we are in danger, we could be taken over, it might hurt us, would you give us these protections? I said, why don't you ask your shareholders to do that? He said, well, that could cause an alarm, people would be worried, we might alert someone that we might be in trouble. It is my contention that shareholders have a right to act with all the information that is available to them.

Is the Maine Legislature prepared to say to thousands and thousands and thousands of shareholders in the State of Maine, we know what is best for you and we are going to do it right here in this body today? Never mind your rights to vote to determine whether or not you want management to have these protections, we are going to take care of that matter for you, we are going to do it here. There are only 20 companies that are affected by this bill and in reality, there is less than that, because four of them are banks and four of them are utilities—they are controlled under different sections of the code. They already have the protections that this bill is trying to give so that narrows it to that less number, the people who are going to get protections from this bill.

The next reason that I am against this bill is that it has just as much potential to do harm as it does to do good. Representative Brannigan is right, sometimes there are corporate takeovers and people suffer, that is absolutely true, no one would refute that. It is also absolutely true that sometimes corporate takeovers just as often benefit the shareholders. If this legislative body could stand here right now and say, we as a group, believe corporate takeovers are bad, by all means vote for this bill in all confidence, you have done the right thing. However, if you cannot sit here and say, corporate takeovers are bad and we must do something to stop them, I don't think you should vote for the bill.

Another reason involves the court in a business decision. Right now, the corporate raider, if you will, has to offer to buy out after a 25 percent trigger is reached, has to offer to buy out, at yesterday's price, everybody else in the company, the remaining 75 percent of the shares. I feel this alone is significant enough to prohibit corporate takeovers in the State of Maine.

A bizarre aspect of this bill is, if companies don't like this law that we are passing, they can by, affirmative action, opt out of the law. They can opt out of the part where a corporate raid is considered friendly or hostile by vote of their articles in corporation. You would say, well if they can do that, what is so bad, let's give them enabling legislation and let them opt out if they choose. Because of the process of voting, frequently all of us have received in the mail, or many of us, proxies from consumers unions and from insurance companies, what do most of us do when we get those proxies? We send them back authorizing existing management to make the decision for us. I feel that that alone gives management that protection to make the decision. Ten percent of managers are all that remain after a takeover. One can see why they don't want to be taken over. The interests of the corporation and management are hopefully the same, they may be the same, but they aren't necessarily the same. I think the Maine Legislature, by passing this bill, says manage-

ment and shareholders interests are always the same.

My final reason for objecting to the bill is that I think it is premature. The Business and Commerce Committee is sending up to this floor, probably this week, a 79 page bill, creating a securities division within the Bureau of Banking. This bill is going to bring three quarters of a million dollars to the General Fund next year and a million the following year. It creates four new positions in securities. The exchange of securities is a very complex area of the law. The SEC hesitates to meddle unnecessarily. I think, if we have a securities division in place next year who can offer us expert testimony, objective testimony, not from the perspective of current management, if they would come to us and say, we really need this, I think that I would be more persuaded to support their point of view. I think we would be premature knowing that this division is likely to be created by this body within a week. I think it would be premature for us to send out such a complex bill of little known consequences.

Thus, I would urge that you reject the Majority Report so you can except the Minority Report which includes, to me, the primary purpose of this bill, if you accept it on its face value. This allows, under the Maine Business Act, for management to consider the community, suppliers, customers and employees of a company when acting to determine whether a corporate merger will take place. What more can we ask for? That is really our primary focus, it is the community, the customers, the suppliers, the employees, that is the important part that Maine has some business in to protecting.

I hesitate to see why we should interfere in business decisions that are not traditionally interfered with by this body. One could argue that three states have this law. I would like to point out to the body that the other states do not have the law. Thus, I ask you to please reject Representative Brannigan's motion.

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

Representative BAKER: Mr. Speaker, Ladies and Gentlemen of the House: Like corporations all over the country, our own Maine corporations also face the threat of hostile takeovers by corporate raiders. A hostile takeover occurs when a raider goes into the stock market and purchases a significant number of shares of a corporation without consulting or negotiating with the management of that corporation. The raider may then approach the management and demand that the corporation buy back his stock at a much higher price, which is known, as Chairman Brannigan referred to earlier, as greenmail or the raider may threaten to go on and buy a controlling interest and take over the management of the company. Either way, the results can be disastrous for the remaining shareholders of the target corporation and for the employees and the community in which the target company is based. If the raider gets control, he may sell off all of the assets of the corporation to pay back the money he borrowed to make the offer in the first place, meanwhile, pocketing a quick profit for himself and his backers. That is what happened to Diamond International, a corporation which operated with facilities here in Maine and was bought up in a hostile takeover and liquidated.

Another possible consequence is that the remaining shareholders may be forced for a merger with the raider, to give up their shares for less than those shares are worth. L.D. 965 assures that, in the event of a takeover, all shareholders, not just the select few, will receive full and fair value for their shares. If a raider acquires 25 percent or more of a Maine corporation, the raider will then have to offer at a fair price. Our Maine registered publicly traded corporations like Maine Savings, Coastal Savings, Great Northern, Merrill Bank, Han-

nafor Brothers and others have been good citizens of this state. All of us have benefited in terms of productivity and employment from their activities.

L.D. 965 provides a protection for Maine corporations, their shareholders and their employees, which they deserve. The Representative from Bangor has suggested that, as one alternative, the shareholders of a corporation could protect themselves by voting at a meeting to require a raider to do the same thing as is suggested by this law. I suggest to you that one reason why companies are not willing to do that today is because it is like cutting your own artery when you are swimming in a shark infested water. You are going to bring attention to yourself and that is exactly what companies do not want to do today. So, I believe that it is in our interest and in the interest of our corporations to accept the Majority "Ought to Pass" Report.

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

Representative DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I have some grave doubts about this bill. For the last two years, all the stock reports I have received from different corporations, they have been taking steps to protect themselves. Furthermore, I wish some of my stocks in some of my companies were being taken over because, if you watch the market, they rise with the tide and anytime anybody comes in and starts buying up 25 percent or 30 percent of a company, the newspapers are full of it, you know it right away. What happens to the stock? The stock rises with the tide. Certainly any company that doesn't take this action is a company so weak that it should be taken over anyhow. So consequently, I would take my chances if a company stock were to go up, double, triple or go from \$30 to \$90. Nothing prevents the stockholders from selling their stock, take their profit, and go.

I have some problems and questions about this bill.

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

Representative MURRAY: Mr. Speaker, Ladies and Gentlemen of the House: I think both the gentlelady from Bangor and the gentleman from Cumberland raised some interesting points but I think it is important to remember, first and foremost, that this bill is not making any judgments about whether a takeover is good or bad. There will still be, if this bill is passed, many avenues for a person, whether he is a hostile raider or shark or another company interest in acquiring a firm, there will still be plenty of opportunities for that to occur.

All the bill does is say, that when a person obtains that controlling interest, he has to do certain things, mainly give notice to the remaining shareholders that he has an intent to control or that he has a controlling interest and that he has an intent to continue to control and, at that point in time, make an offer to purchase the remaining shares at a fair market price. That offer is given for a limited amount of time, 30 days, in which the remaining shareholders have the opportunity to buy or to sell their shares.

It has been pointed out adequately, I think, what we are trying to avoid is the person who comes into the state, becomes interested in acquiring a company and become involved in those things such as greenmail or the purchase of a controlling interest and then selling out the remaining assets to make a quick buck and leave the state. If a person is coming in with good intentions, I think he would be able to persuade the remaining shareholders that what he intends to do is for the good of the shareholders and the good of the future of that particular business. The shareholders may also vote at any time to change their own articles in the corporation to allow this takeover to oc-

cur within 90 days of this bill's passage. The board of directors may vote in their by-laws to allow these takeovers to occur. I think there are plenty of opportunities for takeovers to continue to occur and we are not trying to make judgments about whether hostile takeovers in general are good or bad. All we are trying to do is to protect those present shareholders in Maine corporations from the intentions of those who would come in to make a quick buck, to blackmail those remaining shareholders and I think it is a bill that is worthy of our consideration and support and I urge you to support the majority of the committee.

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

Representative STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I couldn't help but think when the gentlemen from Cumberland was speaking that he is a bit more of a gambler than I am. I look to my stockholdings, meager as they may be, for income. I am not in there to gamble on a quick profit. I don't want any takeovers. I would like to sit tight, as it were. I think this is the position of most Maine stockholders, we are not a bunch of gamblers. We feel more dependent upon the stability of our Maine corporations than we want to gamble that somebody is going to come along and make us a quick profit.

I urge you to go with this Bill. I think that the Representative from Portland is absolutely right, the last speaker, the Representative from Bangor, I think is absolutely right, this not only protects shareholders, it protects all those who are involved with the corporation itself and that includes the employees as well.

I have seen the ravages of unfriendly corporate takeovers and I suggest that some of the opponents of this bill may be a little bit too young to remember some of those instances. I saw it happen to the Capital Transit Company, when Mr. Wilson made a raid, and he milked that company and left it high and dry. I don't want to see that happening to any Maine companies.

There is one other angle here, if we pass this bill, we may just attract a few new Maine industries as well. I urge you to go with the Majority Report.

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

Representative MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: May I pose a question through the Chair? To a supporter of the bill, doesn't the Securities and Exchange Commission and Regulations require someone to register their intent to take over a corporation as soon as they have 10 percent of the stock and then reregister again every time they gain an additional 2 percent?

The SPEAKER: Representative Mitchell of Freeport has posed a question through the Chair to anyone who may respond.

The Chair recognizes the Representative from Bangor, Representative Stevens.

Representative STEVENS: Mr. Speaker, Ladies and Gentlemen of the House: In response to the question, yes, they do require it. Maine also has a Maine Business Act that requires notification of intent to control. We currently have a statute that says that and it is less than 25 percent.

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

Representative BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I don't think the point is whether or not someone has an intent to take over the company, the point is that the shareholders all should be treated fairly. That is the point of this bill.

The SPEAKER: The Chair recognizes the Representative from Bucksport, Representative Swazey.

Representative SWAZEY: Mr. Speaker and Members of the House: I think Representative

Stevens of Bangor is right on line today. This looks more like a copout to me to protect inefficient, ineffective management, that is basically what it's doing. If the stock is underperforming, basically it is because of management and probably should be given some prompting, so to speak. I think the shareholders, stockholders should be able to make any decisions pertaining to this without legislative interference. With some corporations such as Public Utilities in this state, we do have regulations but that is because they are monopolies.

I believe they could take such steps. Some of them haven't, I know. Merrill Bank, for instance, doesn't stagger their election of the board of directors. They could take this step, if they wish, to defer being taken over. They could establish bylaws. I want to remind you that all takeovers are not successful. I cite the case of Unical versus T. Boone Pickens Jr. They sent him home with his tail between his legs. They did some evasive and rapid decisions with the board of directors there and they finally came through with an idea that, if they presented the stockholders with a proposal, they would exclude T. Boone Pickens from investing or offering his shares of stock to that proposal. The Delaware Supreme Court upheld that in a land decision because no doubt other corporations will follow that lead from now on.

I believe that the stockholders should be able to protect themselves without legislative interference. It is a free country and, if the board of directors and management are doing a good job, then the stockholders will back them up 100 percent without state legislative authorization.

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

Representative STEVENS: Mr. Speaker, Men and Women of the House: It is my feeling that if a person is smart enough to go out and engineer a corporate takeover, he ought to be able to do it. Seems to me that is just part of the capitalism system, those are the rules of the games are played under. I don't think that the rules are necessarily bad and I don't think that corporate takeovers are necessarily bad. There is a little bit of risk inherent in every business venture, including buying stock. I think, when you get into buying stocks or running a corporation or trying to take over a corporation, you have to accept that risk and we can't insulate people from it.

Representative Stevens of Bangor requested a roll call vote.

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

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

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

Representative BRANNIGAN: Mr. Speaker, Men and Women of the House: Representative Swazey from Bucksport just mentioned a case in Delaware and then went on to say that we shouldn't put in laws and rules to protect corporations. For those of you who know, I studied business back when I was a boy. The State of Delaware has laws set up to protect corporations all over the place. That is why most corporations go there. Representative Stevens from Bangor has said that her major concern is to get the stockholders to protect themselves. Why are we putting this into the law now? We are not putting into the law some of the esoteric protections that are being put in by management and stockholders now. We are not putting in super majorities and other kinds of staggered directors. We are just putting in a base

protection. Delaware and other states that protect corporations make a stable atmosphere for corporations. We are putting that in a law now that has protections for people. It is a fair value law and the Superintendent of Banking, who heads the security division of this state and is increasing that, is totally in agreement with this bill.

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

Representative STEVENS: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to say one final thing, that if a buyer were interested in controlling the stock of a company, had the resources to buy 100 percent of the shares, why would he go through the bother of making offers? Why doesn't he just go out and buy the company? That is what this bill requires. You pay 25 percent, then you have to offer 75 percent. I think it precludes mergers and corporate takeovers because it requires people to just buy the company. It requires acquisition instead of mergers and corporate takeovers.

The SPEAKER: The pending question before the House is the motion of Representative Brannigan of Portland that the House accept the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-280) Report. Those in favor will vote yes, those opposed will vote no.

ROLL CALL No. 125

YEAS:—Aliberti, Armstrong, Baker, A.L.; Begley, Bell, Bott, Boutillier, Brannigan, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carroll, Carter, Cashman, Clark, Coles, Connors, Cooper, Crowley, Daggett, Davis, Dellert, Descoteaux, Dexter, Drinkwater, Duffy, Erwin, Farnum, Foss, Foster, Greenlaw, Gwadosky, Hale, Handy, Harper, Hichborn, Hickey, Higgins, L.M.; Hillock, Holloway, Ingraham, Jacques, Jalbert, Joseph, Kimball, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Manning, Martin, H.C.; Masterman, Matthews, McCollister, McGowan, McHenry, McPherson, McSweeney, Michael, Michaud, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, Nicholson, Nickerson, O'Gara, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Perry, Pines, Pouliot, Racine, Rice, Richard, Ridley, Rioux, Roberts, Rolde, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.W.; Soucy, Sproul, Stetson, Stevens, A.G.; Stevens P.; Tamaro, Tardy, Taylor, Telow, Vose, Walker, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton

NAYS:—Allen, Baker, H.R.; Beaulieu, Bost, Bragg, Brodeur, Carrier, Chonko, Connolly, Cote, Crouse, Diamond, Dillenback, Hayden, Hepburn, Higgins, H.C.; Hoglund, Jackson, Lacroix, Lisnik, Mayo, Mills, Mitchell, Moholland, Priest, Reeves, Rotondi, Rydell, Smith, C.B.; Stevens, P.; Strout, Swazey, Theriault, Warren

ABSENT:—Bonney, Kane, Macomber, Melenady, Randall, Ruhlman, Simpson, The Speaker
109 having voted in the affirmative and 34 in the negative with 8 being absent, the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-280) 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 Transportation reporting "Ought Not to Pass" on Bill "An Act to Provide Personnel to Man the Weighing Stations in Southern York County" (H.P. 1050) (L.D. 1526)

Signed:

Senators:

SHUTE of Waldo
ERWIN of Oxford
DANTON of York

Representatives:

STROUT of Corinth
MOHOLLAND of Princeton

POULIOT of Lewiston
THERIAULT of Fort Kent
CALLAHAN of Mechanic Falls
MACOMBER of South Portland

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

Signed:

Representatives:

McPHERSON of Eliot
MILLS of Bethel
CAHILL of Woolwich
SOUCY of Kittery

Representative Theriault of Fort Kent moved the House accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the same Representative.

Representative THERIAULT: Mr. Speaker, Ladies and Gentlemen of the House: There are really a number of reasons why the majority of the committee opposed this bill. I think I will spare you the details and tell you the most important reason and that is cost. I don't think we can afford it. This bill would cost us in the vicinity of a quarter of a million dollars if it should pass. Presently, the committee has only \$2.1 million total for the Part II Budget and competing for this, we have a \$2.8 million rail study that is going to be before us next week. We have a \$900,000 new plate issue; we have a \$600,000 bill facing us because we need to take care of our salt and sand storage facilities. So, for that reason, I think that you should support the Majority Report.

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

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: This was a bill that I put in and I would just like to put on the record why I did put the bill in.

Several years ago, the Department of Transportation, under prodding of the federal government, put four weighing stations down in southern York County in the towns of York and Kittery, two on the Interstate and two on Route 1. Since that time, we had fairly stormy hearings in the area concerning the noise that it was going to cause and being disturbed and so forth. I would say that the way it is being administered has taken care of that because all I receive now are complaints that those weighing stations never being open. I have driven up and down that area many, many times and I think in the year since they have been open, I have seen them open once, on the interstate, on one side. So, the people in my area have really questioned why the state is not administering and putting in personnel to man those stations and presumably picking up the fines that would pay for having that personnel. That was basically the idea behind this bill. I must say that again, I travel the Interstate on Saturday and Sunday, this very busy weekend and those stations were not manned at any time I went by them.

The state picks up about a half a million dollars in fines on overloaded trucks. My idea was, that adding personnel and I did talk to the head of the Department of Public Safety many months ago about what he might need in terms of personnel there and I would hope that before you vote on the "Ought Not to Pass", you might like to hear from other members of the committee who did sign this out. I would ask for a division.

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

Representative McPHERSON: Mr. Speaker, Ladies and Gentlemen of the House: You can use, I think, the same arguments on this bill as were used on the mandatory insurance bill a few minutes ago. The fines collected would be a wash at any additional expense. Years ago, before the completion of the Interstate system, the state police operated scales in both the north and south bound lanes in Kittery. At that

time, the fines were published every week in the paper and the two scales were self-supporting. Now, opponents are going to say that it is very easy for a truck to go around and use Route 1. This could be easily overcome. There is a traffic problem on Route #1 in Kittery right now, we don't need the truck traffic out there. They could be very easily made to go down Route 95 to York.

When these scales are in operation, they are not only checking for weight, but are checking for other safety requirements and the fuel requirements. If any of you have been down there when the north bound scales are open, which is possibly once a week, just take a ride over to what we call gasoline alley on the Portsmouth side of the river and see the trucks that are parked there. I have seen some of them stay there all day to avoid the weighing station, whether it is because they are overweight or they haven't got their fuel taxes paid, but they will stay there until the state police leave.

At the present time, when they are manning those stations down there, they are using state police officers. The suggestion was made at the hearing that they possibly use one state police officer and civilians as is done in other jurisdictions. I think this is a good bill and it can be worked out. I think, in the long run, the State of Maine is going to benefit, not only with safety on the highway but with some more money in their pockets.

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

Representative MURPHY: Mr. Speaker, I would like to pose a couple of questions through the Chair if I may.

First, I would like to know where the scales are in Kittery. The only thing I have ever seen down there is two parking lots with two buildings.

I also would like to know, how much revenue is expected to be generated here? The last time that the scales were in Kittery, I understand it was a losing proposition by \$150,000 a year.

The SPEAKER: Representative Murphy from Berwick has posed a question through the Chair to any member, who may answer if they so desire.

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

Representative THERIAULT: Mr. Speaker and Members of the House: I think what you think is a weigh station is probably it.

As far as the total money collected, for the whole system in the State of Maine, we collect every year for fines in the vicinity of \$600,000. That is from Kittery to Fort Kent. Just to put additional people at that particular location would cost in the vicinity of a quarter of a million dollars for the next biennium. So, you could probably see that it would not pay for itself.

It had been alluded to that this station is not open very frequently. According to the statistics, it is open roughly 150 man hours a month. Last year, it had a total of 583 violations as compared to a total of 1,247 violations for the whole Interstate system in Maine. So, I think that they are probably doing what they are really designed to do.

Another thing I might want to add is, according to the State police report, in this state we have roughly 94 percent compliance with our weight laws and I am just wondering if this extra effort would be worth the extra six percent that we might try to get. So, I hope you vote to support the "Ought Not to Pass" Report.

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

Representative DAVIS: Mr. Speaker, Men and Women of the House: The word safety was alluded to in the debate here and I think that is probably one of the chief things we should concern ourselves with. A young constituent

in my area was killed instantly by a truck driver who had driven too many hours, more than permitted by law and I think this is a big thing about weighing stations. They do check the safety feature, they check the log to see how many hours this driver has driven and I really feel that it deserves support.

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

Representative CALLAHAN: Mr. Speaker, Ladies and Gentlemen of the House: I voted for the "Ought Not to Pass" Report because, for one thing, the Interstate is allowed total limit of 80,000 pounds; on U.S. Route 1, it is 10 percent more with a commodity permit or 88,000 pounds. As soon as this station becomes active 24 hours a day, there will be many people trying to avoid it. I have been through Connecticut, not trucking, but I have noticed the weigh stations that are open periodically and at different hours. They really operate more efficiently and collect more fines than those that are open 24 hours a day. Now, in this particular case, we would be putting a big burden on U.S. Route 1. Most of the trucks would go down Route 1 to be able to haul their 88,000 pounds. That is mainly the reason I voted "Ought Not to Pass."

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

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: In regard to the statements of the last speaker, I do want you to be aware, at the same time that the weighing stations were put in on the Interstate, parking facilities for portable weighing stations were also put on Route 1. I would assume that any rational system of administering this would also have those stations on Route 1 used, if that proved to be a problem.

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

Representative MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: I wish to direct a question through the Chair to the Chairman of Transportation.

You mentioned 150 man hours. That sounds like a lot of hours but how many people were serving at one time?

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

The Chair recognizes the Representative from Kittery, Representative Soucy.

Representative SOUCY: Mr. Speaker, Ladies and Gentlemen of the House: I believe that is a total number of five. The testimony said that there were about six and a half details per month and a detail would have those five people in it.

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

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: The thing that really concerns me is, with all these problems that have been enumerated about manning that station, that we did not think about this before we built this station. I believe the cost ran into millions of dollars and, if we built those, I think that we should man them and take care of them.

Representative Rolde of York requested a roll call vote.

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

A vote of the House was taken and 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 Princeton, Representative Moholland.

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: I hope you go along with the committee today on "Ought Not to Pass." We have a real problem with the scales. We have about 15 or 20 placed in the State of Maine where we have pads where they go around and use portable scales, the same as York. We have a real problem since the State of Maine took the turnpike over. We are allowed to come up the old road with 88,000 pounds and get on the Maine Turnpike and be weighed at mile 24, where they usually have a set of portable scales, now that they took over the turnpike. We can go from there to the York Toll and go through the toll and it can cost us \$1,000 because we are not allowed 88,000 on 95. So, if you go along with this law today, you can't even haul 80,000, which is the federal law on 95. You put your 80,000 on and you go up the turnpike or you go up any part of 95, they will pull you into one of the parking areas, weigh you, you pay a fine from anywhere from \$200 to \$500 because they will take you on your axel weight. Your axel weight on 95—I could probably stand here and talk all day about this, but I don't want to bother you good people—but your axel weight on 95, if you will just pay a little bit of attention to me, I will try to explain it, on 95, you are allowed 34,000 pounds on your trailer wheels. On your drive wheels of your truck, you are allowed 34,000 more pounds. On your front end, where you steer, you are allowed 34,000 more pounds, which is impossible to get. So therefore, they fine you. On the old roads, you are allowed 36,000 pounds on your tandem trailer; you are allowed 36,000 pounds on your drive wheels. You can weigh 9,000 or 10,000 pounds on your steering axle and you can be perfectly legal. So, what I am trying to tell you, ladies and gentlemen, if you go up through to York, no matter whether you weigh 88,000 or weigh 80,000, if you man that every day, you are going to lose money and you are going to have a disaster with the trucks going in all directions down Route 1, down Route 9, up towards Rochester, New Hampshire and down 125, down Route 4, we are going to be going in all directions. We are going to tear up all the Maine highways and we are going to be in more serious trouble than we are right now.

I hope you go along with the "Ought Not to Pass."

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: Many of us down on our end of the state watched the construction of those two weighing stations. We had felt that with all the lights and the extensive concrete pavement, we were going to have a new jumbo jetport constructed to service southern Maine.

I would like to have somebody from the Majority Report explain to this House, why, after spending over a million dollars, that station is left in a semi-abandoned state?

The SPEAKER: The Representative from Kennebunk, Representative Murphy, has posed a question through the House to any member who may answer if they so desire.

The Chair recognizes the Representative from Princeton, Representative Moholland.

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: I don't know too much about it but I think the whole idea was to put up a set of buildings and put up all the new places on the sides of the road so they could man these any time they wanted to. If you put that up in Kittery now, you are not going to get so much money now as you would if you just spot check it. A lot of times, they are up there from midnight to five in the morning; they are up there from four o'clock

to twelve at night; they are up there sometimes Sunday night at eleven o'clock. I can take you around and show you where they are any time you want to go. The reason they didn't put scales everywhere was they put these pads down so they could put up the portable scales. I would hope you could go along with it.

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

Representative SOUCY: Mr. Speaker, Ladies and Gentlemen of the House: A couple of comments that the Representative from Princeton made, he mentioned about the roads being torn up. That is exactly the reason we want the scales so that the roads will not be torn up.

The SPEAKER: The pending question before the House is the motion of Representative Theriault of Fort Kent that the House accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Hepburn, and inquires for what purpose the Representative rises?

Representative HEPBURN: Mr. Speaker, pursuant to House Rule 19, I wish to be excused from voting.

The SPEAKER: The Chair would inquire from the Representative what basis he believe he ought to be granted permission to be excused from voting?

Representative HEPBURN: Mr. Speaker, in regard to my business interests, quite often, we are sending trucks down to that part of the state and I would much prefer there were no scales on I-95.

The SPEAKER: The Chair will grant the request of the Representative from Skowhegan, Representative Hepburn to be excused from voting.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Theriault of Fort Kent 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. 126

YEAS:—Allen, Armstrong, Baker, A.L.; Begley, Bott, Boutilier, Bragg, Brannigan, Callahan, Carrier, Cashman, Clark, Coles, Conners, Cooper, Crowley, Dellert, Descoteaux, Dexter, Diamond, Dillenback, Drinkwater, Duffy, Erwin, Farnum, Foster, Harper, Hayden, Hichborn, Hickey, Higgins, H.C.; Jacques, Lacroix, Lander, Law, Lebowitz, Lisnik, Macomber, Manning, Martin, H.C.; Masterman, Matthews, McGowan, McHenry, McSweeney, Michael, Michaud, Moholland, Murphy, E.M.; Nadeau, G.G.; Nadeau, G.R.; Paradis, E.J.; Paradis, P.E.; Parent, Paul, Pouliot, Rice, Richard, Rioux, Roberts, Scarpino, Sherburne, Smith, C.B.; Smith, C.W.; Stetson, Stevens, A.G.; Stevens, P.; Stevenson, Strout, Swazey, Tammaro, Tardy, Taylor, Telow, Theriault, Vose, Walker, Wentworth

NAYS:—Aliberti, Baker, H.R.; Beaulieu, Bell, Bost, Brodeur, Brown, A.K.; Brown, D.N.; Cahill, Carroll, Carter, Connolly, Cote, Crouse, Daggett, Davis, Foss, Greenlaw, Gwadosky, Hale, Handy, Higgins, L.M.; Hillock, Hoglund, Holloway, Ingraham, Jackson, Jalbert, Joseph, Kimball, Lawrence, Lord, MacBride, Mayo, McCollister, McPherson, Melendy, Mills, Mitchell, Murphy, T.W.; Murray, Nelson, Nicholson, Nickerson, O'Gara, Perry, Pines, Priest, Racine, Randall, Reeves, Ridley, Rolde, Rydell, Salsbury, Seavey, Simpson, Small, Soucy, Sproul, Warren, Webster, Weymouth, Whitcomb, Willey, Zirkilont, The Speaker

ABSENT:—Bonney, Chonko, Kane, Rotondi, Ruhlin

EXCUSED:—Hepburn

78 having voted in the affirmative and 67 in the negative with 5 being absent and one excused, the motion did prevail.

Sent up for concurrence.

First Day

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

(H.P. 404) (L.D. 1557) Bill "An Act to Make Supplemental Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(S.P. 156) (L.D. 1390) Bill "An Act to Help Improve the Quality of Child Care in Maine" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-170)

(S.P. 528) (L.D. 1423) RESOLVE, Creating a Commission to Study Nursing Home Cost Containment in the State Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-169)

(S.P. 558) (L.D. 1487) Bill "An Act to Amend the Maine Consumer Credit Code" Committee on Business and Commerce reporting "Ought to Pass" as amended by Committee Amendment "A" (S-166)

(S.P. 87) (L.D. 268) Bill "An Act Relating to Source of Supply of the Camden and Rockport Water Company" Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-167)

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 to Improve the Workers' Compensation System and Reform the Rate-making Process" (Emergency) (H.P. 1127) (L.D. 1634)

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

On motion of Representative Diamond of Bangor, tabled unassigned.

Passed to be Engrossed**Emergency Measure**

An Act to Amend Certain Motor Laws (S.P. 605) (L.D. 1599)

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. 115 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 Relating to the Regulations and Distribution of Funds for All-terrain Vehicles (H.P. 723) (L.D. 1032) (C. "A" H-222)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of the same and 2 against and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Reauthorize the Forest Resource Assessment and Marketing Program (H.P. 1026) (L.D. 1478) (C. "A" H-217)

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 8 against and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Concerning the Sale of Alcoholic Beverages to Certain Licensees (H.P. 1104) (L.D. 1593)

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. 104 voted in favor of the same and 12 against and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

RESOLVE, Authorizing the Somerset County Commissioners to Expand \$130,000 from Revenue Generated Through the Boarding of Prisoners for the Purpose of Making Modifications to the Somerset County Jail to Increase the Jails Rated Capacity (H.P. 1103) (L.D. 1611)

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 tomorrow assigned.

Emergency Measure

RESOLVE, Relating to the Development of an Interdepartmental Plan to Identify Needed Resources for a Statewide Network of Out-of-home Placements and Aftercare, Follow-up and Transitional Services (H.P. 936) (L.D. 1342) (C. "A" H-216)

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. 107 voted in favor of the same and 12 against and accordingly, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

An Act to Amend the Habitual Offender Law (S.P. 152) (L.D. 419) (C. "A" S-130)

An Act to Require the State to Comply with Municipal Ordinances Governing the Construction of Buildings (S.P. 185) (L.D. 503) (C. "A" S-123)

An Act Concerning Admission Contracts for Nursing Homes (S.P. 229) (L.D. 591) (S. "A" S-143 to C. "A" S-133)

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

An Act to Create the Advisory Commission on Radioactive Waste to Replace the Low-level Waste Commission (S.P. 247) (L.D. 642) (S. "A" S-134 to C. "A" S-107; S. "A" S-115)

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

On motion of Representative Brown of Livermore Falls, set aside.

An Act Concerning Variances for Elevators (S.P. 251) (L.D. 646) (C. "A" S-128)

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 Promote Free Enterprise in the Banking and Insurance Industries (S.P. 294) (L.D. 783) (C. "A" S-119)

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

On motion of Representative McHenry of Madawaska, set aside.

An Act Relating to Inspection of Catalytic Converters and Inlet Restrictors (H.P. 225) (L.D. 259) (C. "A" H-242)

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

On motion of Representative Diamond of Bangor, set aside.

An Act to Establish a Civil Statute of Limitations in Cases Involving Sexual Acts Towards Minors (H.P. 427) (L.D. 607) (C. "A" H-233)

Was reported by the Committee on Engrossed

Bills as truly and strictly engrossed.

On motion of Representative Nelson of Portland set aside.

An Act Defining the Right of Employees of Public Utilities to Testify before Legislative Committees and the Public Utilities Commission (H.P. 514) (L.D. 719) (C. "A" H-235)

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 Revise the Maine Certificate of Need Act for Hospitals (H.P. 578) (L.D. 849) (C. "A" H-246)

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

On motion of Representative Clark of Millinocket, set aside.

An Act Relating to Requirements for Removal of Mobile Homes from Mobile Home Parks (H.P. 663) (L.D. 946) (C. "A" H-228)

An Act to Study the Feasibility of Requiring Motor Vehicle Registration and Inspection at the Same Time (H.P. 765) (L.D. 1085) (C. "A" H-230)

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 Handicapped Motor Vehicle Registration Plates or Placards (H.P. 778) (L.D. 1099) (C. "A" H-225)

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

On motion of Representative Racine of Biddeford, set aside.

An Act to Provide Adequate Facilities for the Public Utilities Commission (H.P. 921) (L.D. 1336) (C. "A" H-234)

An Act Pertaining to Polling Times (H.P. 1061) (L.D. 1540) (S. "A" S-162)

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

An Act to Implement the Recommendation of the Maine Land and Water Resources Council Ground Water Review Policy Committee (S.P. 353) (L.D. 961) (H. "A" H-244 to C. "A" S-132)

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

On motion of Representative Michaud of Medway, set aside.

An Act to Facilitate Detection of Drivers Operating Under the Influence of Intoxicating Liquor or Drugs (S.P. 486) (L.D. 1314) (C. "A" S-131)

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

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

An Act Concerning Tax Exemptions for Certain Pollution Control Facilities (S.P. 602) (L.D. 1578)

An Act Concerning the Licensing of Small Maine Breweries (S.P. 603) (L.D. 1579) (H. "A" H-241)

An Act Relating to Absentee Voting for Residents of Coastal Island (S.P. 607) (L.D. 1601)

An Act Relating to the Selection of Counters under the Election Laws (S.P. 608) (L.D. 1602)

An Act to Change Voting Booth Requirements (S.P. 609) (L.D. 1603)

An Act Relating to Collateral and Terms of Credit Transactions Under the Maine Consumer Credit Code (S.P. 612) (L.D. 1605) (S. "A" S-137)

An Act to Ensure Reduced Telephone Rates

for Volunteers and Nonprofit Organizations Serving the Deaf, Hearing Impaired and Speech Impaired (S.P. 468) (L.D. 1271) (C. "A" S-141)

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

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

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

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

On motion of Representative Handy of Lewiston, set aside.

An Act to Protect Freshwater Wet Lands (H.P. 567) (L.D. 838) (C. "A" H-191)

An Act Concerning Unemployment Compensation Contributions by Home Knitting Businesses (H.P. 1037) (L.D. 1511) (C. "A" H-215)

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

An Act Concerning the Bureau of Public Lands (S.P. 616) (L.D. 1627)

An Act to Clarify the Discretionary Authority of the Harness Racing Commission to License Pari-mutuel and Assign Racing Dates (H.P. 790) (L.D. 1120) (C. "A" H-162)

An Act to Update and Improve the Education Laws of Maine (H.P. 801) (L.D. 1135) (C. "B" H-201)

An Act to Amend the Liquor Laws (H.P. 852) (L.D. 1208) (C. "A" H-213)

An Act to Establish a 5-day Special Muzzle-loading Hunting Season (H.P. 1027) (L.D. 1479) (C. "A" H-221)

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 the Location of Agency Liquor Stores and the Licensing of Seasonal Agency Stores (H.P. 1047) (L.D. 1522) (S. "A" S-148)

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

On motion of Representative Smith of Island Falls, set aside.

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

An Act to Establish Minimum Energy Efficiency Standards for Major Appliances Sold in Maine (H.P. 1096) (L.D. 1589) (S. "A" S-145)

An Act Concerning Times for Voter Registration (H.P. 1106) (L.D. 1595)

An Act Concerning Temporary Licenses for Members of the Armed Forces (H.P. 1107) (L.D. 1596)

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, Establishing the Maine Commission on the Role of State Government in Providing Independent Living Opportunities and Services to Disabled Persons (S.P. 355) (L.D. 963) (H. "A" H-232 to C. "A" S-110)

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

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

Tabled and Today Assigned

Joint Order relative to the Joint Standing

Committee on Taxation reporting out a bill entitled "An Act Providing for a Sales Tax Exemption for Railroad Track Materials." (H.P. 1133)

TABLED—May 31, 1985 by Representative MACOMBER of South Portland.

PENDING—Passage.

Representative Higgins of Portland withdrew the Joint Order

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

Reports of Committees

Unanimous Leave to Withdraw

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act Deauthorizing State Positions which Remain Vacant" (H.P. 866) (L.D. 1223) reporting "Leave to Withdraw"

Representative McGOWAN from the Committee on Appropriations and Financial Affairs on Bill "An Act to Increase State Involvement in Tourism Promotion" (H.P. 473) (L.S. 676) reporting "Leave to Withdraw"

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

Consent Calendar

First Day

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

(H.P. 707) (L.D. 1017) Bill "An Act to Provide for State Research Grants" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-297)

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

Passed to Be Engrossed

Later Today Assigned

Bill "An Act to Establish the Maine Vocational-technical Institutes Administration" (H.P. 1132) (L.D. 1639)

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

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

(Off Record Remarks)

Later Today Assigned

Representative McHenry of Madawaska moved that the House reconsider its action whereby the House voted to recede and concur on Bill "An Act Concerning Notice of Legal Obligations of Marriage on a Marriage Certificate (H.P. 995) (L.D. 1432) (C. "A" H-195).

The same Representative requested a roll call.

On motion of Representative Diamond of Bangor, tabled pending the motion of Representative McHenry of Madawaska that the House reconsider and later today assigned.

On motion of Representative Bost of Orono under suspension of the rules, the House reconsidered its action whereby Bill "An Act to Amend Certain Sections of the Employment Security Law" (S.P. 493) (L.D. 1319) (In House, passed to be engrossed as amended by Committee Amendment "A" (S-104) and Senate Amendment "B" (S-127) and "C" (S-151).

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-104) and Senate Amendment "B" (S-151) was adopted.

The same Representative offered House Amendment "A" (H-286) to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee

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

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

On motion of Representative Bost of Orono, under suspension of the rules, the House reconsidered its action whereby Senate Amendment "C" was adopted in concurrence.

On motion of the same Representative, the House voted to indefinitely postpone Senate Amendment "C."

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

The **SPEAKER**: The Chair would advise members that An Act to Revise the Maine Certificate of Need Act for Hospitals (H.P. 578) (L.D. 849) (C. "A" H-246) has been released by the person who was asked to have this bill set aside.

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.

On motion of Representative Smith of Island Falls.

Recessed until three o'clock in the afternoon.

(After Recess) (3:00 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:

Reports of Committees

Divided Report

Majority Report of the Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-291) on Bill "An Act Establishing a System for the Reporting of Selected Neurological Disorders" (H.P. 956) (L.D. 1376)

Signed:

Senators:

BUSTIN of Kennebec
GILL of Cumberland
BERUBE of Androscoggin

Representatives:

CARROLL of Gray
NELSON of Portland
MANNING of Portland
BRODEUR of Auburn
ROLDE of York
KIMBALL of Buxton

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

Signed:

Representatives:

PINES of Limstone
TAYLOR of Camden
SEAVEY of Kennebunkport.

Representative MELENDY of Rockland—of the House—abstaining.

Reports were read.

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

The Chair recognized that same Representative.

Representative NELSON: Mr. Speaker, Men and Women of the House: If you will take out your amendment, you will see that the amendment is now the bill.

Basically, it asks the Department of Human Services to establish and maintain referral services for individuals to find out the names and addresses of physicians who have exper-

tise in Parkinson's Syndrome and for support groups for Parkinson's Syndrome. Very simply, it ask the department to do something, it doesn't wait for them to do it on their own. As a matter of fact, the department came in and supported the bill.

The SPEAKER: The Chair recognizes the Representative from Camden, Representative Taylor

Representative TAYLOR: Mr. Speaker, Members of the House: This is primarily a bill for those in the state who have, indeed contracted Parkinson's Disease. I would urge you to vote against this Majority Report of the committee so we can go on and vote for the Minority Report.

We have been told by the Director of Medical Services, Dr. Nersesian, that in fact he can do what has been asked by the sponsor of the bill without any further legislation. If you favor the majority approach, I think it is difficult to pick out any one group for whom we support them with data and use the state as a resource. There are many support groups for mental health, retardation, alzheimer's, and other specific areas which would be helpful if the state did play that role.

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

Representative REEVES: Mr. Speaker, Ladies and Gentlemen of the House: As the sponsor of this bill, I would like to urge that you do vote for the Majority Report, which puts this referral information service into legislation. I have been working with Parkinson support groups for several years. Many elderly victims of Parkinson's and some younger people have been coming to the Governor's Office for the last three or four years to get him to do proclamations for Parkinson's Week. These support groups, I think there are only about three in the state now, have been doing a terrific job organizing and there is an enormous amount of people in the state who do suffer from Parkinson's or have family members who do and it is in kind of a special category, not exactly like other neurological disorders. I think, because there are so many who suffer from it. One of the biggest problems in Maine has been that people had to write to California to even get a pamphlet and there hasn't been any clearing house information here in the state. When these people came and testified to the Human Services Committee, the Director of the Bureau of Health, drafted this legislation that is before you now and totally approves it, said he would be very happy to do it within his existing budget, make sure that all the printed material from California and other states is here and will print up a brochure for Maine listing physicians, who have an interest in treating Parkinson's and listing the contacts of local support groups. I think there is a great deal of interest in this. I think it is a very important bill and will help a lot of people and I hope you will vote for it.

The SPEAKER: The Chair recognizes the Representative from Limestone, Representative Pines.

Representative PINES: Mr. Speaker, Ladies and Gentlemen of the House: There is not one on that committee that doesn't sympathize with the sufferers of Parkinson's Disease. Many of us have people in our families that have the disease.

I would like to go on record as opposing this bill because there are so many, many other diseases out there in the medical books that groups can come in. The department is serving these groups if they request it.

I would like to pose a question through the Chair to the sponsor of the bill.

Was this group ever refused such service by the department?

The SPEAKER: The Representative from Limestone, Representative Pines, has posed a question through the chair to the sponsor of

the bill who may respond if she so desires.

The Chair recognizes the Representative from Pittston, Representative Reeves.

Representative REEVES: Mr. Speaker, Members of the House: Yes, up until the present time, there is no ability for the Department of Human Services to give this information. They don't have it.

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

Representative NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: As many of you know, I am affected with Parkinson's disease and therefore, I would probably know as much, if not more, about this kind of proposed legislation, this kind of condition and the affects of what legislation can do. I don't think that this legislation really does anything.

I was talking to a veteran legislator two weeks ago and the gentlemen told me, well, the way I look at bills, I ask first, "what does this bill do and secondly, what harm does this bill do?" After thinking about it a little bit, this bill doesn't do anything and it doesn't do any harm, this bill does nothing, period.

The first inclination that goes through my head on this is, would you want to go around town with a T-shirt that said, "I am handicapped, treat me special." I don't. I would dare to say that 99.9 percent of individuals with "handicaps" would not want this special treatment.

The other thing that goes through my head and the other strong objection I would have to this is, why would I or a few of us want to go to a support group with a whole bunch of other people having problems, (for lack of a better word) and listen to their problems? I have enough in my own head. I know what I have got and I know my limitations and what I can do and what I can't do—I don't have to go to a group that is formally specified within the law to learn the ups and the downs of anybody else. I think I am perfectly capable of figuring that out. I would dare say, so is everybody else. That still doesn't make it a good bill. I am not convinced that it is. I really would appreciate it if the members of this House would also keep that in mind when voting.

The SPEAKER: The Chair recognizes the Representative from Norway, Representative Walker.

Representative WALKER: Mr. Speaker, Ladies and Gentlemen of the House: I am going to speak in support of this legislation. My wife has Parkinson's Disease. After two years of being sick, she was committed to St. Mary's Hospital, the psychiatric ward, for mental patients. There is no test that can detect Parkinson's. We went through all that, five doctors, operations, we ended up in Boston to see a neurologist, who talked a few minutes with us and said, walk across the room and back and when she walked back, he said, you have Parkinson's. This is one of the toughest diseases there is to diagnose. There are many people out there with Parkinson's that don't even know it yet.

All this bill does is to help those people and get some of the doctors that have the expertise in this field to be able to help the other doctors diagnose this disease. This is a terrible thing, psychologically, and I hope that the people against this bill never have to go through the frustrations that my wife and I have had to in the past two and one-half years and what we have to live with for the rest of our lives.

I hope that you will support this, please.

The SPEAKER: The Chair recognizes the Representative from Gray, Representative Carroll.

Representative CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would vote today to support the Majority "Ought to Pass" Report. This bill does do something. This bill doesn't give special

treatment to any group of people, it doesn't give special awareness to anything or anyone; what it does is promote feelings of belonging and a feeling of awareness for those individuals who may be afflicted with the very serious disease. It allows them to go some place for information so that they can find out where they can go for service, for more treatment, and for more information.

Support groups are very important and very vital to anybody who has a problem or an affliction or a disease. Many of those individuals with that disease may be able to support themselves and maybe know how to handle their problems and that is great; the problem is, there are some out there who don't know how to handle those problems, who can't cope and who need those strong people who can help them get through their trying times.

I would encourage you to vote to support the "Ought to Pass" Report.

Representative Nelson 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 from Portland, Representative Nelson, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 127

YEAS:—Aliberti, Allen, Baker, H.R.; Beaulieu, Bost, Boutillier, Brannigan, Brodeur, Carroll, Cashman, Clark, Coles, Connolly, Cooper, Cote, Crouse, Crowley, Daggett, Descoteaux, Dexter, Diamond, Duffy, Erwin, Hale, Handy, Hayden, Hickey, Higgins, H.C.; Hoglund, Jackson, Jacques, Jalbert, Joseph, Kane, Kimball, Lacroix, Lisnik, MacBride, Manning, Martin, H.C.; Matthews, Mayo, McCollister, McHenry, McSweeney, Michael, Michaud, Mills, Mitchell, Moholland, Murray, Nadeau, G.G.; Nelson, O'Gara, Paradis, P.E.; Paul, Perry, Priest, Reeves, Richard, Rioux, Roberts, Rolde, Rotondi, Ruhlin, Rydell, Scarpino, Simpson, Smith, C.B.; Soucy, Tammaro, Theriault, Vose, Walker, The Speaker

NAYS:—Armstrong, Baker, A.L.; Begley, Bell, Bott, Bragg, Brown, A.K.; Brown, D.N.; Cahill, Cahallan, Carter, Connors, Davis, Dellert, Dillenback, Drinkwater, Farnum, Foss, Foster, Greenlaw, Gwadosky, Harper, Hepburn, Hichborn, Higgins, L.M.; Hillock, Holloway, Ingraham, Lander, Law, Lawrence, Lebowitz, Lord, Masterman, Melendy, Murphy, E.M.; Murphy, T.W.; Nadeau, G.R.; Nicholson, Nickerson, Paradis, E.J.; Parent, Pines, Racine, Randall, Rice, Ridley, Salisbury, Seavey, Sherburne, Small, Smith, C.W.; Sproul, Stetson, Stevens, A.G.; Stevens, P.; Strout, Swazey, Tardy, Taylor, Telow, Warren, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton

ABSENT:—Bonney, Carrier, Chonko, Macomber, McGowan, McPherson, Pouliot
75 having voted in the affirmative and 69 in the negative with 7 being absent, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-291) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

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

Divided Report

Majority Report of the Committee on Energy

and Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Clarify the Use of Public Reserved Lands Acquisition Fund Money" (H.P. 1032) (L.D. 1484)

Signed:

Sensors:

USHER of Cumberland
KANY of Kennebec
EMERSON of Penobscot

Representatives:

MICHAUD of Medway
JACQUES of Waterville
RIDLEY of Shapleigh
COLES of Harpswell
HOGlund of Portland
BROWN of Livermore Falls
HOLLOWAY of Edgcomb
LAW of Dover-Foxcroft

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

Signed:

Representatives:

MITCHELL of Freeport
DEXTER of Kingfield

Reports were read.

Representative Michaud of Medway moved acceptance of the Majority "Ought Not to Pass" Report.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: Before you accept that report, I would like to tell you briefly what this bill does and the issue that this bill addresses.

There are two bills coming along which will increase the balance in the Public Lands Acquisition Fund from about \$8,000 to \$350,000. I believe that one of the jobs of the Legislature is to oversee state agencies. The Public Lands Acquisition Fund is a sum of money, which the Bureau of Public Lands administers, and it requires no legislative approval to spend money out of that fund and the legal sort of requirements of spending money are very general. I think it is very, very poor policy to allow large sums of money to sit around in little pools that state agencies can use without strict guidelines on their use. It is not a very big bill and it's demise isn't a very big defeat but I just want to tell you that, if you support bureaucrats sitting around and having access to large sums of money like that, by all means vote with Representative Michaud for the Majority Report. But, if you think that we should do our job and oversee these state agencies and the money they have, I hope you will vote against the report and join me when I move to accept the "Ought to Pass" Report.

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

Representative MICHAUD: Mr. Speaker, Men and Women of the House: Representative Mitchell is correct and I have no problem looking at bureaucrats. The committee passed out a bill earlier in this session, which would mandate that the Bureau of Public Lands report to the committee on a biennial basis with a fully up to date report. With that, I think we can keep control and have better oversight on the Bureau of Public Lands. I hope you accept the Majority "Ought Not to Pass" Report.

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

Representative MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: The problem with that is, they don't report to you until after they have spent the money and then there is nothing you can do about it. This is the money that we are getting from selling our public lands and these were gifts to this state from our mother state of Massachusetts and they are to be held in trust for all the people of this state forever. Now we have decided to sell some of them and turn them into money

so that we can buy other land later on but we don't have any controls at all over what that money is to be used for, where the land is bought, or how. Having this guy come over to the committee every other year and tell us what he has done isn't very good oversight in my view.

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

Representative LAW: Mr. Speaker, Ladies and Gentlemen of the House: I am on the Majority "Ought to Pass" and I don't see the same bill the same way my friend from Freeport does. I believe that the Land Acquisition Fund should be used for land acquisition but I also believe that that should include rights of way. I don't believe that we should use management funds to stretch the acquisition fund either. If you did it the way my colleague would like to have you do it, is you could buy mountain tops with the acquisition fund and then dig way into the management fund to buy the rights of way and I don't think that is right either. I think there are enough controls right now.

The SPEAKER PRO TEM: The Chair will order a Division. The pending question before the House is the motion of Representative Michaud of Medway that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

91 having voted in the affirmative and 24 in the negative, the motion did prevail.

Sent up for concurrence.

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

Papers from the Senate

Divided Report

Tabled and Assigned

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-176) on Bill "An Act to Amend the Probate Code to Improve Guardianship and Conservatorship Proceedings" (S.P. 218) (L.D. 577)

Signed:

Sensors:

CHALMERS of Knox
CARPENTER of Aroostook
SEWALL of Lincoln

Representatives:

ALLEN of Washington
DRINKWATER of Belfast
COOPER of Windham
PRIEST of Brunswick
LEBOWITZ of Bangor
PARADIS of Augusta

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

Signed:

Representatives:

MacBRIDE of Presque Isle
STETSON of Damariscotta
CARRIER of Westbrook
KANE of South Portland

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-176).

Reports were read.

On motion of Representative Kane of South Portland, tabled pending acceptance of either report and tomorrow assigned.

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (S-177) on Bill "An Act to Make Supplemental Allocations to the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (S.P. 335) (L.D. 898)

Signed:

Sensors:

MATTHEWS of Kennebec
USHER of Cumberland
WEBSTER of Franklin

Representatives:

ERWIN of Rumford
JACQUES of Waterville
SMITH of Island Falls
ROTONDI of Athens
CLARK of Millinocket
WALKER of Norway
DUFFY of Bangor
CONNERS of Franklin
WEYMOUTH of West Gardiner

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

Signed:

Representative:

GREENLAW of Standish

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-177).

Reports were read.

Representative Jacques of Waterville moved acceptance of the Majority "Ought to Pass" Report.

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

Representative GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: This looks odd voting a twelve to one out. My problem with the Speaker's mandated five o'clock to report a bill out and \$350,000 from a computer—I guess we will buy the computer and wait and see.

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

Committee Amendment "A" (S-177) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Non-Concurrent Matter

Bill "An Act Concerning Transitional Services for Handicapped Persons Beyond School Age" (H.P. 1131) (L.D. 1638) which was referred to the Committee on Appropriations and Financial Affairs in the House on May 31, 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 Hayden of Durham, tabled pending further consideration and later today assigned.

Reports of Committees

Unanimous Leave to Withdraw

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Increase Appropriations for State Public Transportation Funds for Operating and Capital Assistance to Public Transportation Providers" (H.P. 706) (L.D. 1016) reporting "Leave to Withdraw"

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

Consent Calendar

First Day

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

(S.P. 210) (L.D. 568) Bill "An Act to Make Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(S.P. 485) (L.D. 1313) Bill "An Act Requiring the Department of Human Services to Provide Medicaid Funded Consumer Directed Personal Care Assistance" Committee on Human Resources reporting "Ought to Pass"

There being no objections, the above items

were ordered to appear on the Consent Calendar of Tuesday, June 4, 1985 under the listing of Second Day.

Consent Calendar Second Day

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

(H.P. 404) (L.D. 557) Bill "an Act to Make Supplemental Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency)

(S.P. 516) (L.D. 1390) Bill "An Act to Help Improve the Quality of Child Care in Maine" (C. "A" S-170)

(S.P. 528) (L.D. 1423) RESOLVE, Creating a Commission to Study Nursing Home Cost Containment in the State (C. "A" S-169)

(S.P. 558) (L.D. 1487) Bill "An Act to Amend the Maine Consumer Credit Code" (C. "A" S-166)

(S.P. 87) (L.D. 268) Bill "An Act Relating to Source of Supply of the Camden and Rockland Water Company" (C. "A" S-167)

(H.P. 707) (L.D. 1017) Bill "An Act to Provide for State Research Grants" (C. "A" H-297)

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

Passed to be Engrossed

Bill "An Act to Change the Manner in Which the State Seeks Assurance of Motorists' Financial Responsibility" (H.P. 838) (L.D. 1189)

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

As Amended

Bill "An Act Concerning Coverage of Certain Trials by the Electronic Media" (H.P. 820) (L.D. 1161) (C. "A" H-275)

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

Tabled and Assigned

Bill "An Act to Amend the Provisions Governing the Conversion of a Mutual Insurer" (Emergency) (H.P. 1024) (L.D. 1476) (C. "A" H-279)

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

On motion of Representative Baker of Orlington, tabled pending passage to be engrossed and tomorrow assigned.

Bill "An Act to Protect Shareholders in Maine Corporations" (H.P. 678) (L.D. 965) (C. "A" H-280)

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

At this point, Speaker Martin resumed the Chair.

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

Passed to Be Enacted Emergency Measure

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Department of Inland Fisheries and Wildlife Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1986, and June 30, 1987 (H.P. 632) (L.D. 900) (C. "A" H-226)

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. 115 voted in favor of the same and 7 against and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Permit the Incorporation of Subsidiary Trust Companies (H.P. 1056) (L.D. 1536) (C. "A" H-238)

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, 108 voted in favor of the same, and 9 against and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Allow the Use of Botanical Pesticides in the Production of Foods Labeled or Advertised as Organic (H.P. 1074) (L.D. 1563)

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. 113 voted in favor of the same and 14 against and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Clarify and Make Corrections in the Fisheries and Wildlife Laws (S.P. 50) (L.D. 68) (C. "A" S-152)

An Act to Clarify Municipal Authority over Automobile Graveyards and Junkyards (S.P. 136) (L.D. 375) (C. "A" S-149)

An Act to Annex the Towns of Brunswick and Harpswell to Sagadahoc County (S.P. 374) (L.D. 1008) (C. "A" S-161)

An Act to Prevent the Hospital Cost Containment Law from Substituting for the Collective Bargaining Process (S.P. 529) (L.D. 1424) (C. "A" S-156)

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

An Act to Amend the Law Relating to Employment and Dismissal of County Employees (S.P. 530) (L.D. 1425) (C. "A" S-150)

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

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

Representative WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: Once again, I would ask you to vote against this bill because it interferes too much with personnel policies of the commissioners and the union regulations and rules in their own county.

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

Representative BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: We went through an extensive debate on this the other day. I explained very carefully and cautiously to you what the implications are. I feel that we should take politics out of county government, that is why we granted collective bargaining rights to these people.

Mr. Speaker, I would ask for a Division. Representative McHenry of Madawaska requested a roll call vote.

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

A vote of the House was taken and 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. 128

YEAS:—Aliberti, Allen, Baker, H.R.; Beaulieu, Bost, Boutilier, Brannigan, Brown, A.K.; Carroll, Clark, Coles, Connolly, Cooper, Cote, Crouse, Crowley, Daggett, Descoteaux, Diamond, Duffy, Erwin, Greenlaw, Gwadosky, Hale, Handy, Hayden, Hickey, Hoglund, Jacques, Jalbert, Joseph, Lisnik, Manning, Martin, H.C.; Matthews, Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murray, Nadeau, G.R.; Nelson, O'Gara, Paradis, E.J.; Paul, Perry, Priest, Racine, Reeves, Richard, Ridley, Roberts, Rolde, Rotondi, Ruhlin, Rydell, Sherburne, Simpson, Smith, C.B.; Soucy, Stevenson, Stevens, P.; Swazey, Tammara, Tardy, Theriault, Vose, The Speaker

NAYS:—Armstrong, Baker, A.L.; Begley, Bell, Bott, Bragg, Brodeur, Brown, D.N.; Cahill, Callahan, Carter, Connors, Davis, Dellert, Dexter, Dillenback, Drinkwater, Farnum, Foss, Foster, Harper, Hepborn, Hichborn, Higgins, L.M.; Hillock, Holloway, Ingraham, Jackson, Kane, Lacroix, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Masterman, McCollier, Michael, Murphy, E.M.; Murphy, T.W.; Nadeau, G.G.; Nicholson, Nickerson, Paradis, P.E.; Parent, Pines, Randall, Rice, Scarpino, Seavey, Small, Smith, C.W.; Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Taylor, Telow, Walker, Warren, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton

ABSENT:—Bonney, Carrter, Cashman, Chonko, Higgins, H.C.; Kimball, Macomber, McPherson, Pouliot, Rioux, Salsbury

72 having voted in the affirmative and 68 in the negative with 11 being absent, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act Relating to Financial Regulation of Insurance Companies (S.P. 585) (L.D. 1535) (C. "A" S-155)

An Act to Permit the Manufacture and Sale of Higher Efficiency Laundry Detergents (S.P. 604) (L.D. 1598)

An Act Requiring Treatment and Rehabilitation as a Condition for License Restoration when Convicted of Alcohol or Drug Relating Vehicular Homicide (S.P. 614) (L.D. 1613)

An Act Relating to Disposition of State-owned Real Estate (H.P. 884) (L.D. 1241) (C. "A" S-243)

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 the Payment of Interest on Mortgage Escrow Accounts (H.P. 945) (L.D. 1354) (C. "A" S-229)

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

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

An Act to Create the Bureau of Children with Special Needs in the Department of Mental Health and Mental Retardation (H.P. 1045) (L.D. 1523) (C. "A" H-247)

An Act to Examine the Lobster Resources of the State (H.P. 1124) (L.D. 1620)

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 Chair laid before the House the following items which were set aside earlier in the day:

Passed to Be Enacted

An Act to Create the Advisory Commission on Radioactive Waste to Replace the Low-level Waste Commission (S.P. 247) (L.D. 642) (S. "A" S-134 to C. "A" S-107; S. "A" S-115)

The SPEAKER: The Chair recognizes the Representative from Livermore Falls, Representative Brown.

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

I guess if I were in a joking mood this afternoon, I would retitle this bill to read, "The Legislators Relief Act of 1985." I think basically that is what it attempts to do.

What we have done in recent years, as this legislature knows, is in response to federal action requiring individual states to deal with their low level radioactive waste problem on an individual basis or collectively, whatever we as individual states decide to do. This legislature created the Low Level Waste Siting Commission of which I am a member and several members of this body are also members. That commission has worked diligently for the last couple of years attempting to solve Maine's low level radioactive waste and now, through this legislation, we would expand the duties of that commission to include high level waste as well.

Philosophically, I guess I am opposed to this ever increasing expansion of government at any level whether it is within the legislature itself or outside of legislators, both House and Senate members, along with some members of the bureaucracy, along with members of private industry. This bill, along with the expansion of duties into the high level area, also expands the commission itself to include two additional public members as well as the other expanded duties. I just see it as an expansion into an area which for a lot of reasons I think, are unneeded at this particular point in time. It complicates an issue that isn't even resolved yet, that is the low level waste issue which hasn't been resolved yet as I am sure you will recognize and will see later with additional legislation that is going to be coming along. So, I think that we ought to finish the work that is before us before we tackle something additional at this point.

I would urge that you support the motion to indefinitely postpone this bill and all its accompanying papers and I would ask for a roll call.

The SPEAKER: A roll call has been requested.

The Chair recognizes the Representative from Bethel, Representative Mills.

Representative MILLS: Mr. Speaker, Men and Women of the House: I, too, am a member of the Low Level Waste Siting Commission and am a cosponsor of this bill. This bill was supported by the Low Level Waste Siting Commission, the reasons being that, originally this committee was set up because the federal government changed their mind and told us we, as a state, were going to have to start looking into low level waste.

Now, the federal government is moving towards having states looking into high level waste and we feel that it is rather foolish for us to be spending all the time and money going around doing research on low level waste when we could be saving the state money and also be looking at high level waste at the same time. Most of the programs that we are doing are going to be for both high level and low level waste and, by this bill, we give that committee the power to be looking into low level waste to save us time later on in the future. So, it is a good bill in the idea that we will be saving money actually for the state because you are eventually going to look into high level waste anyway. Since the low level waste and the high level waste of many of the areas are the same that is wise for us to be looking into it at this time. It also puts more public members on to

the board, which I think is also a wise idea.

I hope you will accept the bill as it is and not go with Mr. Brown's motion.

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

Representative MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you don't support the motion of the gentlemen from Livermore Falls, Representative Brown.

In the last six or seven years, the states have had a lot of responsibility put upon them by the federal government. The first responsibility was the responsibility to solve the low level radioactive waste program and accept the responsibility for that waste. That was done in a federal act that was passed in 1980. In 1982 Congress passed another act called the High Level Radioactive Waste Policy Act. High Level radioactive waste is all the waste that is not low level radioactive waste. Specifically, it is spent nuclear fuel and the byproduct of a nuclear fission process and production of radioactive isotopes for nuclear weapons. There is a lot of this stuff in the United States now.

I would like to very briefly sort of tell you what the federal law has done and how it affects the State of Maine. The High Level Radioactive Waste Policy Act of 1982 has three programs in it. The first repository program, the second repository program and the MRS program.

The first repository program is a program to build a national repository for high level waste in this country that would open in the late 1990's. The second repository program, also known as the Crystal and Rock Program is a program which is following that program by six years. The first repository program has just reached a stage where they selected sites in three states for characterization and those three states are all in the West. They are the State of Washington, the Hanford site; the State of Nevada, where there is a site on the Nevada test ground and the State of Texas, a site in Deaf Smith County.

The second program, the Crystal and Rock Program is progressing. The Crystal and Rock Program, at this moment, is researching the literature of crystal and rock and it is looking at seventeen states in the east. They are the New England States, a few states in the Upper Midwest and some states in the South. They are scheduled this November to narrow that search down to about 24 sites in six states.

Finally, the MRS program is a really interesting program. MRS stands for Monitored Retrievable Storage and that program is one in which they will build a facility to hold high level waste while these other facilities are being built.

The National Repository is going to be a facility that is located between 1500 and 2,000 feet underground and it is going to take spent nuclear fuel and this waste from nuclear weapons construction from across the United States. They are going to be put in steel canisters and buried under the ground. Some of that waste has a half life of 24,000 years and, as a general rule of thumb, you take that waste and you save it for 10 half lives so, basically, you have to have a facility that is going to withstand any contact with the environment for one quarter million years, if you are going to let the plutonium, which is in the spent nuclear fuel, decay to background. The site is going to be about a 26,000 acre site. There is about 6,000 or 7,000 acres in the middle that are absolutely high security areas.

The bill before you is a really simple bill. It extends the life of the commission, that is something that has to be done. It caps the fund at \$150,000, it adds two public members to the commission, I think that is a good idea. I think that if we were going to rewrite the original commission law today, we would probably do

that, and it adds high level waste as a responsibility of the commission.

I think that we have to look at this issue of high level waste if we are really going to meet the state's responsibility.

Now, as I said earlier, the Department of Energy is going to announce in November of 1985 the selection of the six states or the 24 or 26 sites in the east that they are going to decide to characterize.

I would like to read briefly from Title 38, Section 1463 of the Maine Statutes, and that says, "Area studies I plan, prior to the initiation of area studies, the commissioner (that is the Commissioner of Environmental Protection) shall submit a plan of these studies to the legislature for approval including by reference enter any federal plan for these studies." What that means is, in November, when we are not in session, the Department of Energy is going to pick six of these states and Maine may be one of them and, in the next field season, which will probably be next April, April of 1986, they are going to start their field work.

Representative Brown would have you indefinitely postpone this bill so that we won't be able to start to do anything. We will come back here next January and we will have four months to respond to this plan, to look all over the State of Maine for a suitable site. Let me tell you, the people of Maine are not going to like it at all, they are not going to like it.

High level radioactive waste is a very, very serious problem. It is a problem that has to be solved in this state, at the spent fuel pool at Maine Yankee, almost all the waste that has ever been generated by that plant is still sitting there and that has got to be taken care of, we have to deal with that problem, it is dangerous sitting there. At the same time, we have got to protect the interests of this state. This whole federal procedure is a procedure that is going to pit state against state and the state against the federal government. It is one in which we just have to take the time and patience. We have to understand and learn this very complex federal law very carefully and we have got to understand that we have got to acquire a real knowledge of the characteristics of this stuff that we are dealing with so that we can make really intelligent decisions when we are asked or when we may be asked to approve a plan to look through this state.

And to Representative Brown's philosophical problems with this bill, all I can say is that we live in a very, very complex world and it creates some complex problems with this but I still think we ought to address those problems and deal with them.

The SPEAKER: The Chair recognizes the Representative from Livermore Falls, Representative Brown.

Representative BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I guess my problem goes beyond one of philosophical nature and gets to the real meat of the bill itself. Representative Mitchell has touched on certain aspects of what this does but he has very conveniently, I think, left out some of the things that are already being done. I would like to call them to your attention.

Representative Mitchell would lead you to believe that this state is doing nothing to prepare itself for the event that Maine may be chosen as one of the five or six states in the second study. Quite frankly, the reverse is true. The executive branch, the Governor's Office, has been in very, very close touch with the Department of Energy on this issue. In fact since 1981, a number of state agencies have been involved working very closely with the Department of Energy through the Governor's office. They include the Bureau of Geology, the Department of Environmental Protection, the State Planning Office, the Department of Transportation, and the Department of Inland Fisheries and Wildlife. I think what Represent-

ative Mitchell did not tell you is that — and I would just outline to you, and again it will be brief, as to what will happen, and this is according to state law, law which is already on the books, should Maine be selected as one of those five or six states just as a study for that second repository.

First of all, the Commission of the DEP must submit a plan to the Legislature which describes the DOE's plan of study. Secondly, the DEP commissioner must submit the state's plan for review and oversight of that activity. The plan must include the establishment of a review board to oversee DOE's activities, a review board which will be created at that time. The DOE plan for characterization must provide for public hearings within 12 months of the start of the area study, so it is not like they are going to come in and start dumping next Spring. No borings may be taken without legislative approval of the Commission's plan for review and oversight. The legislature is very much in control of the situation from start to finish, I believe. And, at that point, if Maine is still under consideration for further studies, existing state law already authorizes the Department of Environmental Protection to submit a plan for the establishment of a state group to review any such DOE studies including representatives of the scientific community, the legislature and the general public. So, ladies and gentlemen, my point is that we already have in place a procedure, a very careful procedure that is laid out by law that will respond directly to that second study, should Maine be included in that list of five or six states.

I am not proposing for a moment that Maine take a ho-hum approach to the possibilities of our state being used as that second repository. I am opposed to an expansion of a commission to start dealing with an issue and perhaps in a way that may not necessarily be consistent with the direction that has already been put in place.

Representative Mitchell spoke of the cap, the \$150,000 cap, that is placed. Well the cap right now is \$100,000. This new commission will have a cap of \$150,000. We will be able to accept other grants in addition to the \$150,000. There is no question about it, it is an expansion of a commission which I believe is unneeded at this time because the questions are already being addressed by state government in the form with which I have just described to you.

It is obvious to me that, if we pass this legislation, we are confusing two very important issues, the low level issue and the high level issue. They are very different, they are very separate from the other. I think that we ought to get on with our work in the low level commission, solve those problems, solve them once and for all, and deal with the high level problem in accordance with policies that are already established by state law.

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 Bethel, Representative Mills.

Representative MILLS: Mr. Speaker, Men and Women of the House: I guess I have a hard time with the objections of Representative Brown in the fact that he mentioned the money, the cap and everything else. This isn't going to cost us as a state any more money. We have a \$9 per cubic foot charge for any high level storage waste that is kept in this state, which Maine Yankee currently pays to us to keep this com-

mission going. We already have the money for the commission and all this bill is doing is allowing the Low Level Siting Commission to be looking into things that they already are starting to look into anyway at this point because the federal government is telling us that we are going to have to start looking into these. I think it is important for us as a committee to be able, as we go and study low level waste, — if you were at a meeting or anything else and high level waste articles come up for us, we would be able to look into those also. It is not going to cost us any more money, it is putting more public members on the board and I think it is just a wise step for us to be taking at this time to help to protect ourselves as a state, to make sure that we are, in fact, on top with our knowledge of high level waste when the opportunity comes up for us, if it does, to talk to the federal government on whether or not the State of Maine is going to be a site for high level waste. I think it would be important for us at that time to be able to protect ourselves as much as possible by knowing and having as much knowledge as we can about that subject. For our own good, I think it is wise for us to do so.

I hope you will support this bill.

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

Representative HOLLOWAY: Mr. Speaker, Men and Women of the House: There is very little I can add to these good debates this afternoon but basically, I don't think that Maine should be embarrassed, should they come up on the second round, as a possible depository site in Maine. It would be most embarrassing, I see no reason why we just can't continue this low level waste site commission into a high waste siting commission.

As the good gentleman from Bethel just said, when they are talking about low level waste, it is very easy to drift into the high level waste conversation. I think we would be embarrassed, I think we should have pertinent information, we should have all our geological surveys done and all our field work done in case Maine is chosen on the second round, we will be prepared.

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

Representative LAW: Mr. Speaker, Ladies and Gentlemen of the House: Just so you won't think that my good friend from Livermore Falls stands alone down there, I don't think it is a particularly good idea to combine the two either.

As somebody has already said, the Low Level Waste Commission has been in existence for about five years and they have not solved the problem yet of low level waste. There is no similarity at all between low level waste and high level waste. They have to be looked at completely different. A little knowledge is a dangerous thing.

If we are selected in the Fall as one of the six sites, then we could look at that at that time. I realize we won't be in session at that time but, as Mr. Brown said, there is already a way to get around that.

I would like to point out very specifically that, both the Governor's Office and the Department of Environmental Protection, believe that there is no need at this time to study to expand this committee.

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

Representative MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make two brief points in response to the remarks of the gentleman from Livermore Falls, Representative Brown.

First of all, the Maine State law on high level radioactive waste fully intends that the legislature should be involved and it starts out,

that it is the intent of the legislature to cooperate fully with the federal government to manage safely and effectively high level radioactive waste and so forth. It is also the intent of the federal law to involve state legislatures, because in the federal law, it specifically recommends cooperating with states and governments including the executive and the legislative. It mentions the legislature specifically.

Representative Brown spent some time reading the law dealing with high level radioactive waste and I had the good fortune of attending a Department of Energy briefing last month on high level radioactive waste and a person from the State of Minnesota, which has a very similar law to ours, posed an interesting question to the representative of the Department of Energy. Before they begin drilling in Minnesota, they have to have a contract with the state of Minnesota and the representative from Minnesota said, what are you going to do if we can't agree and you don't have a contract with us, and the answer was that they were going to go ahead and drill anyway.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of the Representative from Livermore Falls, Representative Brown, that this bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 129

YEAS:—Aliberti, Armstrong, Baker, A.L.; Begley, Bott, Bragg, Brown, D.N.; Callahan, Clark, Connors, Daggett, Davis, Dellert, Dexter, Dillenback, Drinkwater, Farnum, Foster, Greenlaw, Harper, Hepburn, Hillock, Ingraham, Jackson, Jalbert, Lander, Law, Lawrence, Lebowitz, Lord, Martin, H.C.; Masterman, Matthews, McColister, Nickerson, Paradis, E.J.; Pines, Randall, Ridley, Salsbury, Seavey, Sherburne, Smith, C.W.; Sproul, Stevens, A.G.; Stevenson, Telow, Webster, Wentworth, Whitcomb, Willey, Zirkilton.

NAYS:—Allen, Baker, H.R.; Beaulieu, Bell, Bost, Boutilier, Brannigan, Brodeur, Brown, A.K.; Cahill, Carroll, Carter, Cashman, Coles, Connolly, Cooper, Cote, Crouse, Descoteaux, Diamond, Duffy, Erwin, Foss, Gwadosky, Hale, Handy, Hayden, Hitchborn, Hickey, Higgins, L.M.; Hoglund, Holloway, Jacques, Joseph, Kane, Kimball, Lacroix, Lisnik, MacBride, Macomber, Manning, Mayo, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, Moholland, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, G.G.; Nicholson, O'Gara, Paradis, P.E.; Parent, Paul, Perry, Priest, Racine, Reeves, Rice, Richard, Roberts, Rolde, Rotondi, Ruhlin, Rydell, Scarpino, Simpson, Small, Smith, C.B.; Soucy, Stetson, Stevens, P.; Strout, Swazey, Tammara, Tardy, Taylor, Theriault, Vose, Walker, Warren, Weymouth, The Speaker.

ABSENT:—Bonney, Carrier, Chonko, Crowley, Higgins, H.C.; McPherson, Pouliot, Rioux.

52 having voted in the affirmative and 91 in the negative with 8 being absent, 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 Promote Free Enterprise in the Banking and Insurance Industries (S.P. 294) (L.D. 783) (C. "A" S-119)

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

Representative McHenry: Mr. Speaker, Ladies and Gentlemen of the House: I would like, first of all, say that I am for the bill, I think it is a great bill, but you know, the title itself, An Act to Promote Free Enterprise — I would like somebody in this House to please explain to me what is free enterprise and where do we see free enterprise in the State of Maine? To me,

free enterprise is when you stop licensing, you stop setting up rules and regulations for any business — I would like to have an answer to my question, where is the free enterprise system in the State of Maine?

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

An Act Relating to Inspection of Catalytic Convertors and Inlet Restrictors (H.P. 225) (L.D. 259) (C. "A" H-242)

On motion of Representative Diamond of Bangor, Tabled unassigned.

Later Today Assigned

An Act to Establish a Civil Statute of Limitations in Cases Involving Sexual Acts Towards Minors (H.P. 427) (L.D. 607) (C. "A" H-233)

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

An Act Concerning Handicapped Motor Vehicle Registration Plates or Placards (H.P. 778) (L.D. 1099) (C. "A" H-225)

On motion of Representative Racine of Biddeford, under suspension of the rules, the House reconsidered its action whereby L.D. 1099 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" (H-225) was adopted.

The same Representative offered House Amendment "B" (H-285) to Committee Amendment "A" and moved its adoption.

House Amendment "B" (H-285) to Committee Amendment "A" was read by the Clerk.

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

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: What this amendment does is it requires those individuals that have permanent handicapped plates to submit a physician's certificate every five years. If you will recall, I presented an amendment to this House, which was defeated, and that amendment called for a three year submission; this bill calls for five years. The amendment establishes a requirement that recipients of handicapped plates and placards submit a physician's certificate every five years to prevent misuse by family members following the death or change in status of the handicapped person. We all agree that there is a problem caused by unauthorized use of handicapped plates and this amendment gives us the opportunity to address the problem by eliminating, every five years, obsolete plates. The current law does not require those persons, who are found by their physician's to be permanently disabled, to submit annual certificates as a condition to retain their handicapped plates or placards.

As long as there is a certificate on file with the Motor Vehicle Division, attesting the disability is permanent, that person need not, upon renewal, submit any additional certification to the state. There is no requirement, under current law, to resubmit a physician's certificate when the car is reregistered as long as it is registered in that person's name. Additionally, placards issued in lieu of plates, fall in the same category. My amendment ensures that every five years, handicapped plates or placards will be issued only to those individuals who are entitled to that privilege. I don't believe requiring recertification, every five years, will cause a financial hardship. It will help alleviate a problem that currently exists and will be compounded by failure to adopt this amendment. I believe that it is a fair compromise from the previous amendment, which was rejected.

We are going to hear that this will be done every six years when we issue new plates. I

doubt very seriously that this will take place every six years because, based on the information that I was able to obtain, issuance of new plates will cost approximately \$2.4 million. I think when these bills hit the floor that people will be reluctant to pass a measure to issue new plates. As a matter of fact, the plates that we now have were issued in 1974, so they have been in use for a period of 11 years.

I hope my good friend from Fort Kent, Representative Theriault, does not get up and move to indefinitely postpone this amendment because, every time I hear that, it sends chills up and down my spine. I hope that he just says, please vote against the motion because every time I have heard that today, I was sitting back here, and I have been through this before, and believe me, it is horrifying when you hear that motion. As a matter of fact, to show you that I am in a good mood, I am not going to ask for a roll call, just for a Division, because the machine is broken. So, I hope you will support my amendment.

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

Representative THERIAULT: Mr. Speaker, I move the indefinite postponement of this amendment.

Members of the House: Last Friday, we handled a similar amendment here in the proper manner and I hope that you will do the same thing today.

According to the good Representative Racine, the fact that a person might have to take a physical every five years, maybe at a cost of \$50.00 or more, is not a financial imposition — to some people, it definitely is an imposition.

As far as the issuance of new plates, I don't really know where Representative Racine got his information but \$2.4 million sounds like a bit more than what we intend to spend if we do this.

What this amendment would do is that it would try to solve a problem by really creating another one. I hope that you consider that when you cast your vote.

It was mentioned that we might be issuing new license plates and this is true. The committee is now looking at this and, hopefully, we will be able to do that this year. Along with this bill, we are proposing that license plates be replaced every six years. Consequently, it would seem to be sort of foolhardy if we would require a certificate every five years if we should issue plates every six years. I hope that you will support my motion to indefinitely postpone this amendment.

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

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to respond to the \$2.4 million figure, which was obtained from Linwood Ross this morning.

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

A vote of the House was taken.

57 having voted in the affirmative and 36 in the negative, the motion did prevail.

Committee Amendment "A" was adopted and the Bill passed to be engrossed as amended by Committee Amendment "A."

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

An Act to Implement the Recommendations of the Maine Land and Water Resources Council Ground Water Review Policy Committee (S.P. 353) (L.D. 961) (H. "A" H-244 to C. "A" S-132)

On motion of Representative Michaud of Medway, under suspension of the rules, the

House reconsidered its action whereby L.D. 961 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-295) and moved its adoption.

House Amendment "A" (H-295) was read by the Clerk.

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

Representative MICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: Basically, what this amendment does is put a fiscal note on the bill and also clarifies that the money in here is contingent on the passage of the bond.

Whereupon, House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-295) to Committee Amendment "A" (S-132) and House Amendment "A" (H-244) to the Bill and sent up for concurrence.

Tabled and Assigned

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

On motion of Representative Smith of Island Falls, tabled pending passage to be enacted and tomorrow assigned.

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

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

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

I would like to have Representative Reeves explain what the ramifications of this bill are?

The SPEAKER: The Representative from Lewiston, Representative Handy, has posed a question through the Chair to Representative Reeves of Pittston, who may answer if she so desires.

The Chair recognizes that Representative.

Representative REEVES: Mr. Speaker, Men and Women of the House: This is the Legal Affairs unanimous committee report on a bill which started out as "An Act to Prohibit Happy Hours". What we did was work together with the servers and the sellers of alcohol to come up with a bill that both sides could agree on. Its title, I think, is quite descriptive "An Act to Prohibit Certain Practices which Encourage Excessive Drinking." Certain practices are prohibited and these are the following: offering or delivering any free drinks to any person or group of persons, this is by liquor licensees; delivering more than two drinks to one person at one time; selling or offering the seller to deliver to any person or a group of persons an unlimited number of drinks for a fixed price except at private functions; encouraging or permitting on the licensed premises any game or contest which involves the free drinks or the awarding of drinks as prizes; any other practice the specific purpose of which is to encourage customers of the licensee to drink to excess.

The issue that was pointed out by everybody as the real problem, the biggest problem, was serving a large number of drinks 'last call' fifteen minutes before the bar closes and so this draft plugs up that loophole. The New Draft specifically does not prohibit licensees from providing free food, once a drink has been purchased; using the term happy hour and it doesn't prohibit reducing the price of a drink or offering drinks at half price. We hope that this bill, in conjunction with voluntary server education programs sponsored by the private sector, will help to address the problems of excessive drinking and help the servers and the public to have a more temperate attitude

toward drinking too much.

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

Representative HANDY: Mr. Speaker, I would like to pose another question.

In the part of the bill where it indicates that drinks are not to be awarded as prizes on games, is it the intent of the legislation to include the awarding of coupons or free drink tickets to be used at a later date?

The SPEAKER: The Representative from Lewiston, Representative Handy, has posed a question through the Chair to the Representative from Pittston, Representative Reeves, who may respond if she so desires.

The Chair recognizes that Representative.

Representative REEVES: Mr. Speaker, Members of the House: That is not the specific intent of the legislation.

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 Chair laid before the House the following matter: An Act to Establish a Civil Statute of Limitations in Cases Involving Sexual Acts Towards Minors (H.P. 427) (L.D. 607) (C. "A" H-233) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Hayden of Durham, retabled pending passage to be enacted and tomorrow assigned.

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

Passed to Be Enacted Emergency Measure

RESOLVE, to Create a Special Commission to Study the Utilization of Vacant Buildings at Pineland Center (H.P. 582) (L.D. 852) (C. "A" H-245)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of the same and 13 against and accordingly, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

An Act Concerning the Payment of Interest on Mortgage Escrow Accounts (H.P. 945) (L.D. 1354) (C. "A" H-229)

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

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

ADMINISTRATIVE SUPPLEMENT

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

In reference to the action of the House on Wednesday, May 29, 1985, whereby it Insisted and Asked for a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative BOST of Orono
Representative CLARK of Millinocket
Representative SMALL of Bath

Monday, June 3, 1985

ADMINISTRATIVE SUPPLEMENT

Reference is made to (H.P. 764) (L.D. 1084) An Act Relating to the Affixing of Indicia of Payment of Real Estate Transfer Tax

In reference to the action of the House on Tuesday, May 30, 1985, whereby it Insisted and Asked for a Committee of Conference, the

Chair appoints the following members on the part of the House as Conferees:

Representative MAYO of Thomaston
Representative HIGGINS of Portland
Representative DAVIS of Monmouth

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

Reports of Committees

Unanimous Leave to Withdraw

Representative BELL from the Committee on Appropriations and Financial Affairs on Bill "An Act to Establish a Budget Stabilization Fund" (H.P. 389) (L.D. 538) reporting "Leave to Withdraw"

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

Consent Calendar

First Day

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

(H.P. 521) (L.D. 741) Bill "An Act to Create the Maine Rainy Day Fund" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-301)

Under suspension of the rules, Second Day Consent Calendar notification was given, the Bill was passed to be engrossed as amended and 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 Concerning Notice of Legal Obligations of Marriage on a Marriage Certificate" (H.P. 995) (L.D. 1432) (C. "A" H-195) which was tabled earlier in the day and later today assigned pending the motion of the Representative from Madawaska, Representative McHenry, that the House reconsider its action whereby the House voted to recede and concur.

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

Representative DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to take any time to discuss this. I would ask for a Division and I would hope that you would retain the vote we had this morning.

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

Representative McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I don't intend to speak very long on this issue either. We had a vote of 79 to 61 last week and I had requested a roll call and wish you would support me on the 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 Madawaska, Representative McHenry, that the House reconsider its action whereby it voted to recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 130

YEAS:—Aliberti, Allen, Baker, H.R.; Beaulieu, Bost, Bott, Boutilier, Brannigan, Brodeur, Carroll, Carter, Cashman, Coles, Connolly, Cote, Crouse, Descoteaux, Dexter, Diamond, Duffy, Erwin, Farnum, Handy, Hayden,

Hichborn, Hickey, Higgins, H.C.; Jacques, Joseph, Lacroix, Manning, Mayo, McHenry, McSweeney, Melendy, Michael, Michael, Mills, Mitchell, Murphy, E.M.; Murray, Nelson, O'Gara, Paradis, P.E.; Perry, Priest, Randall, Reeves, Rice, Richard, Rolde, Rotondi, Rydell, Simpson, Smith, C.B.; Stevens, P.; Stevenson, Theriault, Vose, Warren.

NAYS:—Armstrong, Baker, A.L.; Begley, Bell, Bragg, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Clark, Connors, Cooper, Crowley, Daggett, Davis, Dellert, Dillenback, Drinkwater, Foss, Foster, Greenlaw, Gwadosky, Hale, Harper, Hepburn, Higgins, L.M.; Hillock, Hoglund, Holloway, Ingraham, Jackson, Jalbert, Kimball, Lander, Law, Lawrence, Lebowitz, Lisnik, Lord, MacBride, Macomber, Martin, H.C.; Masterman, Matthews, McCollister, McGowan, Moholland, Murphy, T.W.; Nadeau, G.R.; Nicholson, Nickerson, Paradis, E.J.; Parent, Paul, Pines, Racine, Ridley, Roberts, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.W.; Soucy, Sproul, Stetson, Stevens, A.G.; Strout, Tammara, Tardy, Taylor, Walker, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilont.

ABSENT:—Bonney, Carrier, Chonko, Kane, McPherson, Nadeau, G.G.; Pouliot, Rioux, Ruhlin, Swazey, Telow, The Speaker.

60 having voted in the affirmative and 79 in the negative with 12 being absent, the motion did not prevail.

The Chair laid before the House the following matter: Divided Report, Majority Report of the Committee on "Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-273) on Bill "An Act to Control Acid Rain" (H.P. 263) (L.D. 317) and Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-274) on same Bill which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "A".

Representative Jacques of Waterville offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" (H-300) to Committee Amendment "A" was read by the Clerk.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I move the indefinite postponement of House Amendment "A".

I tried to tell you this morning, this bill is really a terrible, terrible bill. It doesn't really do anything and is a real sham and House Amendment "A" to Committee Amendment "A" makes it even more of a sham.

What the amendment does is that there would be an average of three years, 1979, 1980 and 1981, which would be set aside and those would be the years that we would set the cap on SO2 emissions and you couldn't exceed the cap on that emission but if you adopt House Amendment "A" to Committee Amendment "A" you would change that and you would allow any emitter to choose the year he wanted as his cap year, so if he was approaching the cap of those three years and he didn't like that cap, he could just go back and look over his records and find a dirtier year in his records and use that year instead of the year of the cap. It just makes an absolute ridiculous bill weaker and more stupid than it already is.

Acid rain is really a national problem and it really is a major problem for the State of Maine because we are the ones that are receiving all the pollution that is emitted elsewhere.

I think we ought to call this bill "The Albatross Bill" and not the acid rain bill. Our delegation in Congress, especially our two Senators, Senator Cohen and Senator Mitchell, are trying to represent the interest of this state in trying to pass a strong, national acid rain control legislation. We have such a foolish,

ridiculous bill here that I think the reason I want to call it the Albatross Bill is because I think it is going to hinder them in that effort. It is an albatross hanging around their neck. With this amendment on it, even without this amendment, I think that this bill will be a real embarrassment to the State of Maine, a real embarrassment on the national level.

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

Representative MICHAUD: Mr. Speaker, Men and Women of the House: I hope you will vote against Representative Mitchell's motion to indefinitely postpone House Amendment "A". If I had known the concern with the bill at the time we passed the bill out, this would have been addressed in the bill.

Basically, what the amendment does it has given credit to those industries that try to solve the problem of sulfur dioxide. What this amendment basically does, if I read it correctly, it would not penalize an industry that uses hydro power instead of oil and I have no problem with that. So, I hope you would vote against the motion to indefinitely postpone House Amendment "A" and vote for the House Amendment.

The SPEAKER: The Chair recognizes the Representative from Livermore Falls, Representative Brown.

Representative BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I don't think I have ever heard quite so many negative adjectives attached to a bill as this one from Representative Mitchell. In fact, I think I have learned a few this afternoon.

I would just like to support the committee chairman and request that you vote against indefinite postponement of this amendment. It makes sense, really, because we are not talking about industry being able to look at their dirtiest year, we are talking about industry being able to perhaps pick out a year that was a striking year or a year where there was abnormally high water and that industry was able to take full advantage of hydro power more than it normally would so that it would not be penalized for having used less sulfur fuel in that particular year. I think it is really just the opposite of what Representative Mitchell tried to imply that it does.

I hope you do not support the indefinite postponement motion before you.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative Mitchell from Freeport that the House indefinitely postpone House Amendment "A" to Committee Amendment "A". Those in favor will vote yes; those opposed will vote no.

40 having voted in the affirmative and 75 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.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended and sent up for concurrence.

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

Consent Calendar

First Day

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

(H.P. 841) (L.D. 1191) Bill "An Act Relating to Retirement Compensation for Judges who Ceased to Serve Prior to December 1, 1984" Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (H-303)

(H.P. 1051) (L.D. 1527) Bill "An Act Concerning Extension of the Permit Processing Period for Hydropower Projects" Committee on

Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-304)

(H.P. 809) (L.D. 1156) Bill "An Act to Provide Penalties for Violations of Anti-trust Statutes" Committee on Business and Commerce reporting "Ought to Pass" as amended by Committee Amendment "A" (H-305)

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

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

Orders of the Day

The following matters, in the consideration of which the House was engaged at the time of adjournment on Friday, May 31, 1985 have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

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

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 30, 1985 by Representative GWADOSKY of Fairfield.

PENDING — Reference.

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

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

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

TABLED — May 30, 1985 by Representative DIAMOND of Bangor.

PENDING — Passage to be Enacted.

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

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

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

TABLED — May 30, 1985 by Representative HIGGINS of Scarborough.

PENDING — Passage to be Engrossed.

Representative Higgins of Scarborough offered House Amendment "D" (H-290) and moved its adoption.

House Amendment "D" (H-290) was read by the Clerk.

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

Representative HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: Briefly, this amendment adds the long awaited fiscal note that we spoke about earlier and also adds a provision that, of the additional stores allowed under this bill, no more than one should be in any county.

Whereupon, House Amendment "D" was adopted.

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

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

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 30, 1985 by Representative CROWLEY of Stockton Springs.

PENDING — Passage to be Engrossed.

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

The same Representative offered House Amendment "B" (H-294) to Committee Amendment "A" and moved its adoption.

House Amendment "B" (H-294) to Committee Amendment "A" (H-237) was read by the Clerk.

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

Representative SCARPINO: Mr. Speaker, Men and Women of the House: Very briefly, what this amendment does is reduce the fee increase by \$10.00 on three harvester licenses. The bill, as it came out of committee, would have in effect doubled those license increases of \$33.00 to \$66.00 per license. This amendment reduces it to \$53.00. The purpose, quite simply, is that most of our fishermen, because of the requirements of our industry, are multiple license holders. Most everyone holds at least two licenses; some people hold three. It is an acknowledged fact that we do need more money for enforcement, this would still provide it, plus it would give a little respite to the people in the industry who have to buy more than one license.

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: We were quite divided on this bill all the way through. I was almost violently opposed to it when it was a 200 percent increase in the fees. Then I was moderately opposed when it went down to 100 percent increase and, at this point in time, I really am not too happy with the House Amendment "B" here but will vote for it to assist the department in their dilemma of decreasing funds and their need for additional patrol officers. So, I hope you will support this amendment.

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

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

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

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

Bill "An Act to Require Adequate Notice of Tax Lien Foreclosure" (H.P. 1090) (L.D. 1583) (H. "A" H-210)

TABLED — May 30, 1985 by Representative DIAMOND of Bangor.

PENDING — Adoption of House Amendment "B" (H-236)

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

Representative STROUT: Mr. Speaker, at this time, I would like to withdraw House Amendment "B".

The SPEAKER: The Representative from Corinth, Representative Strout, withdraws House Amendment "B".

The Representative may proceed.

Representative STROUT: Mr. Speaker, I now offer House Amendment "C" (H-289) and move its adoption.

House Amendment "C" (H-289) was read by the Clerk and adopted.

Representative McCollister of Canton moved that the House reconsider its action whereby House Amendment "C" was adopted.

On further motion of the same Representative, tabled pending his motion that the House reconsider its action whereby House Amendment "C" was adopted and tomorrow assigned.

Representative McCollister of Canton withdrew his motion that the House reconsider

its action whereby House Amendment "C" was adopted.

Subsequently, the Bill was passed to be engrossed as amended by House Amendment "A" and House Amendment "C" and sent up for concurrence.

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

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 30, 1985 by Representative BROWN of Gorham.

PENDING—Passage.

Whereupon, the Joint Order was passed in concurrence.

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

An Act Concerning Nomination Petitions for Unenrolled Candidates (H.P. 1063) (L.D. 1542)

TABLED—May 30, 1985 by Representative REEVES of Pittston.

PENDING—Passage to be Enacted.

On motion of Representative Hayden of Durham, retabled pending passage to be enacted and tomorrow assigned.

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

Bill "An Act to Authorize a Self-liquidating Bond Issue for the County of Cumberland to Raise Funds for the Construction of a Court-house Addition, Capital Improvements to the Existing Structure and a Related Parking Facility (S.P. 547) (L.D. 1460)

TABLED—May 31, 1985 by Representative MANNING of Portland.

PENDING—Adoption of Committee Amendment "A" (S-160) as amended by House Amendment "B" (H-251).

On motion of Representative Manning of Portland, retabled pending adoption of Committee Amendment "A" (S-160) as amended by House Amendment "B" (H-251) and later today assigned.

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

Joint Resolution Requesting Limitations on Investment and Divestiture of Public Funds in the Republic of South Africa and Namibia (H. P. 1117)

TABLED—May 31, 1985 by Representative DIAMOND of Bangor.

PENDING—Adoption.

The SPEAKER: The Chair recognizes the Representative from Bucksport, Representative Swazey.

Representative SWAZEY: Mr. Speaker, Ladies and Gentlemen of the House: I reluctantly rise today to voice my opposition to this Joint Resolution. This would be the only way I would have to show it actually.

Mr. Speaker, I would ask when the vote is taken, it be taken by a roll call.

I talked with Representative Baker for about a half hour last week and I still have reservations on this. Most Resolves, as you well know, go through here with no questions whatsoever. They go to Ireland, they go to Congress and our congressional delegation and other areas — this is a little different, it doesn't go across country. As a matter of fact, I don't ever recall in the five years that I have been here ever hearing from our congressional delegation that they ever received these Joint Resolutions, much less acted upon them. They haven't even acknowledged them. This is different, this goes just next door to the Maine State Retirement Commission and also the Treasurer of the State and I think it would have a different type of effect than our Joint Resolutions to Congress.

I question who is an expert in this chamber on international affairs, for one thing. I certain-

ly am not and I don't profess to be and I don't know who else would be in here. This, basically, is an international affairs problem.

Now, the Republic of South Africa is the most westernized country in Africa. It is the country that has voted with the United States of America in the United Nations more than any other nation in Africa. This doesn't seem to be doing a favor to an ally. The last two Presidents that I can recall, and they are members of the two major parties, have not advocated as harsh a measure as this. Neither branch of Congress, which each is controlled by a major party now, they have never advocated such a harsh measure as this.

My concern, I believe, goes for the American worker, who will be deprived of an area to ship American goods and, above all, to the Maine State Retirement System. If you will recall, I believe it was Thursday, we had an acknowledgement of the annual report of the Maine State Retirement System and, at this time, I would congratulate the Maine State Retirement people who run that, not only the retirement commission investment people but also their advisors because I believe they have done an excellent job. If you will look on Page 86, you will see that from 1982 to 1983, the stock dividends increased \$1.7; the profit on sale of securities increased some \$23.7, more than double what had been the previous year and I understand that 1984 is going to be even better. However, if you look also on that page, you will see that the retirement allowance fund still has a \$183 million deficit because of the pre-7124 teachers account so we still need good investments and I am afraid if this Joint Resolution goes through, it will have an influence and instead of top quality growth stocks that the retirement fund will be able to invest in and they have shown a consistent growth over a period of years and, thereby, increasing the dividends which helps this retirement account. If they have to sell those stocks and buy second quality stocks, stocks that are more volatile and the liquidity is not there because they have a smaller amount of capital issued, this fund is going to suffer and the State Retirement Fund will thereby suffer.

I have been receiving this for five years. It is a magazine called "Government Executive" and I think everybody receives it. I never subscribed to it, I don't know whether the legislature has or not, but in one paragraph written by the editor in March of 1985, it says: "if as a government policy, the United States were to order disinvestment unilaterally and it was effective economically, it likely would lead to violent social upheaval. Were that to happen, it would be a classic example of Marxist doctrine on how to overthrow a capitalist country's government and replace it with a communist one." I would just like to leave you with one thought — when the Republic of South Africa becomes a Russian, communist, puppet state, will you be proud to tell your children and grandchildren that you voted to help make that possible?

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I am very pleased and proud to be a cosponsor of this Resolution. Let me state at the outset that this Resolution represents the only opportunity that we, as individual members of the Maine Legislature, will have to vote on the so-called South Africa issue this session.

This Resolution is also a part of a unanimous agreement from the Committee on State Government to report out a Resolution. Many of you may be aware that there was a bill, at one time, L.D. 488, which was an act requiring the State of Maine to divest its funds that it had in any company doing business in South Africa. That bill, which was referred to the Joint Standing Committee on State Govern-

ment has been carried over until next session to allow us to more carefully monitor the effects on divestiture in other states and other organizations, which have currently done this to some extent. That original bill, L.D. 488, would have required the State of Maine to divest of approximately a little over a million dollars from the State Treasurer's Office and it would have required the state to divest of some \$98 million in the State Retirement System, \$98 million being approximately 13 percent of the total portfolio in the state retirement system.

Now, obviously, with a bill of that magnitude, we had several issues to consider on the State Government Committee, the first of which was, as Representative Swazey has indicated, were we or were we not as the Maine Legislature over estimating our ability to influence events that are happening in other parts of the world?

I think the second issue that we discussed extensively was, what kind of responsibility did we have have in regards to the integrity of the retirement system, in regards to the current retirees and future retirees?

Lastly, I guess, we discussed whether or not we had an obligation or perhaps a responsibility to make some sort of statement as a legislature about our feelings about apartheid, apartheid is generally recognized as the only type of situation in the world where racism is the essential characteristic of the society as a whole. I don't think there is any question that the Maine Legislature is willing to go on record to say we don't appreciate or approve of what is going on in South Africa. I think that we could save ourselves a lot of time by avoiding the discussion of whether or not we approve or don't approve of what is going on because I think most of us would say we don't approve of what is going on in South Africa.

Now, I mentioned that in the retirement system there is currently \$98 million worth of shares in companies that do business in South Africa. That is broken down as follows: \$87 million of the money in the retirement system in shares of companies which have signed the Sullivan Principles and \$11 million is in shares in companies which have not signed the Sullivan Principles. Now, Sullivan Principles are a set of principles adopted or founded by the Reverend Sullivan which attempt to provide minimum safeguards and standards for businesses when they create their employment practices with the blacks in South Africa. There is a lot of dispute among various individuals on the effectiveness of the Sullivan Principles but, for our purposes, they are the only type of standards that we currently have today.

In our discussions with the State Retirement System, the director gave us the indications that they could voluntarily divest of the non-Sullivan stock \$11 million. We are talking about approximately 1.6 percent of the portfolio without any great deal of difficulty over time. This Resolution represents the commitment she made to us to do that. This Resolution requires: (a) the retirement system to divest of the non-Sullivan stock within two years; (b) requires that they don't have any future investments in non-Sullivan stock; (c) finally, it requires that they report back to us by next January on their progress. We think by adopting this type of Resolution that we can send a message, a message from a small rural state, a state predominantly of white Caucasians but a state that is richly filled with ethnic backgrounds that we care about South Africans, not as blacks, but we care about South Africans as other human beings. We are not talking about civil rights, we are talking about the question of people trying to exist as human beings and when we can do that, while at the same time protecting the integrity of the retirement system because we have an agreement with the retirement system, we don't think that is too much to ask. We think it is a balanced ap-

proach, we think it is a thoughtful approach and I would urge your adoption of the Resolution.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: I agree with Representative Swazey on his motion that has placed before us to reject this proposal or this Resolution. Loyalty of the South Africans as a nation has been very strong and supportive of our national objectives and of our concerns, not only before the U.N., but in the past major conflicts where they have participated with us shoulder to shoulder and distinguished themselves and carried their weight of the day especially well.

South Africans have their problems in coping with very serious internal situations. I realize that and anyone here who reads the paper will also recognize that. But I do not think that the divestiture of our funding support from their institutions does any good correcting their internal problems. On the contrary, I think that it will be counter-productive and it will work, not only against their efforts, but against our own best interests, in our case, the investments of our retirement fund. As one of the better examples that we have had before us in this session is of shooting ourselves in the foot and I think that, if we were to pass this Resolution, it would serve as a shining example of that effort.

I urge you to reject the motion.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I rise today as someone who has a very personal stake in this issue. I worked for 29 years as a state employee and I think I had quite an investment in the retirement system. That is the only retirement system that is furnished to the state employees. Now, to turn around and say, we will take those funds, that is just like saying we will take the Social Security and start playing around with it. To take those funds and start playing around on something which we have no control is, what I would call, the height of irrational irresponsibility. I feel great concern that the sponsors of this bill, I commend them for the compassion they are showing for the oppressed people in those two countries, and what is going to happen to South Africa, and that is, one of these days, these minority races are going to turn on the so-called white races and they are going to see the biggest blood bath you ever saw. It is due to come. I don't think if we turn around and tell them, we will not do this, we will not do that, that country in South Africa will listen to us. They don't listen to the blacks or the mixed races even after they see riots where hundreds of people are killed—what is this Resolution going to do? It won't do a thing. The only thing it is going to do is going to start tampering with a retirement system which is considered second to none in the country.

I am on the Committee of Veterans, Aging, and Retirement. We have turned down almost a dozen bill because we were afraid of the unfunded liability which is getting bigger and bigger all the time. You have seen bills upon bills with unanimous leave to withdraw because we did not have the funds and we have to be careful of the funding in the future. Now you are going to ask the retirement system, which is a good system, good investments and say, pull out your investments in a company that does business with South Africa. In other words, the first thing you know, if they have stocks in the Boise-Cascade, we had better divest ourselves of those stocks because somebody in South Africa may have written a letter because they had money and they bought some paper that was manufactured at Boise-Cascade.

I think the sponsors can be commended for their compassion towards the people of South Africa but this will do absolutely nothing but tamper with a beautiful system that is considered second to none, as I said before. There are other Resolutions which we can turn into government. Washington has tried it, they can't do it. I will go along with any kind of Resolutions which condemns that type of practice which you see in South Africa but I will not when you are going to turn something which is as solid, has got a good background and say, let's pull out of it, where is it going to stop? I realize it is not a mandatory thing at this time but let us wait until next year to see if they come up with a study and maybe then we will think about it. But this is going to do absolutely nothing and I would say that we should not vote for the motion at hand.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: I would first like to compliment the members of the State Government Committee for a very responsible report dealing with this particular legislation and I also compliment the sponsor and cosponsors of the legislation for accepting this type of a compromise. What an opportunity we have here in this chamber this afternoon to address ourselves on a very important issue, not only for the people of Maine, the people of the United States, but for all those in the world communities that look to us as Americans as, not only an effective fighting force for freedom, but a very strong moral force for freedom in the world today.

It has been said earlier that we are jeopardizing an important ally, that the government of South Africa is a very good ally of the United States and the world community. I think nobody would probably doubt that, their votes have been similar to ours but our support, either quiet or in public of this system of apartheid in South Africa is one of the major stumbling blocks to our effectiveness in the third world. Those countries in Africa, and I speak perhaps for 90 percent of Latin America who are part of the third world community, and Asia and elsewhere, look upon our support of this system as one of the truly weak links in our moral leadership of this planet. How can we say, as Americans, that we are for freedom around the world, when one of our so-called allies, South Africa, has one of the worst systems of oppression anywhere in the world. Just because a government calls itself communist, we are not willing to support it. I think that is correct because Marxist-Leninism is contrary to our constitution and our basic human beliefs. But the government of South Africa policies are no different. Bishop Desmond Tutu visited the United States just last week and spoke to the students at UCLA. He could not mention South Africa or the problems of apartheid because, if he did, he would be jailed for life upon his return to South Africa. Here is the Nobel Peace Prize winner for 1984 recognized by a country and a system which we respect for nonpartisanship, which recognized Martin Luther King in 1965 and many others in our history and our own President of the United States, Woodrow Wilson in 1920 and yet, he is unable to come to us a free person, imagine a Nobel Peace Prize winner.

We are very fortunate in Maine to have a leader of the anti-apartheid forces. President William Carter of Colby College is not only a member but is Chairman of the African-American Institute and the National Council of the South African Education Program.

Let me just briefly quote to you in closing what President Carter had to say in answer to a question about South Africa on national television just a few days ago. "In South Africa, you have about 15 percent of the people who control the lives of an entire population, not

only that, but it is racist. The rights of the people and the country are determined by the color of their skin. It is the only legal system in the world today where it is race alone that determines your right to where you live and what your political chances are for a future. It is that distinction that is so abhorrent to Americans."

In closing to you my fellow colleagues of this chamber, I think to stand by idly and not say anything and not go on the record with a very sensible Resolution, to remain quiet, is totally immoral. It is totally lacking in character as Americans for all that we stand for, for freedom and justice, not only in the United States but in the entire world. I think the communist countries must have a real field day when they see us refusing to go along with sanctions against South Africa. That is how they make headway in the countries of Africa and in the third world by using our support of South Africa as a weapon against us. If we cannot stand on moral leadership, we will sink on economic and military leadership.

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

Representative RICHARD: Mr. Speaker, Ladies and Gentlemen of the House: I, too, am a member of the Maine State Retirement System. I am also a cosponsor of this Resolution. I believe this is a reasonable approach which is designed to express our concern over the terrible situation in South Africa. The Resolve strives to maintain the integrity of the Maine State Retirement System and it merely requests that the Maine State Retirement System directors and the State Treasurer operate under the "Prudent Man" principles while administering their investments and funds and, at the same time, that these are limited to those companies and concerns which adhere to the Sullivan Principles.

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

Representative BAKER: Mr. Speaker and Members of the House: I would like to begin by first citing the issue of what is commonly referred to as the "Prudent Man" rule because there is a lot of issues that have been thrown up to me today and to this body that should be answered. If you check the Resolution and if you notice what the previous speakers have said, the Resolution and if you notice what the previous speakers have said, the Resolution makes references to the "Prudent Man" rule. Essentially, what the Resolution says is, that the retirement system should divest within the confines of good sound investment policies. Now, some of the opponents of this Resolution would have us all think that there is no fiscally sound alternative to non-South African investments.

I have a letter from Governor Dukakis of Massachusetts. I will read part of it, as Massachusetts was the first state to totally divest all of its public money from businesses that were in South Africa. I should mention that Maine is not alone in considering this legislation. Somewhere between 26 and 30 states have some form of divestiture legislation now pending before their respective legislative bodies. The Governor from Massachusetts, in urging that our government take some action in regarding divestiture states,—"We here in Massachusetts are proud to have been the first state in the nation to vote to sell from our public pension fund portfolio all those investments and firms doing business in South Africa. I urge you to give serious consideration to both the moral and financial arguments surrounding the divestiture debate. It has been our experience that divestiture makes, not only a strong moral statement against the apartheid, but divestiture has been proven to have no sufficient impact on our pension earnings." He attached an analysis that was distributed to the

State Government Committee showing that the divestiture and reinvestment in non-South African investments made the state retirement system money.

Closer to home, the University of Maine in 1982, voted to divest all of its public monies that were invested in businesses that were doing business in South Africa. The fund was turned over here to the Maine National, which manages the \$14 million non-contributory retirement fund. This fund also does not invest in South Africa. The fund is quote, "doing splendidly" better than the market both years according to Bill Sullivan. This is a memo that we got when we were investigating the University of Maine's experience in divestiture. The University of Maine took the position of divestiture three years ago. Recently the University of Maine Foundation, which is a private foundation, receives money contributory to the university, is not a public body, it is under no obligation to the public, they at least voted to study divestiture and report back to see what the findings were in September. The Resolution simply says, we would like the retirement board to take some action, report back to us in January.

Divestiture can be profitable. It does not necessarily mean that simply because you divest and reinvest that you are going to lose money. That State of Massachusetts here with the letter from the Governor of Massachusetts is one case in point and this memo from the University of Maine, which has divested, is another case in point.

Now to address some of the broader ideological questions—why South Africa? After all, are there not other nations on the face of this planet that are oppressive and totalitarian? It was mentioned here earlier that South Africa is one of the most westernized of the countries. Are we proud that the only form of legal, racial, segregation in this world is practiced by the most westernized country in Africa? Apartheid is not simply placing a sign over the door and saying blacks only, here; whites only, there. You cannot vote, you cannot own land, you are confined to a few tribal homelands in the most arid sections of the country. If you wish to travel, you must carry an international passport. If you even advocate divestiture, you are subject to 20 years in prison. Simply for advocating divestiture, which is why Bishop Tutu must be very careful when he talks about the subject of divestiture. Your families are not allowed to be with you in your work places. Workers are confined to barracks in which the doors are controlled by electronic devices that keep them in. Listen to what Bishop Tutu has to say about divestment. This from the March 11th issue of Newsweek. "My view is that divestments could initially have far more psychological impact than material impact. It would be a blow to the confidence of those who are perpetrating this vicious system. While we cannot guarantee that it will push them to the negotiating table, it is a risk worth taking." He goes on to say, "the argument that blacks would suffer the most from it is moral hum-bug. It is no use being well to do when you are a slave." That is what Bishop Desmond Tutu has to say about divestiture.

Right now in South Africa, we have all seen that there is violent social upheaval going on. Can we afford, can we afford to be seen in the eyes of the majority of the people of that country as their enemy? Can we afford this? If we are to take a position totally uncritical of the Pretoria Government, this will be seen by the majority of the people as now posing their investments and will only drive them further into the camp of the Soviet Union. That is what will happen.

I should also like to mention that on a national level, as we all know, this issue is also being debated. Last autumn, 35 Republican Congressmen signed a letter to the South African Consulate. The basis of that letter was,

that significant improvements have not been made in dismantling the apartheid system. These 35 Republican Congressmen would recommend economic sanctions. There are several pieces of legislation before the U.S. Congress that deal with economic sanctions towards the Republic of South Africa. We do not act alone, we do not act in a political vacuum on this issue. The South African Government is certainly concerned. Last month, the deputy council was in the State of Maine touring this state arguing against divestment bill that is being held over until January. The Pretoria Government certainly does care what we do in the State of Maine. Every move towards divestment is picked up in the papers in Pretoria and Johannesburg and it does have that psychological effect that Bishop Tutu speaks about. I would ask you this question, do you want to hand this vicious regime a moral victory? That is what will happen if this compromise Resolution, this very mild compromise Resolution is defeated in this body, you will hand this government a moral victory. Is that something we want to do?

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

Representative DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: None of us condone the violence and apartheid in South Africa. However, in South Africa some of America's most respected companies, American Express Company, IBM Corporation, and 31 of the top companies of Fortune 500 list do business in South Africa.

Representative Gwadosky mentioned the treasurer's fund and monies that are invested. One of those groups is the Baxter State Park Lands Reserve and several trust funds; Cheesborough Pond, 4 thousand; Eastman Kodak, 1,400; these are shares; Dow Chemical, 3,000; Colgate Palmolive, 2,000; E.I. Lilly, 1,500; Xerox, 2,900; Mobil Oil Corporation, 3,500; Dresser Industries, 3,000; Sterling Drug, 3,000; Texaco, 2,300 and ITT, 3,000. These companies, at least 120 firms, participate in the Sullivan Principles, a guideline proposed in 1977 by the Reverend Leon Sullivan in which these participating companies pledge equal pay, integrated facilities, special housing, education and training for the South African black employees. This is an opportunity that future black leaders in South Africa might not otherwise gain. These firms spent \$100 million to fulfill these promises. Recently, the chief of the Zulu's came to Washington for the help of companies like Mobil Oil, to plead for U.S. companies to remain in South Africa. These companies have a \$2.3 billion stake in the country; should they leave, blacks will suffer the most. This Resolve allows our pension funds to remain in these companies that adhere to the Sullivan Principles. However, it was a compromise as most members of the State Government Committee opposed the original bill which would have prohibited investment in South Africa. It seems a bit presumptuous that the Maine Legislature is attempting to decide or influence foreign policy.

It might also be of interest to note that 260 towns and cities including teachers trust funds, still invest in South Africa. I will vote for this as I did on the State Government Committee because we couldn't go along with the original bill.

The SPEAKER: The Chair recognizes the Representative from Bucksport, Representative Swazey.

Representative SWAZEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to reply to Representative Baker, when again reading the Government Executive it says, and I quote, "The chief investment officer for the Massachusetts State Pension Funds estimated the fund lost \$14.4 million in just the first four months after the divestiture law was passed. New Jersey and Ohio State Pension Fund

managers forecast even higher losses if proposed divestment fund laws are passed in their states.

While I am on my feet, I might mention to you that in this country, the United States of America, it took us almost two centuries before the blacks were taken off the auction block and from being auctioned like cattle. In the United States of America, from the time the bus was invented, it took over a half a century before the blacks were moved from the back of the bus to the front of the bus. So, I don't believe that we are exactly lily white in these problems with the blacks. We have many more to go right in this country. I think we should spend more time with the high unemployment of the youth and the large death rate at births of babies now that are black.

I would also like to mention to you that blacks come into South Africa from the countries that border them on the north to the tune of one or two million people. They come in there to work those mines and then they take their money back into their homelands to the north. The blacks in South Africa have the highest living standards in any nation in Africa. They have the highest weekly pay of any blacks in Africa.

I would also like to mention too, while we are at it, that the Russians (and you mentioned the communists laughing at us) I am not laughing at the Russians in Afghanistan, they killed more people in a week that the whites killed blacks in Africa in a year. Is that all right because whites killed whites? I will give you another illustration, Ethiopia—the political activists there have been killed to the tune of 34,000 by the dictator there. Is that all right because blacks are killing blacks? I believe they should be left alone to solve their own problems and I would hope you would vote against this.

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I think to just to kind of refocus this issue, I was concerned that discussion may get bogged down to some extent in conditions in South Africa and perhaps it is appropriate that it did, perhaps it is appropriate that it wasn't, but I want to bring back to home one thought and that is, this Resolution requesting the retirement system to divest of its non-Sullivan stock was an arrangement we achieved with the State Retirement System. They told us they felt comfortable in divesting of the non-Sullivan stock. The companies, once again, puts \$11 million approximately, that is about 1.6 percent of the total portfolio. It represents the worst abusers in South Africa, the companies which are abusing the black people. The executive director of the retirement system felt that by encouraging them and talking with them, perhaps they could get some of the companies to make the necessary changes so they could become Sullivan Principle signers. We feel this is a fair approach, we think it is a balanced approach and once again, I would urge your support.

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

Representative BAKER: Mr. Speaker and Members of the House: I did some speaking with several people in Massachusetts about the issue of whether or not to fund lost money or not. The \$14 million that the Representative from Bucksport mentioned was a paper loss, it was not a real loss, it was a paper loss. The letter I hold in my hand, a copy of a letter from the Governor of Massachusetts, I have the figures right here to show that Massachusetts did not lose money. Right here, the proof.

The second thing that I would like to point out is that the U.S. Conference of Mayors in January 16th of 1985 adopted a Resolution on divestiture that was offered by Boston Mayor,

Raymond Flynn. Yes, the United States has had its problems in the past but we do not have a legal form of racial discrimination. We have a one person, one vote system. That is the major difference between our problems and the problems of the Republic of South Africa.

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

Representative STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to pose a question to the gentleman from Portland as to, how much the brokerage fees will amount to on the divestiture of \$11 million in securities and how much will the brokerage fees amount to on the reinvestment of that \$11 million worth? There is definitely going to be an erosion of the State Retirement Funds. I am not a member of the State Retirement System so I am not speaking from any personal interests. I tell you, what we do here if we order the divestiture of any funds, it is not going to have any impact at all on those companies doing business. In fact, it might just enhance their market value. So, what we are considering today may really be counter-productive to the good intentions expressed by the gentlemen from Augusta and others who are in favor of this measure. I, too, am opposed to apartheid but I don't see that we are going to be accomplishing much by cutting off our nose to spite our face.

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 Joseph.

Representative JOSEPH: Mr. Speaker, Men and Women of the House: I am not going to repeat all that you have heard here today but I urge you to support this very moderate proposal for all the reasons that you have heard. Last May 13 through 17th, I had five guests in my home from South Africa and they, like Bishop Tutu, did not feel free to talk about circumstances in South Africa. They were citizens of the Netherlands and did work in South Africa. All that you have heard is true and I believe that none of us would put in jeopardy the state pension funds. Those are guaranteed and we are committed to those.

I also want you to believe that with wise investments, and I do not believe that our state officials would invest our pensions funds frivolously, that those pension funds will be worth the full value they are today. I do urge you to support this Resolution.

The SPEAKER: The pending question before the House is adoption of the Resolution. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 131

YEAS:—Aliberti, Allen, Baker, H.R.; Beaulieu, Bott, Boutilier, Brannigan, Brodeur, Carroll, Cashman, Clark, Coles, Connolly, Cooper, Cote, Crouse, Crowley, Descoteaux, Diamond, Dillenback, Duffy, Erwin, Gwadosky, Hale, Handy, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hoglund, Jackson, Jacques, Joseph, Kimball, Lacroix, Lisnik, Macomber, Manning, Mayo, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, Moholland, Murray, Nadeau, G.R.; Nelson, O'Gara, Paradis, P.E.; Paul, Perry, Priest, Racine, Reeves, Richard, Roberts, Rolde, Rotondi, Ruhlin, Rydell, Scarpino, Simpson, Sproul, Tammaro, Tardy, Theriault, Vose, Walker, Warren, Webster, Zirkilton, The Speaker

NAYS:—Armstrong, Baker, A.L.; Begley, Bell,

Bragg, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Connors, Daggett, Davis, Dellert, Dexter, Drinkwater, Farnum, Foss, Foster, Greenlaw, Harper, Hepburn, Hichborn, Hillock, Holloway, Ingraham, Jalbert, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Masterman, Matthews, McCollister, Murphy, E.M.; Murphy, T.W.; Nicholson, Nickerson, Paradis, E.J.; Parent, Pines, Randall, Rice, Ridley, Salsbury, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Stetson, Stevens, A.G.; Stevenson, Strout, Swazey, Taylor, Wentworth, Weymouth, Whitcomb, Willey

ABSENT:—Bonney, Bost, Carrier, Carter, Chonko, Kane, Martin, H.C.; McPherson, Nadeau, G.G.; Pouliot, Rioux, Stevens, P.; Telow

76 having voted in the affirmative and 62 in the negative with 13 being absent, the Resolution was adopted. Sent up for concurrence.

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

HOUSE DIVIDED REPORT—Majority (10) "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)—Minority (3) "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)—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)

TABLED—May 31, 1985 by Representative GWADOSKY of Fairfield.

PENDING—Motion of Representative ARMSTRONG of Wilton to Indefinitely Postpone Bill and Accompanying Papers.

On motion of Representative Brannigan of Portland, retabled pending the motion of Representative Armstrong of Wilton to indefinitely postpone the bill and all accompanying papers and tomorrow assigned.

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

HOUSE DIVIDED REPORT—Majority (12) "Ought Not to Pass"—Minority (1) "Ought to Pass" as amended by Committee Amendment "A" (H-249)—Committee on Local and County Government on Bill "An Act to Provide a Referendum on Local and County Government on Bill "An Act to Provide a Referendum to Abolish County Government and Authorize Reassignment of its Functions and Duties to Appropriate State and Municipal Agencies" (H.P. 379) (L.D. 520)

TABLED—May 31, 1985 by Representative CARTER of Winslow.

PENDING—Motion of Representative CARTER of Winslow.

PENDING—Motion of Representative McHenry of Madawaska to accept the Majority "Ought Not to Pass" Report.

On motion of Representative Diamond of Bangor, retabled pending the motion of Representative McHenry of Madawaska that the House accept the Majority "Ought Not to Pass" Report and tomorrow assigned.

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

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

TABLED—May 31, 1985 by Representative DIAMOND of Bangor.

PENDING—Passage to be Enacted.

On motion of Representative Vose of Eastport, under suspension of the rules, the House reconsidered its action whereby L.D. 1590 was passed to be engrossed.

The same Representative offered House Amendment "B" (H-298) and moved its adoption.

House Amendment "B" (H-298) was read by the Clerk.

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

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: This amendment simply changes the requirement to report the voters who are registered in the various towns from the Unorganized Territory, it changes it from 120 days before an election to 60 days before an election, which is more in line with the general procedures that they ask for or request of ballots.

Thereupon, House Amendment "B" was adopted.

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

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

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

TABLED—May 31, 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 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 31, 1985 by Representative DIAMOND of Bangor

PENDING—Acceptance of Committee Report.

On motion of Representative Diamond of Bangor, retabled pending acceptance of Committee Report and tomorrow assigned.

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

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

TABLED—May 31, 1985 by Representative DIAMOND of Bangor.

PENDING—Passage to be Engrossed.

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

The same Representative offered House Amendment "A" (H-263) to Committee Amendment "A" (H-154) and moved its adoption.

House Amendment "A" (H-263) to Committee Amendment "A" was read by the Clerk.

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

Representative HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: This amendment rectifies an error in the fiscal note.

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

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

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

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

TABLED—May 31, 1985 by Representative HAYDEN of Durham.

PENDING—Motion of Representative MELENDY of Rockland to Indefinitely Postpone House Amendment "C" (H-283).

Representative Reeves of Pittston requested

a roll call.

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

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

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

Representative REEVES: Mr. Speaker, Men and Women of the House: Since there seems to be some confusion about what House Amendment "C" is, I would like to review for you what House Amendment "C" does to the bill, L.D. 1594, "An Act Concerning Absentee Voting in Designated Places." This is the bill that sets up a procedure which can be initiated by local officials to have the town clerks' set up voting days in nursing homes and congregate housing and then these voting days would be advertised in advance. They will be viewed by both parties and there won't be any absentee balloting done in those nursing homes until after that voting day takes place. It has to take place at least a week before the election.

House Amendment "C" introduced by Representative Aliberti takes out the section in this bill which prohibits candidates from doing absentee ballots themselves in these designated places after the polling day has taken place. It is a unanimous report out of our committee and we are very concerned about not killing this whole bill. House Amendment "C" really contains the controversial clause in this bill which is, do you want candidates to be able to go in and do absentee ballots after the polling date takes place or do you want them not to? If you want candidates to go in after the polling date, then you vote for House Amendment "C" that deletes that prohibition; if you want the candidates to be prohibited from going into the nursing homes and doing ballots themselves at all, then you vote against House Amendment "C."

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

Representative WENTWORTH: Mr. Speaker, Members of the House: I would ask you to go along with Representative Reeves and kill the amendment in order to accept the bill.

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

ROLL CALL No. 132

YEAS:—Allen, Armstrong, Baker, A.L.; Begley, Bell, Bott, Brannigan, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Coles, Daggett, Davis, Descoteaux, Dillenback, Drinkwater, Farnum, Foss, Foster, Greenlaw, Hepburn, Hichborn, Hickey, Higgins, L.M.; Hillock, Holloway, Jackson, Kimball, Lander, Law, Lawrence, Lebowitz, MacBride, Macomber, Martin, H.C.; Matthews, McSweeney, Melendy, Mills, Mitchell, Murphy, E.M.; Murphy, T.W.; Nelson, Nicholson, Paradis, E.J.; Racine, Reeves, Rice, Ridley, Rolde, Salsbury, Sherburne, Small, Smith, C.W.; Sproul, Stetson, Stevens, A.G.; Stevenson, Swazey, Tardy, Taylor, Warren, Webster, Wentworth, Weymouth, Willey, Zirkilton

NAYS:—Aliberti, Baker, H.R.; Beaulieu; Boutillier, Bragg, Brodeur, Carroll, Cashman, Clark, Connors, Connolly, Cooper, Cote, Crouse, Crowley, Dellert, Dexter, Diamond, Duffy, Erwin, Gwadosky, Hale, Handy, Harper, Hayden, Higgins, H.C.; Hoglund, Ingraham, Jacques, Jalbert, Joseph, Lacroix, Lisnik, Manning, Masterman, Mayo, McCollister, McGowan,

McHenry, Michael, Michaud, Moholland, Murray, Nadeau, G.R.; Nickerson, O'Gara, Paradis, P.E.; Parent, Paul, Perry, Pines, Priest, Randall, Richard, Roberts, Rotondi, Ruhlin, Rydell, Scarpino, Seavey, Simpson, Smith, C.B.; Soucy, Strout, Tammaro, Theriault, Vose, Walker

ABSENT:—Bonney, Bost, Carrier, Carter, Chonko, Kane, McPherson, Nadeau, G.G.; Pouliot, Rioux, Stevens, P.; Telow, The Speaker

70 having voted in the affirmative and 68 in the negative with 13 being absent, the motion did prevail.

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

Representative VOSE: Mr. Speaker, I move the indefinite postpone of this bill and all accompanying papers.

Mr. Speaker, Ladies and Gentlemen of the House: I have a lady who is like an honorary aunt to me in a nursing home over in Lubec. I go over there often to visit her and I got to know a quite a few of the people in the nursing home. These people are there because they need care. The idea that is just beginning to dawn on me is, to put a voting booth in a nursing home and have them come down in their wheel chairs—what are you going to do, bring them down in their beds or whatever and they are going to sit there—you talk about confusion, I am going to tell you something this will be the most cumbersome thing I have ever seen in my life. It is a terrible bill. It just dawned on me, the more I think about it, it says I can't go in and see Hilda, that really bothers me. I doubt she would vote if I didn't go get her an absentee ballot. There are probably a lot of people in the nursing home like that, Believe me when I tell you, a lot of them are lonesome. They really enjoy people coming in and talking to them. I know they really do. One of the statements was made that you go into a person's bedroom and see them in their nightgowns or something like that and they don't want to be seen; on the contrary, they would love to have you come in there and talk to them.

I know I have a great time going through nostalgic lane. Some of these people I used to get cookies from when I was a kid. They say, remember when this happened, you remember when that happened? I know when I get absentee ballots and go in there, I will bet you I spend four or five hours talking to a lot of them. A lot of them say, "hey, how about doing me a favor?" I have even gone down to the store and got some candy for one of them or something like that just because I happen to like them.

Look, it is a personal thing, you really ought to go in and talk to the people. If you get a polling booth in there and they are going to be voting, how many of the candidates are going to go in there and sit down and talk to some of the people in there? There are some of them that can't remember in two days whether or not you were there. They may ask, "who is the candidate anyway?" I would like to go in there myself personally, get the absentee ballots and talk to these people. Since this amendment was just indefinitely postponed, it says to me, "Harry, you can't, because they've got a polling booth there, not until seven days." I think it is a bad bill, I hope you support my motion to indefinitely postpone.

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

Representative BOTT: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will vote against this motion to indefinitely postpone. I would just like to respond to the good gentlemen from Eastport, Representative Vose, and say, "Representative Vose, you can still go in there and see Hilda. This bill does not outlaw that at all. You can go in and visit Hilda and you can ask for her support, you can send her flowers, you can give her a copy of

a brochure. You can send Hilda a letter asking her to vote absentee but what this bill does is protect Hilda from some unscrupulous candidate that might come along, who really doesn't care as much about Hilda as you do, someone who is just out there for the vote," that is just going to pester her and pester her. I hope you will vote against this and protect Hilda.

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

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I am not sure as I like the inference that we have unscrupulous candidates in this House. I like to think I am serving here with a fine bunch of candidates. I wonder if anyone here feels that they are unscrupulous and would go in and try to get an absentee ballot from Hilda. I doubt very much that there is anyone here. I have more faith in the House of Representatives perhaps than the previous speaker.

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

Representative WENTWORTH: Mr. Speaker and Members of the House: I wish to ask you to vote against this motion because this bill does not hurt anyone, it is the request of many people in the nursing homes. You will go in there and present a place for them to vote but only those who want to come down and vote in that manner; those who want to vote in their rooms, may; or those who want absentee may later get them.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: This bill does not force anybody to vote. The have a choice whether they want to vote at that polling booth or they don't. Some of the candidates may still go in. This bill doesn't even say that they have to set up polling booths in the nursing homes. All it says is the municipal officers shall direct the clerk to do so, if either of the major parties ask them to. It is not a mandate or anything of that nature. Actually it is done now, the town clerk and the city clerk in the City of Lewiston does this on his own and it is all legal and there is no reason why he can't do it or there is no reason why anyone else can't. If the people of those homes want it, they may have it.

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: Everything possible was done to be fair in the presentation of this bill, everything possible, even the compromise, dedicated work, the input of everyone possible connected with this area. I was honest all the way. I kept my promise all the way as far as a compromise and the support of an amendment that I was actually against. I think it would be totally unfair to scrap the total bill because the support was asked to support the unanimous report of the committee.

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

Representative BOTT: Mr. Speaker, Men and Women of the House: Very, very briefly. Just so everything is crystal clear. I don't think that anyone on the unanimous report from the Legal Affairs meant to cast any dispersions on any members sitting in this body. We are merely saying that we would like to protect the reputation that we have as a fine legislature from possible candidates that might run from time to time who have little thought for the individuals in nursing homes, people that are merely out there to get votes and it is possible that this can happen because candidates like that—they are only human, we have got good

people and we have got bad people. I think we do a good job making sure that the bad people don't win the elections. Once again, I hope you go against the motion to indefinitely postpone.

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

Representative MELENDY: Mr. Speaker, Ladies and Gentlemen of the House: I really hope that you vote against the indefinite postponement of this great bill. Really, the reason for doing what we are with this bill is to make voting a little less intimidating for the elderly. I want to tell Representative Vose, I too, have a Hilda in my town. My Hilda called me approximately two weeks before election and said "please what do I do now? A candidate came in and asked me to sign an-absentee ballot. I did not want to sign it but he would not leave until I signed it, it was my only way of getting rid of him." I am just saying, let's make things a little bit less intimidating.

One of the other things that I would like to bring up is, what about the candidate who decides not to run for office anymore and these people use to depend on them year after year, after year and they no longer come? It makes it pretty rough for them. Let's be fair to the elderly and pass this good bill.

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

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will support the motion of Representative Vose. I come from an elderly district. I know there are certain elderly that wouldn't elect myself or my predecessor, Representative Kelleher, but either one of us were allowed in their homes because they trusted us and knew that we were at least going to get the ballot down to the town hall.

It takes a lot of time. You are probably seeing these elderly a couple of times, they enjoy waiting to see you, they enjoy seeing you and they appreciate what you do and they also get a chance to talk. I know they talk about my grandparents, they talk about Representative Kelleher's family and they talk about the old times and they talk about everything and they do appreciate it.

I think it is uncertain to me that we are going to do them any great favor by setting them up in a little bit of parliamentary position so that they can come down and all vote at once in any manner that they may be able to be moved to get to that spot. I think that we owe it to a lot of other areas in this absentee voting to keep this the way it is and to make the motion to indefinitely postpone this bill.

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

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to a comment made by my good friend, Representative Melendy of Rockland, when she said, what is going to happen to those people when that candidate doesn't run? I will tell you what will happen. It might be the same thing that happened to me. When Representative Theriault decided not to run, he took me to visit all the elderly shut-ins at the nursing homes, the congregate housing and introduced me to them and let them know that I would be the one that would be running for his seat. They were very pleased to know this, they always looked forward to his visits and, in addition, they looked forward to my visits. They always took some time, you didn't just go in and come right out because they liked to visit with you.

Now I cooperate with the town clerk. The town clerk we had prior to this past year was a Republican and, when she received calls for people who wanted absentee ballots, she would say to me, well, perhaps you don't want to go because he or she is a Republican. I said,

I will take all the calls for absentee ballots. I do not care whether they are Republican or Democrat. I am giving them a service. I know that Representative Perry of Mexico does the same thing. We take from both Republicans and Democrats. We also get each others votes within our two districts.

I just hope you will go along with Representative Harry Vose and indefinitely postpone this bill so that some of us can continue to give a good service to the people out there.

The SPEAKER: The Chair recognizes the Representative from Baileyville, Representative Tammaro.

Representative TAMMARO: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will go along with Harry Vose too. In regards to a nursing home, I have a sister in a nursing home, I visit it quite frequently. I know each and every one of those 100 people in that nursing home. I dare say that 50 percent of them wouldn't even vote if I didn't go in and call on them. In fact, every once in a while now, they want to know when they can vote for me again. It is a pleasure for us to go in and see those people and they all look forward to seeing us. I hope you will go along with Harry Vose on this indefinite postponement.

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

Representative PERRY: Mr. Speaker, Ladies and Gentlemen of the House: I hope you vote against the pending motion because you will still be able to go in the nursing home and you can tell Aunt Hilda not to vote on the designated day and then you will see her the next day. Now, we worked pretty hard in the committee on this bill as well as other bills.

I would just like to give you some statistics. We had 49 bills dealing with election laws in our committee. There were 127 sponsors and cosponsors, 98 Democrats, 29 Republicans and it was strictly non-partisan all the way.

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Begley.

Representative BEGLEY: Mr. Speaker, Men and Women of the House: I rise to encourage you to vote against the indefinite postponement of this bill. I believe we should be active as candidates to help facilitate the absentee voting to take place, but we should do this by involving other people in the process too. My understanding of this is that we would not be prohibited at all from going in to see the older people, which I definitely think we should do. I would encourage any of us to visit and talk with these older people, but not to be the person that does the signing for an absentee ballot. We do not go into a booth on a regular voting day with any voter, even when the voter needs assistance. So, we do not need to be the one to sign an absentee ballot when the person actually does come to voting. But we do need to go see them, we do need to talk with them and visit with them.

I would urge you to vote against the indefinite postponement of this bill.

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

Representative JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: The bogeymen are back. You know I was under the assumption that it was illegal to intimidate a voter when they were in the process of voting. I was also under the assumption that the notary or justice (when we still had justices) were required to sign a ballot and notarize the signature. I don't know about the rest of you but I look at my notary proclamation on my desk back home and it says, the Governor reposing special faith in the integrity and honesty of the person appoints him as a notary public. Now, if you have some people the opposite of what the Governor, when he appointed them as a notary are doing, I submit

to you that we have more than enough laws on the books to take care of that situation. Certainly, if you have anyone that is intimidating any elderly, I would strongly urge, no matter whether this bill passes or not, you take legal action on it because it is highly illegal. It is also illegal for anyone to try to force their influence and will on someone when they are voting absentee, just like it would be if you went in to the voting booth to help that person out. Now, I think probably we have more than enough laws to take care of the abuses that I have heard and the reasons why we are supporting this bill.

Now, I can't speak for the rest of you but I know I took my notary very seriously and I can assure you that I will do nothing that will jeopardize that faith and honesty and the integrity of me as an individual that will notarize ballots when Governor Longley gave me that position before he left.

You talk about confusing the people, let me tell you what you are going to do. You are going to confuse people a lot more when you get done here because you are talking about faith and confidence and trust. Representative Vose is exactly right and so is Representative Tammaro. There are some people that will not open their door to just anybody. It took me five years of being Chairman of the Housing Authority in the City of Waterville to develop that faith and trust and confidence. Those people know, Republican and Democrat alike, that I will do the right thing. The right thing is to allot them to vote, help explain the referendums to them when they have any questions, make sure that ballot gets to the city hall so it can be counted for either candidate they vote for. I strongly, strongly protest the insinuation or the implication by even discussing this bill before us that I would do anything otherwise.

I have every intention of voting to indefinitely postpone. What you do is your business. I look at this in a completely different way than some of the rest of you do, I can see that.

Representative Vose of Eastport was granted permission to address the House a third time.

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: Obviously, I would not suggest that we send this out to referendum to the nursing homes. However, why don't we do a referendum, here in this House for these people in the nursing homes and ask ourselves the questions. Ask the questions as if they were to answer it. I am going to say to Hilda, which would you prefer? Would you prefer to vote in the voting booth or have a voting booth down here to vote or would you prefer me to come see you and allow me to vote you? I know the answer is going to be and I think anyone of you that have ever visited a nursing home is going to know the answer to that question. They are going to say, Oh please come see me. I know the argument, all they have to do is don't vote and then you go see them and you can vote those seven days between when the voting booth is there. If you have been in the nursing home and dinner arrives, you hear the nurses come in and say, "Okay ladies, now is the time, let's go to dinner." Everybody goes to dinner. Okay, I can hear the same time, "All right ladies, here is the voting booth down here, let's go." Everybody heads on down to the voting booth and then half of them will turn away and say, "No, I am not going to vote there, to heck with that," and they are not going back again. I am telling you it is just going to be a complicated situation. It is a bad bill, leave it be. There have been no complaints to my knowledge from anybody in nursing homes. Maybe some of you have, I certainly have had none. There is no outcry for this bill. I suggest we just do the appropriate thing.

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

Representative ERWIN: Mr. Speaker, Ladies

and Gentlemen of the House: To go along with what the Representative from Waterville, Representative Jacques said about integrity, I have been a notary public for better than 30 years and I frankly do not think my integrity is any less today because I am a member of this body then it was prior to my running for election here.

I would also like to say that, during the last election, I had no competition in the primary nor in the general, so probably I really didn't have to get out and work as hard as I did but I got nearly 200 absentee ballots to help these little old ladies in the congregate housing and in the nursing home. I made my appointments with the administrator, I had staff with me. I never did the voting without it being supervised. I hope you vote to indefinitely postpone.

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

Representative HANDY: Mr. Speaker and Members of the House: I would like to pose a serious question through the Chair.

I would like to pose this question to the Chairman of the Legal Affairs Committee. If this is such a serious problem as has been portrayed here, how many cases of absentee ballot fraud have been reported to the district attorney or A.G. and filed in the court in this state? How many have been successfully prosecuted?

The SPEAKER: Representative Handy of Lewiston has posed a question through the Chair to the Chair of Legal Affairs, 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: There have been no instances of absentee ballot fraud that has been prosecuted in the courts or reported to the Attorney General's Office that our committee knows of, however, we certainly had a lot of bills on this issue come to us from as Representative Perry mentioned, many members of both parties. We had quite a bit of testimony from town clerks and other people who were interested in increasing voting in these designated places. The candidates being prohibited from doing the ballots by themselves, you just voted on that. You just voted down that amendment to take out that prohibition of candidates. As the bill now stands, candidates are still not prohibited from going into nursing homes at any time, either before or after the polling day or even going with someone, who is doing the absentee ballot. Representative Erwin mentioned that she always took someone with her to be a witness and that is another thing that many candidates said who came to our committee, that they didn't like to do a ballot when their name was on the ballot unless there was someone else there to observe the process so they couldn't be accused of influencing the vote.

I know I have gone beyond answering your question but I did want to give you some of the reasons why the committee decided to report this bill out unanimously.

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

Representative MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: There is another issue here. On page three of the bill it says, no absentee ballot may be issued to any person before the polling day established by the clerk for that place. Now, that day can be seven days before the election day. We have many nursing homes and boarding home residents who do not vote in the town in which the nursing home is in. Now, you tell me how sure those people will be of getting their absentee ballot and getting it back and having it counted. I think we will have many of our elderly and handicapped who will be disenfranchised by this bill.

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

Representative STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to the Chair of the Legal Affairs Committee.

There is one section of this L.D. that says, if the municipal officers find the action is appropriate, they shall direct the clerk to carry out this section. My question is, if a town clerk refused this, what power does the municipal officer have to direct an elected town clerk to perform this duty?

The SPEAKER: Representative Strout of Corinth has posed a question through the Chair to the Chair of Legal Affairs, 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: I am afraid I really don't know the answer to that question. It would seem to me that municipal officers work pretty closely with the town clerks in terms of money and the kind of assistance that the town clerk needs so I would think that the municipal officers might consult the town clerk before they issued such an order. As a technical answer, I don't know what the answer is.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: I spoke briefly last week on a similar matter. I would like to bring to the attention of this House two concerns that I still have with this legislation, two concerns that scare me. One of them is, I think this is a bill that would encourage big political machines to wield more power in this state because it removes candidates who campaign on their own in the process of helping people vote, of gathering absentees. If you have a big campaign organization, if you have a lot of money behind you, you don't have to go out and get ballots on your own. If you are a member of the House and you are campaigning on your own and you are going door to door and you are meeting as many of your constituents or would be constituents as you can, don't vote for this bill, it takes you out of the process. It assumes before you even get into the election that you are corrupt, that you are dishonest, that you are influencing people to vote contrary to the way they want to vote. I think that idea is completely repugnant to me and to many of you in this chamber. It wasn't written by those people who have the interests of the elderly or the shut-ins at heart, it was written by those who perceive to have a certain problem with honesty and the voting process of this country. It isn't perfect but, in this country, we respect a person's right to vote and to ask people to come and have them vote. The clerks are not in the business of voting for people, they are just making sure that people vote and process the ballots. If they are in the lobby of a nursing home or an elderly housing project or any designated area, they are not there to make sure that 99 percent of the people vote, they are there to make sure that they have to do exactly and only what the law requires and then they are going to get out and most of the people will not have voted.

Another thing that this bill assumes, while I am on my feet, it assumes that everyone is a college graduate and knows the full process and is very comfortable in this country with voting according to all the laws and regulations that are set forth. I have many people in my district, I am very proud to say, that are Franco-American and there are many other people in this state that are Polish-American and Italian-American who have lived here most of their lives and pay taxes and fought in wars but are more comfortable in their mother-tongue and English is not their mother-tongue, You have

someone from the clerk's office go over there who cannot communicate with them sufficiently well for them to understand and they are embarrassed by that and they will not come out to vote. But, they have every right to vote as much as all of us do. They have every right to participate in the elections. Their sons and daughters have died, they have paid taxes, they have made a contribution. When you take that franchise away from them, because you are giving it to the hands of a clerk or employee of the city, then we are doing a grave injustice to them.

I hope you will support the motion to indefinitely postpone this bill and all of its papers. It should not be before this body. If there is a problem, let's address the problem head on let's not address it with this type of legislation. It is an insult to every one of us.

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

Representative DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I guess I can stay here all night too and I am very happy to take the time to speak on this bill. This bill came before our committee, it was requested by people like yourselves. We had all the town clerks there, where was the opposition when this committee sat down and listened to this bill? Not one of you appeared and opposed it. It is a good bill, there is nothing wrong with it, we worked long and hard on it. We are doing all the voting bills, we think it is going to create a good environment. You people can be there when they are doing the voting, you can come in before the voting, you can come in after the voting.

In regard to Representative McCollister's point, that seven days is not long enough for somebody who lives outside of town, I am quite sure the people who live outside of a community will not designate a home, for instance in Augusta. I am sure the town of Cumberland will not designate that home. Consequently, that person can mail or someone can bring them an absentee ballot because they are not part of that community. It is only the people in the community who are residents and voters of that community who are the ones that would have to adhere to this law. So, those who are outside certainly can get their ballots. So, I corrected my chairman and she now agrees that I was absolutely correct.

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

Representative LAW: Mr. Speaker, Ladies and Gentlemen of the House: May I pose a question? Does this keep candidates from taking any absentee ballots or just absentee ballots to the nursing homes?

The SPEAKER: Representative Law of Dover-Foxcroft has posed question through the Chair to any member who may care to answer.

The Chair recognizes the Representative from Pittston, Representative Reeves.

Representative REEVES: Mr. Speaker, Ladies and Gentlemen of the House: This bill just deals with nursing homes and congregate housing which have been designated in that particular town for this kind of polling.

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

Representative ALIBERTI: Mr. Speaker, Ladies and Gentlemen of the House: I feel a little bit uneasy at the remarks or the insinuations made by the Representative from Augusta. I definitely feel that he made statements that were a little bit below the belt. I love all my people in my nursing homes. I can say I love them more than you because I have been visiting them regularly at least once a week until the intensity of this legislative session took precedent over my visits there. Honestly, I started it all as a political motive. I got to love them. I promised to continue to

visit them. I would not hurt one hair, silver, black, red or white, or blond, on the head of any one of those members of those nursing homes. I went there and saw the voting procedures. No fraud. To prove fraud, you have to be ten Philadelphia lawyers but I did see some areas or conditions of voting that upset me so much that I instructed the aide with me to discontinue voting some of those people.

I am not asking you to accept our conditions, I hope your conditions are so favorable and so lovable, as was expressed by Representative Vose and Representative Erwin of Rumford. I hope those conditions exist and continue to exist. There are some areas that need some changes, that need some help, and all we are doing is asking you to give us a chance to do this, that is all. If things are fine as they are with you, continue to do them, but give us an opportunity to improve some of these areas, if they need to be improved.

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

Representative MELENDY: Mr. Speaker, Ladies and Gentlemen of the House: People are wondering where this bill came from. Obviously, it came from 57 or 58 directions or did they say it was 70 some odd bills that came to address that. Obviously, someone out there is crying for it. In my community, it was the people who are running the nursing homes and the congregate housing who called because in our community with the school board members and with city council people and national elections and state elections—there were approximately 12 to 14 candidates all running out to the nursing homes and the congregate housing to get their absentee ballots. The people that live in these homes began to call and said, when is this all going to stop and how can we do something, you know, to keep people from running in and out of here? So, all we are asking for is the reform that is long overdue.

Years ago, the elderly didn't all live together in big clumps and so they were only hit by the people who took the time to go door to door but now, because they are convenient for a large number of votes, then everyone goes to them. Some of them call and are in tears—all we are asking you is to have a little bit of compassion and let them have their special voting day where things can be done with a little less chaos. In our community, we did a pilot project of this during the last election and the thing that was so beautiful was to be able to go into the nursing homes during their recreation hour and those that really wanted to vote and learn about referendum issues and so forth, came to the group. We put up posters and flags and each candidate had a chance to speak to them. They felt like real human beings and they asked very good and pertinent questions. This is more than they really get a chance to do because what they do is, they hear others asking questions and it helps them ask their own questions, rather than you coming in and handing them a sheet with 10 referendum issues and starting to tell them a little bit about each—it gets confusing, but it becomes part of a program for them for the afternoon, it is really something that they like and I got many letters thanking us for this process. Don't deny them this, vote against the indefinite postponement.

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

Representative MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: Since this is a committee bill, I have to assume that the committee's legal aides drew up the Statement of Fact. No absentee ballots may be issued to any person who is staying in one of these places designated by the clerk until after the polling day for that place.

I think we should have more confidence in the Chair of the other body of that committee

and of the committee aides, that they would interpret what they had read.

Representative Vose of Eastport was granted permission to address the House a fourth time.

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I shall be very brief. The only phone calls I have received are from people who want me to come and get them an absentee ballot. I haven't received any complaints from anybody.

I do want everybody to realize that if this bill passes, anyone here in this House that has ever gotten an absentee ballot or has some friends or relatives in a nursing home, who would like them very much to get absentee ballots, will no longer be able to because this bill prohibits any candidate from getting absentee ballots.

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

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I waited to probably be one of the last, I hope, to speak on this particular subject. What I would like to convey to this body is that, when I prepared my questionnaire, I anticipated that a bill of this nature would be included so I asked the question, do you feel that political candidates or members of their family should be allowed to obtain and distribute absentee ballots? the response was 25 percent said yes; 67 percent said no; and 8 percent were undecided and this is out of a total of 446 questionnaires that were received.

There is another thing that I would like to address. I agree with what was said by Representative Jacques and Representative Erwin, that when we become notary's, we take an oath. I am sure that all of us here take pride in the oath that we have taken and would not do anything to cast any shadow upon the oath that we have taken as notaries but I would like to bring something to your attention. This morning I called my city clerk in Biddeford and I wanted to know, in the last primary of a district candidate, the number of absentee ballots that were obtained and the number of absentee ballots that were cast for those candidates. In Biddeford, we maintain those records separately. The Clerk keeps track of the applications that have been sent out, keeps track of the ballots that have been returned and they count those separately, they don't count those in the ward. The response was, for one candidate, 127 absentee ballots were obtained and 127 votes were cast for that candidate. The other candidate that was running in opposition to this particular candidate obtained 54 absentee ballots and 54 votes were cast for that particular candidate and that seems to be quite unusual, that that number would be exactly the number of votes that were obtained by the candidate.

In last year's May election, there were a total of 211 absentee ballots that were obtained either by the candidate and/or their campaign workers and, out of 211 absentee ballots, 201 were cast for that particular individual. Certainly, we are all honest, I don't think anyone would try to intimidate people on how to vote but it seems odd to me that those numbers would come out the exact number of ballots that were taken.

I would urge you to vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Princeton, Representative Moholland.

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

I would like to ask the good Representative how many of those letters he sent to the nursing homes, out of those 425, and how many he got back?

The SPEAKER: The Representative from Princeton, Representative Moholland, has posed a question through the Chair to the

Representative from Biddeford, Representative Racine, who may respond if he so desires.

The Chair recognizes that Representative.

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I sent out a questionnaire to all of the people in my district. I have no knowledge as to how many came out from the nursing home; therefore, I cannot answer your question.

Representative Bott of Orono 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 Eastport, Representative Vose, that this bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 133

YEAS:—Baker, A.L.; Baker, H.R.; Beaulieu, Boutillier, Brannigan, Brodeur, Callahan, Carroll, Cashman, Clark, Coles, Connors, Connolly, Cooper, Cote, Crouse, Daggett, Dellert, Dexter, Diamond, Duffy, Erwin, Hale, Handy, Hayden, Hickey, Higgins, H.C.; Hoglund, Ingraham, Jacques, Jalbert, Joseph, Kimball, Lacroix, Lisnik, Macomber, Manning, Martin, H.C.; Mayo, McCollister, McGowan, McHenry, McSweeney, Michael, Michaud, Mitchell, Moholland, Murray, Nadeau, G.R.; Nelson, O'Gara, Paradis, E.J.; Paradis, P.E.; Parent, Priest, Randall, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Scarpino, Seavey, Sherburne, Simpson, Small, Smith, C.B.; Stetson, Stevenson, Strout, Tammara, Theriault, Vose, Walker

NAYS:—Aliberti, Allen, Armstrong, Begley, Bell, Bott, Bragg, Brown, D.N.; Cahill, Crowley, Davis, Descoteaux, Dillenback, Drinkwater, Farnum, Foss, Foster, Greenlaw, Harper, Hepburn, Hichborn, Higgins, L.M.; Hillock, Holloway, Jackson, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Masterman, Matthews, Melendy, Mills, Murphy, E.M.; Murphy, T.W.; Nicholson, Nickerson, Paul, Perry, Pines, Racine, Reeves, Rice, Richard, Roberts, Salsbury, Smith, C.W.; Soucy, Sproul, Stevens, A.G.; Tardy, Taylor, Warren, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton

ABSENT:—Bonney, Bost, Brown, A.K.; Carrier, Carter, Chonko, Gwadosky, Kane, McPherson, Nadeau, G.G.; Pouliot, Rioux, Stevens, P.; Swazey, Telow, The Speaker

74 having voted in the affirmative and 61 in the negative with 16 being absent, the motion did prevail.

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

Representative HANDY: Mr. Speaker, having voted on the prevailing side, I now move that the House reconsider its action and hope you will vote against me.

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

Representative BOTT: Mr. Speaker, I move that this bill be tabled one legislative day.

Representative Cashman of Old Town 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 Orono, Representative Bott, that this bill be tabled one legislative day. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 134

YEAS:—Aliberti, Allen, Armstrong, Begley, Bell, Bott, Brown, D.N.; Cahill, Davis, Dillenback, Drinkwater, Farnum, Foss, Foster, Greenlaw, Hepburn, Hichborn, Hickey, Higgins, L.M.; Hillock, Holloway, Jackson, Kimball, Lander, Law, Lord, Masterman, Matthews, Mayo, Melendy, Mills, Murphy, E.M.; Murphy, T.W.; Nicholson, Nickerson, Perry, Pines, Racine, Randall, Reeves, Rice, Roberts, Small, Smith, C.W.; Soucy, Sproul, Stevens, A.G.; Taylor, Warren, Webster, Wentworth, Weymouth, Witcomb, Willey, Zirkilton

NAYS:—Baker, A.L.; Baker, H.R.; Beaulieu, Boutilier, Bragg, Brannigan, Brodeur, Callahan, Carroll, Cashman, Clark, Coles, Conners, Connolly, Cooper, Cote, Crouse, Crowley, Daggett, Dellert, Descoteaux, Dexter, Diamond, Duffy, Erwin, Gwadosky, Hale, Handy, Harper, Hayden, Higgins, H.C.; Hoglund, Ingraham, Jacques, Jalbert, Joseph, Lacroix, Lawrence, Lebowitz, Lisnik, MacBride, Macomber, Manning, Martin, H.C.; McCollister, McGowan, McHenry, McSweeney, Michael, Michaud, Mitchell, Moholland, Murray, Nadeau, G.R.; Nelson, O'Gara, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Priest, Richard, Ridley, Rolde, Rotondi, Ruhlman, Rydell, Salisbury, Scarpino, Seavey, Sherburne, Simpson, Smith, C.B.; Stetson, Stevenson, Strout, Tammaro, Tardy, Theriault, Vose, Walker The Speaker

ABSENT:—Bonney, Bost, Brown, A.K.; Carrier, Carter, Chonko, Kane, McPherson, Nadeau, G.G.; Pouliot, Rioux, Stevens, P.; Swazey, Telow,

55 having voted in the affirmative and 82 in the negative with 14 being absent, the motion did not prevail.

The SPEAKER: The pending question before the House is the motion to reconsider. Those in favor will vote yes; those opposed will vote no.

A viva voce vote being taken, the motion did not prevail.

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

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

TABLED—May 31, 1985 by Representative DAGGETT of Manchester.

PENDING—Motion of same Representative to Reconsider Passage to be Engrossed as amended by Committee Amendment "A" (H-155) as amended by House Amendment "A" (H-257) thereto.

On motion of Representative Daggett of Manchester, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-155) as amended by House Amendment "A" (H-257) thereto was adopted.

On motion of same Representative, under suspension of the rules, the House reconsidered its action whereby House Amendment "A" (H-257) thereto was adopted.

On motion of the same Representative, House Amendment "A" to Committee Amendment "A" was indefinitely postponed.

The same Representative offered House Amendment "B" (H-293) to Committee Amendment "A" and moved its adoption.

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

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

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

The Chair laid before the House the following matter: Bill "An Act to Establish the Maine Vocational-technical Institutes Administration" (H.P. 1132) (L.D. 1639) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

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

The Chair laid before the House the following matter: Bill "An Act to Authorize a Self-liquidating Bond Issue for the County of Cumberland to Raise Funds for the Construction of a Courthouse Addition, Capital Improvements to the Existing Structure and a Related Parking Facility" (S.P. 547) (L.D. 1460) which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "A" (S-160) as amended by House Amendment "B" (H-251).

Whereupon, Committee Amendment "A" as amended by House Amendment "B" was adopted.

By unanimous consent, the Bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "B" thereto and sent up for concurrence.

The following items appearing on Supplement No. 10 were taken up out of order by unanimous consent:

Papers from the Senate

Unanimous Leave to Withdraw

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act Concerning State Assistance to Areas Affected by Non-English Speaking Immigrants and Refugees" (S.P. 399) (L.D. 1109)

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

Refer to the Committee on Audit and Program Review

Report of the Committee on Human Resources on Bill "An Act Concerning Child Abuse" (S.P. 621) (L.D. 1633) reporting that it be referred to the Committee on Audit and Program Review.

Came from the Senate with the Report read and accepted and the bill referred to the Committee on Audit and Program Review.

Report was read and accepted and the bill referred to the Committee on Audit and Program Review in concurrence.

Ought to Pass as Amended

Report of the Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (S-122) on Bill "An Act Relating to Payment of Back Contributions and Withdrawn Contributions by Members of the Maine State Retirement System" (S.P. 241) (L.D. 636)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Senate Amendment "A" (S-195).

Report was read and accepted and the bill read once.

Senate Amendment "A" was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Aging, Retirement and Veterans reporting "Ought Not to Pass" on Bill "An Act to Provide for Public Participation in the Development of Emergency Plans" (S.P. 554) (L.D. 1486)

Signed:

Senator:

MAYBURY of Penobscot

Representatives:

McSWEENEY of Old Orchard Beach

RICHARD of Madison

JALBERT of Lisbon
FARNUM of South Berwick
HICKEY of Augusta
DELLERT of Gardiner
HARPER of Lincoln
STEVENS of Sabattus
PERRY of Mexico
STEVENSON of Unity

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

Signed:

Senators:

CLARK of Cumberland

GAUVREAU of Androscoggin

Came from the Senate with the Minority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-187).

Reports were read.

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

Representative HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: At this late hour, I hate to admit my embarrassment on this committee report. This was the last bill that we heard and we had three days before the closeout date and unfortunately, at the public hearing, the only one who appeared was a gentleman, who spoke neither for nor against. At one of our workshops, we contacted the sponsor and the sponsor came and he promised to present an amendment which would rectify the problems that concerned our committee. Unfortunately, before the closeout date, the amendment had not arrived so we, as a committee, voted against this bill. The amendment arrived at the other body today and it seems to remedy the problems that we had. I would move for the passage of this bill.

Thereupon, on motion of Representative Hickey of Augusta, the House accepted the Minority "Ought to Pass" Report in concurrence.

The Bill was read once.

Senate Amendment "A" (S-187) was read by the Clerk and adopted in concurrence, and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Clarify the Laws Relating to Notary Public" (S.P. 140) (L.D. 379)

Signed:

Senators:

CHALMERS of Knox

CARPENTER of Aroostook

SEWALL of Lincoln

Representatives:

DRINKWATER of Belfast

COOPER of Windham

PARADIS of Augusta

LEBOWITZ of Bangor

CARRIER of Westbrook

MacBRIDE of Presque Isle

KANE of South Portland

PRIEST of Brunswick

ALLEN of Washington

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

Signed:

Representative:

STETSON of Damariscotta

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

Representative Paradis of Augusta moved the House accept the Majority "Ought Not to Pass" Report.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: At this very late hour, let me just say briefly that this bill was heard at the very end of the session. It is a very lengthy bill, comprising many suggestions for

revision of the laws regarding notary publics. We did not have the time, honestly, to deal with every item in that L.D. at this late date. Some of the portions of that bill would have required that a notary public notarize every single act presented to him or her. Well, sometimes you and I who are notaries are asked to perform weddings and out of religious convictions we cannot do certain weddings, that our faith prohibits us from doing them. Other times, we are asked to notarize certain acts like public indigency that we don't approve of that we know really is not true.

This bill, if passed, would require that we have to always approve notary public acts and I don't think that is correct. We did not have the time in workshops, with all the other major bills that we had, to look into a possible compromise. The sponsors are always free to come back at another time but this bill should not be passed. I urge the acceptance of the Majority "Ought Not to Pass" Report.

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

Representative STETSON: Mr. Speaker, Ladies and Gentlemen of the House: this is a simple bill, all it does is to distinguish between administrative acts and discretionary acts. A notary should not exercise discretion, he should act purely in an administrative capacity and that is the whole process of the bill. I urge to reject the majority "Ought Not to Pass" Report.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Paradis of Augusta that the House accept the Majority "Ought Not to Pass" Report.

Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

75 having voted in the affirmative and 26 in the negative, the motion to accept the Majority "Ought Not to Pass" Report in concurrence did prevail.

Non-Concurrent Matter

An Act to Examine the Lobster Resources of the State (H.P. 1124) (L.D. 1620) which was Passed to be Enacted in the House on June 3, 1985.

Came from the Senate, Passed to be Enrolled, as amended by Senate Amendment "A" (S-188) in non-concurrence.

Representative Mitchell of Freeport moved the House adhere.

On motion of Representative Vose of Eastport, tabled pending the motion of Representative Mitchell of Freeport to adhere and tomorrow 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. 381) (L.D. 1048) Bill "An Act to Clarify and Improve the Laws on Education in the Unorganized Territory" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-182)

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

The following items appearing on Supplement Number 9 were taken up out of order by unanimous consent:

Orders

On motion of Representative VOSE of Eastport, the following Joint Order: (H.P. 1134)

ORDERED, the Senate concurring, that Bill "AN ACT to Protect Railroad Rights-of-way." (H.P. 414) (L.D. 581) be recalled from the legislative files to the House.

Was read.

The SPEAKER: The Chair recognizes the

Representative from Eastport, Representative Vose.

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I have checked with the Chairman of the Transportation Committee and the bill that we had before us just a short time ago, which was a policy bill that was put out by a select committee, seemed to be in a little bit of trouble and I had taken a leave to withdraw on this particular bill here without a hearing or anything in favor of the other bill. Frankly, I began to get a little uptight figuring that maybe that bill could have been in a little bit of trouble and if, in the event the bond issue is not issued to take care of the other bill, this bill would be appropriate since it would keep the right-of-ways of the railroad lines open until the Department of Transportation deems it is no longer necessary for the State of Maine for transportation purposes.

The SPEAKER: The pending question before the House is passage. Pursuant to the rules, this order requires the affirmative vote of two-thirds of the members present and voting to receive passage. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

91 having voted in the affirmative and 14 in the negative, the Order was passed and sent up for concurrence.

Reports of Committees

Divided Report

Tabled and Unassigned

Majority Report of the Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-302) on RESOLVE, Creating a Special Commission to Study Teacher Training in the University of Maine System (Emergency) (H.P. 644 (L.D. 914)

Signed:

Senators:

BROWN of Washington

GAUVREAU of Androscoggin

Representatives:

O'GARA of Westbrook

CROUSE of Caribou

BOST of Orono

LAWRENCE of Parsonsfield

ROBERTS of Farmington

MATTHEWS of Caribou

HANDY of Lewiston

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

Signed:

Senator:

HICHENS of York

Representatives:

SMALL of Bath

BROWN of Gorham

FOSS of Yarmouth

Reports were read.

On motion of Representative Hayden of Durham, tabled pending acceptance of either report and tomorrow assigned.

Off Record Remarks

On motion of Representative Jalbert of Lisbon,

Adjourned until nine o'clock tomorrow morning.